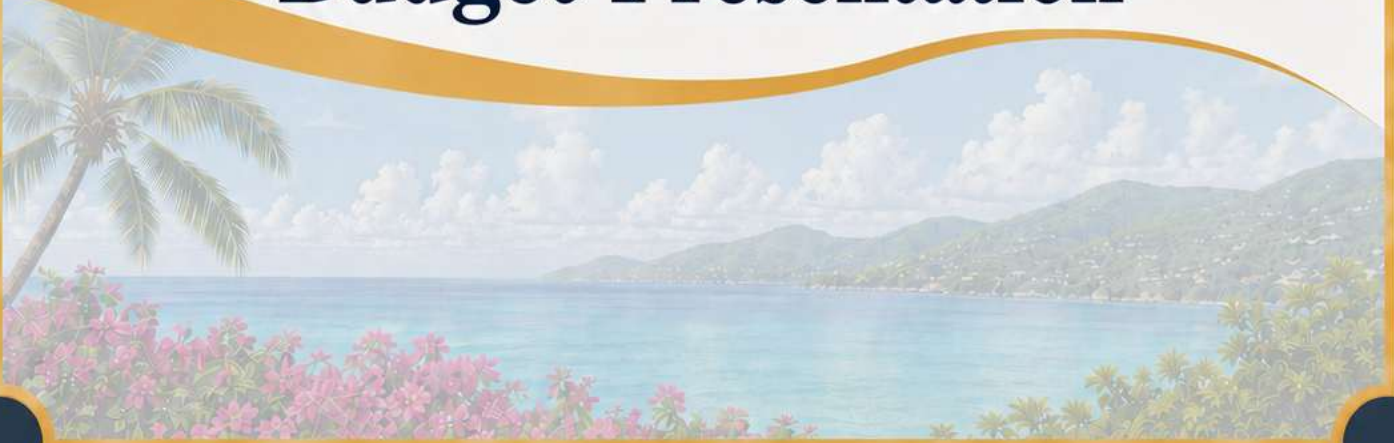


Public Employees Relations Board



Fiscal Year 2027 Budget Presentation



**PUBLIC EMPLOYEES RELATIONS BOARD BUDGET
PRESENTATION
FISCAL YEAR 2027**

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PIERINA JACOBS-FELDMAN CHAIRMAN TO THE PERB



FISCAL YEAR 2027 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 “PERB.”

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

Joining me today is our Executive Director, Mrs. Jessica Philgence, our Chief Financial Officer, Mrs. Rodelique Williams-Bradshaw and our Legal Counsel, Mr. Douglas Juergens.

In addition to myself, I would like to recognize my fellow board members, Mr. Rodney Moorehead and Annie Day Henry and say thank you for your many years of service and commitment. I also would like to take a moment to give special recognition to Mr. Frederick Joseph, who has passed and is no longer with us. Mr. Joseph’s contributions to the Government of the Virgin Islands, the public work force and to PERB have left a lasting impression. To his family, thank you.

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. There must be a quorum for the PERB to move forward with decisions on pending cases which by law must be executed within a certain timeframe.

***It should be noted that all board members’ terms are expired.** PERB needs board members. A full board allows the PERB to continuously move forward with the cases and avoid back log.

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 2027 Budget

In review of the PERB's fiscal year 2027 budget projections, PERB continues to adjust to the changes and challenges of our current needs, conditions and objectives. The Public Employees Relations Board acknowledges the government fiscal constraints, and we are grateful for the governor's recommended budget in the amount of **\$1,686,910.00**. The Executive Director, who serves in an administrative role focusing on the vision and mission of the PERB, will provide a more detailed overview of the budget further in the presentation.

Honorable Chair, it is important to remind this body and the viewing and listening audience 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 in an efficient and professional manner.

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 the Executive Director Jessica Philgence.

EXECUTIVE DIRECTOR JESSICA D. PHILGENCE



FISCAL YEAR 2027 ADMINISTRATIVE OVERVIEW

EXECUTIVE DIRECTOR'S TESTIMONY

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, other presenters, the viewing and listening audience. My name is Jessica Philgence, I am the Executive Director of the Public Employees Relations Board also known as PERB.

I join you today to provide a fiscal overview of the PERB's performance during Fiscal Year 2026 and to present our budgetary needs for Fiscal Year 2027.

