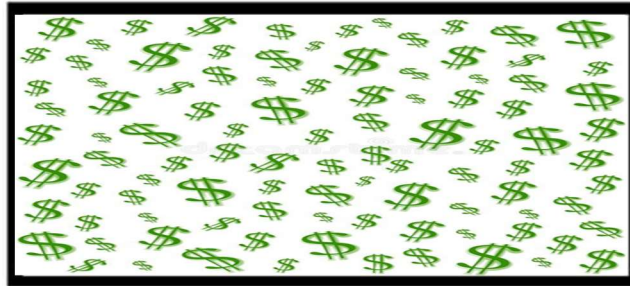


GOVERNMENT OF THE VIRGIN ISLANDS PUBLIC EMPLOYEES RELATIONS BOARD



FISCAL YEAR 2026 BUDGET PRESENTATION



**Fritz E. Lawaetz Conference Room
St. Croix, U.S. Virgin Islands
Friday, August 15, 2025**

**PUBLIC EMPLOYEES RELATIONS BOARD
BUDGET PRESENTATION
FISCAL YEAR 2026**

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PIERINA JACOBS-FELDMAN CHAIRMAN TO THE PERB



FISCAL YEAR 2026 EXECUTIVE OVERVIEW

Good day Honorable Senator Novelle E. Francis, Jr., Chair of the Committee on Budget, Appropriations and Finance, Senators of the 36th Legislature, as well as the viewing and listening audience. My name is Pierina Jacobs-Feldman. I am Chair to the Virgin Islands Public Employees Relations Board, also known as the “PERB.”

In addition to myself, I would like to recognize my fellow board members, Mr. Rodney Moorehead and Mr. Frederick Joseph. **It should be noted that all board members’ terms are expired.**

Allow me to extend a good afternoon to our board members and staff.

Joining me today is our Executive Director, Mrs. Jessica Philgence, and our Chief Financial Officer, Mrs. Rodelique Williams-Bradshaw. Also before you is our legal assistant, Ms. Sonia Neale, sitting in to provide case statistics as PERB’s attorney Gwendolyn Stroud has recently resigned.

PERB ESTABLISHMENT

The PERB was established on August 31, 1980, through the enactment of Act 4440. Pursuant to 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 with involvement in labor; two (2) shall have experience with involvement in management; and the fifth member shall serve as the 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. Due to the lack of a quorum, at this time PERB cannot move forward with decisions on pending cases which by law must be executed within a certain timeframe. Correspondence has been sent to Governor Bryan on the urgency of nominating an individual to serve on the Board so that we may move forward with the cases.

MISSION STATEMENT

In accordance with Act 4440 of the Thirteenth Legislature of the Virgin Islands (the “Act”), the mission of the PERB is to administer the provisions of the “Act” to provide for an orderly and constructive relationship between public employers and their employees.

PERB'S JURISDICTION

Through enabling legislation, the PERB has jurisdiction and the authority to handle certain types of cases filed by employees of the Government of the Virgin Islands.

Given these laws, **the PERB is mandated to function as an impartial administrative agency**, where the board members serve as factfinders and make decisions about cases based **solely** on the law, public policy, and precedent. The PERB **does not** give advice or advocate on behalf of anyone. When PERB's decisions are appealed, PERB's legal counsel defends PERB's ruling in the Superior Court of the Virgin Islands.

PERB'S FISCAL YEAR 2026 BUDGET

In review of the PERB's Fiscal Year 2026 budget projections, our current needs, conditions, and objectives, we are grateful for the Governor's recommended budget in the amount of **\$1,686,909.00**. Later in the presentation, the Executive Director will provide an overview of the budget. The Public Employees Relations Board continues to adjust to the changes and challenges of the Government's fiscal constraints. In the past, former Executive Directors have served as hearing officers, mediators, and administrators. As we continue to move forward to improve the function of the agency, our Executive Director will continue to serve in an administrative role focusing on the vision and mission of the PERB.

Honorable Chairman, it is important to remind this body and those viewing and listening that the Public Employees Relations Board is the **only agency** that is tasked with addressing and resolving complaints, conflicts, and grievances in labor related matters directly affecting Government employees. The PERB will continue to carry out its duties and responsibilities based on the established policies and protocols, despite the challenges we face in our territory.

In closing, to our staff I say... Thank you for your continued dedication and loyalty to the PERB.

Thank you for your time and attention. You will now hear from Executive Director Jessica Philgence.

EXECUTIVE DIRECTOR JESSICA D. PHILGENCE



FISCAL YEAR 2026 ADMINISTRATIVE OVERVIEW

Good afternoon Honorable Chair of the Committee on Budget, Appropriations and Finance, Senator Novelle E. Francis, Jr., Members of the Committee on Finance, Senators of the 36th Legislature, the viewing and listening audience. My name is Jessica Philgence. I am the Executive Director of the Public Employees Relations Board (PERB). I am here today to provide additional information in regards to **PERB's FISCAL YEAR 2026 BUDGET**.

