



Testimony | Bill No. 36-0134

A pleasant good morning Honorable Carla J. Joseph, Chairwoman of the Committee on Rules and Judiciary, 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. Accompanying me today is Assistant Director, Florine Audain-Hassell, and Legal Counsel, Aliya Felix Blyden. I appreciate the opportunity to submit testimony in support of Bill No. 36-0134.

Bill No. 36-0134 is 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 Bill No. 36-0134 modernizes an outdated framework that has historically discouraged or prevented employees from seeking elective office due to financial hardship and restrictive leave policies.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 Virgin Islands 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 Government of the Virgin Islands, the Division of Personnel supports this measure and stands ready to assist the Legislature and Executive Branch with implementation of related administrative policies.

My team and I stand ready to answer any questions the Committee may require.