First, I want to give recognition to the dedicated and hardworking staff; without you PERB accomplishments would not be possible. Thank you for all your contributions, recommendations and your dedication to the PERB Agency.

PERB continuously observes how changes in Employment and Labor laws affect the workplace, employment, policies, procedures, and legislation. Our response to these changes is to evaluate, assess and make the necessary adjustments. These adjustments play an important role on how our budget is developed.

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, ten (10) positions on St. Croix and two (2) on St. Thomas.

I will now provide a brief overview of PERB fiscal year 2026 expenditures as of June 30, 2026:

Personnel Services - \$395,522

Fringe Benefits - \$186,455

Supplies - \$24,579

Utilities - \$7,371

Other Services and Charges - \$234,338 cover Professional Services, Communication, Security System Services, Travel, Training, Rental Machines and Insurance.

Capital Outlay - \$20,079 cover purchases that demand immediate and full funding.

I will now share PERB's Fiscal Year 2026 accomplishments.

- PERB has onboarded Legal Counsel
- Eleven (11) board meetings were held

Caseload statistics are as follows:

<u>33</u>	Total # of cases filed to date
<u>19</u>	Cases Closed
<u>119</u>	Cases Pending
<u>18</u>	Cases Pending at Superior Court
<u>100</u>	Arbitration Panels Issued
<u>0</u>	Appeal forwarded to mediation

- The Agency has continued the agreement with the approved Hearing Officers which are listed in our presentation.
- PERB has outsourced additional stenography services as needed.
- Salary Increases were awarded.
- PERB has renewed its lease agreement with St. Thomas Properties the Nisky Center, St. Thomas.

Other Noteworthy Accomplishments:

- The furniture in the St. Thomas reception area was purchased and replaced.
- Ergonomic office chairs were purchased and distributed to the employees on St. Croix and St. Thomas.
- Security improvements – the Network Video Recorder (NVR) was replaced on St. Croix, a Network Video Recorder system with two cameras was installed on St. Thomas.
- (2 of 3) OneScreen systems were purchased and setup for the St. Croix and St. Thomas Conference Rooms (Due to change in priorities, purchase of the 3rd for the training room was postponed).

As a semi-autonomous quasi-judicial agency that regulates labor-management relations between our government employers, their employees and union representatives; training of our board and staff is crucial. It ensures that our decision-makers are aware of changes and keep in compliance with the laws and rules. In addition, it allows PERB staff to maintain their credentials and keep current with certifications, licensures, and requisite courses.

Training and Conferences completed and scheduled Fiscal Year 2026:

- National Association of Hearing Officials (NAHO) Conference and online webinars:
- Labor and Employment Relations Association (LERA) Conference
- National Employment Law Institute (NELI) Virtual Conference
- Labor Employment Advance Practices (LEAP)
- National Court Reporting Association (NCRA) Conference & Expo
- National Association of Administrative Law Judiciary (NAALJ) Conference
- Labor Law & Labor Arbitration Training National Association of Government Archives and Records Administrators (NAGARA)

Professional Development Soft Skill Training:

- Developing your Emotional Intelligence
- Critical Thinking and Problem Solving
- Staying Calm in High-Stress Conversations
- Workplace Investigations: A Comprehensive Guide
- Business Grammar and Proofreading

Note: PERB also participates in Organizational trainings provided by the Division of Personnel and other entities.

RECOMMENDED BUDGET FOR FY 2027

The breakdown of Fiscal Year 2027 budget is as follows:

- Personnel Services accounts for a total of \$814,500.00
- Fringe Benefits total \$375,243.00
- Supplies total \$46,100.00
- Other Services and Charges total \$388,200.00
- Utilities total \$16,000.00
- Capital Outlays total \$46,867.00

TOTAL: \$1,686,910.00

GOALS

Our plans for Fiscal Year 2027 are as follows:

- Hire Security Services
- Reduce Case Loads
- Personnel Recruitment and Retention
- Increase Board Meetings/Executive Session
- Train Proposed New Board Members, and New Employees
- Purchase Case Management System Software for Digital File Storage
- Replace Training Room furniture and equipment

