



C.N.M.I DEPARTMENT OF LABOR

Working through
THE PANDEMIC

#MARIANAS STRONG



FEBRUARY 25, 2021 | 9:00 AM to 11:00 AM

VIRTUAL SESSION

tinyurl.com/CNMIDOLFeb2021

THIS PROJECT IS FUNDED IN WHOLE WITH FEDERAL MONEY FROM
U.S. DEPARTMENT OF LABOR EMPLOYMENT AND TRAINING ADMINISTRATION'S DISLOCATED WORKER GRANT.

DISCLAIMER

This presentation is for educational purposes only. This presentation does not constitute legal opinion or legal advice, nor does it create an attorney-client relationship.

The CNMI Department of Labor does not guarantee the reliability, accuracy, or completeness of the information presented. The information within the presentation is subject to change without notice.

Please consult the applicable law or your attorney.

LINE UP

1. Welcoming Remarks
2. Workforce Investment Agency (WIA)
3. Apprenticeship State Expansion (ASE)
4. OSHA On-site Consultation
5. Division of Employment Services (DES)
6. Division of Enforcement
7. Benefit Payment Control Unit
8. Administrative Hearing Office (AHO)
9. PUA Headquarters

WELCOMING REMARKS

WORKING THROUGH THE PANDEMIC

Vicky Benavente
Secretary of Labor

CNMI DEPARTMENT OF LABOR WORKFORCE INVESTMENT AGENCY

WORKING THROUGH THE PANDEMIC

Frances Torres

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PROGRAMS

Workforce Innovation and Opportunity Act - WIOA

☐

Title I Adult Program

☐

Title I Dislocated Worker Program

☐

Title I Youth Program

☐

National Emergency Grant

Registered Apprenticeship

☐

Apprenticeship State Expansion

SERVICES FOR BUSINESSES

- Support for Economic Growth and Business Expansion for a Job-Driven Workforce System to Match Employers with Skilled Workers.

Work-
Based
Training
Strategies

On-the-Job Training

Customized Work Experience

Transitional Jobs

Incumbent Worker Training

SERVICES TO ADULTS AND DISLOCATED WORKERS



- Access to Resource Center (computers, printer, fax)
- Labor Market Research and Information
- Career Guidance, Counseling, and Planning
- Job Search and Referrals
- Information and Referral to Partner Services and Community Resources
- Approved Programs of Study listed on the Eligible Training Provider List
- Work-Based Trainings

SERVICES FOR YOUTHS



- Dropout Prevention
- Paid and Unpaid Work Experiences
- Job Shadowing
- Occupational Skill Training
- Education Offered Concurrently with Workforce Preparation and Training
- Leadership Development Opportunities
- Supportive Services
- Mentoring
- Comprehensive Guidance and Counseling
- Financial Literacy Education
- Entrepreneurial Skills Training
- Labor Market and Employment Information
- Postsecondary Education and Training Preparation Activities

PERFORMANCE ACCOUNTABILITY

- Placement in Employment
- Placement in Education (Youth Measure)
- Credential Attainment
- Measurable Skill Gains



WORKING THRU THE PANDEMIC: MARIANAS STRONG

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CNMI DEPARTMENT OF LABOR APPRENTICESHIP STATE EXPANSION (ASE)

WORKING THROUGH THE PANDEMIC

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CNMI APPRENTICESHIP PROGRAM

The Commonwealth of the Northern Mariana Islands Department of Labor (CNMI DOL) is a recipient of the ***Apprenticeship State Expansion (ASE) Grant***. The grant's purpose is to promote the U.S. Department of Labor (US DOL) Registered Apprenticeship Programs (RAP) as a significant workforce solution in filling current job vacancies and closing the skills gap between employer workforce needs and the skills of the current workforce.

REGISTERED APPRENTICESHIP PROGRAMS

RAP is a structured education and training program. The program takes place in the workplace and includes structured on-the-job (OTJ) training and classroom-based related technical instruction (RTI).

It is designed to up-skill workers in demand-driven occupations in the CNMI, such as construction, maintenance, hospitality, allied health and safety, food service, management or accounting, IT or other occupations US DOL approved for RAP.

DRIVEN INDUSTRIES AND OCCUPATIONS IN THE CNMI



CONSTRUCTION

- LABORERS
- ELECTRICIANS
- PLUMBERS
- CARPENTERS



MAINTENANCE

- BUILDING
- GROUNDS
- ROOMS
- MECHANICAL
- AUTO TECHS



HOSPITALITY

- CUSTOMER SERVICE
- HOUSE KEEPING
- RECREATION SERVICE



FOOD SERVICE

- COOKS
- FOOD PREP
- BAKERS
- SERVERS
- BARTENDERS



ALLIED HEALTH & SAFETY

- LAB TECHNICIANS
- NURSING
- BILLING CODERS
- EMERGENCY MED TECHS
- PUBLIC SAFETY



MANAGEMENT and/or ACCOUNTING

- GENERAL MANAGEMENT
- SPECIALIZED MANAGEMENT
- BOOK-KEEPERS
- ACCOUNTING TECHNICIANS
- ACCOUNTANT ONE

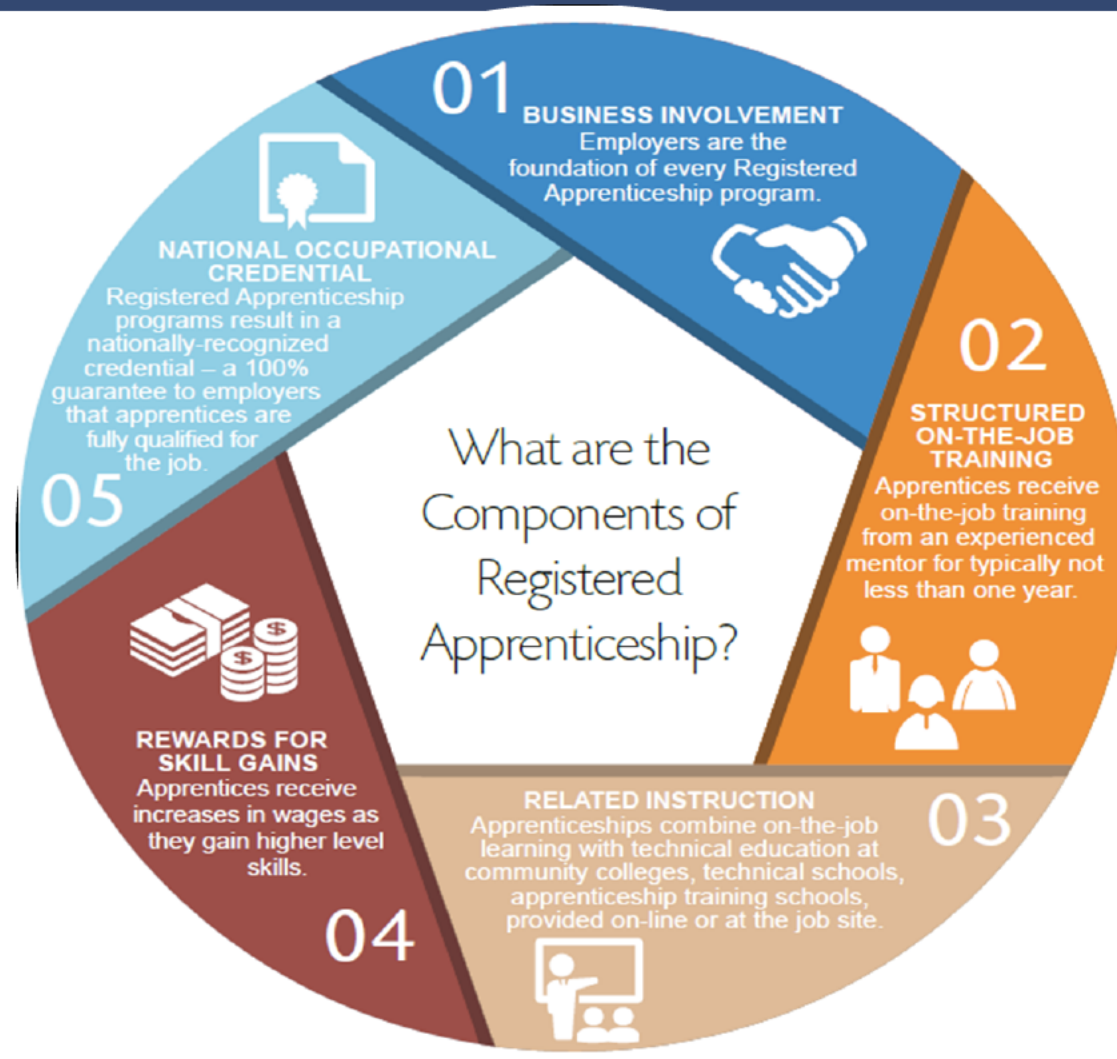


INFORMATION TECHNOLOGY

- IT SPECIALIST
- CYBER SECURITY SUPPORT TECH



APPRENTICESHIP PROGRAMS CONSIST OF 5 CORE COMPONENTS



BENEFITS FOR THE EMPLOYER

Skilled Workforce

Improve
Productivity

Reduced Turnover
Retain Workers

Customizable
Training

Diversity

SKILLED WORKFORCE

Recruit and develop a diverse and highly-skilled workforce.

