

TWENTY-FOURTH NORTHERN MARIANAS COMMONWEALTH

LEGISLATURE

IN THE HOUSE OF REPRESENTATIVES

Regular Session, 2025

H. B. 24- 15

A BILL FOR AN ACT

To establish public sector employee and public sector employer relations through organized labor within the Commonwealth; and for other purposes.

BE IT ENACTED BY THE 24TH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE:

1 **Section 1. Title.** This Act may be cited as the “Commonwealth of the
2 Northern Mariana Islands Labor-Management Relations Act.”

3 **Section 2. Findings and Purpose.** The Legislature finds that public sector
4 employees within the CNMI Government has the right to organize and collectively
5 bargain with an organization of their own choosing is protected. It is the purpose of
6 this legislation to promote full communication between public employers and
7 public employees by providing a reasonable method of resolving disputes regarding
8 salaries, wages, hours, and other terms and conditions of employment between
9 public employee organizations and public employers. It is also the purpose of this
10 legislation to promote the improvement of personnel management and employer-
11 employee relations with the various public agencies in the Commonwealth
12 Government by providing a uniform basis for recognizing the right of employees

1 to join organizations of their own choice and be represented by those organizations
2 in their employment relationships with public or private agencies through
3 collective bargaining. This legislation is intended to strengthen public employer-
4 employee relations through the establishment of uniform and orderly methods of
5 communication between public employees and public employers by which they are
6 employed and provide public employees with the right to self-organization; to form,
7 join, or assist employee organizations; to bargain collectively through
8 representatives of their own choosing; and to engage in other concerted activities
9 for the purpose of collective bargaining or other mutual aid or protection.

10 **Section 3. Enactment.** Title 4, Economic Resources, Division 9, Labor is
11 hereby amended to add a new Chapter 10, titled “Labor-Management Relations
12 Act,” that shall read as follows:

13 **“Chapter 10. Labor-Management Relations Act.**

14 **101. Definitions.** As used in this section the term:

15 (a) “Public Employee” shall mean any person holding a position by
16 appointment or employment in classified civil service of a public employer to
17 include probationary or limited-term employees; including employees of
18 municipalities, autonomous agencies, senatorial districts, and other political
19 subdivisions of the Commonwealth.

20 (b) “Public Employer” shall mean (1) the Commonwealth of the
21 Northern Mariana Islands, herein referred to as the “CNMI or Commonwealth,” (2)

1 a municipality, an autonomous agency, a senatorial district, or other political
2 subdivision of the Commonwealth, (3) a school system or any government entity
3 operating a public school, college or university, (4) a public authority, commission,
4 or corporation, public agency, or instrumentality or unit of government which
5 exercises governmental powers under the laws of the Commonwealth.

6 (c) “Employee Organization” shall mean any lawful association,
7 organization, federation, council, or labor union, the membership of which includes
8 public employees, and assists its members to improve their salaries, wages, hours,
9 and terms and conditions of employment.

10 (d) “Mediation” shall mean effort by an impartial third party to assist in
11 the reconciling a dispute regarding salaries, wages, hours, and other terms and
12 conditions of employment between representatives of the public employer and the
13 recognized employee organization or recognized employee organizations through
14 interpretation, suggestion, and advise.

15 (e) “Terms and Conditions of Employment” shall mean salaries, wages,
16 hours, and other terms and conditions of employment, including but limited to
17 health/life/dental/vision insurance, retirement plans or savings account, and other
18 fringe benefits. The terms and conditions of employment shall include discipline
19 and disciplinary procedures.

20 (f) “Recognized Employee Organization” shall mean an employee
21 organization which has been certified as the exclusive representative of an

1 appropriate bargaining unit.

2 **102. Right to Join an Organization.**

3 (a) Public employees shall have the right to form, join, and participate in
4 the activities of employee organizations of their own choosing for the purpose of
5 representation on all matters of employer-employee relations, including salaries,
6 wages, hours, and terms and conditions of employment.