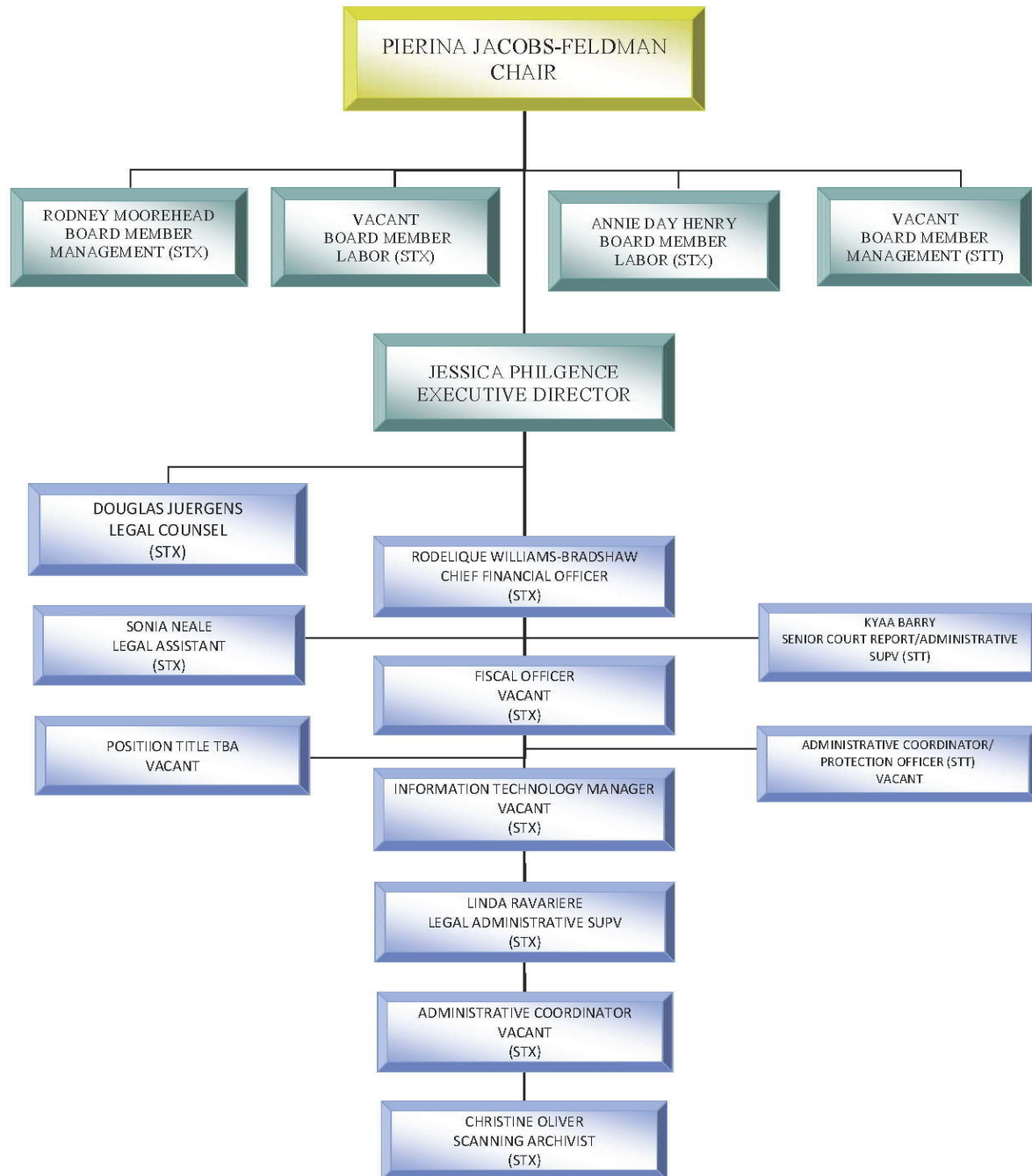
In summary,

The Public Employees Relations Board's goals may change from year to year in response to administrative priorities and operational needs. However, its core mission remains unchanged; to facilitate resolution and ensure that all matters are addressed in a timely and effective manner. The PERB's continued success is established with consistency, defensibility of board decisions, and procedural integrity. To support the PERB's efforts, adequate funding is essential for contractual agreements, rental buildings, maintenance, upgrades, procurement, travel, training and overall agency operations. The above goals will be achieved within the recommended budget proposed for Fiscal Year 2027.

