

**Presentation of Attorney General Designee Claude E. Walker
Committee on Government Services, Veterans and Consumer Affairs
Thirty-First Legislature of the Virgin Islands
Earle B. Ottley Legislative Chambers, St. Thomas, VI**

Good morning Mr. Chairman, Madame Vice-Chairperson, Senators, legislative staff, and to those of you in the listening and viewing audience. My name is Claude Earl Walker, Attorney General Designee and with me today is Pamela Tepper, the Virgin Islands Solicitor General. I am honored to be here today at the Chairman's invitation to offer statements on proposed Bill No. 31-0179.

The purpose of this Bill is to amend Title 3 Virgin Islands Code, Chapter 25, subchapter IV, section 531 by adding a subsection (c) to read as follows: "The limitation for filing a claim under this section is 180 days from the date of the alleged discriminatory conduct." The brevity of its language should not underscore its value and purpose—though barely 20 words in length, its impact will prove voluminous. For what it does is to create a statute of limitations for those government employees that believe they have been wrongfully discriminated against.

A statute of limitation operates to bar a claim after the passage of a certain period of time. "Statutes of limitations have existed in civil cases in Anglo-American law since at least the seventeenth century when England adopted the Limitation Act of 1623." And, while there are varying opinions concerning all of the purposes for such statutes, it can be said that they serve at least "three purposes: (1) providing fairness to the defendant; (2) ensuring that courts have sufficient evidence to decide cases accurately; and (3) encouraging plaintiffs to pursue claims diligently." As Supreme Court Justice White stated, "they protect defendants and the courts from having to deal with cases in which the search for truth may be seriously impaired by the loss of

evidence, whether by death or disappearance of witnesses, fading memories, disappearance of documents, or otherwise.”

According to the National Conference of State Legislatures, not less than 40 states have enacted similar limitations periods for state law employment-related discrimination cases. The federal government has also enacted time limitations for employment discrimination complaints to be filed—“[g]enerally, you must contact the EEO (Equal Employment Office) Counselor within 45 days from the day the discrimination occurred.”

Currently, the Virgin Islands is among the minority of jurisdictions that do not provide for a statute of limitations for employment discrimination. This fact has proved difficult. Often cases will not be filed for two to three years after the alleged discrimination, and, as Justice White pointed out, by that time records may have been discarded; memories may have faded as to the relevant facts of the case; and witnesses may have changed jobs or even relocated back to the mainland—making it difficult to locate them.

This Bill is one simple solution to a real problem. Those employees that have been discriminated against deserve to be heard, but the Government should have a right to expect that it may conduct its business without the perpetual possibility of having to fight stale claims that often extend back many years.

In short, I wholeheartedly welcome this Bill’s introduction and encourage its adoption. Again, I thank the Committee for this opportunity to speak before you today and welcome any questions its members may have.