



COMMONWEALTH PORTS AUTHORITY

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Comm. No. 14

July 12, 1985

Hon. Herman T. Guerrero, President
Second Northern Marianas Constitutional
Convention
Saipan, CM 96950

Re: Committee Recommendation No. 25

Dear Mr. President:

The Commonwealth Ports Authority appreciates this opportunity to comment on Committee Recommendation No. 25, 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.

The Authority respectfully urges that the Convention disapprove Committee Recommendation No. 25. Alternatively, if the Committee Recommendation is approved, we recommend that the proposed amendment be further amended to delete application of the Civil Service System to public corporations.

The Legislature, in its wisdom, chose to create public corporations because it realized that independent entities could act far more swiftly and far more efficiently to achieve governmental objectives than could the regular bureaucracy. A substantial part of the reason why public corporations are able to act with this flexibility is their independence from the Civil Service Commission.

In this Committee Recommendation, the Convention is saying that the Civil Service Commission is in a better position than the Authority is to determine the unique personnel needs of the airports and seaports of the Commonwealth. We submit that this is simply not the case. Moreover, to require that the Civil Service Commission be in charge of our employee recruitment, and that the Commission be required to sign every personnel action, would impose a serious administrative burden which has no corresponding justification in terms of the need of the Authority's employees.

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By the same token, the Civil Service Commission should not be in the position of telling the Authority that it may not discharge an employee who deserves to be discharged, or how that employee may be discharged. Every employee who is discharged by the Authority has the right to appeal the Executive Director's decision to the full Board of Directors; and the right to appeal the decision of the Board of Directors to the Courts.

The Committee, and the Convention, may properly be concerned with the lack of "uniformity with respect to the application of personnel policies and compensation to all the employees in the public sector". However, we respectfully submit that application of the entire Civil Service System to employees of Public Corporations is far more than what is necessary to achieve these objectives.

Both of these objectives can be (and in fact to a great extent already are) accomplished by legislation. Indeed, the Commonwealth Ports Authority is already subject to such legislation; pursuant to the provisions of 2 CMC §2122(n),

"[e]xcept for the compensation of the Executive Director and other specialists for which no comparable positions exist in the Commonwealth, the wage and salary scales [of CPA employees] shall be commensurate with that paid by the Commonwealth requiring comparable education, training, or experience."

Pursuant to 2 CMC §2130, the Board is authorized to establish Rules and Regulations concerning personnel administration; the Board has done so, and those rules and regulations afford CPA employees at least as much rights as those which are afforded to employees of the Executive Branch.

Uniformity merely for the sake of uniformity is without merit. If desired objectives may be achieved in a manner which will not also create undesired consequences, then by all means let us achieve those objectives in such a manner. It seems to us that this proposed constitutional amendment has as its objective the achievement of uniformity merely for its own sake, and that its desirable consequences are unfortunately accompanied by a number of undesirable ones.

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Accordingly, the Authority respectfully recommends that this Committee Recommendation be disapproved; or alternatively, that the proposed Constitutional Amendment be amended to expressly exclude public corporations from the application of the Civil Service System.

We appreciate your courtesy in the matter. Please do not hesitate to contact us whenever we may provide any further information.

Very truly yours,



CARLOS A. SHODA
Executive Director