7 (b) The procedures for an employee organization being certified as the
8 exclusive representative of an appropriate bargaining unit include: (1) through
9 documented majority process (card-check) whereby a majority of employees in an
10 appropriate bargaining unit designate an employee organization as their exclusive
11 representative by signing authorization cards, petitions, or other suitable physical
12 evidence to be verified by the CNMI Department of Labor, or (2) through an
13 election by secret ballot to determine the exclusive representative conducted by the
14 CNMI Department of Labor; whenever (1) two or more employee organizations
15 claim to represent at least 30% of employees in an appropriate unit, (2) an employee
16 organization petitions the CNMI Department of Labor for an election showing at
17 least 30% of employees in an appropriate unit wish to be represented by the
18 petitioner, or (3) at least 30% of employees in a bargaining unit allege that the
19 exclusive representative no longer represents a majority of the employees. If the
20 employee organization receives a majority vote cast in an election, that employee
21 organization will be deemed the exclusive representative of the appropriate

1 bargaining unit. In an election in which two or more employee organizations are on
2 the ballot, if no choice receives a majority of the votes, there will be a run-off
3 election between the two choices that receive the most votes.

4 **103. Exercise of Lawful Action as Elected, Appointed, or Recognized**
5 **Representative of any Employee Bargaining Unit.** No public employee shall be
6 subject to punitive or adverse action, such as termination, suspension, discipline,
7 demotion, retaliation, subject to a hostile working environment, loss of wages or
8 benefits, or denial of promotion, or threatened with any such action, for engaging
9 in self-organization; forming, joining, or assisting employee organization(s);
10 bargaining collectively through representatives of their own choosing; or engaging
11 in other concerted activities for the purpose of collective bargaining or other mutual
12 aid or protection.

13 **104. Representation of Members; Membership Admission and**
14 **Dismissal Regulations; Right to Personal Appearance.** Recognized employee
15 organizations shall have the right to represent their members in their employment
16 relations with public agencies through collective bargaining. Employee
17 organizations may establish reasonable restrictions regarding who may join and
18 may make reasonable provisions for the dismissal of individuals from membership.

19 **105. Scope of Representation.** The scope of representation shall include
20 all matters relating to employment conditions and employer-employee relations,
21 including, but not limited to, salaries, wages, hours, and other terms and conditions

1 of employment.

2 **106. Notice of Proposed Act relating to matters within Scope of**
3 **Representation; Meeting; Emergencies.**

4 (a) Except in cases of emergency as provided in this section, the governing
5 body of a public employer, and boards and commissions designated by law or by
6 the governing body of a public employer, shall be give reasonable written notice to
7 each recognized employee organization affected by any ordinance, rule, resolution,
8 or regulation directly relating to matters with the scope of representation proposed
9 to be adopted by the governing body or the designated boards and commissions and
10 shall give the recognized employee organization the opportunity to meet with the
11 governing body or the boads or commissions prior to the implementation of any
12 such ordinance, rule, resolution, or regulation. No ordinance, rule, resolution, or
13 regulation shall conflict with this section or any collective bargaining agreement.

14 (b) In cases of emergency when the governing body or the designated
15 boards or commissions determine that an ordinance, rule, resolution, or regulation
16 must be adopted immediately without prior notice or meeting with a recongnized
17 employee organization, and provided that the ordinance, rule, resolution, or
18 regulation does not conflict with this section or any collective bargaining
19 agreement, the governing body or the boards or commissions shall provide notice
20 and opportunity to meet at the earliest practical time following the adoption of the
21 ordinance, rule, resolution, or regulation.

1 **107. Conferences; Meet and Negotiate in Good Faith.** The governing
2 body of a public employer, or such boards, commissions, administrative officers or
3 other representatives as may be properly designated by law or by such governing
4 body, shall meet and negotiate in good faith regarding salaries, wages, hours, and
5 other terms and conditions of employment with representatives of such organized
6 employee organizations. “Meet and Negotiate in Good Faith” shall mean that a
7 public employer or such representatives as it may designate, and representatives of
8 recognized employee organizations or such representatives as it may designate,
9 shall have the mutual obligation personally to meet and confer promptly upon
10 request by either party and continue for such reasonable period of time in order to
11 exchange freely information, opinions, and proposals, and to endeavor to reach an
12 agreement on matters with the scope of representation prior to the adoption by the
13 public employer of its final budget for the ensuing year. The process should include
14 adequate time for the resolution of impasses as set forth in this section.

