



Government of the United States Virgin Islands
OFFICE OF COLLECTIVE BARGAINING



Joss N. Springette, Esq.
Chief Negotiator

November 15, 2023

Honorable Senator Marise C. James
35th Legislature of the U.S. Virgin Islands
3022 Estate Golden Rock
Christiansted, St. Croix, VI 00820

***Re: Invitation to Committee on Education & Workforce Development Meeting
on November 16, 2023***

Dear Honorable Senator Marise C. James:

I received your letter dated October 31, 2023, inviting me to testify on "the ongoing issues that USW is experiencing with the Government of the Virgin Islands, specifically the Office of Collective Bargaining and the Commissioners of the various Government Agencies." I contacted your office on the same day, requesting more details on the invitation. Based on the information that Ms. Payne and Krigger provided, the language in your letter is the same as the correspondence provided to you by the United Steelworkers (USW). Also, the USW represents employees in at least 15 agencies in the central government. If it has "issues" with commissioners, I will not know the operations, discussions, and other interactions between the commissioners intimately enough to testify on them. Your staff spoke with USW's Secretary, Ms. Mallar Douglas, who mentioned that their issues include pending cases. The Union has not provided the list to your office and Mrs. Douglas told your staff that the union has a long list of issues. Unfortunately, neither your invitation nor your staff's further explanation provided sufficient information for me to provide testimony. Therefore, for the reasons below, I respectfully decline your invitation.

The USW represents employees in the terms and conditions of employment. Our cases cover areas such as an employee's personnel, personal, medical, criminal, and disciplinary history. These cases are confidential. So are the personnel records of the employees. Therefore, even if the Union provided further details on the basis for their issues, I (personally and professionally) risk various ethical and civil violations. The executive branch of government may be exposed to liability for my testimony since I am acting on behalf of this branch of government. The Union may not have to comply with these standards.

Nonetheless, I am very disappointed that they have not contacted me to have these discussions. Instead, they have opted to disregard the CBAs and risk divulging confidential information about their members in one of the most public forums. I imagine that the Committee's goal is to have a productive conversation that informs you and the public of

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various issues and hopefully resolves said issues. Sadly, you will not get these intimate results from such a public discussion.

I have maintained an open-door policy with the unions since 2011 when I joined OCB as an Assistant Attorney General-Labor. I also made myself available for calls and meetings immediately after I became the Chief Negotiator in 2019, met with USW multiple times within my first 90 days and several times since then. As a result, my team and I have advised and guided various agencies in resolving many differences between the parties. USW has eight (8) Collective Bargaining Agreements (CBA) covering government employees. In each one, we agree to resolve our differences through the grievance and arbitration procedure, and by other means allowed under Title 24 of the Virgin Islands Code. In addition, both the union and government negotiated terms in the various CBAs to alternatively hold Labor Management Committee (LMC) meetings. These meetings must “give consideration to such matters as: the interpretation and application of rules, regulations and policies; the correction of conditions resulting in grievances and misunderstandings; the encouragement of good human relations in employee-supervisory relationships; the betterment of employee working conditions; the strengthening of employee morale; and the implementation of Equal Employment Opportunity and related matters.” See [CBA-USW-Superv..pdf \(dopusvi.org\)](#). Further, while serving as an AAG-Labor and Chief and in effort to informally resolve as many differences as possible, I have encouraged each union to contact me before they file a formal complaint and allow me 24-72 hours to act on any alleged violations. Considering that the Committee does not have full working and legal knowledge of labor relations in government, I am also extremely concerned that such a meeting will only create confusion, leave all issues unresolved, and our employees’ sensitive information exposed.

Even if, for argument’s sake, the USW does not believe that meetings with me – the lead representative for labor relations and collective bargaining – will help them to resolve the issues that it has with OCB and the Commissioners, as members of the Governors Executive Branch Cabinet, we all report to Governor Albert Bryan Jr., Chief of Staff Karl Knight, and Deputy Chief of Staff Kevin Rodriquez. In past meetings with Governor Bryan, the Governor informed each union present of their right to elevate their concerns through the chain of command. The Governor reiterated this in a letter that he wrote to each union shortly after the meeting. I attached one such letter. All of the Governor’s cabinet members were present at the meeting with the unions.

On November 7, 2023, I spoke with USW Staff Representative Gerard Jackson to inquire about the basis for the Committee meeting and offered to meet. He informed me that R. Daniel Flippo, District 9 Representative has previously met with senators and is meeting with the Committee. In addition, I contacted some of my fellow cabinet members and their human resources representatives for insight on what may have prompted the union’s request to the legislature. I also review our case log, receive updates on pending matters and attend our office’s legal team meetings to stay abreast of our caseload and other

Letter to the Honorable Marise C. James

Re: Invitation to Committee on Education & Workforce Development Meeting on November 16, 2023

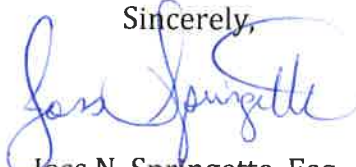
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issues. I met with Mr. Flippo today, discussed various issues of concern and await future meetings. For all the reasons stated above, I respectfully decline your invitation to testify on November 16, 2023.

In February 2023, I previously offered to meet with you to provide an overview of OCB, however we have had various scheduling conflicts since then. I remain open to meeting with you in the future.

Sincerely,



Joss N. Springette, Esq.

Attachment

cc: Honorable Senator Donna Frett-Gregory, Vice Chair, Committee of Education and Workforce Development
Honorable Senator Diane T. Capehart, Committee Member
Honorable Senator Dwayne M. DeGraff, Committee Member
Honorable Senator Javan E. James, Jr., Committee Member
Honorable Senator Franklin D. Johnson, Committee Member
Honorable Senator Carla T. Joseph, Committee Member

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THE UNITED STATES VIRGIN ISLANDS

OFFICE OF THE GOVERNOR
GOVERNMENT HOUSE

**Charlotte Amalie, V.I. 00802
340-774-0001**

February 11, 2021

via Email Transmission: atheniawsmith@yahoo.com

Athenia Williams-Smith
President, Local 9488
United Steelworkers
P.O. Box 302095
St. Thomas, VI 00803

Dear President Williams-Smith,

Thank you for meeting with me on November 19, 2020 to discuss fiscal and labor-related matters. The key concerns raised by the unions during this meeting was the delayed or lack of response from management's and their handling of the union's efforts to resolve disputes. In response (**optional** - to SIU's suggestion), I scheduled another meeting on and December 22, 2020, where all cabinet members were present to hear your concerns.

As parties to each collective bargaining agreements, we must honor the terms of each agreement and jointly work towards a harmonious relationship. Therefore, I have directed each cabinet member to take specific actions to work towards this goal. As a reminder, we agreed that the Unions would supply a listing of all judgements or backpay that remain outstanding in an effort to resolve these issues.

Please contact the Office of Collective Bargaining if these issues persist, after the union has taken the appropriate steps with the agency's management. Deputy Chief of Staff Kevin Rodriguez is also available if you need further assistance.

I want to make every effort to have these exchanges at least quarterly and look forward to future meetings on these and other matters of concern.

Sincerely,

A handwritten signature in blue ink, appearing to read "Albert Bryan Jr.", written over a horizontal line.

Albert Bryan Jr.
Governor