PERB will continue to meet its statutory duties. PERB understands its mission and how the decisions we make affect the lives of government employees. We remain steadfast and committed to bringing resolve.

We humbly thank you for the opportunity to present before this body our budgetary needs for Fiscal Year 2027. We stand ready and available to answer any questions you may have.

PERB 2027 ORGANIZATIONAL CHART



**PUBLIC EMPLOYEES RELATIONS BOARD
2024-2026 CASELOAD COMPARISON STATISTICS
UPDATED AS OF JUNE 30, 2026**

Unfair Labor Practice Charge			
	2024	2025	2026
Filed	12	15	13
Closed	15	15	8
Pending	40	46	52

Representation and Decertification Petition			
	2024	2025	2026
Filed	0	0	1
Closed	4	0	0
Pending	6	6	7

Unit Clarification			
	2024	2025	2026
Filed	0	1	2
Closed	5	0	0
Pending	8	9	12

Impasses			
	2024	2025	2026
Filed	0	0	0
Closed	0	0	0
Pending	0	0	0

GSA 3 V.I.C. § 530			
	2024	2025	2026
Filed	12	19	6
Closed	10	21	6
Pending	2	1	0

GSA 3 V.I.C. § 531			
	2024	2025	2026
Filed	10	27	11
Closed	17	14	5
Pending	30	32	48
Consolidation	0	0	4 of 48 consolidated Same issues

TOTAL CASES			
	2024	2025	2026
Filed	34	62	33
Closed	48	57	19
Pending	101	88	119

TOTAL HEARING			
	2024	2025	2026
	15	28	6

COURT APPEALS PENDING AS OF JUNE 30, 2026			
COURT	ST. CROIX	ST. THOMAS	TOTALS
SUPERIOR COURT	11	7	18
VI SUPREME COURT	0	0	0
DISTRICT COURT	0	0	0
TOTAL	11	7	18

MEDIATIONS & ARBITRATIONS



FISCAL YEAR 2027
OCTOBER 1, 2025- JUNE 30, 2026

MEDIATIONS

OCTOBER 1, 2025 TO JUNE 30, 2026

A. ULPC/GSA

	2024	2025	2026
Ordered to/ voluntary	0	0	0
Partial/Completely Resolved	0	2	0
No Resolution	0	0	0
Pending	3	1	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.*

	2024	2025	2026
Requested / Voluntary	4	0	0
Partial/Completely Resolved	1	0	0
No Resolution	0	0	0
Pending	4	4	3

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.*

	2024	2025	2026
Filed	0	0	0
Sent to Mediation (including prior years)	0	0	0
Interest Arbitration (including prior years)	1	0	0
Pending	0	0	0

TOTAL MEDIATIONS CONDUCTED as of JUNE 30, 2026: 0 ; TOTAL PENDING 0

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	IL	

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
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	
McGregor, Malcolm	STX	
Moorehead,Rodney	STX	PERB Member
Moorhead , Mary	STX	
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

