

# AMENDMENT NO. 16

## AMENDMENT OF FORMER ARTICLE 20: CIVIL SERVICE

DESCRIPTION OF CHANGES  
PROPOSED BY THE  
CONSTITUTIONAL CONVENTION

AMENDED CONSTITUTION AS PROPOSED  
BY THE CONSTITUTIONAL CONVENTION

Section 16: This section is new. In the 1976 Constitution, there was a Section 16 on civil service. In the 1985 amendments, Section 16 was moved to a separate Article 20.

Section 16(a): Define the civil service as including everyone employed by the Commonwealth, with three exceptions; (1) elected officials; (2) appointed positions provided in the Constitution; and (3) exceptions created by the legislature.

Section 16(b): Provide for the civil service commission and decrease its size from 7 to 5 members; provide 5-year terms.

Section 16(c): Give the civil service commission to classify positions and to recommend salary increases.

Former Article 20, Section 1, on the civil service has been deleted. It provided:

Section 1: Civil Service. The legislature shall provide for a non-partisan and independent civil service with the duty to establish and administer personnel policies for the Commonwealth government. The commission shall be composed of seven members appointed by the governor with the advice and consent of the senate. Six members shall serve a term of six years, staggered in such manner that the term of one member expires each year, and one member shall serve a term of four years expiring concurrently with the term of the governor. Members of the civil service commission may be removed only

## ARTICLE 3, SECTION 16

### Section 16: Civil Service.

a) The civil service shall include all persons who are employed by or whose salary is paid by the Commonwealth except persons holding positions filled by election, appointed by the governor under this Constitution, or designated by law as excepted professional, managerial, educational, overseas, and elected officials' personal staff positions. The civil service shall be non-partisan and independent. Appointment and promotion within the civil service shall be based on merit and fitness as demonstrated by examination or other evidence of competence.

b) There is hereby established a civil service commission to develop, administer and adjudicate personnel policies and standards for the civil service. The commission shall be composed of five members appointed by the governor with the advice and consent of the senate. At least one member shall be a resident of each senatorial district and no member may hold any other government position. Other qualifications and compensation shall be as provided by law. Members shall serve five year terms, with one term expiring each year, and may be removed during a term of office only for cause.

c) The civil service commission shall establish a classification for each position for which it has jurisdiction, but may exempt positions from classification where necessary to serve important government interests. The civil service commission shall establish policies for the compensation for civil service positions and may submit to the legislature salary schedules based on such policies. The legislature may accept, reject or reduce a salary schedule submitted by the commission, but may not increase any salary or take any other action with respect to salaries for civil service positions.

### SCHEDULE ON TRANSITIONAL AND RELATED MATTERS

#### Section 2: Transition with Respect to Article III, Executive Branch

##### b) Section 16: Civil Service Commission.

(1) The current terms of civil service commission members shall not be changed under the amendment to section 16. As these terms expire the provisions of section 16 shall come into force. The first and second terms to expire will create vacancies that shall not be filled. This will reduce the size of the commission from seven members to five members. As the remaining terms

for cause. The commission's authority shall extend to positions other than those filled by election or by appointment of the governor in the departments and agencies of the executive branch and in the administrative staffs of the legislative and judicial branches. Exemption from the civil service shall be as provided by law, and the commission shall be the sole authority authorized by law to exempt positions from civil service classifications. Appointment and promotion within the civil service shall be based on merit and fitness demonstrated by examination or by other evidence of competence.

Transition Provision. Upon ratification, the governor is authorized to adjust the terms of members currently sitting on the civil service commission in such manner that one member's term will expire the same day as the governor's term and the term of one member shall expire in January of each of the following years: 1986, 1987, 1988, 1989, 1990 and 1991.

expire, the terms of the new appointees shall be five years as provided in section 16.

(2) The decreased size of the civil service commission shall not disturb the legislative requirements for representation from Rota, Tinian, Carolinian and other constituencies. As the commission moves from seven positions to five positions, those requirements shall continue in force.

(3) Positions that have been specified by the legislature as outside the civil service system and that qualify as professional, managerial, educational, overseas, or elected officials' personal staff positions shall remain outside the civil service system after the effective date of this amendment. The civil service commission has no authority over these positions. Positions that have been formerly specified by the legislature as outside the civil service system but that under the amended section 16 are within the civil service system shall be incorporated into the system as provided by the civil service commission.

(4) Positions that have been specified by the legislature or the civil service commission as within the civil service system, but outside the classification system, shall remain in that status until changed by the civil service commission.

(5) Nothing in these amendments shall impair rights in contracts existing on August 4, 1995. Contracts that specify excepted status or exempt status as those terms were used prior to this amendment shall continue in force under the former use of these terms until expiration of the contracts. Employment contracts that do not fall under an excepted class are subject to the policies and standards promulgated by the civil service commission.