If you own a skilled trades business, it's likely you have had difficulty with finding available, experienced workers. Apprenticeship programs aim to help fill that gap through structured on-the-job training of young or inexperienced laborers

IMPROVED PRODUCTIVITY

Improve profitability and positive impact to your bottom line.

By investing in your workforce's future, your company will gain a competitive advantage in return. A skilled workforce tends to produce better work more efficiently

REDUCED TURNOVER/RETAIN WORKERS

Minimize cost with reduced turnover
and liability

Apprentices who graduate through
the program to become journey
workers are more likely to hold a
steady job.

94% of apprentices continue
employment after completing an
apprenticeship

CUSTOMIZABLE TRAINING

An apprenticeship program will standardize your training so that all workers are instructed in a similar manner.

Create flexible training options that ensure workers develop the right skills.

DIVERSITY

Foster a diverse and inclusive culture.

In 2016 the U.S. Department of Labor released updated Equal Employment Opportunity (EEO) regulations for Registered Apprenticeship Programs to help businesses reach a larger and more diverse pool of workers. When all workers, including women, minorities, and individuals with disabilities, have the opportunity to become apprentices, we tap into our nation's full potential and open new career pathways for American workers.

HOW DOES AN APPRENTICESHIP PROGRAM BENEFIT WORKERS?

From their first day of work, apprentices receive a paycheck that is guaranteed to increase as their training progresses. Apprentices also complete a combination of job-related instruction and hands-on training at the job site leading to a nationally-recognized, portable credential.

OTHER SPECIFIC BENEFITS INCLUDE:

Hands-on career training: Apprentices receive practical on-the-job training in a wide variety of occupations and industries, such as health care, construction, information technology, transportation, energy, and advanced manufacturing.

An education: Apprentices receive hands-on training resulting in improved skills and competencies as well as the potential to earn college credit toward an associate's or bachelor's degree.

A career: Once the apprenticeship is complete, workers are on their way to a successful long-term career with a competitive salary and little or no educational debt.

National credential: When an apprentice graduates from a career training program, he or she earns a certified portable credential accepted by industries and employers across the U.S

THANK YOU

This workforce product was funded by a grant awarded by the U.S. Department of Labor's Employment and Training Administration. The product was created by the recipient and does not necessarily reflect the official position of the U.S. Department of Labor. The Department of Labor makes no guarantees, warranties, or assurances of any kind, express or implied, with respect to such information, including any information on linked sites and including, but not limited to, accuracy of the information or its completeness, timeliness, usefulness, adequacy, continued availability, or ownership. This product is copyrighted by the institution that created it.

This project received \$80,000.00 from a grant awarded under the Apprenticeship State Expansion grant, as implemented by the U.S. Department of Labor's Employment and Training Administration



THANK YOU!

QUESTIONS?



CNMI DEPARTMENT OF LABOR CNMI OSHA - ON-SITE CONSULTATION DIVISION

WORKING THROUGH THE PANDEMIC



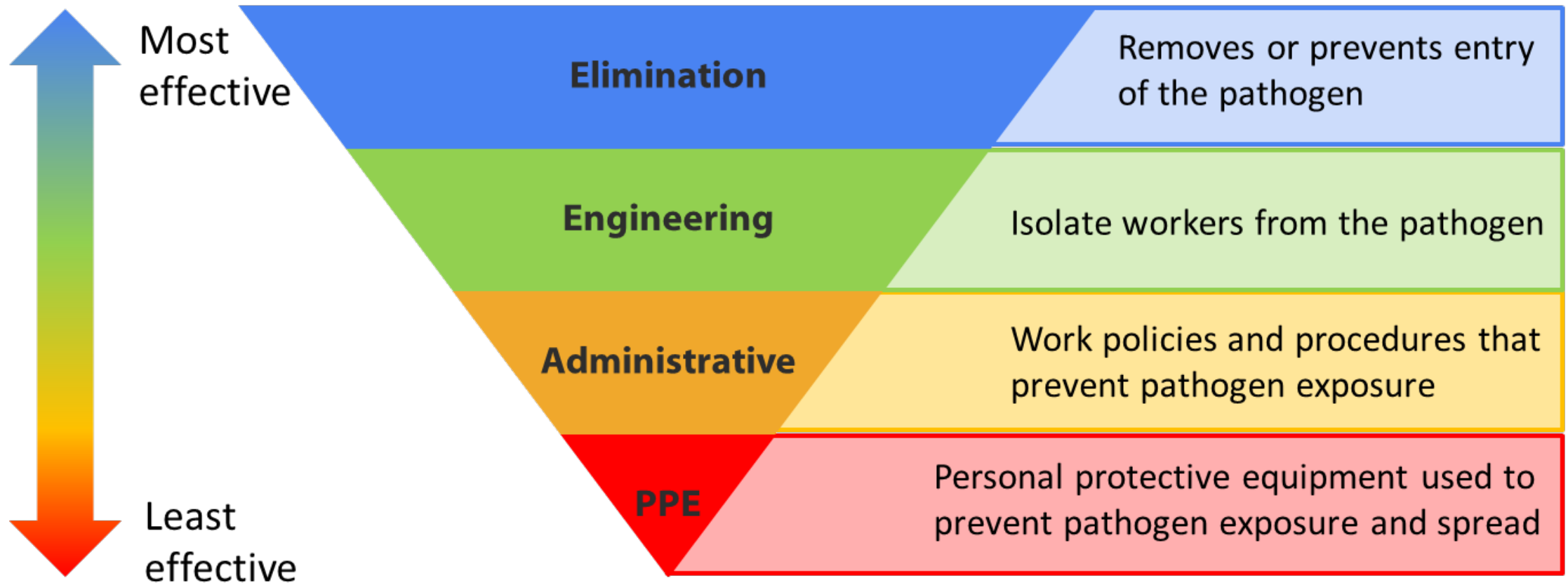
TIMOTHY ASAIVAO
Project Manager

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(670) 664-3157
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ELEMENTS OF AN EMPLOYER COVID-19 ASSESSMENT AND CONTROL PLAN

Create a COVID-19 Assessment and Control Plan: Identify Controls

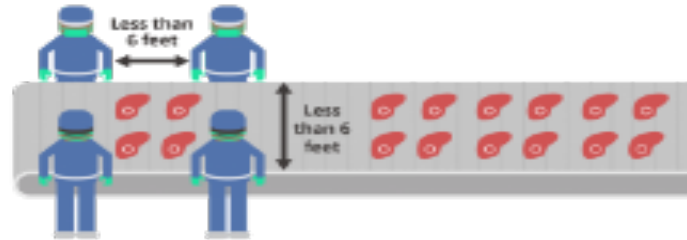


Example Engineering Controls

How to Align Meatpacking and Meat Processing Workstations, If Feasible

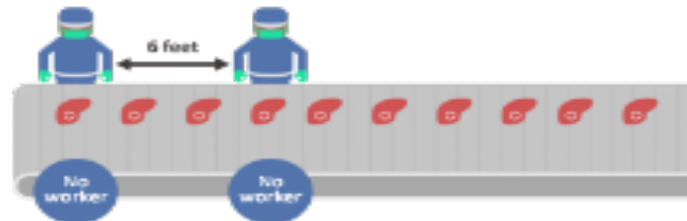
Bad:

Workers are within six feet of one another, including at side-by-side or facing workstations.



