



## Testimony | Bill No. 36-0207

---

A pleasant good morning, Honorable Kurt A. Vialet, Chairman of the Committee on Education and Workforce Development, members of the Committee, non-committee members, and the viewing and listening audience. My name is Cindy L. Richardson, Director of the Division of Personnel. I am accompanied by Legal Counsel, Aliya Felix-Blyden. Assistant Director Florine Audain-Hassell is present in person in the Legislative Conference Room in St. Croix. I appreciate the opportunity to submit testimony in support of Bill No. 36-0207.

Bill No. 36-0207 proposes to provide employees of the Government of the Virgin Islands (GVI) with two hours per month of paid leave for parents or legal guardians of a child with a diagnosed disability to attend medical, therapeutic, or diagnostic appointments.

The Division of Personnel appreciates the Legislature's continued focus on policies that support the realities of our personnel.

### **Position on the Bill**

The Division of Personnel (DOP) supports the intent of the bill, with recommended clarifications to ensure effective implementation and alignment with existing law.

The GVI currently provides caregiver leave under 3 V.I.C. § 590b. That framework allows eligible employees to receive up to four hours of administrative leave per month when serving as the primary caregiver for certain qualifying individuals, or when entrusted with or assuming responsibility for the care of older adults and dependent adults.

While there is some overlap between the existing caregiver leave framework and the proposal before the Committee, DOP views the bill as a more narrowly tailored leave category focused specifically on allowing parents or legal guardians to attend scheduled medical, therapeutic, or diagnostic appointments related to a child's condition.

In practice, these appointments may not always align neatly with the broader caregiver leave framework. The Division therefore recognizes the value in providing a clear and consistent mechanism to address this specific need.

Additionally, the leave authorized under the bill is merely two hours per month and represents a minimal operational burden. Even in circumstances where an employee may qualify under both leave programs, the total amount of leave remains modest. As such, the Division does not view the potential for overlap or cumulative use as a significant concern.

## **Areas for Clarification**

While the Division supports the bill, several provisions would benefit from clarification to ensure consistent and effective administration.

Where the bill is silent or ambiguous in certain areas, the Division recommends that the Legislature either provide clarification within the statute or expressly authorize its intent for the Division of Personnel to address such matters through implementing regulations.

Specifically:

- The bill authorizes civil penalties of up to \$1,000 per violation but does not define what constitutes a “violation.”
- The bill does not specify against whom penalties are intended to be assessed, such as the employing agency or a responsible official.
- The bill requires seven business days’ notice, except in cases of emergency but does not define what constitutes an emergency.
- DOP would want to ensure that the definition of a child with diagnosed disability aligns with existing federal and territorial frameworks governing disability, including the Americans with Disabilities Act.
- The bill does not specify whether the two-hour monthly entitlement applies per employee or per qualifying child. DOP would recommend per employee, per qualifying child with a diagnosed disability.
- The bill does not address how this leave is intended to interact with existing caregiver leave under 3 V.I.C. § 590b. |

## **Operational and Resource Considerations**

We note that the legislation itself presents a minimal operational burden. However, the enforcement provisions assign additional responsibilities to the Division of Personnel, including investigation of complaints, enforcement of compliance, and assessment of penalties.

The Division is currently responsible for administering and overseeing multiple programs and functions, including caregiver leave, donated leave, equal employment opportunity matters, ethical investigations, and other personnel compliance issues.

At present, these responsibilities are managed with limited personnel resources, with only a small number of individuals trained to conduct investigations while also maintaining their primary duties.

Accordingly, the Division respectfully highlights that the continued expansion of enforcement responsibilities underscores the need to advance the development of a Personnel Accountability and Compliance Unit (PACU), or similar structure. Such a unit would support the Government’s ability to ensure compliance, conduct timely investigations, and effectively implement legislative mandates such as those proposed in this bill.

## **Conclusion**

In conclusion, the Division of Personnel supports the intent of Bill No. 36-0207 and recognizes its value in addressing a specific and practical need for employees and their families.

With the recommended clarifications and appropriate administrative support, the Division believes the bill can be implemented effectively and consistently across the Government of the Virgin Islands.

Thank you for the opportunity to testify. My team and I stand ready to answer any questions. |