

**GOOD AFTERNOON MR. CHAIRMAN,** AND OTHER DISTINGUISHED MEMBERS OF THE COMMITTEE ON FINANCE. MY NAME IS **PIERINA JACOBS-FELDMAN**, I AM THE CHAIRMAN TO THE VIRGIN ISLANDS PUBLIC EMPLOYEES RELATIONS BOARD, ALSO KNOWN AS "PERB."

**I WOULD FIRST LIKE TO RECOGNIZE** THE CURRENT BOARD MEMBERS: AUBREY A. LEE, PAST CHAIRMAN; RODNEY MOOREHEAD, AND OMAR BU HENRY, WHO ARE SEATED IN THE AUDIENCE; AND, FREDERICK JOSEPH, WHO WAS UNABLE TO BE HERE WITH US TODAY.

**SEATED WITH ME ARE:** EXECUTIVE DIRECTOR, **ZANDRA E. PETERSEN**; LEGAL COUNSEL, **LARRY RAYMOND-ROY**, AND **ESTHER DONELLY**, OUR FISCAL MANAGER AND HUMAN RESOURCES REPRESENTATIVE.

I ALSO TAKE THIS OPPORTUNITY TO **RECOGNIZE OTHER MEMBERS OF THE STAFF, SEATED IN THE AUDIENCE:** SONIA HENRY, LEGAL ASSISTANT; MYKA CALLENDAR-SMITH, SENIOR COURT REPORTER AND KYAA BARRY, COURT REPORTER /ADMINISTRATIVE OFFICER, AND ALSO SOME MEMBERS OF THE STAFF WHO ARE MANNING THE OFFICES AND VIEWING THIS HEARING. I WOULD LIKE TO SAY A SPECIAL THANK YOU TO ALL THE STAFF, WHO HAVE WELCOMED ME WITH OPEN ARMS, ESPECIALLY, MS. PETERSEN AND ATTORNEY ROY. I ALSO COMPLIMENT ALL WHO HAVE ASSISTED IN COMPILING THE INFORMATION BEING PRESENTED TO YOU TODAY.

**MY WRITTEN PRESENTATION IS LOCATED BEHIND TAB ONE (1) OF YOUR HANDBOOK.** IN MY BRIEF PRESENTATION, I WILL PROVIDE YOU WITH **AN OVERVIEW** OF NEW BOARD MEMBERS TRANSITION AND TRAINING, **AND AN OVERVIEW** OF THE HISTORY AND THE MISSION OF THE PERB.

FOLLOWING MY PRESENTATION, **MS. PETERSEN** WILL PROVIDE INFORMATION REGARDING THE PERB'S FISCAL YEAR 2017 RECOMMENDED BUDGET, INCLUDING HIGHLIGHTS OF OUR ACCOMPLISHMENTS DURING FY 2016 TO DATE, AND OUR GOALS FOR FISCAL YEAR 2017.

**SENATORS, I AM EXCITED TO INFORM YOU THAT THE PERB WON FIRST PLACE IN THE 10,000 STEPS-A-DAY PROGRAM THIS YEAR.** WE PROUDLY DISPLAY OUR TROPHY TODAY THAT WAS PRESENTED BY THE DIVISION OF PERSONNEL. THE TOP THREE STAFF MEMBERS ARE: **JOEL DORSETT, AZALEA MACEDON, AND SONIA HENRY.** CONGRATULATIONS! TO THE OTHER DEPARTMENTS, I SAY, **BETTER LUCK NEXT YEAR!**

**I AM ALSO PROUD TO SHARE** WITH YOU THAT ATTORNEY ROY AND MS. PETERSEN RECENTLY RECEIVED **FULL SCHOLARSHIPS** FROM THE NATIONAL JUDICIAL COLLEGE TO ATTEND A COURSE ENTITLED; **FINANCIAL STATEMENTS IN THE COURTROOM.** WITH THE KNOWLEDGE THEY GAINED, THE INFORMATION WILL CERTAINLY ASSIST THE BOARD MEMBERS WITH THE

DECISION MAKING PROCESS, ESPECIALLY THOSE THAT INCLUDE FINANCIAL MATTERS. WE THANK THE COLLEGE FOR THEIR GENEROUS CONTRIBUTION.

**NOW TO ADDRESS OTHER FINANCIAL MATTERS**, SPECIFICALLY RELATING TO PERB'S FY 2017 BUDGET RECOMMENDATION. IN REVIEW OF THE SUPPORTING DOCUMENTATION PROVIDED, I NOTED THAT PERB'S RENTAL COSTS FOR ST. THOMAS WAS SIGNIFICANTLY HIGHER THAN THAT OF ST. CROIX. I IMMEDIATELY REALIZED THAT WE NEEDED TO MAKE SOME ADJUSTMENTS. THEREFORE, I AM PLEASED TO REPORT THAT I HAVE RECENTLY ENTERED INTO NEGOTIATIONS WITH B&W REALTY, TO DISCUSS AN ADJUSTMENT FOR THE RENTAL COSTS FOR THE PERB OFFICE SPACES LOCATED IN THE NISKY CENTER BUILDING. BASED ON OUR DISCUSSIONS, **I FEEL CONFIDENT** THAT A FAVORABLE ADJUSTMENT WILL BE REFLECTED IN OUR NEW LEASE, WHICH WILL BE IN EFFECT ON JULY 1, 2016.