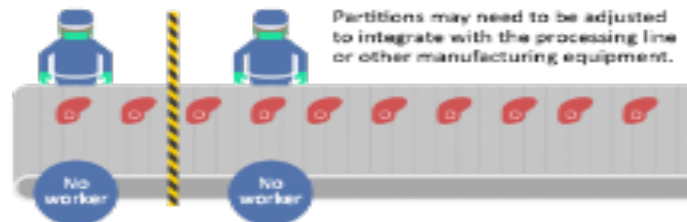
Good:

Workers are spaced at least six feet apart, not facing one another. Other configurations may be used to achieve similar distancing between workers.



Good:

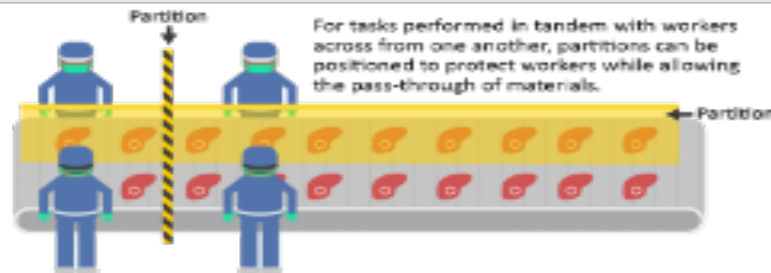
Physical barriers, such as partitions, separate workers from each other.



Partitions may need to be adjusted to integrate with the processing line or other manufacturing equipment.

Good:

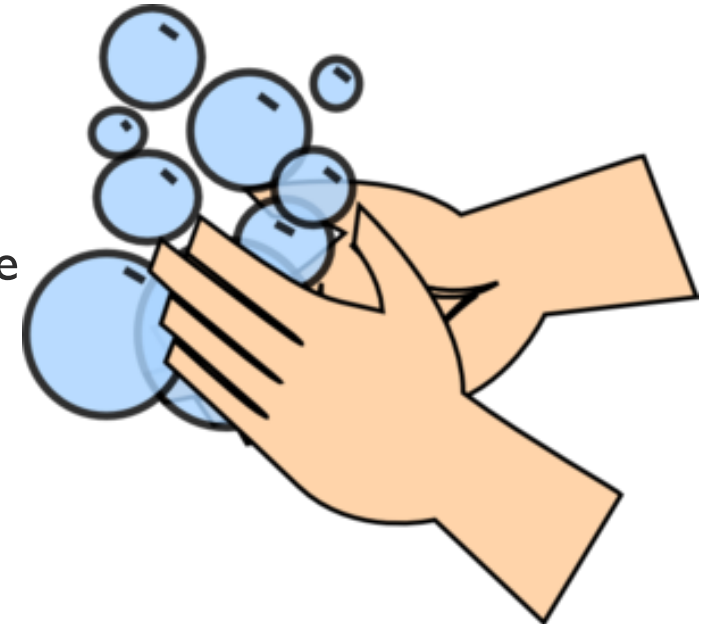
Physical barriers, such as partitions, separate workers from each other, including where workers need to perform tasks in tandem across from one another.



For tasks performed in tandem with workers across from one another, partitions can be positioned to protect workers while allowing the pass-through of materials.

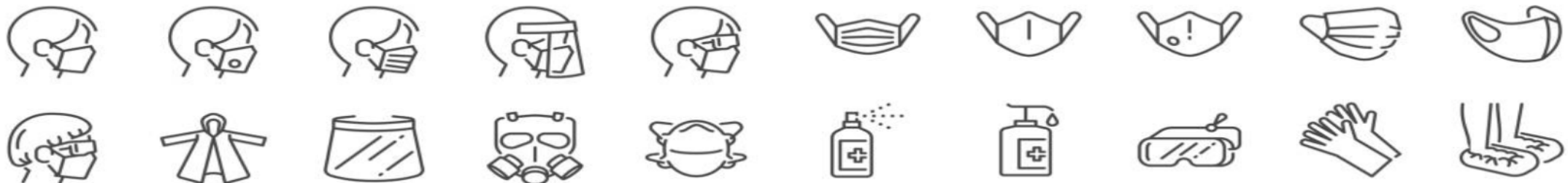
Example Administrative Controls

- Provide workers with access to soap, clean running water, and single-use paper towels for handwashing
 - Alcohol-based hand sanitizers (minimum 60% alcohol) if soap/water not immediately available
 - Multiple locations and touch-free
- Workplace programs to promote personal hygiene
 - Additional breaks to increase hand washing or hand sanitizer use
 - Tissues and touch-free trash receptacles
 - Educate on avoiding tobacco products



Examples of Personal Protective Equipment (PPE)

- Conduct hazard assessment to determine the need for PPE
- Follow OSHA PPE standard (29 CFR Subpart I)
- Use videos or in-person visual demonstrations of how to properly put on and take off PPE; Maintain social distancing during these demonstrations



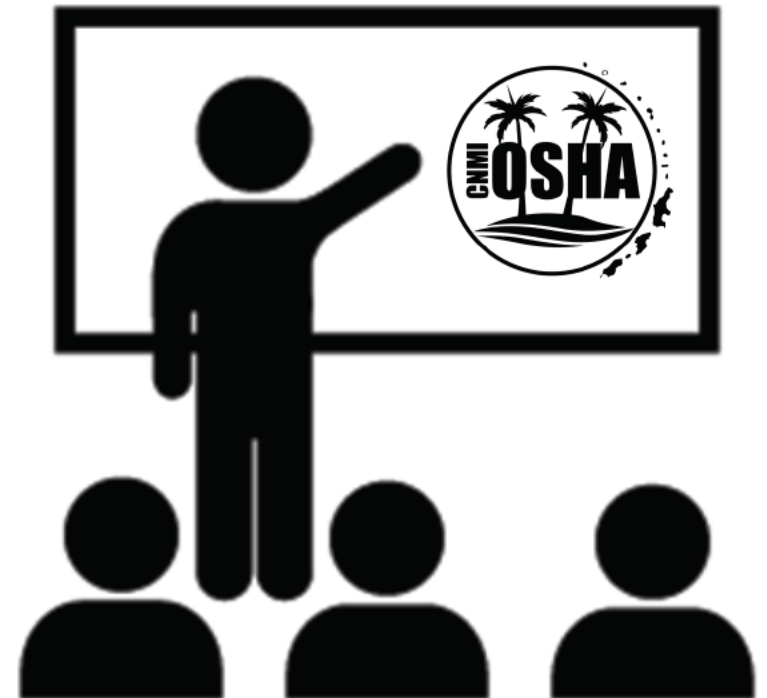
Cloth Face Coverings

- Reduces the amount of large respiratory droplets that a person spreads when talking, sneezing, or coughing; cloth face coverings are intended to protect other people—not the wearer.
- Protective measure in addition to social distancing; especially important when social distancing not possible or feasible
- Not PPE and not a replacement for respiratory protection when respirators are needed



Educate and Train Workers and Supervisors

- Material should be easily understood, in the workers' preferred language, and at appropriate literacy level and should contain accurate and timely information
 - Recognizing COVID-19 symptoms, spread, risk at work and ways to prevent exposure to the virus
 - Proper hand washing and hand sanitizer use
 - Cough and sneeze etiquette
 - Infection control measures



OSHA FORM 300

The image displays three OSHA forms related to workplace injury and illness reporting. The top form is OSHA's Form 301, titled "Injury and Illness Incident Report". It includes an attention notice about confidentiality, the U.S. Department of Labor logo, and a form number. Below the title, there is a section for "Information about the employee" and "Information about the case". The middle form is OSHA's Form 300A, titled "Summary of Work-Related Injuries and Illnesses". It includes a year field, the U.S. Department of Labor logo, and a form number. It has a section for "Establishment information". The bottom form is OSHA's Form 300, titled "Log of Work-Related Injuries and Illnesses". It includes an attention notice about confidentiality, the U.S. Department of Labor logo, and a year field. It has a section for "Number of Cases" with two columns: "Total number of deaths" and "Total number of cases with days away from work".