ORGANIZATIONAL STRUCTURE

The PERB is comprised of the Chairman and four (4) Board Members. Two (2) positions on the board are vacant. In addition to the board, we are budgeted for twelve (12) positions which includes ten (10) positions on St. Croix and two (2) on St. Thomas. I would like to take a moment to recognize the dedicated and hardworking employees of the PERB. Thank you. We are deeply grateful for your unwavering commitment.

TRAINING & DEVELOPMENT

As a quasi-judicial entity, the PERB observes how changes affect the workplace, employment, policies, procedures, and laws. Therefore, ongoing training and development ensures that decision-makers are aware of these changes and keep in compliance with the rights of employees. PERB staff are required to maintain their certifications, licensures, and requisite courses on an annual basis to stay in compliance with rules and laws. We evaluate and assess departmental training requirements and make the necessary adjustments. We also encourage professional development of our employees through soft skills and other training.

Trainings and conferences are as follows:

- National Association of Hearing Officers (NAHO) Conference and online webinars
- Labor and Employment Relations Association (LERA) Conference
- National Employment Law Institute (NELI) Virtual Conference
- Association of Labor Relations Agencies (ALRA) Virtual Conference
- National Association of Legal Assistants (NALA) Conference
- National Court Reporting Association (NCRA) Conference & Expo
- National Association of Administrative Law Judiciary (NAALJ) Conference
- Labor Law & Labor Arbitration Training
- Diversity, Equity, and Inclusion in the Workplace
- Administrative Assistant Conference

- Developing your Emotional Intelligence
- HR Basics (for New HR Professionals)
- The Human Resources Conference
- Staying Calm in High-Stress Conversations
- Legal Research and Writing: Creative Tips and Tricks Every Paralegal Needs to Know

FY 2025 ACCOMPLISHMENTS

We will now share with you our FY2025 accomplishments:

1. The agency has continued the agreement with Attorney Henry Smock to serve as a Hearing Officer. In addition, we have brought on two additional hearing officers, Henry Carr III and Douglas Juergens.
2. Ten (10) board meetings were held.
3. The PERB has completed Phase I of its upgrades, and the following equipment was purchased or is in the process of being purchased:
 - The internet connection was upgraded to fiber.
 - A firewall was purchased, configured, and installed.
 - Wireless access points were purchased, configured, and installed.
 - A switch was purchased.
 - Furniture upgrades St. Thomas/St. Croix (in progress).
 - Security improvements – Network Video Recorders (NVR) replacement St. Croix, Network Video Recorder with two cameras St. Thomas (in progress).
 - Pitney Bowes postage meters (IMI technology) purchased, configured, and installed.
 - Xerox multifunction printers upgraded, configured, and installed.
 - Conferencing system upgrade (pending due to supply chain issues).
4. Staff uniforms were purchased and received.

***NOTE:**

Originally the PERB's intent was to hire a full-time court reporter on St. Croix and a part-time attorney on St. Thomas. The PERB has decided to outsource court reporting services at the recommendation of the 35th Legislature. In addition, the part-time attorney position is on hold.

CASELOAD STATISTICS

Caseload statistics are as follows:

<u>62</u>	Total # of cases filed to date.
<u>57</u>	Cases Closed
<u>102</u>	Cases Pending
<u>24</u>	Cases Pending at Superior Court
<u>53</u>	Arbitration Panels Issued
<u>1</u>	Appeal forwarded to mediation.

FY 2026 BUDGET RECOMMENDATION

A breakdown of our Fiscal Year 2026 budget is as follows:

- Personnel Services accounts for a total of \$825,353.00
- Fringe Benefits total \$360,744.00
- Supplies total \$45,750.00
- Other Services and Charges total \$385,795.00
- Utilities total \$19,000.00
- Capital Outlays \$50,267.00
- Totaling \$1,686,909.00

