



# TESTIMONY BILL No. 36-0077

Legislature of the Virgin Islands | 36<sup>th</sup> Legislature

Committee on Rules and Judiciary  
*The Honorable Carla J. Joseph, Chairperson*

***The Division of Personnel***  
***Presented by:***

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Director of Personnel

Thank you for the opportunity to offer testimony on Bill No. 36-0077, which seeks to repeal and replace Title 3, Chapter 37, Section 1108 of the Virgin Islands Code to formally establish a Virgin Islands Commission on Ethics and Conflicts of Interest.

While the Division of Personnel (DOP) commends the Legislature for advancing the measure and clarifying elements such as the Commission's appointment process and staffing structure, we must respectfully express our opposition to the bill as currently amended. The measure, in its present form, raises concerns regarding overlapping statutory authority, undefined procedural mechanisms, and an absence of coordination with existing oversight bodies.

Additionally, DOP finds the bill lacks a clear statement of purpose or legislative intent. Nowhere in the language of the bill are the objectives, mission, or scope of responsibilities of the proposed Commission explicitly defined. Nor does the bill establish the duties of the Commission or set forth a framework for how ethical oversight will function in practice. Without this foundational clarity, it is difficult to assess the potential effectiveness or necessity of the Commission, and implementation may lead to confusion, redundancy, or public skepticism.

We further note that certain language from the 2024 version of this measure; specifically, provisions that clearly outlined investigatory authority, the power to administer oaths, conduct hearings, and issue findings; have been omitted from the 2025 version. This removal may reflect a legislative intent to defer such responsibilities to the Office of the Attorney General, as 3 V.I.C. § 114 and § 1106 already empower the AG to administer and enforce ethics and conflict of interest laws, including investigative and enforcement duties. If this interpretation is correct, then it should be expressly stated in the measure to avoid ambiguity and to define the intended role and scope of the proposed Commission.

It is important to also highlight that, notwithstanding 3 V.I.C. § 114 and §§ 1100–1108, the Division of Personnel has taken significant, proactive steps to uphold ethical standards across the executive branch. DOP authored with the Governor's Legal Counsel, Executive Order 540-2024 - the current GVI Code of Ethical Conduct, which was signed into effect on January 27, 2025, by way of executive order of the Governor. This code governs the conduct of all executive branch employees and serves as a foundational document for promoting ethical behavior, minimizing conflicts of interest, and guiding decision-making for the broader GVI employee population.

In addition to this policy framework, DOP has launched a comprehensive, government-wide ethics training campaign and has established an internal ethics reporting mechanism that allows employees to report ethical concerns securely and confidentially, referring matters to the office of the Attorney general as appropriate. However, given the limited capacity of that office DOP remains the frontline entity in managing these personnel matters for the greater workforce.

It is also worth noting that each branch of government currently manages ethics oversight within its own internal structure, whether through codes of conduct, internal standards, or disciplinary mechanisms. The current fragmented approach underscores the need for a clear, collaborative framework in shaping any new oversight structure and shared standards that preserve branch autonomy while ensuring consistency in ethics administration and public accountability. Most critically, DOP asserts the importance of distinguishing between high-level public official positions; who possess the power to influence or interfere in investigations; and the general employee population. Power dynamics, political pressure, internal hierarchies, and the actual or perceived threat of retribution tend to result in a failure to pursue or gain traction when involving powerful actors such as s. As such, this legislation presents an opportunity to clarify and codify the roles of DOP, the Office of the Attorney General, and/or any other proposed body, ensuring that all entities work in concert rather than at cross purposes. For these reasons, we support the establishment of an independent body with jurisdiction over high-level officials, while reaffirming our proposal to create a Personnel Accountability and Compliance Unit within DOP to manage ethics, among other matters of employee conduct, within DOP for the broader workforce offers the best chance of preserving both integrity and public trust in executive branch operations.

Accordingly, we submit the following:

**1. Overlapping Authority and Scope** The revised bill does not fully resolve questions of jurisdictional overlap between the proposed Ethics Commission and the Office of the Attorney General. Under existing law, specifically 3 V.I.C. § 114 and § 1106, the Attorney General is empowered to administer and enforce laws relating to ethics and conflicts of interest. Moreover, pursuant to 3 V.I.C. § 452(b) the Division of Personnel is empowered to govern employee conduct, investigations, and discipline. The bill does not clarify how the Commission will interface with these preexisting authorities, nor does it define any formal referral, complaint, or coordination process.