OSHA's Form 301
Injury and Illness Incident Report

Attention: This form contains information relating to employee health and must be used in a manner that protects the confidentiality of employees to the extent possible while the information is being used for occupational safety and health purposes.

U.S. Department of Labor
Occupational Safety and Health Administration
Form approved OSHA no. 12-18-0176

Information about the employee
1) Full name _____

Information about the case
M) Case number from the Log _____ (Transfer the case number from the Log after you record the case.)
E) Date of injury or illness _____

OSHA's Form 300A (Rev. 01/2004)
Summary of Work-Related Injuries and Illnesses

Year 20 ____

U.S. Department of Labor
Occupational Safety and Health Administration
Form approved OSHA no. 12A-026

Establishment information
Your establishment name _____

OSHA's Form 300 (Rev. 01/2004)
Log of Work-Related Injuries and Illnesses

Attention: This form contains information relating to employee health and must be used in a manner that protects the confidentiality of employees to the extent possible while the information is being used for occupational safety and health purposes.

U.S. Department of Labor
Occupational Safety and Health Administration
Form approved OSHA no. 12-18-0176

Year 20 ____

Number of Cases

Total number of deaths	Total number of cases with days away from work
(0)	(4)

Establishment information
Establishment name _____
City _____ State _____

osha.gov/injuryreporting

THANK YOU!

QUESTIONS?

CNMI DEPARTMENT OF LABOR DIVISION OF EMPLOYMENT SERVICES

WORKING THROUGH THE PANDEMIC



EUGENE TEBUTEB
Director of Employment Services

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PRESENTATION TOPICS

1. The effect of the **COVID-19** pandemic on...

- Day to day operations
- Types of Services offered
- Applicable Regulations
- Job Vacancy Announcements (JVA)
- Job Openings
- Business Activity (Year-End Report)

2. What to expect in the future...

3. Contact Information

DAY-TO-DAY OPERATIONS

No change in work hours

Standard hours of operation 7:30am to 4:30pm
Monday to Friday
except holidays

No change in email contacts

Change of Location

Pre-pandemic address: Bldg. #1334
Current address: Bldg. #1356

Telephone Contact Changes

Pre-pandemic contact: (670) 664-3190 & 322-0996
Current telephone contact: (670) 664-3196 & 323-9994/5



TYPES OF SERVICES

Employers

- ✓ Online Registration
- ✓ JVA Technical Assistance
- ✓ JVA Certifications
- ✓ Outreach (limited)
- ✓ Education (local/federal regulations) (limited)
- ✓ Job Applicant Matching

Job Applicants

- ✓ Online Registration
- ✓ Resume Building
- ✓ Interview Strategies & Tips
- ✓ Outreach (limited)
- ✓ Job Referral & Placement
- ✓ Employment Follow Up (postponed)

APPLICABLE REGULATIONS

- **Northern Mariana Islands Administrative Code (NMIAC) – Local**
Title 80: Department of Labor, Subchapter 80-20.1: Employment Rules and Regulations still in effect
- **CW-I Interim Final Rules still in effect – Federal**
 - Includes Temporary Labor Certification (TLC) process

STEP 1

Obtain a Prevailing Wage
Determination through an
Application for Prevailing Wage
Determination
(Form ETA-9141C)



STEP 2

Submit a Request for a TLC through
a CW-I Application for Temporary
Employment Certification
(Form ETA-9142C)



STEP 3

Conduct Recruitment in
the CNMI for U.S.
Workers



STEP 4

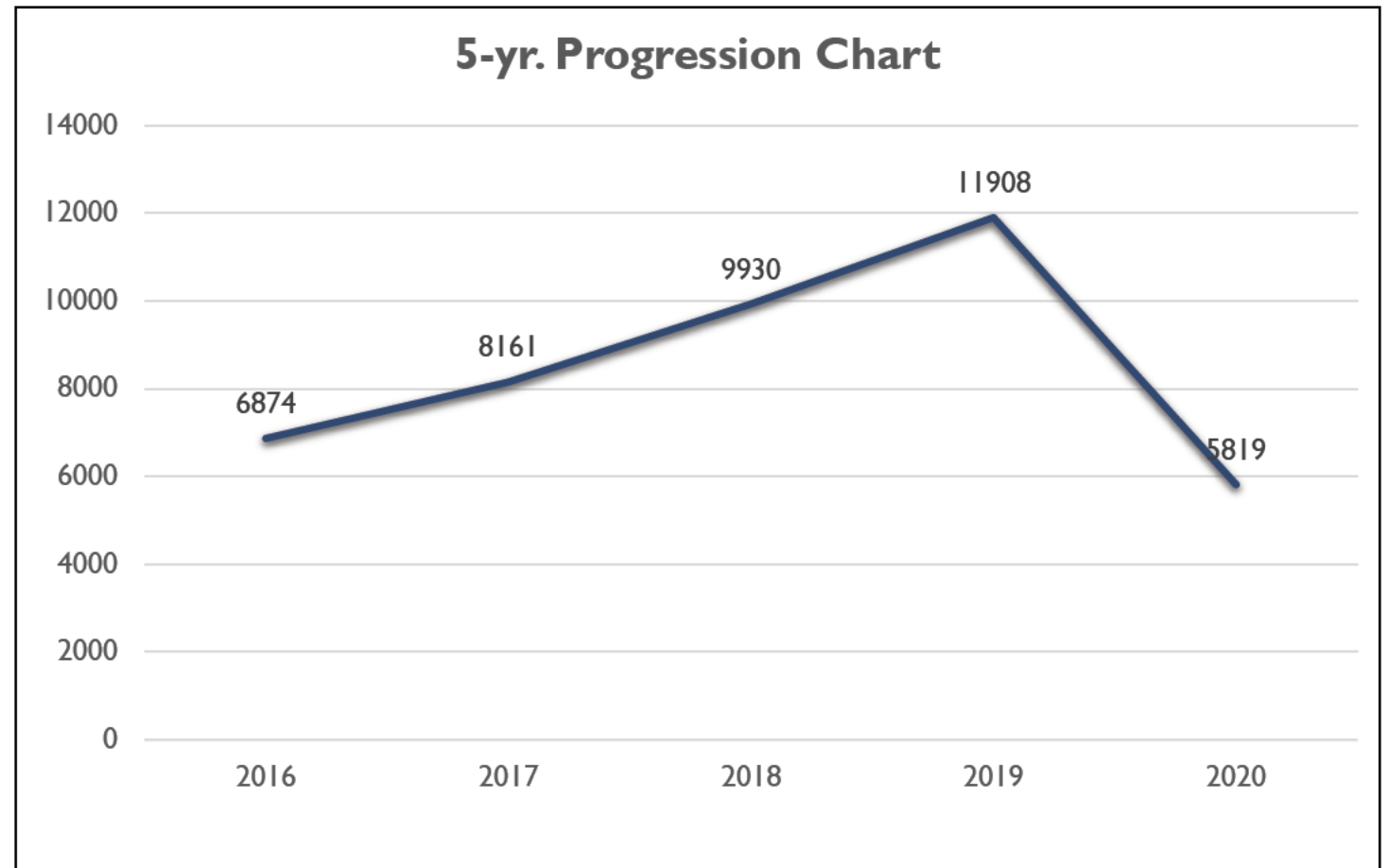
Obtain a TLC
Determination

TOP 5 OCCUPATIONAL GROUPS - CY2020



JOB VACANCY ANNOUNCEMENTS (JVA)

Calendar Year	JVA Postings
2016	6,874
2017	8,161
2018	9,930
2019	11,908
2020	5,819



JVA TRENDS & ANALYSIS 2020

A retrospective examination of JVA activity indicate that postings were increasing every year beginning in 2016 to 2019 and then exponentially decreasing during the pandemic; interestingly, the increase in JVA postings occurred even during the Super Typhoon Yutu timeline. The pandemic is certainly a contributing factor to the decline in JVA postings.