OBJECTIVES FOR FISCAL YEAR 2026

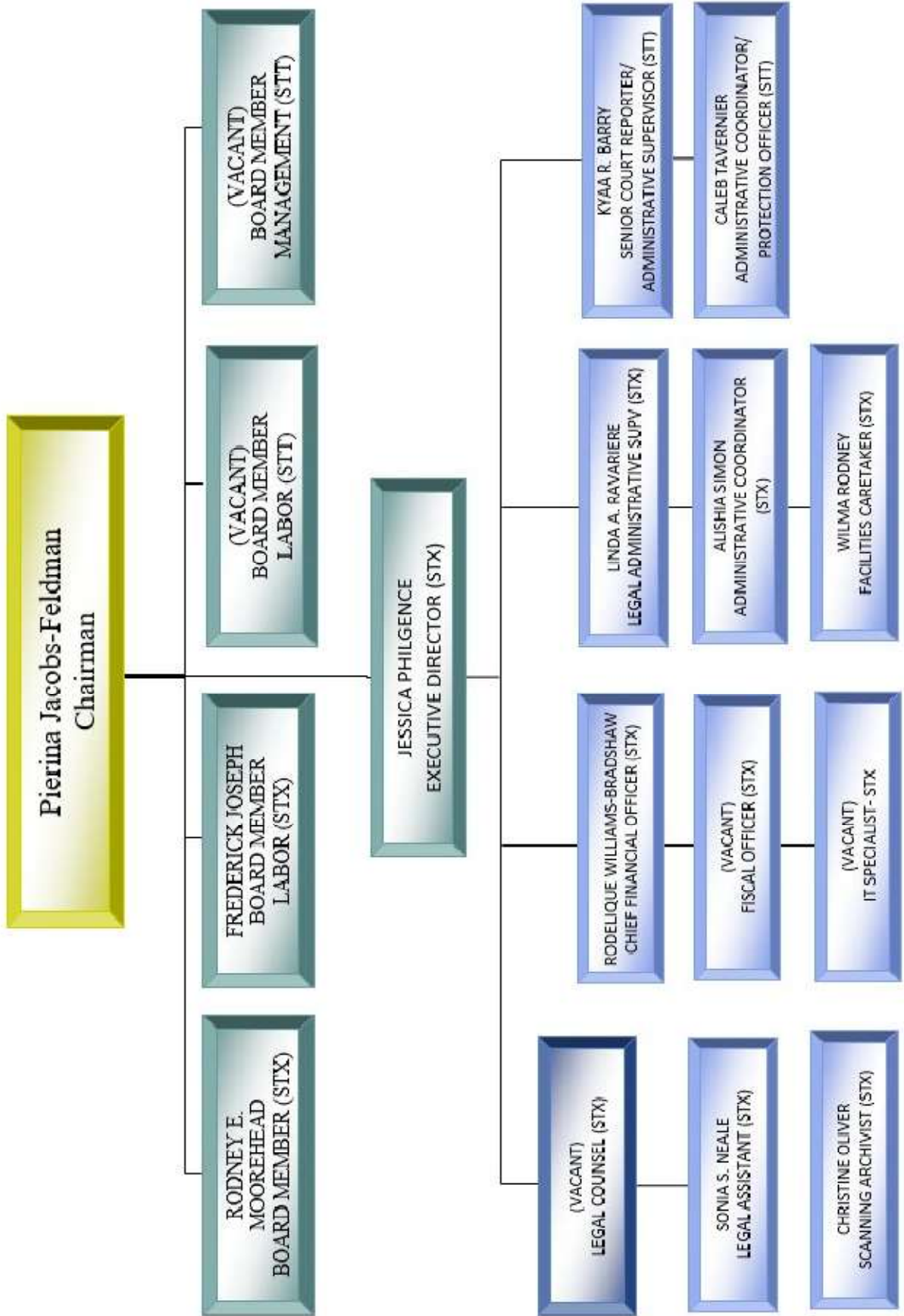
Our plans for Fiscal Year 2026 are:

1. We will remain focused on addressing all pending appeals and continue to facilitate (in a neutral environment) hearings in support of providing for an orderly and constructive relationship between the Government of the Virgin Islands public employers, their employees, and their union representatives.
2. We expect to fill three positions: Legal Counsel, Fiscal Officer, and IT Specialist.
3. We expect to complete our website.
4. Prepare for Phase II upgrades.

In summary, the PERB understands its mission and how the decisions we make affect the lives of government employees. The PERB will continue to meet its statutory duties. We remain steadfast and committed to bringing resolve and to ensuring that all matters are rectified in a timely manner.

We humbly thank you for this opportunity to present before this body our budgetary needs for fiscal year 2026. We stand ready and available to answer any questions you may have.

2026 PERB ORGANIZATIONAL CHART



**PUBLIC EMPLOYEES RELATIONS BOARD
2023-2025 CASELOAD COMPARISON STATISTICS
UPDATED AS OF JUNE 30, 2025**

Unfair Labor Practice Charge			
	2023	2024	2025
Filed	9	12	15
Closed	12	15	15
Pending	43	40	46
Consolidated	0	0	3 of 46 consolidated with the same issues

Representation and Decertification Petition			
	2023	2024	2025
Filed	3	0	0
Closed	0	4	0
Pending	11	6	6

Unit Clarification			
	2023	2024	2025
Filed	3	0	1
Closed	2	5	0
Pending	15	8	9

Impasses			
	2023	2024	2025
Filed	0	0	0
Closed	0	0	0
Pending	0	0	0

GSA 3 V.I.C. § 530			
	2023	2024	2025
Filed	9	12	19
Closed	8	10	21
Pending	2	2	1

GSA 3 V.I.C. § 531			
	2023	2024	2025
Filed	6	10	27
Closed	17	14	21
Pending	30	32	40
Consolidation	0	0	2 of 40 Pending consolidation with the same issues

TOTAL CASES			
	2023	2024	2025
Filed	30	34	62
Closed	39	48	57
Pending	101	88	102
TOTAL HEARING			
	2023	2024	2025
	24	15	28

COURT APPEALS PENDING AS OF JUNE 30, 2025			
COURT	ST. CROIX	ST. THOMAS	TOTALS
SUPERIOR COURT	14	10	24
VI SUPREME COURT	0	0	0
DISTRICT COURT	0	0	0
TOTAL	14	10	24

MEDIATIONS & ARBITRATIONS



FISCAL YEAR 2025
OCTOBER 1, 2024- JUNE 30, 2025

MEDIATIONS

OCTOBER 1, 2024 TO JUNE 30, 2025

A. ULPC/GSA

	2023	2024	2025
Ordered to/ voluntary	9	0	0
Partial/Completely Resolved	11	0	2
No Resolution	3	0	0
Pending	1	3	1

