

Government of the Virgin Islands

EMPLOYEE HANDBOOK



As printed by the
Division of Personnel
January 1, 1994

PROFILE OF THE VIRGIN ISLANDS PERSONNEL MERIT SYSTEM

The Division of Personnel, established by V.I. Code Ann. Tit. 3, Ch. 25, is considered a special agency within the government service to which a special function has been delegated. The Division may be referred to as an auxiliary agency since it performs the common personnel activities, which enables the line agencies to maintain themselves as working organizations. The Division of Personnel is established to carry on employment and other related activities as a function of management. This important mission – to enable the departments and through the best possible usage of personnel – began on May 27, 1947. At that time the division began its exploratory work in determining the personnel needs of the government.

The Classification Plan was approved by Governor Morris F. de Castro on June 12, 1948. This plan became effective on July 1, 1948 and allocation notices were sent to each employee in the Municipal Service the Territory. Classification then became the first integral part of the Division of Personnel. Because it was necessary that heads of departments and agencies use class titles in referring to positions in their departments, and the division was required to see that class titles were adhered to, it was essential that the availability of personnel for work in these classes be established, eligible lists were then established to meet this need. Fiscal Year 1949 saw the first recruitment effort to attract promising candidates to the Municipal Service.

Due to the fiscal crisis in the Virgin Islands at the time, the pay plan was not recommended for approval and adoption at the same time as the classification plan. Upon the recommendation of the Director of Personnel, the Governor approved a pay plan for the Virgin Islands on April 28, 1949. The plan was sent to the respective municipalities for approval. The Municipal Council of St. Croix approved the plan on May 26, 1949. The Municipal council of St. Thomas and St. John disapproved the plan. The plan was revised and resubmitted to the Council, which approved and adopted it on June 27, 1949 for a one-year period. The revised plan, however, carried two amendments providing for (1) \$50.00 per month as a minimum salary for municipal service and (2) credit for all past service in determining initial pay increments. The pay plan became effective in both municipalities on July 1, 1949. The adoption of the pay plan saw the full implementation of the Merit System Law in the Virgin Islands.

Subsequently, the Merit System Law was amended by various provisions of the Organic Act of 1953.

and such other days as the President or the Governor may by proclamation declare to be holidays. Whenever any holiday (other than Sunday) falls upon a Sunday, the Monday shall be a legal holiday (Section 171 (a) Title 1 VIC)

Unless you are specifically scheduled to work, you are given paid holiday leave for regularly scheduled work occurring on the above holidays.

100:4 ANNUAL LEAVE

If you were appointed to the government service prior to July 1, 1968 you are entitled to 26 days of annual leave per year. If you were appointed after July 1, 1968 you accrue annual leave as follows:

- a) for an employee with less than 3 years of service, 4 hours for each full biweekly pay period.
- b) for an employee with three (3) but, less than 15 years of service, six (6) hours for each full biweekly pay period in the year is one and one fourth days.
- c) for an employee with 15 or more years of service, 8 hours for each full biweekly pay period. (Section 582 Title 3 VIC)

At the beginning of each calendar year annual leave in excess of 480 hours are sent to the Government Employees Retirement System (GERS) for service credit towards your retirement. If you return to service after an absence of no more than five (5) years you accrue annual leave at the rate of your most recent separation. Your department head will make every effort to accommodate your request for annual leave. However, to ensure efficient operations, your department head reserves the right to assign you a specific time for your leave. Therefore, in planning leave, you are encouraged to inform your supervisor well in advance of the leave dates. You may not use annual leave without the approval of your department head. The Commissioner of Finance will notify you regarding the amount of your accumulated annual leave.

Annual leave for professional educational personnel of the Department of Education are provided for separately. Employees of that department are asked to consult their department are asked to consult their department's personnel office concerning annual leave.

100:5 FAMILY AND MEDICAL LEAVE (THE FAMILY AND MEDICAL LEAVE ACT OF 1993)

100:5:1 DEFINITIONS

1. **Eligible Employee.** To be covered, an employee must:
 - a. have been working at least 12 months before the leave and
 - b. have worked at least 1,250 hours during that time.

