

IN ACCORDANCE TO
N.M.I. ADMINISTRATIVE CODE
CHAPTER 80 DEPARTMENT OF LABOR
SUBCHAPTER 80-20.1 EMPLOYMENT RULES AND REGULATIONS

NOTICE TO EMPLOYERS TO COMPLY

Subpart C – Private Sector Employment Preference
NMIAC § 80-20.1-225 Job Vacancy Announcement

(a) Posting. An employer who intends to employ a foreign national worker, or nonimmigrant, transitional worker, or non-immigrant alien on a full-time basis (under any new employment arrangement, any renewal of any existing employment arrangement, or any transfer) must post a job vacancy announcement on the Department's website, www.marianaslabor.net. (<http://www.marianaslabor.net>)

(b) Contents. The posted job vacancy announcement shall include a job description, a statement of the wages to be paid, a statement of all benefits to be provided, and, if applicable, a statement that the job is posted in connection with proposed renewal or transfer of a foreign national worker or is posted in connection with a proposed on-island hire of a transitional worker or off-island hire of a transitional worker or nonimmigrant alien. A job vacancy announcement for which a transitional worker or nonimmigrant alien with another federal credential may be hired must have content that satisfies U.S. Labor requirements. See 20 CFR 655. (<http://www.gpo.gov/fdsys/pkg/CFR-2013-title20-vol3/pdf/CFR-2013-title20-vol3-part655.pdf>)

(c) Job description. The job description in a posted job vacancy announcement shall be defined by the appropriate occupational Information Network (O*NET) classification. For specialty job not adequately defined by O*NET classification, a parenthetical description may be appended to the closest O*NET classification.

(d) Wages. The statement of wages in a posted job vacancy announcement shall include the hourly or bi-weekly amount to be paid.

(e) No waiver. There is no waiver available with respect to the job vacancy announcement requirement.

Subpart B – Private Sector Workforce Participation
NMIAC § 80-20.1-210 Participation Object

(c) For purpose of workforce participation (3): The current percentage specified by the Department until other data become available is 30%.

(f) No waivers. No waivers are available with respect to the workforce participation objective.

Subpart B – Reporting

NMIAC § 80-20.1-505 Census of Employment

(a) Census of employment. The effective and fair administration of governmental efforts to secure full employment for citizens, CNMI permanent residents and U.S. permanent residents in the Commonwealth requires accurate and up-to-date information about employment in the Commonwealth. The Commonwealth Employment Act of 2007, as amended, requires the Department to collect and report such information.

(b) Each business employer shall report quarterly, as of the last day of the calendar quarter and within the limits for filing the business gross receipts tax return, the number and classification of employees for whom wages were paid during the quarter.

(c) Each non-business employer shall report annually, as of the last day of the calendar year and **no** later than the first business day in February, the number and classification of employees for whom wages were paid during the year.

(d) Census reports shall be made on the form provided by the Department and filed according to the instruction on the form. The form is available at <http://www.marianaslabor.net/forms> select Total Workforce Listing.

NMIAC § 80-20.1-510 Workforce Plan

(a) A workforce plan has its objective an increase in the percentage of citizens, U.S. permanent residents, and CNMI permanent residents and the immediate relatives of citizens, U.S. permanent residents, and CNMI permanent residents in the workforce of the employer.

(b) The Workforce plan. The workforce plan shall identify specific positions currently occupied by nonimmigrant aliens. The plan shall include a timetable for accomplishing the replacement of nonimmigrant aliens with qualified citizens, CNMI permanent residents, and U.S. permanent residents until the workforce participation objective is met.

(c) Employers covered. Every employer who employs nonimmigrant aliens, unless exempted, is required to have on file with the Department a written, current plan. A workforce plan is current if it has been updated and filed within the past 12 months. The form is available at <http://www.marianaslabor.net/forms> select Workforce Plan.

Filing of reports must be submitted to the CNMI DOL Employment Services Division at Bldg. 1334 Guguan Drive, Capitol Hill Saipan Office; for assistance contact 664-3190 or 322-0996. CNMI DOL Tinian Office at 433-3700; and CNMI DOL Rota Office at 532-9479.

Failure to comply may result in issuance of a “Notice of Violation” (NMIAC § 80-20.1-435 (b)) complaint filed by CNMI DOL with the Administrative Hearing office for action. Pursuant to **NMIAC § 80-20.1-485 Orders and Enforcement (c) Authority (7)** Levy a fine not to exceed \$2,000 for each violation of any provision of the Commonwealth Employment Act of 2007, as amended;