B. Grievance Mediation (GM's) - *Grievance mediation takes place when parties to a collective bargaining agreement ("CBA") cannot resolve a grievance on their own and voluntarily, jointly, request the PERB to appoint a mediator to assist with resolution.*

	2023	2024	2025
Requested / Voluntary	2	4	0
Partial/Completely Resolved	0	1	0
No Resolution	1	0	0
Pending	1	4	4

C. IMPASSES (IMP's) - *An impasse case occurs when parties are involved in negotiation of a collective bargaining agreement and are unable to reach an agreement on their own. The matter is referred to mediation and, if not resolved, to arbitration.*

	2023	2024	2025
Filed	1	0	0
Sent to Mediation (including prior years)	0	0	0
Interest Arbitration (including prior years)	0	1	0
Pending	1	0	0

TOTAL MEDIATIONS CONDUCTED as of JUNE 30, 2025: 0 : TOTAL PENDING 5

PERB APPROVED MEDIATORS

NAME	ISLAND /STATE	COMMENTS / REMARKS
UNITED STATES MEDIATORS		
Coleman, Harold, Jr., Esq.	CA	
Loconto, Michael T., Esq.	MA	Added in 2022
Lubic, Robert Bennett	DC	
Gordon, Melinda G., Esq.	NY	
Grey, Robert A., Esq.	NY	Added in 2022
Gutman, Edward J., Esq.	MD	Added in 2009
Binstock, Seth	DC	
Blumerosen, Alfred	NJ	
Dunham, Frances S.	NJ	
Goldstein, Jay D., Esq.	PA	Added in 1999
Pereles, Edward A.	PA	
Patch, Terry	TX	Added in 2003
Schwartz, Saul, Esq.	VA	Added in 2022
Vonhof, Jeanne M.	IL	Added in 2014

UNITED STATES VIRGIN ISLANDS MEDIATORS		
Carr, Henry V. III	STT	Added in 2021
Emmanuel, Clovis	STT	Added in 2011
Jennings, Archie, Esq.	STT	Added in 2009
Johnson, Antoinette	STT	Added in 2002
King, Robert L., Esq.	STT	Added in 2003
Kirwan, Malcolm	STT	Added in 2000
Niles, Lynelle	STT	
Plaskett, Christian	STT	
Sargeant, Sylvia	STT	
Smock, Henry, Esq.	STT	Added in 2001
Turnbull, Michille	STT	Added in 2017
White, Denise	STT	Added in 2000
Abramson, Jr., John	STX	Added in 2003
Ali, Abdul	STX	Re-Instated 2011
Austin, Richard, Esq.	STX	
Baron, Shanelle	STT	
Christian-Hendrickson, Niesha Esq.	STX	Added in 2017
Canegata, Patricia	STX	Added in 2000
Encarnacion, Anya	STX	
Encarnacion, Eleuteria	STX	Added in 2000
Farrell, John	STX	
Grigg, Herbert, Jr.	STX	
Henry-Woodson, Ithlane	STX	Added in 2009
Hill, Valdemar A.	STX	
John, Willard	STX	Added in 2016

Johnson, Robert W., Esq.	STX	Added in 2010
Kleeger, Lorin M., Esq.	STX	
Knowles, Cecelia	STX	Added in 2007
Lewis-Brown, Alscess	STX	
Marsh-Cole, Laverne	STX	
Martinez, Ray A.	STX	
McGregor, Malcolm	STX	
Moorehead, Rodney	STX	PERB Member
Moorhead, Mary	STX	
Russell, Ronald, Esq.	STX	Added in 2016
Santana, Aymee	STX	
Trotman, Carnelle	STX	
Williams, Dyma B.	STX	Added in 2017
Williams-Smith, Athenia	STX	
Williams-Jackson, Ophelia	STX	
Whitaker, Genevieve	STX	Added in 2017
Wynter, Eszart, Esq.	STX	Added in 1995