HIGHS

When compared with CY2019 (year with the highest JVA postings) there is a reduction of 6,089 JVAs posted in CY2020, or a 51% decrease.

% DEC Calculations: $(11,908 - 5,819 = 6089 / 11,908 = 0.511 \times 100 = 51\%)$

LOWS

When compared with CY2016 (year with the next lowest JVA postings) there is a reduction of 1,055 JVAs posted in CY2020, or a 15% decrease.

% DEC Calculations: $(6,874 - 5,819 = 1,055 / 6,874 = 0.153 \times 100 = 15\%)$

AVERAGE

When compared with the average amount of JVAs posted each year from CY 2016 to CY 2020, there is a reduction of 2,719 JVAs posted in CY 2020, or a 32% decrease.

AVG Calculations: $(6,874 + 8,161 + 9,930 + 11,908 + 5,819 = 42,692 / 5 = 8,538)$
% DEC Calculations: $(8,538 - 5,819 = 2,719 / 8,538 = 0.318 \times 100 = 32\%)$

TOP 5 JOB OPENINGS - CY2020

Construction and Extraction
Occupational Groups

Electricians, Cement Masons, Steel Workers, Carpenters,
Plumbers, Laborers

Installation, Maintenance, and
Repair Occupational Groups

Heavy Equipment Mechanics, Auto Mechanics, A/C
Technicians, Electronic Repairers, Glass Installers

Building and Grounds Cleaning
& Maint. Occupational Groups

Maids & Housekeeping Cleaners, Landscaping Workers, Pest
Control Workers, Janitors & Cleaners

Food Preparation and Serving
Related Occupational Groups

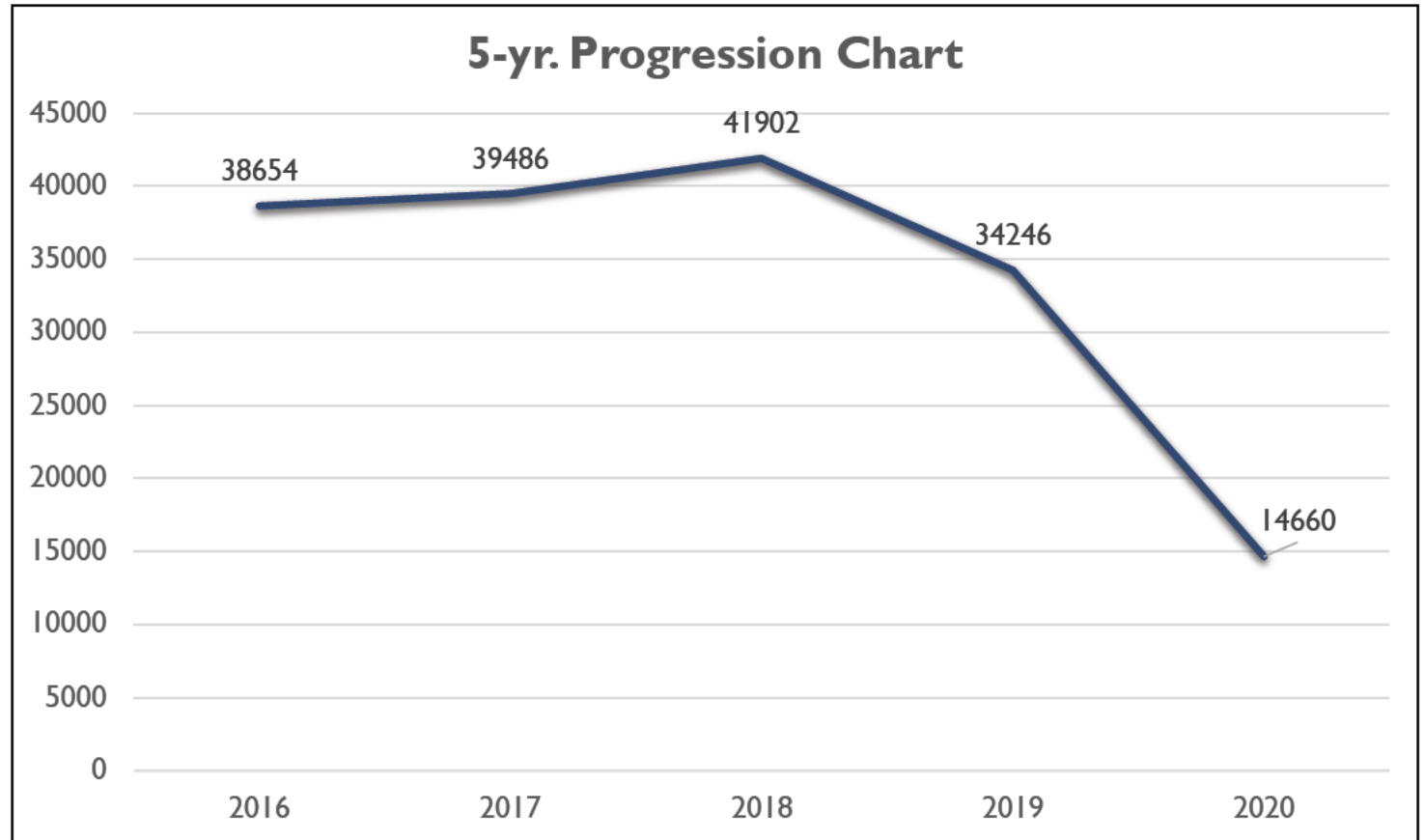
Chefs & Head Cooks, Wait staff, Bartenders, Fast-Food &
Counter Workers, Dishwashers, Kitchen Helpers

Personal Care and Service
Occupational Groups

Salespersons, Home Health Care services, Child Care
services, Barbers/Hairdressers, Tour Guides, Masseuses

JOB OPENINGS

Calendar Year	Job Openings
2016	38,654
2017	39,486
2018	41,902
2019	34,246
2020	20,991*



FOR CY 2020, THERE WERE 14,660 JOB OPENINGS; 6,331 OPENINGS WERE FOR GUAM'S H-2B MILITARY BUILDUP PROJECT

JOB OPENING TRENDS & ANALYSIS 2020

A retrospective examination of job openings indicate that they were gradually increasing from CY 2016 to 2018 and then moderately decreasing during the Super Typhoon Yutu timeline before drastically decreasing during the pandemic. The pandemic has disrupted the labor force far more than anything else ever experienced or witnessed.

HIGHS

When compared with CY2018 (year with the highest job openings) there is a reduction of 27,242 job openings in CY2020, or a 65% decrease.

% DEC Calculations: $(41,902 - 14,660 = 27,242 / 41,902 = 0.650 \times 100 = 65\%)$

LOWS

When compared with CY2019 (year with the next lowest job openings) there is a reduction of 19,586 job openings in CY2020, or a 57% decrease.

% DEC Calculations: $(34,246 - 14,660 = 19,586 / 34,246 = 0.571 \times 100 = 57\%)$

AVERAGE

When compared with the average amount of job openings available each year from CY 2016 to CY 2020, there is a reduction of 19,129 job openings in CY 2020, or a 56% decrease.

AVG Calculations: $(38,654 + 39,486 + 41,902 + 34,246 + 14,660 = 168,948 / 5 = 33,789)$

% DEC Calculations: $(33,789 - 14,660 = 19,129 / 33,789 = 0.566 \times 100 = 56\%)$

BUSINESS ACTIVITY (YEAR END REPORT)

- ❑ Description: This report captures employer data (permanent business closures, temporary business closures, reduction of business operation hours) and employee data (total number of employees furloughed/laid off or on reduced hours) as a result of the COVID-19 pandemic.
- ❑ Report Duration: 10 months
- ❑ Findings:
 - In the 10 months of data collection, the Department received notices from 128 businesses reporting their businesses being affected due to the pandemic.
 - The month of April yielded the highest period of unemployment/partial unemployment (4,447 employees affected).
 - The latest data (month of November) on employees furloughed/laid off or reduced hours:
 - 1,288 foreign nationals
 - 1,973 U.S. status qualified workers
 - 3,261 total affected employees
 - There is a slight to moderate decline in the number of workers being affected by the pandemic as reported by various businesses. The latter may be attributable to businesses slowly opening back but more research is required to validate whether the accuracy of this finding.