2. **Son or Daughter.** Any person who is under 18 years old or any person 18 years because of a mental or physical disability is a son or daughter if the person's relationship to the employee is that of:
 - a. a biological, adopted or foster child,
 - b. a stepchild
 - c. a legal ward or
 - d. child of a person standing in place of a parent
3. **Parent.** A parent is the biological parent of an employee or and individual who stood in the place of a parent to an employee when the employee was a son or daughter.
4. **Spouse.** A husband or wife, as the case may be.
5. **Serious Health Condition.** A serious health condition means an illness, impairment or physical or mental condition that involves either:
 - a. inpatient care in a hospital, hospice or residential medical care facility, or
 - b. continuing treatment by a health care provider
6. **Health Care Provider.** Health care provider means a licensed doctor of medicine or osteopathy, or any other person determined by the U.S. Secretary of Labor to be capable of providing health care services.

100:5:2 LEAVE REQUIREMENTS

Eligible Employees are entitled to a total of **twelve (12) workweeks** of leave is taken for one or more of the following circumstances:

- for the birth of a son or daughter of an employee and to care for the child;
- for the placement of a son or daughter with an employee for adoption or foster care;
- to care for the spouse, son, daughter or parent of an employee if the family member has a serious health condition;
- an employee is unable to perform the functions of the position because of the employee's own serious health condition.

100:5:3 INTERMITTENT OR REDUCED SCHEDULE LEAVE

Intermittent Leave is leave taken during non-continuous periods. Leave taken for the birth or placement of a son or daughter cannot be taken intermittently. However, intermittent leave may be taken when medically necessary in cases of a serious health condition. The serious health condition may be your own or that of a family member.

Reduced Schedule Leave is leave that reduces your usual number of daily or weekly hours. Leave taken for the birth or placement of a son or daughter cannot be

taken on a reduced schedule basis. However, reduced schedule leave may be taken when medically necessary in cases of a serious health condition. The serious health condition may be your own or that of a family member.

100:5:4 UNPAID LEAVE AND PAID LEAVE

The Family and Medical Leave Act only require **unpaid leave**. However, you may elect or may be required to substitute accrued annual and/or sick leave for any part of the 12 weeks leave granted under the Act.

100:5:5 NOTICE REQUIREMENTS

Foreseeable Events: You are required to give 30 days notice of your intent to take leave for foreseeable events such as the birth or placement of a son or daughter or planned medical treatment. A reasonable effort must be made too schedule planned medical treatment so as not to unduly disrupt the operation of the department.

Unforeseeable events: There may be circumstances, which require the leave to begin in less than 30 days. Under such circumstances, the employee must give as much notice as is practicable.

100:5:6 CERTIFICATION NECESSARY TO SUPPORT LEAVE REQUEST

General Requirements: When applying for family and medical leave you will be required to support your request with a certification issued by a health care provider. That certification should include the date the condition began, its probable duration, appropriate medical facts and a statement that you cannot perform your job or that you are needed to care for a sick family member for a specific period of time.

Planned Medical Treatment: The certification must include the dates on which treatment is expected and the duration of the treatment.

Your Own Serious Health Condition: The certification must include a statement of the medical necessity for such leave and its expected duration.

Care For A Sick Family Member: The certification must include a statement such leave is necessary for the care of the family member who has a serious health condition, or to assist in the member's recovery. The certification must also include the expected duration and schedule of the leave.

100:5:7**SECOND OPINIONS**

Should the government doubt the validity of your certification, the government may require you to obtain the opinion of a second health care provider designated or approved by the government. The government is obligated to pay for that second opinion but, it may not be provided by a health care provider that is employed on a regular basis by the government. In the event of a conflict between the first and second opinions, the government may at its own expense, obtain a third from a health care provider approved by the government and you. This third opinion will be final and binding.

Benefits. You retain all accrued benefits while on leave.

Certification To Return To Work. As a condition to restoring an employee whose leave was based on the employee's own serious health condition, a certification from the employee's health care provider, which state that the employee is able to resume work, will be require.