15 **108. Memorandum of Agreement.** If an agreement is reached by the
16 representatives of the public employer and a recognized employee organization(s),
17 they shall jointly prepare a written memorandum of such understanding or tentative
18 agreement, which shall not be binding, and present it to the members of the employee
19 organization for ratification. The memorandum of understanding or tentative
20 agreement shall become binding after ratification by a majority of the employee
21 organization’s members and thereafter shall be signed by at least one representative

1 from the employee organization and one representative from the public employer.

2 **109. Time Off Allowances to Employee Representatives.** Public
3 employers shall allow a reasonable number of public employee representatives of
4 recognized employee organizations reasonable time off without loss of
5 compensation or other benefits when formally meeting and conferring with
6 representatives of the public employer on matters with the scope of representation.

7 **110. Mediation; Appointment of Mediator; Costs.** If, after a reasonable
8 period, representatives of the public employer and the recognized employee
9 organization fail to reach an agreement, the public employer and the recognized
10 employee organization shall appoint a mediator mutually agreeable to the parties.
11 Mediation shall be scheduled promptly after selection of the mediator.

12 **111. Impasse.** If, after the mediation procedures in Section 12 have been
13 exhausted, and an impasse remains between the parties, the public employer and
14 the employee organization shall submit the outstanding issues to compulsory, final
15 and binding interest arbitration.

16 **112. Interest Arbitration.**

17 (a) Within ten (10) days after the mediation procedures in Section 12 have
18 been exhausted, each party shall select one arbitrator of their choosing, and these
19 two arbitrators shall select a third neutral arbitrator within five (5) days of their
20 selection. The arbitrators shall invoke fact-finding with recommendation for
21 settlement of all issues in dispute unless the parties reach a voluntary settlement

1 prior to the issuance of the fact-finders' report and recommended terms of
2 settlement. Fact-finding shall be limited to those issues that are within the required
3 scope of negotiations unless the parties to the fact-finding agree to fact-finding on
4 permissive subjects of negotiation. Throughout formal arbitration proceedings, the
5 chosen arbitrators may mediate or assist the parties in reaching a mutually
6 agreeable settlement on some or all of the issues.

7 (b) At the conclusion of the arbitration hearings, the arbitration panel shall
8 direct each of the parties to submit, with such time limit as the panel may establish,
9 a last offer of settlement on each of the issues in dispute. The arbitration panel shall
10 decide each issue by majority vote by selecting whichever last offer of settlement
11 on that issue it finds most nearly conforms with those factors listed below in Section
12 14(c).

13 (c) The arbitrators shall decide the dispute based on a reasonable
14 determination of the issues, giving due weight to those factors listed below that are
15 judged relevant for the resolution of the specific dispute. In the award, the panel of
16 arbitrators shall indicate which of the factors are deemed relevant, satisfactorily
17 explain why the others are not relevant, and provide an analysis of the evidence on
18 each relevant factor:

19 (1) the interests and welfare of the public and the financial ability of
20 the Commonwealth to finance the cost items proposed by each party to the impasse;

21 (2) the overall compensation presently received by the public

1 employees, including direct wage compensation, vacation, holidays and excused
2 time, insurance and pensions, medical and hospitalization benefits, the continuity
3 and stability of employment, and all other benefits received;

4 (3) comparison of salaries, wages, hours, and conditions of
5 employment of the employees involved in the arbitration proceedings with the
6 salaries, wages, hours, conditions of employment of other employees performing
7 the same or similar services and with other employees generally in public
8 employment;

9 (4) stipulations of the parties;

10 (5) the lawful authority of the public employer;

11 (6) statutory restrictions on the public employer;

12 (7) the cost of living;

13 (8) the continuity and stability of employment including seniority
14 rights and such other factors not confined to the foregoing which are ordinarily or
15 traditionally considered in the determination of salaries, wages, hours, and
16 conditions of employment through collective negotiations and collective bargaining
17 between the parties; and

18 (9) such other factors not confined to the foregoing, which are
19 normally and traditionally taken into consideration in the determination of salaries,
20 wages, hours, terms and conditions of employment through collective bargaining,
21 mediation, fact-finding, arbitration or otherwise between the parties.