WHAT TO EXPECT IN THE FUTURE...

- DES will continue to operate in building #1356 until further notice.
- DES will continue to provide the same services on a standard workweek
Monday to Friday from 7:30am to 4:30pm with some of those services being limited.
- The downward trends of JVA postings and job openings are expected to persist as long as the pandemic continues to affect economies on a global scale.
- DES has received fewer reports from employers regarding the partial unemployment/full unemployment of employees; more research needed here.

DES CONTACT INFORMATION

Location: Office of the Secretary Building #1356
Telephone: (670) 664-3196



Eugene Tebuteb
Director DES
e.tebuteb@dol.gov.mp

James Ulloa
Supervisor of DES
julloalabor@gmail.com

THANK YOU!

QUESTIONS?

CNMI DEPARTMENT OF LABOR ENFORCEMENT & COMPLIANCE SECTION

WORKING THROUGH THE PANDEMIC

ARLENE RAFANAN

Specialist III

Enforcement & Compliance Section

TYPES OF CASES HANDLED

LABOR CASES

Complaints filed by either an employee or employer at the Administrative Hearing Office.

Compliance Agency Cases

An action or complaint filed by the Chief of Enforcement at the Administrative Hearing Office (AHO) against an employee or employer for an alleged violation of the labor or wage laws in force in the Commonwealth.

TYPE(S) OF CLAIMS

Wage and
Hour Issues

Wrongful
Termination

Employment
Preference
Violations

Unlawful
Deductions

CAC VIOLATIONS

Failure to
submit
Quarterly
Compliance
Documents

Not meeting
the 30%
workforce
objective

Failure to post
Job Vacancy
Announcements
(JVA)

Failure to
submit
employer
declaration

GRANTS HANDLED BY ENFORCEMENT SECTION



Foreign Labor Certification (FLC)

- Also known as the Agricultural Survey
- The survey is conducted on a quarterly basis in Saipan, Tinian and Rota
- The purpose of the survey is to verify how many farm workers are U.S. Citizens and foreign national workers, wage rate and employee benefits.



Mining Safety and Health Administration (MSHA)

- Conduct trainings/workshops about workplace safety to employees that are engage in surface mining.
- To provide Mine, Safety and Health training programs to better assist mine operators and contractors when working in mines, quarries and in hazardous conditions.
- To prevent accidents and injuries in the workplace particularly in the mining areas.





Jeffrey Camacho

(670) 322-9942 or (670) 323-9940

jtc@dol.gov.mp

THANK YOU!

QUESTIONS?

CNMI DEPARTMENT OF LABOR ENFORCEMENT & COMPLIANCE SECTION

WORKING THROUGH THE PANDEMIC

SHARON PALACIOS
Supervisor
Benefit Payment Control Unit

Benefit Payment Control Unit

The Benefit Payment Control (BPC) Unit is the component of an agency's PUA/FPUC programs that is responsible for promoting and maintaining integrity of the program through prevention, detection, investigations, establishment, and recovery of improper payments.

ESTABLISHMENT

- ❖ A case is established when there is an overpayment that covers one or more weeks of benefits for which a claimant is not qualified for.
- ❖ The results of BPC staff investigations will determine whether an overpayment should be established.

3 PARTS OF INVESTIGATION



- ❖ BPC overpayment recovery staff must attempt to recover benefits paid as a result of fraud or non-fraud as soon as possible after the overpayment is established.

REASONS AN OVERPAYMENT OCCURS

MISFILED EARNINGS

FAILED TO DISCLOSE EARNINGS

CUSTOMARY WAGES

PPP

NOT QUALIFIED

- DO NOT MEET ANY OF PROGRAM ELIGIBILITY REQUIREMENTS AND/OR DO NOT MEET “QUALIFIED ALIEN” DEFINITION

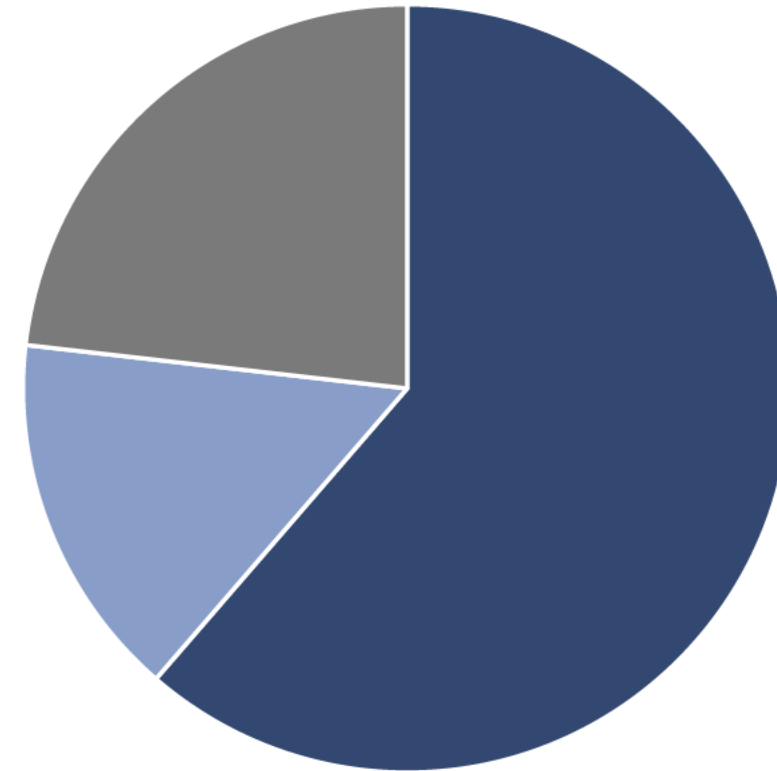
“UNEMPLOYMENT NOT A DIRECT RESULT OF THE PANDEMIC COVID-19”

STATISTICS

ESTABLISHED OVERPAYMENT CASES

2,018 ESTABLISHED OVERPAYMENT CASES

- **1,238** cases have been identified as out of state/territory cases (approximately \$12,334,966.31 in fraudulent claims have been intercepted)
- **312** cases have been identified as claimants that don't fall under the "Qualified Alien," definition such as: CWI's, EADs, H1B's, H2B's, and/or no legal working status
- **468** cases have been identified as disqualified claims, misfiled and/or unclaimed earnings, and customary wages



■ OUT OF STATE ■ NON-QUALIFIED ALIENS ■ DISQUALIFIED

STATISTICS

ESTABLISHED OVERPAYMENT CASES IN DOLLARS

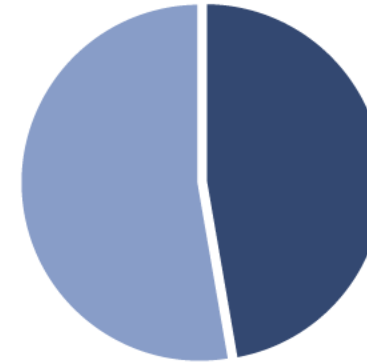


■ PUA ■ FPUC ■

PUA: \$8,301,066.00
FPUC: \$9,654,472.60

GRAND TOTAL: **\$17,955,538.60**

COLLECTED OVERPAYMENT IN DOLLARS



■ PUA ■ FPUC ■

PUA: \$7,088,042.52
FPUC: \$7,905,976.95

GRAND TOTAL: **\$14,994,019.47**

THANK YOU!

QUESTIONS?

CNMI DEPARTMENT OF LABOR ADMINISTRATIVE HEARING OFFICE

WORKING THROUGH THE PANDEMIC

JACQUELINE A. NICOLAS, ESQ.
Administrative Hearing Officer

INTRO TO THE ADMINISTRATIVE HEARING OFFICE

- The Administrative Hearing Office receives, mediates,* refers, and decides cases within its jurisdiction.
- The Administrative Hearing Office acts as a neutral arbiter of law.
- The Administrative Hearing Office cannot provide legal advice or engage in ex parte communications.