PERB APPROVED HEARING OFFICERS

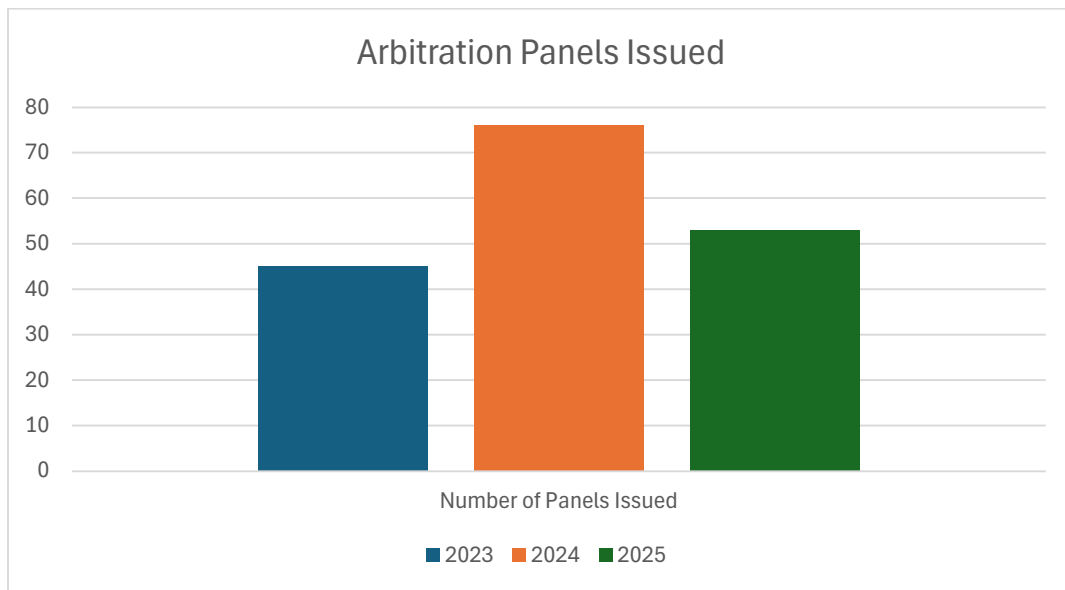
NAME	ISLAND
Abramson, John	STX
Austin, Richard, Esq.	STX
Carr, Henry, V. III, Esq.	STT
Juergens, Douglas	STT
Kleeger, Lorin M., Esq.	STX
** Moorehead, Rodney E.	STX
Smock, Henry, Esq.	STT

**** Board Members**

ARBITRATION PANELS

The PERB maintains a list of approved arbitrators both within and outside of the Territory. Upon the request of the Government (i.e., collective bargaining representative, management via OCB, and the Unions) the PERB provides a panel of approved arbitrators from which parties may select. During the period of October 1, 2024, to June 30, 2025, there were fifty-three (53) panels of arbitration issued.

Fiscal Year	Number of Panels Issued
2023	45
2024	76
2025	53



Participants interested in becoming arbitrators must complete Arbitrators training, participate in observations and a mentorship program.

PERB APPROVED ARBITRATORS

U.S.V.I. ARBITRATORS

(In Good Standing)

NAME	ISLAND
Otto, H.A. Curt, Esq.	STX

UNITED STATES ARBITRATORS

(In Good Standing)

NAME	STATE
Alpern, Stephen E.	MD
Ambrogi, Robert J.	MA
Bales, Richard	OH
Brewer, Lewis G.	FL
Borchini, Ezio E.	MD
Drucker, Jacquelin F.	NY
Gaskins, Laverne Lewis	GA
Gordon, Melinda G.	NY
Greenberg, Keith D.	MD
Grey, Robert A.	NY
Hill, Joan G.	AL
Hoffmeyer, Steven G.	MN
Jacobs, Jeffrey W.	MN
MacMillan, Charlene	WA
McDermott, Edward P.	MD
Michelstetter, Stanley H.	WI
Miller, Richard	MN
Simmer, Jared D.	PA
Symonette, Alan, Esq.	PA
Timmons, Lisa W.	MI
Torosian, Herman	WI
Travis, Mark C.	TN

TRAINING INITIATIVE



FISCAL YEAR 2026

PUBLIC EMPLOYEES RELATIONS BOARD FY 2026 TRAINING INITIATIVES

PERB TRAINING SPECIALISTS

Darryl A. Spivey – Twenty (20) years of insurance and human resources experience with great leadership and training skills. He currently manages a group of Leadership Development consultants in the Corporate Education Department of a Fortune 500 company and is master certified in several training and leadership programs. In addition to his role as Vice President, Manager of Leadership Development, he holds the distinct pleasure of having serviced as an adjunct professor at the University of Connecticut in their MBA program and has chaired a 35-member non-profit organization board.

Lorin M. Kleeger, Esq. – From 1983 to 1990, Mr. Kleeger practiced law in Atlanta, where his focus was on labor and employment law, corporate matters and construction litigation. Mr. Kleeger is admitted to the Georgia and Virgin Islands Bars. Mr. Kleeger is also on the mediation panels of the U.S. District Court of the Virgin Islands, Virgin Islands Mediation Services and the Virgin Islands PERB. He is also an approved American Arbitration Association (AAA) Arbitrator on the Commercial and Labor panels. He has conducted mediation and arbitration training for the Virgin Islands Government and its employees and has mediated numerous labor disputes between the Government and unions.

Alscess Lewis-Brown – Mrs. Brown has steered a dual career, with one foot firmly planted in industry and government service as a Human Resources and labor relations professional, and the other as an educator, author, and editor. Her extensive thirty-year career is marked by her significant contributions as an HR professional at Martin Marietta Alumina, Virgin Islands Department of Education, Virgin Islands Water and Power Authority, Hess Oil Virgin Islands Corp, and the Virgin Islands Police Department. She has received training at Cornell University School of Labor Relations, Federal Mediation and Conciliation Services, the American Arbitration Association, and the V.I. Public Employee Relations Board. She has conducted workshops in labor relations, including contract administration, diversity training, and customer service.