<p>NOTE: This requirement does not supersede local law or collective bargaining agreements that govern an employee's return to work.</p>
--

Periodic reporting. Employees on leave may be required to periodically report on their status and intention to return to work.

100:5:9**MAINTENANCE OF HEALTH BENEFITS**

The government will maintain group health insurance plan coverage for employees on leave. This coverage will remain at the level and under the conditions for which coverage would have been provided if the employee had continued in employment continuously for the duration of the leave. However, employees on leave must arrange to pay into the Group Health Insurance Fund.

100:5:10**FAILURE TO RETURN FROM LEAVE**

The government has the right to your health coverage during any period of unpaid leave if you fail to return from leave after entitlement has expired.

Certification of inability to return to work: An employee may be required to support a claim of inability to return to work because of the continuation, recurrence or onset of the serious health condition. When required, you must provide, in a timely manner, a copy of the certification from the appropriate health care provider.

Sufficient certification will include a statement that a serious health condition prevented you from being able to perform the function of your position on the date your leave expired or that you are needed to care for a family member who has a serious health condition on the date your leave expired.

**100:5:11 SPECIAL RULES CONCERNING EMPLOYEES
OF THE DEPARTMENT OF EDUCATION**

The same rights, remedies and procedures are extended to employees of public elementary and secondary schools as other eligible employees. Employees of the Department of Education are asked to consult their personnel office for the provisions of the Act governing their application for leave.

100:6 SICK LEAVE

You are entitled to a leave of absence from duty on account of sickness, injury or disability, which incapacitates you for work. This includes medical, dental and optical treatment, as well as pregnancy. You may be granted sick leave pursuant to prior request or pursuant to request made after return to duty.

Sick leave is accrued at the rate of (4) hours for each full biweekly pay period. An employee must submit proof of sickness for any absence from duty for which sick leave is requested, regardless of the length of absence.

Proof of sickness for absence of four or more consecutive days shall include a certificate from a practicing physician indicating the nature of the illness and certifying that the employee was incapacitated for work. (Section 453-382 Rules and Regulations, Title 3 Chapter 25)

If you are ill you must notify your supervisor as early as possible. If you can not call yourself, have a relative or friend call for you. Your department head must approve the use of all sick leave and certify that such leave was taken in accord with law. Your department head will require you to submit appropriate evidence to substantiate the use of sick leave. Abuse of sick leave is sufficient cause for disciplinary action. The Commissioner of Finance will notify you on a monthly basis regarding the amount of your accumulated sick leave. Sick leave which is not used by an employee accumulates for use in succeeding years. (Sec. 452-384 Rules and Regs. Title 3, Chapter 25)

100:7 MILITARY LEAVE

An employee who is drafted for service in the armed forces or a reservist called up for active duty is eligible for administrative leave of absence. Your right to re-employment is governed by applicable federal law. For further information, contact your supervisor or the Division of Personnel. (Section 590, Title 3 VIC)

100: STUDY LEAVE

The Governor may grant study leave to one employee of each agency for the purpose of pursuing advanced training courses and programs. Study leave with pay may not exceed one year in duration. A contract requiring your return upon completion of your studies must be signed. Leaves of absence for study for employees of the Department of Health and the Department of Education are treated separately. Employees of those departments are asked to consult their personnel officer or their training coordinator for further information. (Section 677, Title 3 VIC)

100:9 DEATH IN THE FAMILY

If an immediate family member dies, you will be allowed up to four (4) consecutive days of administrative leave. Immediate family members include your parents, spouse, children, grandchildren, siblings, and parents-in-law.

100:10 FUNERAL LEAVE FOR VETERANS

If you are a veteran you will be excused from regular duty for up to four (4) hours, with pay, in any one-day to participate as an active pallbearer or as a member of a firing squad or a guard of honor in a funeral ceremony for a member of the armed forces. (Section 585, Title 3 VIC)

100:11 JURY DUTY LEAVE

When called, you have a civic responsibility to serve on a jury panel. Section 586 Title 3 VIC makes provision for payment of regular pay. You must notify your supervisor with a copy of the subpoena as soon as you are summoned. If after reporting for jury duty you are excused, you must return to work.