WORKING THROUGH A PANDEMIC

- The Administrative Hearing Office service window is open to the public, Monday through Friday from 8am-4pm. The first and last 30 minutes of the day are used to clean and sanitize the staff workplaces. Only Department employees are allowed inside the office.
- Staff submit to temperature checks, frequent handwashing/sanitizing, social distancing, and facial coverings.
- Hearings are held telephonically and online.
- Filings can be submitted online, in person, or via postal mail.

ADMINISTRATIVE HEARING OFFICE JURISDICTION

- The Administrative Hearing Office “shall have original jurisdiction to resolve all actions involving alleged violations of the labor and wage laws of the Commonwealth...” 3 CMC § 4942; see *also* NMIAC § 80-20.1-450
- The Administrative Hearing Office has also been designated to preside over PUA appeals of agency determinations.

COMMON COMPLAINTS/CLAIMS DURING THE PANDEMIC

- Unpaid Wages
 - See Minimum Wage and Hour Act, 4 CMC §§ 9211 et. seq.
 - See *also* Resident Workers Fair Compensation Act, 4 CMC §§ 9501 et. seq.
- Employment Preference (3 CMC §§ 4521 et. seq.; NMIAC § 80-20.1-220)
- Unlawful Reduction in Force (3 CMC § 4937; NMIAC § 80-20.1-240)
- PUA Eligibility (See CARES Act, Continued Assistance Act, and UIPLs)

PROCESS

■ Labor Cases

- Pleadings filed
- Referred to Enforcement for Investigation
- Determination Issued by Enforcement
- Prehearing Conference
- Administrative Hearing
- Administrative Order Issued
- Secretary Appeal
- Judicial Review

■ PUA Appeals

- Appeal Filed & Notice of Hearing Issued
- Administrative Hearing
- Decision Issued
- Requests to Reopen
 - If not reopened, Decision issued is Final
 - If reopened, Second Hearing conducted and a Final Agency Decision Issued
- Judicial Review

COMPLAINTS/APPEALS DATA (AS OF JANUARY 31, 2021)

■ 2019 Cases

- 83 Labor Cases filed (56 resolved)
- Remaining 27 pending a hearing scheduled in Feb and March.

■ 2020 Cases

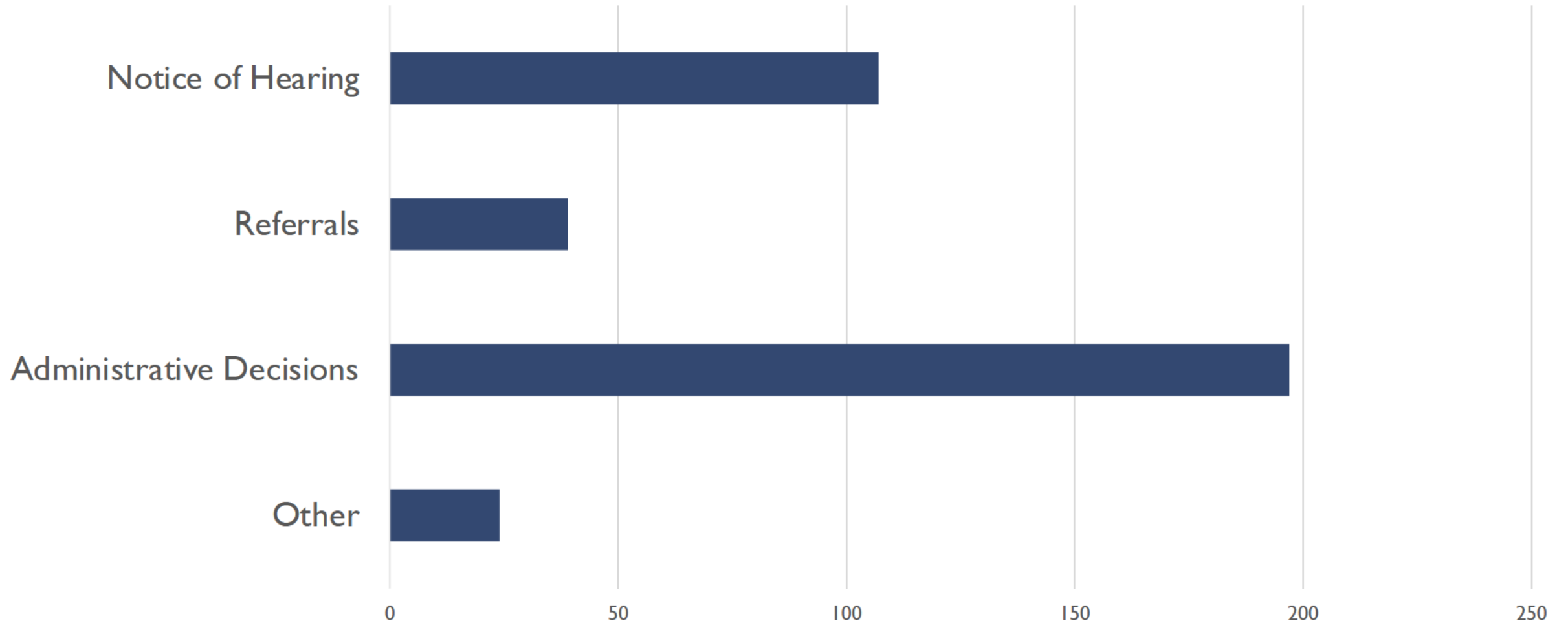
- 44 Labor Cases Filed (20 resolved)
- 43 PUA Appeals (33 resolved)
- 2 Compliance Agency Cases (both resolved)
- 3 Appeals to the Secretary (all resolved)

■ 2021 Cases

- 24 Labor Cases
- 1 Secretary Appeal
- 8 PUA Appeals

ORDERS ISSUED (AS OF JANUARY 31, 2021)

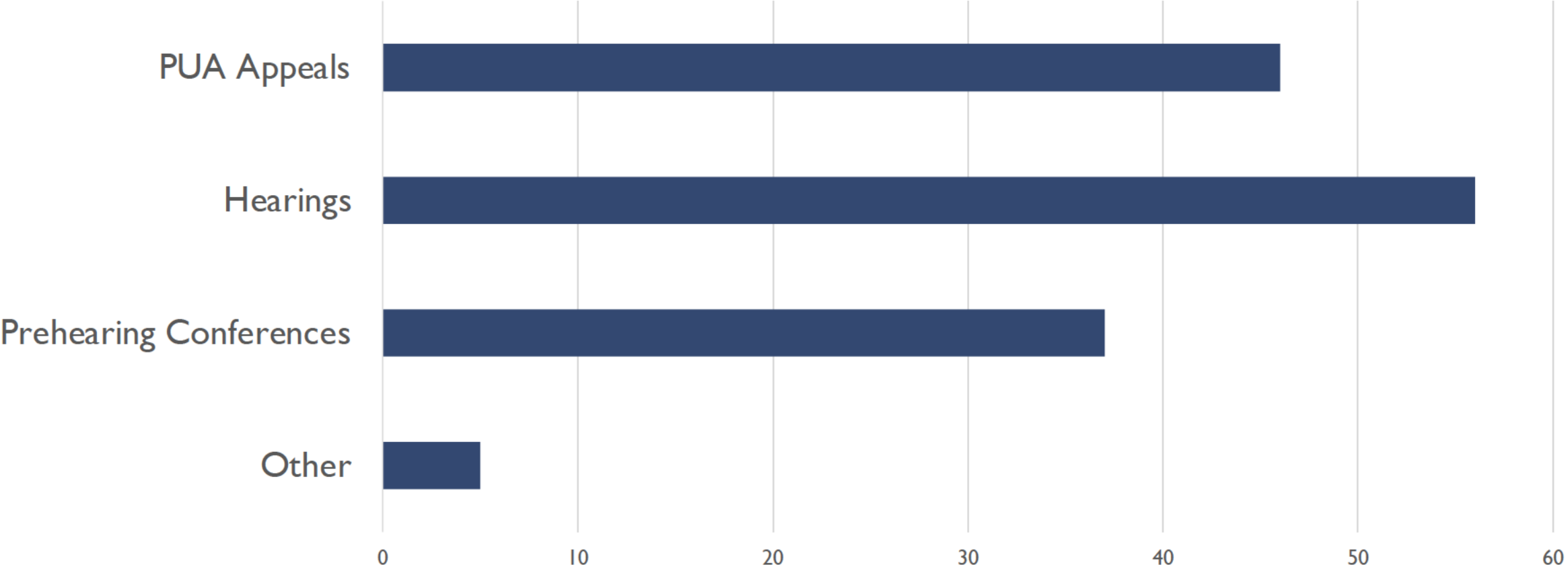
2020





HEARINGS HELD (AS OF JANUARY 31, 2021)