DESCRIPTION OF COURSES OFFERED BY THE PERB

THE ADMINISTRATIVE HEARING PROCESS

The main purpose of this training is to train individuals who conduct administrative hearings including administrative law judges, hearing officers, agency commissioners and board members, who want a comprehensive seminar on the administrative hearing process to improve their skills as adjudicators and decision-makers. This training will also help to develop administrative hearing skills and will provide valuable information on effective hearings and ruling on evidentiary issues; decision making; decision writing; and avoiding ethical problems.

CONFLICT MANAGEMENT AND RESOLUTION

The Conflict Resolution/Management training program provides the participants with information on problem-solving, which includes Airing Everyone's Concerns, Looking Beyond Symptoms, Exploring All Solutions, Anticipating Problems, Following Through, and Working Productively. The program also provides an opportunity to explore conflict, such as: Unsolved Issues from the Past; Hidden Expectations; Self-Perception and Self-Esteem; Interests, Needs and Desires; Emotions; Personalities; and Issues. When we recognize how to deal with conflict, our effectiveness as an employee, leader or manager will increase.

GRIEVANCE MEDIATION

The practice of mediation is a profession with ethical responsibilities and duties. Those who engage in the practice of mediation must be dedicated to the principles of free and responsible collective bargaining. This Grievance Mediation training course is designed to acquaint participants with the fundamental skills of mediation. The course provides a broad-based approach to mediating disputes. The training begins with what mediation is and how it is used in resolving conflicts. It then introduces basic mediation skills and provides opportunities to learn and apply these skills.

BUDGET RECOMMENDATION



FISCAL YEAR 2026

FISCAL YEAR 2026 REQUESTED BUDGET

		FY 2026
Personal Services	\$	825,353.00
Fringe Benefits	\$	360,744.00
Supplies	\$	45,750.00
Other Services & Charges	\$	385,795.00
Utilities	\$	19,000.00
Capital Outlays	\$	50,267.00
TOTAL	\$	<u>1,686,909.00</u>

**PERB's FISCAL YEAR 2026
BUDGET REQUEST JUSTIFICATION**

ACCOUNT TITLE	PROJECTED AMOUNT	JUSTIFICATION
PERSONNEL SERVICES		
Unclassified	\$825,353.00	Twelve (12) staff - STX (10) & STT (2)
TOTAL PERSONNEL	\$825,353.00	
FRINGE BENEFITS		
Fringe Benefits	\$360,744.00	FICA, Health Insurance, Retirement, Workmen's Compensation;
TOTAL FRINGE	\$360,744.00	
SUPPLIES		
Office/ Other Supplies	\$20,550.00	Copy paper/ Writing instruments/ Ink/Vehicle Supplies/Small Tools/Minor Equip
Operating Supplies	\$9,000.00	Cleaning Supplies /Bottled Water Refills
Data Processing Software	\$16,200.00	Online Legal Research Service
TOTAL SUPPLIES	\$45,750.00	
OTHER SERVICES & CHARGES		
Professional Services	\$8,000.00	Contractual Services and Agreements
Communication	\$38,000.00	Telephone - STX - Five (5) Lines / STT - Three (3) Lines to include Internet & Fax /Wireless Service/ Postage/
ADT Security Services	\$5,000.00	Security System: Access & Video Monitoring
Travel/ Training	\$80,000.00	Inter-island Travel; Professional Development Training & Travel
Rental of Machines	\$27,000.00	Xerox Machines - Multifunction printers; Pitney Bowes: Postage Meter;
Insurance	\$6,000.00	Insurance for Two (2) Vehicles

Rental of Building	\$122,000.00	Rental of Office Space - STT (\$63,000) and STX (\$59,000)
Other Services & Charges	\$92,500.00	Per Diem for Board Members/ Mediators & Legal Services/ Dues/Transportation - Not Travel
Repair & Maintenance	\$7,295.00	Repair & Maintenance/Vehicle Repair & Maintenance
TOTAL OTHER SERVICES	\$385,795.00	
PUBLIC UTILITIES		
Electricity	\$18,000.00	Electrical Power - STX (STT included in Lease)
Potable Water	\$1,000.00	Potable Water - STX (STT included in Lease)
TOTAL PUBLIC UTILITIES	\$19,000.00	
CAPITAL OUTLAYS		
Capital Outlays	\$50,267.00	Training Room Upgrade & Other Office Upgrades
TOTAL CAPITAL OUTLAYS	\$50,267.00	
BUDGET TOTAL	\$1,686,909.00	

NOTES/REFERENCES



HISTORY AND PURPOSES

Act 4440 of the Thirteenth Legislature of the Virgin Islands created the PERB and defined its jurisdiction and responsibilities. By its terms, Act 4440 (hereinafter the “Act”) took effect on August 31, 1980.

The Act sets forth a comprehensive scheme for the administration of labor relations between the Executive Branch of the Government and its employees. Prior to the Act, labor relations in the public sector were governed by Executive Order No. 140-1970. The Act broadened the collective bargaining agreement laws and vested that responsibility in the PERB, a separate and independent board of the Government.