1 (d) The decision of the panel of arbitrators shall be final and binding on the
2 parties and shall include an opinion and an award. The arbitrators shall have a
3 period of sixty (60) days from the termination of the hearing in which to submit
4 their decision to the parties.

5 (e) Costs of interest arbitration shall be divided one-half to the public
6 employer and one-half to the recognized employee organization.

7 **113. Global Amendments (Firefighters).**

8 (a) Definition Alignment:

9 Any government agency, instrumentality, or independent program in the
10 Commonwealth employing firefighters shall define a "firefighter" as an employee
11 engaged in fire protection activities as defined in 29 U.S.C. §§ 203 (c), (x), and (y)
12 (1) and (2) and 29 C.F.R. § 553.230.

13 (b) FLSA Compliance:

14 To ensure compliance with the Fair Labor Standards Act (FLSA), all
15 firefighters employed by the CNMI Government, including those under the
16 Department of Fire and Emergency Medical Services (DFEMS) and
17 Commonwealth Ports Authority Aircraft Rescue and Firefighting (CPA ARFF),
18 shall be subject to the provisions of 29 U.S.C. § 207(k) and 29 C.F.R. § 553.230.
19 Firefighter personnel shall work a minimum 53-hour workweek and 106-hours per
20 pay period, with a work period of no fewer than 7 consecutive days and no more

1 than 28 consecutive days, in accordance with federal labor standards for fire
2 protection and emergency medical services personnel.

3 (c) Emergency Essential Designation:

4 Firefighters shall be designated as key and emergency essential personnel
5 and shall perform essential emergency functions in response to natural disasters,
6 man-made emergencies, or other catastrophic events. Their designation as
7 emergency essential employees shall ensure their availability for deployment
8 during emergencies at the Local, State, and Federal levels and shall enable the
9 Commonwealth to seek full federal reimbursement for all firefighter operational
10 expenditures incurred during such events.

11 (d) Recognition of Collective Bargaining Representative:

12 Firefighters who are active, dues-paying members of the International
13 Association of Fire Fighters (IAFF) and are in good standing under Northern
14 Marianas Professional Firefighters Union (NMPFU) IAFF-Local 5335 shall be
15 recognized as members of the sole and exclusive bargaining representative for
16 firefighters employed by the Commonwealth. The CNMI Government shall
17 acknowledge this representation in all matters related to collective bargaining,
18 wages, benefits, and employment conditions.”


19 **Section 4. Severability.** If any provisions of this Act or the application of
20 any such provision to any person or circumstance should be held invalid by a court
21 of competent jurisdiction, the remainder of this Act or the application of its

1 provisions to persons or circumstances other than those to which it is held invalid
2 shall not be affected thereby.

3 **Section 5. Savings Clause.** This Act and any repealer contained herein
4 shall not be construed as affecting any existing right acquired under contract or
5 acquired under statutes repealed or under any rule, regulation, or order adopted
6 under the statutes. Repealers contained in this Act shall not affect any proceeding
7 instituted under or pursuant to prior law. The enactment of the Act shall not have
8 the effect of terminating, or in any way modifying, any liability, civil or criminal,
9 which shall already be in existence on the date this Act becomes effective.

10 **Section 6. Effective Date.** This Act shall take effect upon its approval by
11 the Governor, or its becoming law without such approval.

Prefiled: 3/18/2025

Date: _____ Introduced by: 
Rep. Blas Jonathan "BJ" T. Attao

Reviewed for Legal Sufficiency by:

 3/18/2025
House Legal Counsel 