2020



ADMINISTRATIVE HEARING OFFICE RESOURCES

- Department of Labor Laws and Regulations, available at cnmilaw.org
- Unemployment Insurance Program Letters, available on marianaslabor.net
- Administrative Hearing Office Forms and FAQs, available on marianaslabor.net
- Administrative Hearing Office Published Orders, available in the Commonwealth Register and marianaslabor.net

QUESTIONS, COMMENTS, CONCERNS?

CNMI Department of Labor, Administrative Hearing Office

1357 Mednilla Avenue, Capitol Hill

P.O. Box 10007 Saipan, MP 96950

Phone: (670) 664-3293 / 3292 / 3291

Web: www.marianaslabor.net

Email: hearing@dol.gov.mp

CONTINUED ASSISTANCE ACT PROVISIONS FOR THE NORTHERN MARIANA ISLANDS

CHANGES TO THE PANDEMIC UNEMPLOYMENT COMPENSATION PROGRAM (FPUC)
AND THE PANDEMIC UNEMPLOYMENT ASSISTANCE (PUA) PROGRAMS

Colleen Diaz
PUA Program Coordinator

PRESENTATION TOPICS

- I. Summary and background of FPUC and PUA Legislation***
- II. Important Dates under the Continued Assistance Act (CAA)***
- III. New Provisions of the CAA affecting FPUC and PUA***
 1. Phaseout Period
 2. Backdating
 3. Acceptable Documents
 4. Failure to comply
 5. Fraud



SUMMARY & BACKGROUND

The Coronavirus Aid, Relief, and Economic Security (CARES) Act was signed into law on March 27, 2020.

- o Sections 2102 and 2104 created the FPUC and PUA programs.

The Continued Assistance for Unemployed Workers Act of 2020 (Continued Assistance Act) is also referred to as “PUA 2”, was signed into law on December 27, 2020.

This law makes some changes to the FPUC and PUA programs.

FPUC UPDATES FOR PUA 2

May be paid beginning December 27, 2020 to week ending March 13, 2021.

Continued Assistance Act reduces the amount of FPUC payable from \$600 per week to \$300 per week.

The last week payable is the week ending March 13, 2021.

PUA PHASE-OUT

Individuals who receive PUA with the week ending March 13, 2021 may continue to collect any remaining entitlement through the week ending April 10, 2021, provided they are otherwise eligible.

PUA LIMITATIONS ON BACKDATING

- Initial PUA applications filed after December 27, 2020 may not be backdated earlier than December 1, 2020; and can be substantiated with documentation showing that the individual was unemployed, partially unemployed, or unable or unavailable to work because of a COVID-19 related reason listed in Section 2102 of the CARES Act.

ACCEPTABLE DOCUMENTATION

The Employed and Self Employed

- Employer Certification,
- Paycheck stubs showing the employer's name and address,
- W-2 forms when available,
- State or Federal employer identification numbers,
- Business license(s),
- Tax returns,
- Business receipts,
- OR signed affidavits from persons verifying the individual's self-employment

Planned Commencement of Employment

- Letters offering employment,
- Statements/affidavits by individuals (with name and contact information) verifying an offer of employment.
- Business license(s),
- State or Federal employer identification numbers,
- Written business plans,
- Lease agreement
- News paper clippings/advertisement(s) of business

DOCUMENT SUBMISSION DEADLINES

New PUA Claimant

- Individuals filing a new PUA application on or after January 31, 2021 (regardless of whether the claim is backdated), are required to provide documentation within **21 days** of application or the date the individual is directed to submit the documentation by the CNMI Department of Labor, whichever is later.

Continuing PUA Claimant

- Individuals who applied for PUA before January 31, 2021 and receive a payment of PUA on or after December 27, 2020 (regardless of which week ending date is being paid), are required to provide documentation substantiating employment or self-employment, or the planned commencement of employment or self-employment, within **90 days** of application or when directed to submit the documentation by the CNMI Department of Labor, whichever is later.

DOCUMENT SUBMISSION DAYS (PAPER APPLICATIONS)

DAY	SERVICING (Last Name Beginning)
Monday	"A" to "C"
Tuesday	"D" to "H"
Wednesday	"I" to "M"
Thursday	"N" to "R"
Friday	"S" to "Z"

Hours of Operation: Mon - Fri, 8:00 AM to 3:00 PM

FAILURE TO COMPLY

Individuals who do not provide documentation substantiating employment/self-employment (or planned employment/self-employment) within the required timeframe may not be eligible for PUA.

CLAIMANTS MAY BE DISQUALIFIED FROM RECEIVING BENEFITS FOR THE FOLLOWING REASONS:

- 1) **Voluntary Quit Without Good Cause.** If an employee leaves the job, they must be able to show they had compelling reasons and tried reasonable alternatives before quitting.
- 2) **Discharge or Suspension for Misconduct Connected with Work.** If a person was terminated by their employer, the employer must show evidence of misconduct connected with work.
- 3) **Failure to Accept Suitable Work without Good Cause.** If an individual refuses a bona fide job offer of suitable work, the individual must show that they had compelling reasons to do so.
- 4) **Not Able and/or Not Available for Work.** If the employee is not physically able to work and the medical waiver does not apply or not available for work, they may not be entitled to receive benefits until these conditions no longer exist. An employee attached to an employer may be denied benefits if they decline to accept all work offered by their employer or requested time off.
- 5) **Other Unemployment Benefits.** You may not collect UI benefits concurrently under more than one state or federal law.
- 6) **Fraud.** Knowingly making false statements or omitting material facts to obtain benefits.

HOW TO SUBMIT NOTICE(S) OF REFUSAL TO RETURN TO WORK:



Email

- info@puamarianas.com
- bpc.cnmidol@gmail.com

Phone

- PUA Call Center
- 322-8870-74/76-80

In-Person

- Drop off to:
 - Building No. 1356
 - Building No. 1334

JOB SEPARATIONS TERMS

Separation Option	Employment Status	Reason
Laid off for lack of work	Individual is no longer employed	Employee will not be called back to work
Temporary Layoff - Partial Claim	Still employed	Employee is temporarily furloughed or reduced hours
Discharge	No longer employed	Employee was fired
Suspended	Still employed	Employer is withholding work from the employee for disciplinary reasons
Quit	No longer employed	Employee quit

PUA CALL CENTER NUMBERS

322-8870

322-8876

989-9190

322-8871

322-8877

989-9192

322-8872

322-8878

989-9193

322-8873

322-8879

989-9194

322-8874

322-8880



QUESTION AND ANSWER



CNMI DEPARTMENT OF LABOR

- **Office of the Secretary**
 - vicky.benavente@gov.mp
- **Workforce Investment Agency (WIA) or Apprenticeship State Expansion (ASE)**
 - apprenticeship@dol.gov.mp
- **OSHA - On-site Consultation Division**
 - tasaivao@dol.gov.mp
- **Division Of Employment Services**
 - julloalabor@gmail.com
 - e.tebuteb@dol.gov.mp
- **Enforcement & Compliance Section**
 - jtc@dol.gov.mp
- **Benefit Payment Control (BPC) Unit**
 - bpc.cnmidol@gmail.com
- **Administrative Hearing Office (AHO)**
 - hearing@dol.gov.mp
- **Pandemic Unemployment Assistance (PUA) Program**
 - info@puamarianas.com