The prominent responsibility of the PERB is to effectuate the purpose of the Act, as stated by the Legislature in Section 361 of the Act:

It is the purpose of this Chapter to provide for an orderly and constructive relationship between public employers and their employees. The Legislature finds and declares that the Government of the Virgin Islands shall fully accept the principle and procedure of collective bargaining and shall bargain in good faith with valid public employee organizations, subject, however, to the paramount right of the citizens of the Territory to keep inviolate the guarantees for their health, safety and welfare.

The PERB constantly endeavors to improve public sector relations through other avenues, particularly in training or consulting efforts, in coordination with public sector management and union representatives, plus screening of and training arbitrators and mediators.

MISSION STATEMENT

In accordance with Act 4440 of the Thirteenth Legislature of the Virgin Islands (the “Act”), the mission of the PERB is to administer the provisions of the “Act to provide for an orderly and constructive relationship between public employers and their employees.

PERB STATUTORY FUNCTIONS

Effective January 1, 1995, the PERB was given jurisdiction over certain types of Government Service Appeals, in accordance with Act 6010, Bill No. 20-0325.

Specifically, under 3 V.I.C. §530, the PERB hears appeals of any “regular” (career service) Government employee who has been suspended, demoted or terminated.

Under 3 V.I.C., § 531 the PERB hears appeals of discrimination in personnel

actions allegedly based upon race, age, sex, politics, national origin or based upon other non-merit factors.

Under 3 V.I.C. § 531, the PERB hears appeals of discrimination in personnel actions allegedly based on the classification or allocation of a position.

Title 24 - Labor

Chapter 14 - Public Employee Labor Relations

§ 364. Public Employees Relations Board, created

Universal Citation: V.I. Code tit. 24, § 364 (2019)

(a) There is hereby created as a separate independent board of the Government of the Virgin Islands, a Public Employees Relations Board (PERB). The PERB shall be composed of five members recommended by the Governor and approved by the Legislature. Not less than two of the appointed members shall be residents of the District of St. Croix and not less than two shall be residents of the District of St. Thomas and St. John. Three of the members shall have experience involving labor relations, one shall have experience as a Class I government employee within the territory, one shall have experience as a Class II government employee within the territory and one shall have experience as a Class III government employee within the territory; three of the members shall have experience involving labor relations on behalf of management. The fifth member shall serve as Chairman of the PERB. The PERB may employ a full-time Executive Director and such staff and contractual employees at such compensation as the PERB considers appropriate.

(b) Members of the PERB shall serve terms of five years, except that the term of one of the members appointed in 1994 and one of the members appointed in 1995 shall be for three years, as designated by the Governor at the time of appointment, in order to stagger the terms of the members of the PERB. Members appointed to fill vacancies shall be appointed only for the unexpired portion of the term of the member who he is to succeed. Any member may be reappointed. Each member shall hold office until his successor is appointed and confirmed.

(c) All actions taken by the PERB shall have the affirmative vote of not less than three members of the PERB, or as may otherwise be provided in the chapter.

(d) Each member of the PERB not an employee of the Government of the Virgin Islands other than the Chairman of the PERB shall be compensated at the rate of \$75 per day or any fraction thereof spent in the work of the PERB. The Chairman shall be compensated at the rate of \$75 per day or any fraction thereof spent in the work of the PERB. Members of the PERB who are employees of the Government of the United States Virgin Islands shall not have their compensation or annual leave reduced because of their work on the PERB. The travel expenses and actual reasonable subsistence costs, as determined by the Chairman, shall be reimbursed to each member of the PERB when such expenses and costs are necessary to the work of the PERB.

(e) The Commissioner of Labor, or his designee, shall serve as staff-secretary to the PERB and the personnel of the Department of Labor shall perform administrative functions for the PERB.

Title 24 - Labor
Chapter 14 - Public Employee Labor Relations
§ 365. PERB, powers and duties

Universal Citation: V.I. Code tit. 24, § 365 (2019)

The Public Employees Relations Board shall have the following powers and duties:

- (a) to fairly and impartially administer the provisions of this chapter;
- (b) to certify an employee organization as the exclusive bargaining agent for an appropriate bargaining unit pursuant to the provisions of this chapter;
- (c) to decertify an employee organization as the exclusive bargaining agent for an appropriate bargaining unit pursuant to the provisions of this chapter;
- (d) to determine appropriate bargaining units among public employees and classify such units;
- (e) to hire and compensate such personnel as it may consider necessary to assist the PERB in carrying out its responsibilities and duties without the advice or consent of the Executive Branch;
- (f) to report on its actions and findings in writing from time to time, but not less than once each year, to the Governor and the Legislature;
- (g) to make, amend and rescind, after notice and appropriate public hearings, rules, regulations and procedures as may be necessary to carry out the provisions of this chapter;
- (h) conduct hearings on classification and position allocation appeals and make recommendations to the Governor for final decision, as provided under Title 3, section 496, Virgin Islands Code.
- (i) to conduct hearings and/or proceedings, when warranted, on complaints of prohibited practices by employers or by employee organizations and take such actions with respect thereto as it deems necessary and proper;
- (j) to hold investigative hearings, administer oaths, subpoena witnesses and evidence and examine same. Conduct studies, analyze data, gather and disseminate information, and take all actions necessary to administer this chapter;
- (k) to mediate, conciliate, or cause mediation or conciliation between parties in a dispute;
- (l) to establish, after consultation with representatives of employee organizations and public employers, a list of qualified persons who could and would serve as mediators and arbitrators of a dispute;
- (m) to determine and apportion the costs of arbitration equally to the parties involved; and
- (n) to enforce its orders, subpoenas, and actions by levying fines against any person in contempt of the PERB, including an individual, if such individual is personally liable, public employers, and employee organizations.