#### **NEW BOARD MEMBERS TRANSITION/TRAINING**

I WOULD LIKE TO APPRAISE YOU ABOUT THE TRANSITION THAT MR. JOSEPH AND I HAVE HAD THUS FAR INTO OUR NEW ROLE WITH THE PERB. IN FEBRUARY 2016, ALL BOARD MEMBERS RECEIVED TRAINING PRESENTED BY ATTORNEYS JOHN AND DIANE COCHRAN ON THE PERB PROCESS, ITS ROLES AND RESPONSIBILITIES, AND DECISION MAKING. IT WAS QUITE INFORMATIVE AND ENLIGHTENING. IN ADDITION, WE HAVE BOTH ATTENDED HEARINGS, AND BOARD MEETINGS AND I HAVE SAT-IN ON A FEW MEDIATIONS.

**TO FURTHER MY UNDERSTANDING IN LABOR RELATIONS**, I HAVE ATTENDED THE FOLLOWING TRAINING CONFERENCES:

- THE NATIONAL ASSOCIATION OF HEARING OFFICIALS;
- THE LABOR LAW & LABOR ARBITRATION INSTITUTE;
- THE NATIONAL PUBLIC EMPLOYER LABOR RELATIONS ASSOCIATION, WHERE I ALSO PARTICIPATED IN A COURSE ENTITLED, "THE FOUNDATION OF LABOR RELATIONS".
- AND, ALL BOARD MEMBERS ATTENDED THE RECENT PERB ADMINISTRATIVE HEARING PROCESS AND INTRODUCTION TO MEDIATION SEMINAR HELD IN APRIL 2016 ON ST. CROIX.

**FROM THE INFORMATION WE RECEIVED** FROM THESE PROGRAMS, I CAN TRUELY ATTEST THAT BOTH MR. JOSEPH AND I HAVE BEEN "BAPTIZED BY FIRE" AND NOW HAVE AN EXCELLENT UNDERSTANDING ON PERB'S ROLES AND RESPONSIBILITIES. WE EAGERLY LOOK FORWARD TO ATTENDING ADDITIONAL CONTINUING EDUCATION PROGRAMS IN THE NEAR FUTURE.

**FINALLY**, IN ADDITION TO THESE PROGRAMS, BOARD MEMBERS REVIEW THE VAST AMOUNT OF DOCUMENTATION SUBMITTED FROM THE PARTIES, AND WE READ AND REVIEW CASES THAT ARE PRESENTED TO THE BOARD AT BOARD MEETINGS AND DURING EXECUTIVE SESSIONS. THIS IS NECESSARY SO THAT WE CAN MAKE A **FAIR AND JUST DECISION IN ACCORDANCE WITH THE LAWS**. SENATORS, MR. JOSEPH AND I CERTAINLY HAVE A NEW APPRECIATION OF THE TREMENDOUS WORK THAT THE PERB ACCOMPLISHES ON A DAILY BASIS.

#### **HISTORICAL OVERVIEW OF THE PERB**

NOW TO BRIEFLY REVIEW WITH YOU THE JURISDICTION OF THE PERB, AND ITS RESPONSIBILITIES, AS ESTABLISHED **ON JUNE SECOND 1980, IN ACT 4440**, ENACTED BY THE THIRTEENTH LEGISLATURE OF THE VIRGIN ISLANDS.

AS A RESULT OF THIS ACT, THE COLLECTIVE BARGAINING LAWS WERE BROADENED AND THIS RESPONSIBILITY WAS VESTED TO THE PERB AS A **SEPARATE, INDEPENDENT BOARD OF THE GOVERNMENT OF THE VIRGIN ISLANDS**. AS SUCH, THE PERB IS THE PRIMARY RECOURSE FOR GOVERNMENT EMPLOYEES AND MANAGERS; INCLUDING, THE INDEPENDENT INSTRUMENTALITIES SUCH AS, THE VIRGIN ISLANDS WATER AND POWER AUTHORITY, VIRGIN ISLANDS PORT AUTHORITY, AND THE HOSPITALS, TO ADDRESS LABOR MATTERS.

**IN ACCORDANCE WITH ACT 4440**, THE PERB SHALL BE COMPRISED OF **FIVE (5) MEMBERS**, APPOINTED BY THE GOVERNOR, WITH THE ADVICE AND CONSENT OF THE LEGISLATURE. **TWO (2) OF THE MEMBERS** SHALL HAVE EXPERIENCE INVOLVING LABOR RELATIONS, ON BEHALF OF LABOR; **TWO (2) MEMBERS** SHALL HAVE EXPERIENCE INVOLVING LABOR RELATIONS, ON BEHALF OF MANAGEMENT, AND **THE FIFTH MEMBER SERVES AS CHAIRMAN** TO THE PERB.