We also believe that any framework must distinguish between administrative employee misconduct and potential violations of law that may warrant civil or criminal prosecution. DOP is best positioned to address the conduct of the wider population through internal personnel policies and disciplinary mechanisms, while the Office of the Attorney General remains the appropriate entity to manage prosecutorial matters referred from either DOP or the Commission.

**2. Proposal for a Dual Framework: PACU for Workforce-Level Oversight** DOP has proposed the creation of a Personnel and Compliance Unit (PACU)-a centralized body to manage employee conduct, ethics, and compliance. Under this approach, an independent body would have authority over elected and high-ranking public officials across the three branches, while a Personnel Accountability and Compliance Unit (PACU) within DOP who would oversee the broader central government workforce.

PACU would serve as a centralized compliance arm with jurisdiction over:

- Centralized authority for managing employee conduct;
- Comprehensive ethics education and training for government employees;
- Confidential reporting and investigating to address ethical violations;
- Referring cases of legal significance to the Attorney General or other appropriate body.

This model addresses the structural challenge of having employees investigate matters involving the titular head of the executive branch, or other senior officials, where the risk of perceived or actual bias is high. Separating oversight in this way ensures a system where the public can have greater confidence in the fairness and independence of ethics investigations.

To further promote impartiality, the PACU should be structured so that its leadership maintains a "dotted-line" reporting relationship with the Director of Personnel, maintaining operational placement within DOP, while operating semi-independently to reduce the risk of undue influence and remaining accountable to administrative oversight.

DOP views the PACU as an opportunity not only to expand its jurisdiction in meaningful and measurable ways, but also to enhance government accountability and streamline ethical governance across agencies. While this bill is narrowly focused on ethics and conflict of interest,

we believe it presents an ideal opportunity to begin aligning related personnel and compliance functions under one agency to promote consistent oversight, efficient service delivery, and improved government accountability.

Importantly, this vision includes establishing a labor relations division within DOP that would encompass the existing Office of Collective Bargaining, consolidating government-wide labor relations and personnel policy under one roof. This proposal supports greater consistency in enforcement, training, and negotiation, and empowers DOP to more effectively manage the government's human capital responsibilities.

### **3. Clarifying Implementation and Boundaries**

If the dual framework is adopted, the enabling legislation should clearly delineate the roles of each oversight entity. Suggested areas for clarification include:

- The respective jurisdictions of the PACU, the Ethics Commission, and the Attorney General.
- The types of violations or employee classifications managed by each body;
- Interagency communication protocols and referral mechanisms;
- Responsibilities for rulemaking, investigations, and enforcement.

It is important to acknowledge that this recommendation would necessitate adjustments to the current statutory framework. Although 3 V.I.C. § 114 and § 1106 grant the Attorney General broad responsibility for administering and enforcing ethics and conflicts of interest, our experience has shown that meaningful ethical oversight depends on functional, operational infrastructure across agencies. DOP, as the human resources management arm of the executive branch, is best positioned to manage day-to-day ethics education, personnel conduct, and internal accountability mechanisms for the general workforce. Meanwhile, the Attorney General's Office should retain authority over legal interpretation/referrals, regulatory guidance, and prosecution, while the Commission would be empowered to address the conduct of high-ranking public officials in a manner that preserves public confidence.

This collaborative approach is not a rejection of the Attorney General's statutory authority, but rather a recognition that a more specialized and operationally distributed model will improve

response time, trust, and outcomes, strengthen the overall system and ensuring the right entities are focused on the right levels of ethical oversight. The AG's Office remains a critical partner, but the operational management of ethics and personnel accountability requires agencies that are equipped and focused on the practical realities of employee conduct, culture, and compliance.

In conclusion, the Division of Personnel supports the broader objective of strengthening ethical governance in the Virgin Islands but opposes the bill in its current form. We strongly recommend a dual-framework approach that:

- Assigns oversight of high-level public officials to an independent commission like the one proposed to preserve public trust and investigative integrity;
- Establishes the PACU within DOP to manage workforce-wide compliance;
- Ensures coordinated, collaboration among the Commission, the PACU, and the Office of the Attorney General.

This structure balances independence with accountability, builds on existing infrastructure, and provides a practical, collaborative path forward for ethics oversight for public personnel in the Virgin Islands.

Thank you for allowing me time to testify today and I stand ready to answer any questions you may have.