

2012

CNMI DEPARTMENT OF LABOR

PROGRESS AND ACCOMPLISHMENT REPORT

MISSION STATEMENT

“To enforce CNMI labor and employment laws and ensure that all workers and employers are provided equal and fair treatment, and to protect workers against unpaid hours worked whether they are alien workers or U.S. citizens. Ensure that available and qualified U.S. citizens are given first opportunity in the job market and to reduce the CNMI dependency on alien labor.”

PROGRAM OVERVIEW

The CNMI Department of Labor, pursuant to its powers, duties and authority under the Immigration Conformity Act of 2010, Public Law 17-1; the Commonwealth Employment Act of 2007, Public Law 15-108; the Minimum Wage and Hour Act, as amended; and Public Laws No. 11-6, 12-11, and 12-58 as amended, and the Commonwealth Employment Rules and Regulations shall govern the hiring of U.S. citizens, permanent residents, and foreign national workers in the Commonwealth.

Other statutory and regulatory mandates include:

- Registering, referring and placing U.S. citizens looking for jobs
- Investigating non payment of wages of workers
- Investigating improper employment practices
- Conducts Administrative Hearings on labor and employment matters
- Conducts US-CNMI OSHA on-site consultation with employers and workers

2012 PROGRESS AND ACCOMPLISHMENTS

The CNMI Department of Labor comprise of six (6) divisions providing services as indicated:

Office of the Secretary: The Secretary of Labor is a cabinet member appointed by the Governor. The general function and duties of the Secretary is to administer the labor laws and rules and regulations of CNMI, including the daily management and operations of the Department of Labor and to carry out the policies of the Administration.

For the year 2012, the Office of the Secretary performed the following:

- Issued four (4) appeal orders
- Received and processed from 43 employers requests for verification of "Good of Standing Certification" amounting to \$4,300.00.
- Received and processed 62 requests for "Duplicate Umbrella Permits" amounting to \$2,025.00.
- Received and processed 37 requests for "Certification of Employment History" amounting to \$1,225.00.
- Received and processed 30 requests for copies of other employment related documents amounting to \$825.00
- Consistently meet, consult and discuss with Labor Legal Counsel, AAG Reena Patel regarding legal labor matters particularly preemption issues.
- Met and discussed with Ombudsman, Pam Brown regarding labor matters including preemption issues and our offices continues to maintain a good working relationship to assist workers in the CNMI.
- Continue to have good communication with US Labor. We plan on having an updated refresher course on the Fair Labor Standard Act (FLSA) and Wage and Hour training in March 2013.
- Continue to have weekly, daily communication with US Immigration and Custom Enforcement (ICE) on information regarding aliens in the CNMI.
- The Office of the Secretary and Director of Employment Services started communications with USCIS, David Gulick, regarding employers not hiring qualified and available US citizens.

Administrative Services: Manages the payroll of department employees, contracts, standard forms of department and administrative functions, standard operating procedures and other administrative tasks assigned by the Secretary. In addition, the Director of Administrative Services accomplished many tasks for the department.

The Division of Administrative Services performed the following:

- Negotiated the transfer of building #1357 to DOL and Building #1339 to DCCA, these offices are located in Capitol Hill.
- Assisted and provided other government departments and agencies with surplus supplies from the Department of Labor such as filing cabinets, chairs, desks, and other items thereby saving costs to these departments and agencies.
- Secured a two year warranty agreement with a contractor for the repair of roof leaks for the department's buildings.
- Works closely and cooperatively with DPW Roads and Grounds with the maintenance of the department's building, also saving some costs.
- Ensure that budget allotments and expenditures for the department are spent wisely.
- Assists and directs customers to the proper labor divisions for help.

Division of Employment Services: Manages the forecasts as to job availability over rolling 12 month periods, monitoring of databases with respect to jobs that will become available for citizen placement, monitoring compliance with NAICS and O-NET classification requirements, and other matters assigned by the Secretary.

Manages and reviews job vacancy announcements on website, newspapers and other media. Register, refer and place job seekers to available jobs as advertised. Coordinate resources from other agencies for job readiness including any necessary training, and other prerequisites to placing citizens in jobs.

The Division of Employment Services performed the following:

- Continues to monitor and maintain the CNMI's labor and employment website for available job vacancy advertisement by employers.
- Refers U.S. citizens to training programs. (Such as; Frank Gibson, Jim Arenovski, SHRM, and NMTI.)
- Registered and referred over 1,500 applicants seeking employment in the private sector.
- Certified 685 Job Vacancies
- Assisted 23 job applicants prepare their resumes
- Assisted 66 U.S citizens find gainful employment (hired)

Division of Labor Enforcement: Manages the enforcement of all labor laws (Minimum Wage and Hour Act, FLSA) with respect to the employment of all workers in the CNMI.

The Division of Labor Enforcement performed the following:

- Assisted in 5 labor hearings
- Inspected/visited 56 establishments/employers to ensure that the 30% local compliance rule is being complied
- Continues strong relationship and communication with ICE and sharing information regarding aliens in the CNMI on a daily basis.
- Outreach to employers and workers regarding labor laws

Division of Administrative Hearing Office: Manages the intake of complaints in job preference cases, labor cases, agency cases, hearing dockets for all types of cases, maintain the barred listings, audio and digital files of transcripts and administrative orders.

The Division of Administrative Hearings performed the following:

- Received and accepted 7 labor complaints
- Settled 6 labor cases
- Dismissed 2 labor cases
- Conducted 14 administrative hearings
- Mediated 9 labor cases

3 CNMI-US OSHA Consultation Office (Federally Funded)

The US-CNMI OSHA performed the following:

- Conducted 52 (Companies) On-site consultations with employers involving 1,893 workers