

**Testimony before the
Committee on Rules and Judiciary
by
Joss N. Springette, Esq.
Chief Negotiator, Office of Collective Bargaining**

Good day Honorable Senator Diane T. Capehart, Chairwoman of the Committee on Rules and Judiciary, Committee Vice Chair Milton E. Potter, Senator Angel L. Bolques, Jr., Senator Kenneth L. Gittens, Senator Marise C. James, Senator Franklin D. Johnson, Senator Carla J. Joseph, non-committee members present, and the viewing and listening audience. I am Joss Springette, Chief Negotiator of the Office of Collective Bargaining. I appear before you to testify on Bill No. 35-0032: 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.

In summary, the current Section 2 of Title 18, Chapter 1 provides that employees in any branch of government are eligible for nomination as candidates for public office. Once they become a candidate, they must take a leave of absence from the date of the filing of their nomination papers, until the date of the general election. If the employee is a candidate in a primary election and is not nominated, then their leave of absence may end immediately after the primary. Employees may use accrued annual leave during their leave of absence or take leave without pay. This leave does not impact seniority or other employment rights. Employees who become candidates for party offices, those serving as party officers, candidates for the Board of Education, and candidates for the Board of Elections are not required to take a leave of absence.

The proposed Bill repeals the existing Section 2 of Title 18, Chapter 1, and reenacts it by, among other things, reducing the time that an employee must take a leave of absence. Specifically, employees must take a leave of absence for a short period before the primary

election. If the employee is successful in the primary, they can return to work until the general election. The employee is then required to take another leave of absence before the general election. Other candidates who did not run in the primary election but will run in the general election would also be required to take a leave of absence for the same time. This Bill retains the language stating that an employee's leave of absence does not impact seniority or other employment rights. The proposed Bill also states that employees who are paid with federal funds are subject to the restrictions imposed by federal laws or regulations. In other words, the federal law will supersede the Virgin Islands Code in that regard.

As head of the office that negotiates on behalf of, and represents the central government in labor union matters, the impact of this Bill on an employee's seniority is relevant to our responsibilities. This is because each collective bargaining agreement contains terms on seniority, and a break in service would cause an employee to lose seniority. Using this proposed Bill as an example, taking leave without pay would be considered a break in service. However, this Bill allows an employee to maintain their seniority under these circumstances. Therefore, I support the Bill as amended.

Thank you for the opportunity to testify on this Bill. I am available to answer any questions that you may have.