PERB APPROVED HEARING OFFICERS

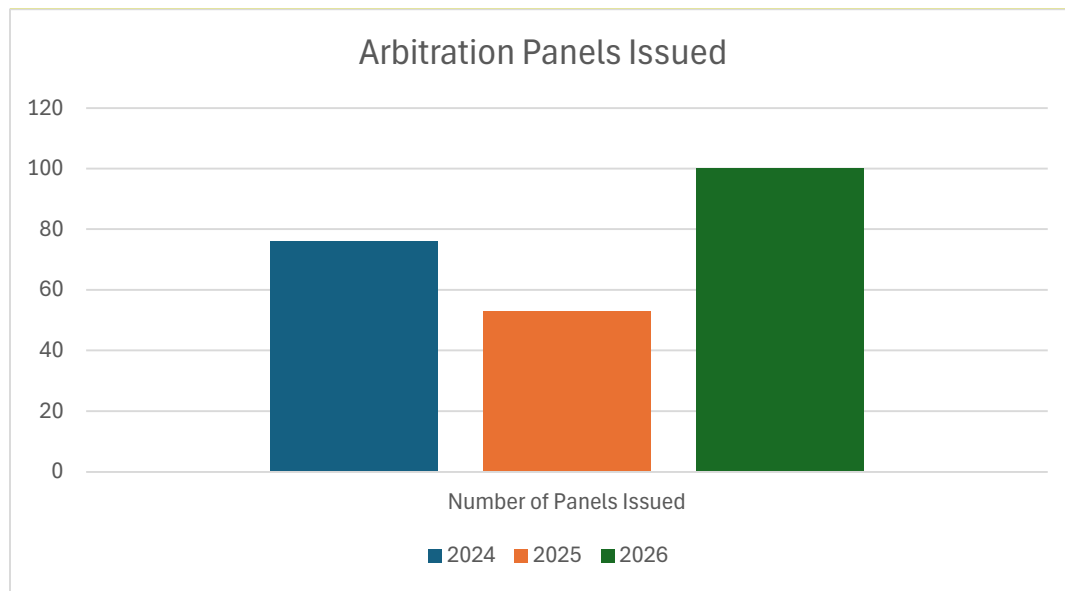
NAME	ISLAND
Abramson, John	STX
Austin, Richard, Esq.	STX
Henry, Annie Day	STX
Carr, Henry V. III., Esq.	STT
Kleeger, Lorin M., Esq.	STX
** Moorehead, Rodney E.	STX
Smock, Henry, Esq.	STT
Juergens, Douglas, Esq.	STT

****Board Member**

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, 2025, to June 30, 2026, there were one hundred (100) panels of arbitration issued.

Fiscal Year	Number of Panels Issued
2024	76
2025	53
2026	100



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

PERB APPROVED ARBITRATORS

U.S.VI. ARBITRATORS APPROVED BY PERB
(In Good Standing)

NAME	ISLAND
Abramson, John	STX
Johnson, Antoinette	STT

U.S. ARBITRATORS APPROVED BY PERB
(In Good Standing)

NAME	STATE
Bales, Richard	OH
Brewer, Lewis G.	FL
Drucker, Jacquelin F.	NY
Goldman, Barry	MI
Gordon, Melinda G.	NY
Greenberg, Keith D.	MD
Grey, Robert A.	NY
Hoffmeyer, Steven G.	MN
Jacobs, Jeffrey W.	MN
MacMillan, Charlene	WA
McDermott, Edward P.	MD
Michelstetter, Stanley H.	WI
Miller, Richard	MN
Nicholas, John T.	MS
Panico, John	IN
Simmer, Jared D.	PA
Stone, Samuel S.	NC
Timmons, Lisa W.	MI
Torosian, Herman	WI
Travis, Mark C.	TN
Vonhof, Jeanne M.	IL

TRAINING INITIATIVE



FISCAL YEAR 2027

PUBLIC EMPLOYEES RELATIONS BOARD FY 2027 TRAINING INITIATIVES

PERB TRAINING SPECIALISTS

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.

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.

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.

