

Honorable Senator Marise C. James

35th Legislature of the Virgin Islands
Senate of the Virgin Islands
Charlotte Amalie, St. Thomas, VI

Subject: Apology for Absence and Submission of Testimony in Support of Bill No. 36-0134

Dear Senator James,

I hope this message finds you well. I am writing to extend my sincere apologies for not being able to attend the hearing held this morning regarding **Bill No. 36-0134**, *An Act repealing and reenacting title 18, Virgin Islands Code, chapter 1, section 2 relating to government employees' eligibility for elected offices*. Unfortunately, I experienced an unforeseen emergency and scheduling conflict that prevented my attendance.

Please know that my absence was not due to a lack of interest or commitment to the important issues before the Committee. I greatly appreciate the Legislature's efforts to advance legislation that promotes fairness, accessibility, and integrity within government service.

For the record, I respectfully submit the following testimony that I would have presented at the hearing:

Testimony in Support of Bill No. 36-0134

Thank you for the opportunity to offer testimony in support of **Bill No. 36-0134**, an act repealing and reenacting title 18, Virgin Islands Code, chapter 1, section 2 relating to government employees' eligibility for elected offices, to allow government employees to run for political office while actively employed, unless specifically prohibited by federal or other laws.

This bill represents a meaningful and necessary step toward ensuring equitable access to public service for all Government of the Virgin Islands (GVI) employees, while maintaining essential safeguards to protect the integrity of government operations.

The Division of Personnel (DOP) previously testified in support of the prior iteration of this legislation, **Bill No. 35-0032**, during the Thirty-Fifth Legislature. We reaffirm our support of this measure as reintroduced and amended, recognizing its alignment with DOP's obligation to ensure fair, consistent, and equitable employment practices across the government service.

As the human resources entity responsible for administering personnel rules, classification, and benefits for all GVI employees, the Division of Personnel supports legislation that promotes fairness and accessibility in public service while maintaining safeguards that preserve the integrity of government operations. Bill No. 36-0134 modernizes an outdated framework that has historically discouraged or prevented employees from seeking elective office due to financial hardship and restrictive leave policies. The measure ensures that employees may participate in the democratic process without forfeiting their livelihood, while clearly delineating boundaries to prevent conflict of interest or misuse of public resources.

The previous version of this legislation, **Bill No. 35-0032**, permitted government employees to seek elective office without being forced to take an automatic leave of absence. It also allowed supervisors to require leave if an employee's campaign interfered with their official duties. The current version, **Bill No. 36-0134**, strengthens and simplifies that framework by removing discretionary leave determinations and making clear that government employees may remain in active employment status while running for office, unless prohibited by federal law.

The amended bill further clarifies that judicial officers and law clerks are excluded from coverage under this section, as their conduct is governed separately by the Virgin Islands Code of Judicial Conduct and the Code of Conduct for Law Clerks. It also refines the provisions related to the Boards of Education and Elections, confirming that employees may seek election to these boards but may not serve as both an employee and member of the same board simultaneously. Importantly, both versions preserve critical restrictions that prohibit campaigning or political activity during working hours and the misuse of government time, property, or authority for political purposes. Moreover, the amended version strengthens compliance language by explicitly referencing federal restrictions under the **Hatch Act (5 U.S.C. §§1501–1508)**, ensuring consistency with federal and other applicable law.

While DOP supports the revised language, several implementation matters warrant administrative attention. The Division will issue guidance to agency heads clarifying permissible and prohibited political activities during work hours and the appropriate handling of potential conflicts of interest, recommending a communication and training campaign to ensure uniform understanding among employees and supervisors once enacted.

Notably, the omission of explicit managerial requirements in this bill does not diminish agency authority to address performance, conduct, or conflicts of interest. The GVI Code of Conduct, Personnel Rules and Regulations, and relevant agency disciplinary procedures already grant management the authority to take corrective or disciplinary action when employee conduct compromises operational efficiency or government integrity. As such, it was unnecessary to duplicate these provisions in statute; the legislation appropriately focuses on ensuring equitable access to candidacy while relying on existing management frameworks to uphold ethical and operational standards.

Although the bill allows all government employees to remain in active employment status while seeking elective office, DOP recognizes that administrative guidance will still be needed for employees who ultimately assume elected office or voluntarily choose to take leave to campaign. These considerations relate to post-election or voluntary leave scenarios rather than candidacy itself and ensure that employees and agencies understand how such transitions may affect employment status, retirement credit, and benefits.

Bill No. 36-0134 represents a meaningful modernization of V.I. law. It removes unnecessary barriers to democratic participation, safeguards ethical standards, and ensures fair treatment for government employees seeking elective office. As the central human resources authority for the GVI, the Division of Personnel supports this measure and stands ready to assist the Legislature and Executive Branch with implementation of related administrative policies.

Thank you for the opportunity to testify. We remain available to provide any additional technical assistance or clarification the Committee may require.

Once again, I apologize for not being present to deliver this testimony in person and appreciate your understanding. Please include this written testimony in the official record for the hearing on **Bill No. 36-0134**.

Respectfully submitted,

Cindy L Richardson
Cindy L. Richardson
Director