Title 3 - Executive

Chapter 25 - Personnel Merit System, Compensation, Expenses and Miscellaneous Benefits

Subchapter IV - Tests, Appointments, Promotions, and Dismissals

§ 530. Dismissals, demotions, and suspensions; procedure

Universal Citation: V.I. Code tit. 3, § 530 (2019)

(a)

(1) Notwithstanding any other provision of law, in any case after January 1, 1977, before a head officer of an executive department, agency or instrumentality of the Government dismisses, demotes or suspends a regular employee of a department, agency or instrumentality of the Government, the head officer shall furnish the employee with a written statement of the charges against the employee. The employee shall have ten days following the date of receipt of the statement of charges to appeal the proposed action to the Public Employees Relations Board. The appeal must be in writing, and the Board must provide a copy to the head officer and the Attorney General.

(2) As used in this section:

(A) “head officer” means the Commissioner of an executive branch department, the director of an executive branch agency or instrumentality or the director, executive director, chief executive officer, president or other titular head of an instrumentality of the Government of the Virgin Islands.

(B) Instrumentality of the Government includes

(i) the Virgin Islands Water and Power Authority;

(ii) the Virgin Islands Port Authority;

(iii) the Waste Management Authority;

(iv) the Magens Bay Authority;

(v) the Virgin Islands Housing Authority;

(vi) the University of the Virgin Islands;

(vii) the Virgin Islands Public Broadcasting Systems;

(viii) the Government Employees Retirement System;

(ix) a hospital under the jurisdiction of the Virgin Islands Hospitals and Health Facilities Corporation; and

(x) Any other entity established within the executive branch whose staff includes regular employees.

(C) "Regular employee" means an employee who:

(i) has been appointed to a position in the classified or career service or served in a temporary position for more than two years in a department or agency of the executive branch or in an instrumentality, as defined in subparagraph (B) of this subsection or and

(ii) who is not on contract, is not on probation, and therefore subject to dismissal, demotion or suspension, only for cause.

(b) The Public Employees Relations Board shall meet within 30 days after the filing of the appeal and afford the department head and the employee an opportunity to be heard. The department head and the employee shall be entitled to call witnesses and to be represented by counsel. The hearing, including continuances thereof, shall in no event extend beyond 60 days. Notice of the hearing shall be served on the department head, employee and the Attorney General at least 10 days before the hearing. The Board shall render its decision within 14 days after the termination of the hearing. The Board's decision shall be final. In the event the Board fails to meet or render its decision within the time or in the manner prescribed herein, the employee shall be reinstated, with full pay, to the date of his original dismissal or suspension.

(c) The Board may sustain or reverse the decision of the department head or may reduce the penalty recommended by the department head from dismissal or demotion to suspension for a period not to exceed 90 days, or from suspension to a lesser period of suspension if the Board finds such action to be warranted and in the public interest.

(d) The department head, upon receiving the decision of the Public Employees Relations Board, shall forward all pertinent papers to the Director of Personnel for preparation of personnel documents in accordance with the decision of the Board.

(e) If the Board orders restoration to duty and pay, and if it does not order suspension, the employee shall receive full compensation for any period for which he did not receive compensation pending hearing of the appeal. In addition, if the Board finds that such dismissal, demotion or suspension was ordered by the department head arbitrarily, unjustly, and without reasonable cause, and the employee was represented by counsel, it shall enter an order awarding a reasonable attorney fee to the employee. Such award shall be satisfied by legislative appropriation therefor. Any award of attorney's fees to an employee of an independent instrumentality shall be satisfied by the respective instrumentality.

(f) If the employee does not appeal to the Public Employees Relations Board within the time herein prescribed, the department head shall forward his recommendation to the Governor for final action.

(g) Every policeman, fireman or prison guard shall be automatically and honorably separated from the government service, by reason of age, after such employee attains the age of 55 years; Provided, however, That any policeman, fireman, or prison guard may be continued in the government service until he attains the age of 60 years if such employee applies for, obtains, and submits to the Director of Personnel, an annual certification by the Commissioner of Health that such employee is physically and mentally able to continue in the position.

(h) No employee or applicant for employment, other than the employees or applicants for the positions identified in [subsection] (g) of this section, or any other person elected to public office

by the qualified voters, or any person chosen by such officer to be on such officer's personal staff, or an appointee on a policy making level or an immediate supervisor, who is at least 40 years of age, can be refused employment, discharged or otherwise discriminated against with respect to his compensation, terms, conditions, or privileges of employment because of such individual's age, unless there exists a bona fide occupational qualification reasonably necessary to the normal functions of the position held by such individual in which such individual is deficient.