

## MEMORANDUM

TO : Chairman, Pre-Convention Committee  
Constitutional Convention of the Northern  
Mariana Islands

FROM : Attorney General

SUBJECT: Compensation of Delegates on Weekends

DATE: 6-11-85


You have asked for our opinion whether government employees who are delegates to the Constitutional Convention are entitled to \$75 per day compensation on weekends. We believe that a delegate is entitled to \$75 per day for any day that he works and that if his government salary is insufficient to cover this amount, then the Constitutional Convention funds will have to cover the difference.

The basic principle is that all delegates are entitled to \$75 per day compensation. For appropriation and paperwork convenience, those delegates who are already receiving pay from government shall continue to receive their same compensation. The only possible problem is if their bi-weekly pay is less than they are entitled to under the \$75 per day rate. In that event, the law provides that they shall:

. . . be paid out of the funds of the Convention only the difference between their pro-rated daily salary and seventy-five dollars (\$75.00) per day if their salary is less than the latter amount . . .  
Section 18(a), P.L. No. 4-30.

We believe that any confusion caused in this section by the words "pro-rated daily salary" is eliminated by simply looking at the bottom line. For example, if the delegate works for 12 days in two weeks, he should receive at least \$900 in his government paycheck. If he receives \$800, he is entitled to \$100 of Constitutional Convention funds. This is true even though he receives \$80 per working day normally. Here, he is working two more days, so he is, in fact, only receiving \$66.66 per day at his government rate. The Constitutional Convention is, in effect, picking up \$8.34 per day of his pay for that bi-weekly pay period.

So, we believe the Legislature intended the limited Constitutional Convention appropriation to only pick up the difference in an employee's regular salary and a \$75 per day work rate if the latter is greater.

  
REXFORD C. KOSACK

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