

SECOND NORTHERN MARIANAS CONSTITUTIONAL CONVENTION

SAIPAN, CM 96950

Telephone

6517/6572

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REPORT TO THE CONVENTION BY THE
COMMITTEE ON GOVERNMENTAL INSTITUTIONS

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Subject: Committee Recommendation No. 25

The Committee on Governmental Institutions recommends that the Convention adopts the attached Constitutional amendment with respect to the Civil Service Commission.

The Committee's recommended Constitutional amendment will provide for the following, in addition to the existing provisions:

- (1) A separate Article for the Civil Service. Presently, it is in Article III;
- (2) The Civil Service Commission's authority will extend to agencies and instrumentalities and public corporations created by statutes of the Commonwealth Government; and
- (3) The authority to exempt positions from the civil service classifications will be constitutionally delegated to the Commission. Presently, the Constitution leaves to the Legislature the classification of positions other than Executive Department Heads.

By having a separate Article for the Civil Service, it will provide an insure greater sense independency. The Commonwealth Trial Court on Civil Action No. 80-11 determined that the Commission is not completely independent from the Executive Branch because it is under the Executive Branch's Article. The partial summary judgment dated June 26, 1980 states, in part:

"Section 16, is within Article III which establishes executive branch. This supports the basic propositions that the Civil Service Commission is to perform executive functions although independent to the extend it is free of political manipulation..."

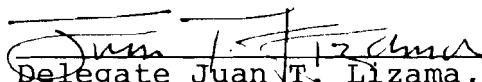
The extension of the Commission's authority will provide for a uniform classification system for employees in the Commonwealth Government. The present set up allows for different compensations for the same position. A custodial worker (janitor) in the Executive Branch in many instances is receiving a lower salary than the custodial worker in various agencies and/or instrumentalities of the Commonwealth Government. The positions of custodial worker, accountant, secretary, carpenter foreman, etc., require the same job qualifications. The compensation should be the same. In addition, the employees in the agencies/instrumentalities of the Commonwealth Government do not receive salary increases whenever the Executive and Judicial Branches employees receive such increases. The employees in the agencies/instrumentalities will enjoy the protection provided to the civil service employees. Presently, the employees serve at the pleasure of the members of the boards, commissions, and/or authorities. The employees employment records will be maintained in one office. Presently, they are scattered all over. If the proposed amendment is adopted, they will be covered by the civil service rules and regulations. Again, the proposed amendment will insure uniformity with respect to the application of personnel policies and compensation to all the employees in the public sector.

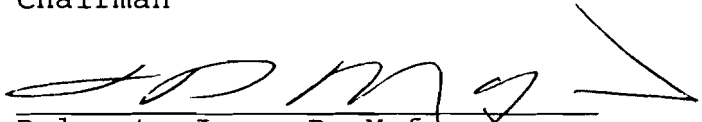
The Constitutional amendment will allow the Commission also to make determinations on the categories of positions to be excluded from the civil service classifications. This authority is given now to the legislature and then delegated to the Personnel Officer. The amendment will remove the authority from the legislature and the Personnel Officer. It is not the intent of this amendment to cover those positions that are constitutionally excluded from the civil service system. However, it is intended to provide consistency with respect to the authority of the Commission. The Commission is charged with the authority to establish and administer personnel policies. The amendment will strengthen the delegation of authority. The classification of positions will be left to the agency that is administering the system.

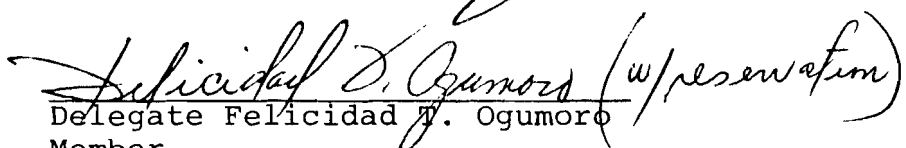
The Committee considered delegate Proposals Nos. 48-85, 100-85, 195-85, 282-85, 296-85, 305-85, and 307-85.

The Committee urges all delegates to support the attached Constitutional amendment.

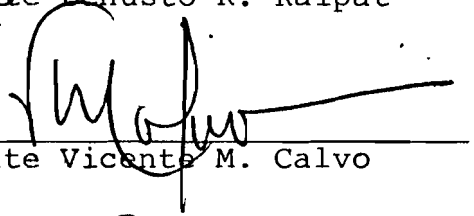
Respectfully submitted,



Delegate Juan T. Lizama, Esq.
Chairman

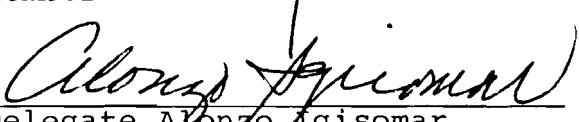

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Vice Chairman


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Member


Delegate Benusto R. Kaipat
Member


Delegate Vicente M. Calvo
Member


Delegate David M. Cing
Member


Delegate Alonzo Igisomar
Member

A PROPOSED CONSTITUTIONAL AMENDMENT

To delete Section 16 from Article III in its entirety and to add a new Article _____ to the Northern Marianas Constitution relating to Civil Service Commission.

BE IT ADOPTED BY THE SECOND CONSTITUTIONAL CONVENTION:

Upon ratification pursuant to Section 5 of Article XVIII of the Commonwealth of the Northern Mariana Islands Constitution and Public Law No. 4-30, the Constitution of the Commonwealth of the Northern Mariana Islands is amended to read as follows:

1 Effective upon ratification, Section 16 of Article III is deleted in
2 its entirety and a new Article _____ is added to read:
3 "Article _____. CIVIL SERVICE COMMISSION
4 "Section 1: Civil Service. The legislature shall provide for a
5 non-partisan and independent civil service commission with the duty to
6 establish and administer personnel policies for the Commonwealth
7 Government, its agencies, instrumentalities, and public corporations
8 created by statutes. The commissioner's authority shall extend to
9 positions other than those filled by election or by appointment of the
10 governnor in the departments and agencies of the executive branch and
11 in the administrative staffs of the legislative and judicial branches.
12 The commission shall be the only authority to exempt positions from
13 the civil service classifications. Appointment and promotion within
14 the civil service shall be based on merit and fitness demonstrated by
15 examination or by other evidence of competence."

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COMMITTEE ON GOVERNMENTAL INSTITUTIONS