THE ACT ALSO REQUIRES THAT NOT LESS THAN TWO (2) MEMBERS REPRESENT THE DISTRICT OF **ST. CROIX** AND NOT LESS THAN TWO (2) MEMBERS REPRESENT THE DISTRICT OF **ST. THOMAS/ST. JOHN**. ALSO, THE PERB SHALL HAVE AN **EXECUTIVE DIRECTOR**.

#### **THE MISSION OF THE PERB**

**IN ACCORDANCE WITH ACT 4440**, THE MISSION OF THE PERB IS TO PROVIDE FOR AN ORDERLY AND CONSTRUCTIVE RELATIONSHIP BETWEEN PUBLIC EMPLOYERS AND THEIR EMPLOYEES, AND UNION REPRESENTATIVES, IN A **NEUTRAL ENVIRONMENT**.

**PERB'S JURISDICTION**

THROUGH ENABLING LEGISLATION, **PERB'S JURISDICTION AND AUTHORITY** IS TO HANDLE CERTAIN TYPES OF CASES FILED BY EMPLOYEES OF THE GOVERNMENT OF THE VIRGIN ISLANDS. THESE CASES ARE FILED PURSUANT TO **TITLE 3 OF THE VIRGIN ISLANDS CODE, CHAPTER 25, SECTIONS 530 AND 531, AND TITLE 24 OF THE VIRGIN ISLANDS CODE, CHAPTER 14, WHICH IS ALSO KNOWN AS THE PUBLIC EMPLOYEE LABOR RELATIONS ACT.**

**GIVEN THESE LAWS, PERB FUNCTIONS AS AN IMPARTIAL ADMINISTRATIVE AGENCY,** WHEREAS, THE BOARD MEMBERS SERVE AS FACT FINDERS AND MAKE DECISIONS ABOUT CASES BASED **SOLELY** ON THE LAW, PUBLIC POLICY, AND PRECEDENTS. **THE PERB DOES NOT GIVE ADVICE OR ADVOCATE ON BEHALF OF ANYONE.** WHEN PERB DECISIONS ARE APPEALED, PERB'S LEGAL COUNSEL DEFENDS THE PERB'S RULING IN THE **SUPERIOR COURT OF THE VIRGIN ISLANDS.** AS OF MAY 31<sup>ST</sup>, THE PERB IS A PARTY IN **32 COURT CASES, 31** OF WHICH ARE PENDING BEFORE THE SUPERIOR COURT OF THE VIRGIN ISLANDS, AND **1** BEFORE THE DISTRICT COURT OF THE VIRGIN ISLANDS. PLEASE NOTE THAT THESE NUMBERS ARE INCLUSIVE OF CASES FILED IN PREVIOUS YEARS.

**MY FINAL COMMENT REGARDING THE MISSION OF THE PERB** IS TO REMIND THIS BODY, AND THE LISTENING PUBLIC, THAT THE PERB IS THE **ONLY** AGENCY TO ADDRESS AND RESOLVE COMPLAINTS, CONFLICTS, AND GRIEVANCES, IN LABOR RELATION MATTERS, THAT **DIRECTLY** AFFECT OUR GOVERNMENT EMPLOYEES.

**IN CLOSING, MR. CHAIRMAN AND OTHER DISTINGUISHED SENATORS, MEMBERS AND STAFF OF THE PERB, GOVERNOR KENNETH E. MAPP, AND THE LISTENING AUDIENCE,** I TAKE THIS OCCASION TO GRACIOUSLY EXTEND MY APPRECIATION FOR ALLOWING ME THE OPPORTUNITY TO SERVE AS CHAIRMAN OF THE PERB. IT IS INDEED AN HONOR AND CERTAINLY A PRIVILEGE THAT I DO NOT TAKE LIGHTLY. IT HAS TRULY BEEN A PLEASURE TO WORK WITH THE PAST CHAIR, AUBREY LEE AND BOARD MEMBERS, MOOREHEAD, HENRY AND JOSEPH. AND OF COURSE, TO ALSO WORK WITH SUCH KNOWLEGABLE AND EXPERIENCED WOMEN AS EXECUTIVE DIRECTOR, ZANDRA PETERSEN AND LEGAL COUNSEL, LARRY RAYMOND-ROY. IT IS NOT ONLY A JOY, IT'S A BLESSING! ALL IN ALL THE PERB IS COMPOSED OF A TEAM OF HIGHLY PROFESSIONAL, DEDICATED, AND COMPETENT INDIVIDUALS AND THEY SHOULD DEFINITELY BE COMMENDED FOR THE EXCEPTIONAL WORK THAT THEY DO.

**THANK YOU FOR YOUR ATTENTION.** MS. PETERSEN WILL NOW FOLLOW.