

**Testimony before the
Committee on Government Operations, Veterans Affairs,
and Consumer Protection**

**by
Joss N. Springette, Esq.
Chief Negotiator, Office of Collective Bargaining**

Good day Honorable Senator Avery L. Lewis, Chairman of the Committee on Government Operations, Veterans Affairs, and Consumer Protection, members of the Committee and 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. 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.

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, removing the requirement that employees take leave of absence. With some exceptions, employees in all three branches can be nominated for public office while actively employed and their employers cannot take any type of personnel action against them because they have chosen to seek a position in an elected office. If an employee is elected to a seat on the Virgin Islands Board of Education or Board of Elections, that employee cannot remain employed on the Board during their term in office. Also, a member of the Board of Elections must resign before seeking any public office.

Government employees covered under this proposed legislation cannot manage a campaign, engage in campaign activities while on duty. They cannot use their position, government funds, or other government resources for the purpose of furthering their political aspirations.

Section (f) and (g) of the proposed Bill also states that this section does not apply to:

- judicial officers and law clerks who are governed by the Virgin Islands Code of Judicial Conduct and the Virgin Islands Code of Conduct for Law Clerks;
- government employees becoming candidates for party offices or serving as party officers; and

- campaign activity that is governed solely by federal law.

Finally, the Bill states that employees who are paid with federal funds or “whose jobs are related to an activity that receives federal funds are subject to the restrictions imposed” under Title 5 U.S. §§ 1501-1508, known as the Hatch Act, “and by any other applicable law or regulation of the United States.”

On September 28, 2023 and June 13, 2024, I testified before the Committee on Rules and Judiciary on Bill No. 35-0032. The purpose of the current Bill is the same: to allow government employees to run for political office while actively employed, with the same exceptions regarding the Boards of Education and Election and the Hatch Act. Unlike the previous Bill, the current Bill does not include:

- the removal of the requirement that a supervisor determines whether an employee can effectively perform the duties as a government employee while seeking elected office;
- requiring such an employee to take leave while seeking elected office; and
- an employee ability to take a personal leave of absence while serving in an elective office and return to their position or a similar one.

Therefore, I have no objections to this Bill. Thank you for the opportunity to testify on Bill 36-0134. I am available to answer any questions that you may have.