

COMMITTEE ON GOVERNMENT SERVICES, VETERANS  
AND CONSUMER AFFAIRS

**BILL NO. 31-0176**

**Thirty-first Legislature of the Virgin Islands**

**August 17, 2015**

An Act amending title 3 Virgin Islands Code, chapter 25 adding subchapter IVa enacting the Virgin Islands Public Officials Compensation Act

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**PROPOSED BY:** Senator Terrence “Positive” Nelson

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1 *Be it enacted by the Legislature of the Virgin Islands:*

2       **SECTION 1.** Title 3 Virgin Islands Code, chapter 25 is amended by adding  
3 subchapter IVa.

4       **“Subchapter IVa Virgin Islands Public Officials Compensation Commission**

5       This subchapter may be cited and referred to as the Public Officials Compensation  
6 Commission Act.

7       **§541. Definitions.** In this subchapter the terms have the meanings under this  
8 section unless the context determines otherwise:

9       (a)    “*Commission*” means Public Officials Compensation Commission as  
10 established in section 542 of this subchapter.

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1           (b)     “*Government*” means the three branches of the Government of the Virgin  
2 Islands.

3           (c)     “*Government Officials*” includes the members of the Legislature, the  
4 Governor, members of the Governor’s Cabinet, including all commissioners and directors  
5 of government agencies, the Lieutenant Governor, the Attorney General, Chief Justice of  
6 the Supreme Court, judges of the Supreme Court, Presiding Judge of the Superior Court,  
7 judges of the Superior Court, Chief Magistrate, magistrate judges, senators of the  
8 Legislature of the Virgin Islands, and all elected officials who in the Virgin Islands who  
9 receive remuneration.

10          (d)     “*Remuneration*” includes the salaries, emoluments, mileage, per diem,  
11 travel, incidental benefits awarded for employment and other expense allowances and  
12 reimbursements of government employees and officers.

13           **§542.** (a) The Virgin Islands Compensation Commission is established within the  
14 Division of Personnel for budgetary purposes only.

15          (b)     The Commission is composed of nine members, none of whom is an official  
16 or employees of the Government of the Virgin Islands or any department agency or  
17 political subdivision thereof, with the exception of the University of the Virgin Islands.  
18 The governor, the president of the Legislature and the chief justice of the Supreme Court  
19 shall each appoint three members.

20          (c)     Beginning January 15, 2016, and every four years thereafter, members  
21 appointed shall serve until the Commission has submitted its final report under section 543.

22          (d)     No member of the commission is eligible for appointment to public office  
23 so long the member is a member of the commission and for two years thereafter.

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1           (e)     The governor shall call the first meeting of the Commission for the purpose  
2 of organization. At this meeting, the Commission shall select from its membership a  
3 chairperson, a vice-chairperson, and a secretary to serve for the duration of the term of the  
4 Commission.

5           (f)     A majority of the commission members constitute a quorum to transact  
6 business. The affirmative vote of five members is required to approve the commission's  
7 recommendations as compensation.

8           (g)     Any vacancy in the membership shall be filled in the manner in which the  
9 original appointment was made.

10          (h)     The members of the commission shall serve without compensation, but  
11 must be reimbursed for travel and subsistence expenses, but the expenses must be approved  
12 by the chairperson. The costs and expenses of the Commission must be paid from the funds  
13 appropriated by the Legislature.

14          (i)     The Division of Personnel shall provide the Commission with such staff as  
15 is necessary to perform its functions and shall provide record-keeping facilities and other  
16 facilities as needed.

17          **§543.** (a) Beginning in January 15, 2016 and every four years thereafter, the  
18 governor shall convene a Commission to conduct a review of the salaries, expense  
19 allowances, and other emoluments of the governor, the lieutenant governor, member of the  
20 Governor's cabinet, including all commissioners and directors of government agencies,  
21 justices and magistrates of the Superior Court, judges of the Supreme Court, senators of  
22 the Legislature, and the Inspector General of the Virgin Islands. The Commission shall  
23 make the review for the purpose of determining and providing the pay levels appropriate  
24 to the duties and responsibilities of the respective offices and positions subject to such  
25 review. The Commission may hold public hearing to aid it in its work.

1           (b) In determining the compensation for each office, the Compensation  
2 Commission shall consider the following factors:

3           (1) The amount of compensation needed to attract and retain qualified,  
4 experienced and competent person;

5           (2) The amount of compensation paid in government service and the private  
6 sector to persons with similar qualifications;

7           (3) The average consumer prices commonly known as the cost of living;

8           (4) The increase or decrease of median household income of Virgin Islands  
9 households and other economic indicators;

10          (5) The overall compensation presently received by the public officials and all  
11 other benefits received;

12          (6) The interests and welfare of the public and the financial ability of the  
13 Territory to meet those costs;

14          (7) Such other factors, not confined to the foregoing which are normally or  
15 traditionally taken into consideration in the determination of such compensation, and

16          (8) Any other factors the commission may consider to be reasonable,  
17 appropriate and in the public interest.

18          **§544.** (a) The Commission shall submit to the governor, the president of the  
19 Legislature, and the chief justice of the Supreme Court, no later than May 1, of the fourth  
20 year of each term of the Commission a report of the results of the review conducted by the  
21 Commission of the offices and positions subject to this chapter, together with its  
22 recommendations. The Commission shall file the written report notwithstanding a  
23 determination by the commission that no compensation increase or decrease is  
24 recommended. The compensation of a judge may not be diminished during the judge's  
25 official term.

1 (b) Any Commission member who does not concur in the proposed or final  
2 recommendations may attach written objections to the Commission's report or its findings  
3 and recommendations.

4 §545. The term of each Commission expires upon submission of the  
5 recommendations. The governor, the president of the Legislature and the chief justice of  
6 the Supreme Court shall appoint members to on the next Commission no later than  
7 November 30 following the submission of the Commission's report.

### 8 **BILL SUMMARY**

9 This bill amends title 3 of the Virgin Islands Code by adding a subchapter IVa. As  
10 written in this bill, subchapter IVa establishes a Virgin Islands Public Officials  
11 Compensation Commission. The bill proposes that nine non-governmental members be  
12 appointed to determine the salaries and benefit packages for all "Government Officials" as  
13 defined in the bill. The term of each Commission is four years. By May 1 of the last year  
14 of the term, the Commission must submit its report to the governor and the Legislature.  
15 Upon the submission of the report, the Commission expires.

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19 **BR15-0066/July 08, 2015 YLT**

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