



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Eloy S. Inos
Governor

Jude U. Hofschneider
Lieutenant Governor

EXECUTIVE ORDER NO. 2013-17

SUBJECT: DECLARATION OF EXECUTIVE REORGANIZATION OF THE WORKFORCE INVESTMENT AGENCY UNDER THE DEPARTMENT OF LABOR

AUTHORITY: "The Governor may make changes in the allocation of offices, agencies and instrumentalities and in their functions and duties that are necessary for efficient administration." CNMI Constitution, Article III, Section 15.

WHEREAS, Section 15 of Article III of the CNMI Constitution empowers the Governor to make changes to the allocation, functions, and duties of offices, agencies, and instrumentalities of the executive branch necessary for efficient administration; and

WHEREAS, the Workforce Investment Agency ("WIA") is currently under the Office of the Governor;

WHEREAS, the Department of Labor ("DOL") has a Division of Employment Services under its department wherein its mission is to increase its ability to encourage and locate private sector employment for Commonwealth residents;

WHEREAS, the purpose of WIA is to increase the employment, retention, and earnings of participants, and increase occupational skill attainment by the participants, and as a result, improve the quality of the workforce, reduce welfare dependency and enhance the productivity and competitiveness of the local workforce;

WHEREAS, the services and mission of WIA and the Division of Employment Services of DOL are similar and oftentimes overlap;

WHEREAS, transferring WIA to DOL reduces duplication of duties and decreases confusion by employment applicants as to where to seek guidance and assistance; and

WHEREAS, WIA must comply with applicable federal laws and regulations in order to receive funding;

NOW, THEREFORE, I, Eloy S. Inos, Governor of the Commonwealth of the Northern Mariana Islands, pursuant to the powers vested in me by the Constitution of the Commonwealth of the Northern Mariana Islands, do hereby,

DECLARE that the efficient administration of employment services for the residents of the Commonwealth necessitates the transfer of WIA from the Office of the Governor to the Department of Labor.

ORDER that, pursuant to my constitutional reorganization powers:

1. WIA shall be transferred from the Office of the Governor to DOL and shall be a new division under DOL.

2. All records and property (real or personal) of WIA and all the personnel used in the administration of WIA are hereby transferred to DOL and shall be accounted for and segregated in a manner that complies with applicable federal laws and regulation. All personnel transferred pursuant to this Executive Order shall maintain their current positions and status in the classified civil service or in the excepted service, if applicable and as the case may be. The Director of Personnel Management shall ensure an orderly transfer of personnel.

3. The unexpended balances of appropriations, allocations, allotments, or other funds available for the use of WIA on the effective date of the transfer are transferred to DOL on the effective date of this transfer and shall be accounted for and segregated in a manner that complies with applicable federal laws and regulation. In the transfer of such funds, an amount may be included for the liquidation of obligations incurred prior to the transfer. Subsequent to the transfer, WIA's operations shall be reflected in the annual budget of DOL.

4. DOL shall ensure that WIA operates in a manner consistent with all applicable federal laws and regulations. Further, the State Workforce Investment Board shall remain intact and continue to carry out its enumerated functions and duties.

PROVIDE that all rules, orders, contracts and agreements relating to the assigned functions and governance of WIA lawfully adopted prior to the effective date of this Executive Order shall continue to be effective until revised, amended, repealed or terminated.

PROVIDE that if any provision of this Executive Order or the application of any such provision to any person or circumstance should be held invalid by a court of competent jurisdiction, the remainder of this Executive Order or the application of its provisions to persons or circumstances other than those to which it is held invalid shall not be affected thereby.

PROVIDE that in accordance with the Constitution, this plan shall become effective sixty days after submission to the Legislature, unless specifically modified or disapproved by a majority of the members of each house of the Legislature, provided,

that in case it shall appear to the Governor that the interest of economy or efficient management require that the transfer be delayed beyond the date this plan becomes effective, the Governor may, in his discretion, fix a later date therefore, and he may for like cause further defer such date from time to time.

SIGNED AND PROMULGATED on this 1st day of August 2013.

A handwritten signature in black ink, appearing to read 'ELOY S. INOS', is written over a horizontal line. The signature is stylized with a vertical stroke on the left and a wavy, horizontal stroke on the right.

ELOY S. INOS
Governor