



TESTIMONY BILL No. 35-0032

Legislature of the Virgin Islands | 35th Legislature

Committee on Rules and Judiciary
The Honorable Diane Capehart, Chairwoman

The Division of Personnel

Presented by:

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Director

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Good afternoon, Honorable Diane Capehart, Chairwoman of the Committee on Rules and Judiciary, committee members, non-committee members, the listening and viewing audience, colleagues, and the Division of Personnel team.

My name is Cindy L. Richardson, Director of the Division of Personnel. Accompanying me today is Aliya T. Felix, Esq., Legal Counsel.

Thank you for the invitation to offer testimony on Bill No. 35-0032, proposed by Senator Marise James, an Act repealing and reenacting Title 18 Virgin Islands Code, chapter 1, section 2, relating to government employees' eligibility for elected office, to allow government employees to run for political office while actively employed, unless specifically prohibited by federal or other laws.

Having testified previously on this bill, the Division of Personnel supports the bill as amended with one addition. Bill No. 35-0032 ensures transparency and accountability for all Government of the Virgin Islands (GVI) employees who choose to run for political office while actively employed. As you know, Title 3 V.I.C. Section 452 mandates that the Director of Personnel prescribes and establishes rules and regulations for the conduct of individuals appointed to the government service. This law supports our efforts to uphold our ethical code of conduct, reduce abuse of leave, and deter employees from engaging in unauthorized activity during work hours. This bill aligns with our overarching goal of creating a more equitable and inclusive public sector.

Furthermore, this bill alleviates the current stringent leave restrictions which will ensure that individuals are not faced with undue financial hardships in their pursuit of public service. This change is crucial for attracting qualified political candidates who may otherwise be deterred by the financial implications of using accrued annual leave and/or taking unpaid leave for extensive periods. Previously, the bill required a leave of absence that was tied to the early voting period, in which the timeframe can vary. There was also discussion about tying the leave to the commencement of the electoral process. We are glad to see that a decision was made to remain focused on the intent behind the bill, which is, from our perspective to foster a more competitive and diverse pool of potential candidates for public office, while curtailing/impacting the unauthorized activity of GVI employees while working. Although we support the bill as amended, to strengthen this measure and provide necessary clarity there should be language that directly addresses what happens with respect to leave requirements, in the event of a run-off or special election.

With these changes, we would be remiss if we do not ensure our population is aware of the potential impacts. For example, should an employee not have the requisite accrued leave and must take Leave Without Pay (LWOP), this will result in 1) a break in service with respect to retirement eligibility and 2) the continued responsibility of paying the employee share of insurance premium

payments. However, as proposed, the reduced length of time of any such impact should not change the bill's intent or create an undue financial burden for any employee seeking to run for office.

Senators, I thank you once again for the opportunity to provide input on this legislation. It is a privilege to contribute to a bill that stands to benefit our shared constituents. My staff and I extend our gratitude to the bill sponsor for the collaborative approach taken in preparing this bill. We stand ready to answer any questions.