

COMMITTEE ON GOVERNMENT SERVICES, VETERANS
AND CONSUMER AFFAIRS

01/22/2016-AMENDED AND HELD IN COMMITTEE

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

PROPOSED BY: Senators Terrence “Positive” Nelson, Kurt A. Vialet, Neville James, Novelle E. Francis and Jean A. Forde

Be it enacted by the Legislature of the Virgin Islands:

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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, Judicial officer,
6 senators of the Legislature of the Virgin Islands, and all elected officials in the Virgin
7 Islands who receive remuneration.

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

11 (e) “*Judicial Officers*” means Virgin Islands justices, judges and magistrates.

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

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

19 (c) Beginning January 15, 2017, and every four years thereafter, members
20 appointed shall serve until the Commission has submitted its final report under section 543.

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

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

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

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

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

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

13 §543. (a) Beginning in January 15, 2017 and every four years thereafter, the
14 governor shall convene a Commission to conduct a review of the salaries, expense
15 allowances, and other emoluments of the governor, the lieutenant governor, member of the
16 Governor's cabinet, including all commissioners and directors of government agencies,
17 Judicial officer, senators of the Legislature, and the Inspector General of the Virgin Islands.
18 The Commission shall make the review for the purpose of determining and providing the
19 pay levels appropriate to the duties and responsibilities of the respective offices and
20 positions subject to such review. The Commission may hold public hearing to aid it in its
21 work.

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

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

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

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

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

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

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

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

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

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

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

1 §545. The term of each Commission expires upon submission of the
2 recommendations. The governor, the president of the Legislature and a Judicial officer
3 shall appoint members to on the next Commission no later than November 30 following
4 the submission of the Commission's report.

5 **SECTION 2.** The sum of \$100,000 is appropriated in the fiscal year ending
6 September 30 2016 from the interest earned on debt services or from any available funds,
7 to the Division of Personnel for the operation of the Commission.

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BILL SUMMARY

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

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

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