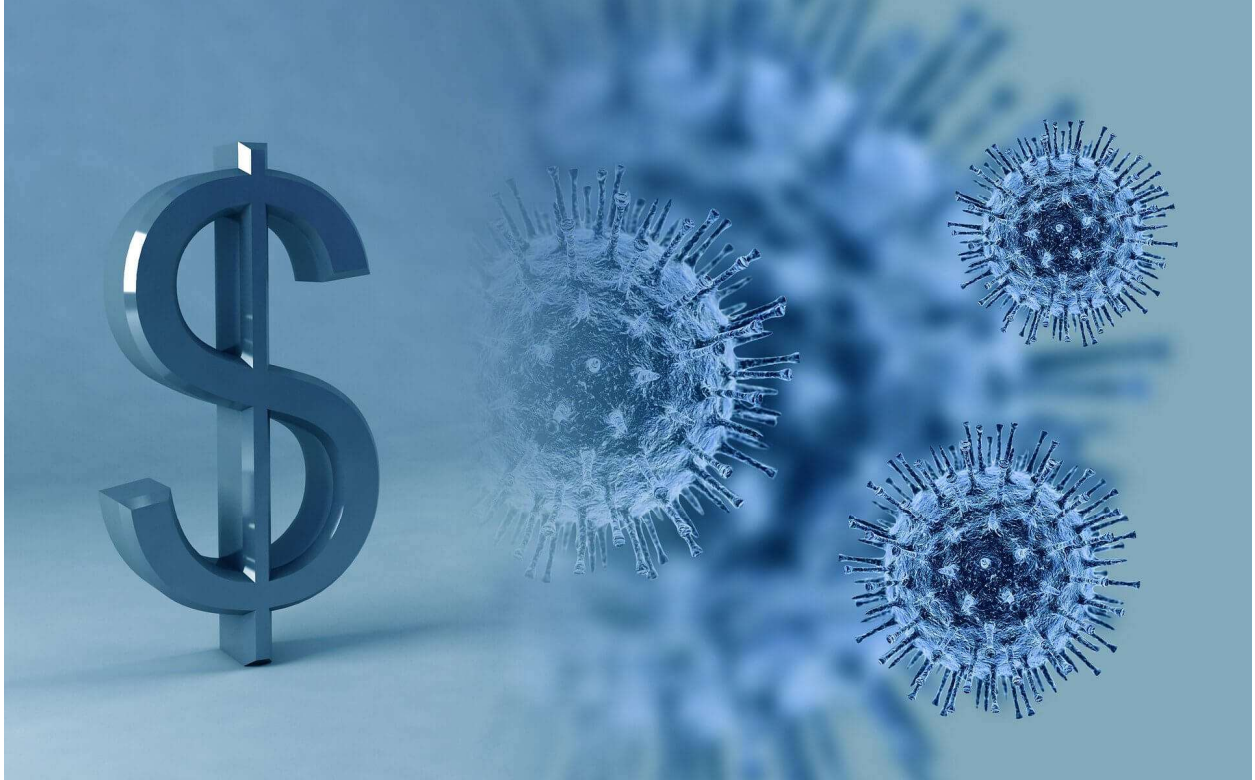
CONFLICT MANAGEMENT AND RESOLUTION

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 2027

FISCAL YEAR 2027 REQUESTED BUDGET

		FY 2027
Personal Services	\$	814,500.00
Fringe Benefits	\$	375,243.00
Supplies	\$	46,100.00
Other Services & Charges	\$	388,200.00
Utilities	\$	16,000.00
Capital Outlays	\$	46,867.00
TOTAL	\$	<u>1,686,910.00</u>

**PERB's FISCAL YEAR 2027
BUDGET REQUEST JUSTIFICATION**

ACCOUNT TITLE	PROJECTED AMOUNT	JUSTIFICATION
PERSONNEL SERVICES		
Unclassified	\$814,500.00	Eleven (11) staff - STX (9) & STT (2)
TOTAL PERSONNEL	\$814,500.00	
FRINGE BENEFITS		
Fringe Benefits	\$375,243.00	FICA, Health Insurance, Retirement, Workmen's Compensation;
TOTAL FRINGE	\$375,243.00	
SUPPLIES		
Office/ Other Supplies	\$20,900.00	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	\$46,100.00	
OTHER SERVICES & CHARGES		
Professional Services	\$36,400.00	Contractual Services and Agreements

Communication	\$36,000.00	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	\$65,000.00	Inter-island Travel; Professional Development Training & Travel
Rental of Machines	\$28,000.00	Xerox Machines - Multifunction printers; Pitney Bowes: Postage Meter;
Insurance	\$5,000.00	Insurance for Two (2) Vehicles
Rental of Building	\$123,000.00	Rental of Office Space - STT (\$66,000) and STX (\$57,000)
Other Services & Charges	\$81,000.00	Per Diem for Board Members/ Mediators & Legal Services/ Dues/Transportation - Not Travel
Repair & Maintenance	\$8,800.00	Repair & Maintenance/Vehicle Repair & Maintenance/Transportation - Not Travel/Other Services NOC
TOTAL OTHER SERVICES	\$388,200.00	

PUBLIC UTILITIES		
Electricity	\$15,000.00	Electrical Power - STX (STT included in Lease)
Potable Water	\$1,000.00	Potable Water - STX (STT included in Lease)
TOTAL PUBLIC UTILITIES	\$16,000.00	
CAPITAL OUTLAYS		
Capital Outlays	\$46,867.00	Training Room Upgrade & Other Office Upgrades
TOTAL CAPITAL OUTLAYS	\$46,867.00	
BUDGET TOTAL	\$1,686,910.00	

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, 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.