100:12 WITNESS DUTY LEAVE

Your department is aware you may be subpoenaed to appear as a witness in trials before the court. In these cases, the department will grant time off with pay not to exceed two (2) days. After two (2) days, time off will be given as needed without pay or be given with pay if required by law.

100:13 ADMINISTRATIVE LEAVE

This form of paid leave may be granted by a department head or designee for specific matters of short duration such as work related conferences or seminars, or by the Governor issued usually by an Executive Order or a Proclamation. Employees to whom such leave is granted must comply with the hours approved by the granting authority and return to the worksite thereafter.

100:14 LEAVE WITHOUT PAY

Except in special situations, there is nothing in the Virgin Islands Code, Regulations or Executive Orders governing authorization of leave without pay by supervisors, and if a department head or agency head wishes to grant leave without pay, it presumably is within his discretion, and the governor's approval is not required. (7 VI Op. A.G. 114)

Absent special circumstances or specific prohibitions, it is within the discretion of a department head or agency head to grant leave without pay. (10 VIC Op. A.G. 23)

100:15 DISABILITY LEAVE

If you get injured on the job you may be entitled to compensation under the provisions of the Virgin Islands Workmen's Compensation Law. That law is administered by the Department of Labor. For additional information about the Virgin Islands Workmen's Compensation Law, contact the Department of Labor.

100:16 DONATED LEAVE

Section 7 of Act 6031 which became law on October 13, 1994, makes provisions for an employee to donate his or her leave to another employee who has completed at least one year of continuous employment with the Government. The donation is permissible only if:

- a) the donee is suffering from a catastrophic health condition or injury which is expected to require prolonged absence from work by the employee, and
- b) the donee has exhausted all accrued sick, annual and administrative leave and compensatory time off.

Under the Act, the Commissioner of Finance is responsible to administer the donated leave program.

A leave recipient shall receive not more than one hundred and eighty (180) sick days or annual days, and shall not receive days on a retroactive basis.

A leave donor shall have at least twenty (20) days of accrued sick leave and at least twelve (12) days of accrued annual leave remaining when donating leave.

Provisions have been made under the Act for any unused donated leave to be returned to the leave donor.

SECTION 200: EMPLOYMENT

200:1 EQUAL EMPLOYMENT OPPORTUNITY

The Virgin Islands Government maintains a policy of equal employment opportunity for all employees and applicants for employment. We hire, train, promote, compensate and dismiss employees without regard to race, color, religion, sex, national origin, age, marital or veteran status, disability, citizenship and other classifications protected by applicable federal or local laws. Our equal employment opportunity policy applies to all aspects of employment including, recruiting, hiring, training, transfer, promotion, benefits, pay, dismissal, educational assistance, and social and recreational activities. (Section 552 Title 3 VIC)

200:2 JOB CLASSIFICATION

200:2:1 EXEMPT EMPLOYEES (UNCLASSIFIED EMPLOYEES)

The Virgin Islands Civil Service places employees into one of two classifications. Exempt positions are positions exempted from the classified service and are created by statute or from time to time by Executive Order. The exempt positions created by statute include:

- 1) department/agency heads, assistant department/agency heads, and deputy department/agency heads appointed by the Governor;
- 2) confidential assistants or secretaries to an exempt official;
- 3) officials elected by popular vote and their staff;
- 4) members of the judicial branch
- 5) members of Territorial and local boards and commissions;
- 6) casual laborers and part-time employees who work less than 20 hours per week.

Positions requiring a confidential relationship to a policy-making official when such a position is determined to be inappropriate to the classified service due to the managerial, policy-making, fiduciary and confidential nature of the position are also in the exempt service. Persons who assist and act in a confidential capacity and who formulate, determine and effectuate management policies in the field of labor relations, as determined by the Public Employees Relations board (PERB) are also in the exempt service. (Section 451(a) Title 3 VIC)

Exempt employees are not eligible for overtime pay but, may receive compensatory time off for hours worked in excess of a forty-hour week.

**200:2:2 NON-EXEMPT EMPLOYEES
(CLASSIFIED EMPLOYEES)**

All other employees are non-exempt. Non-exempt employees are eligible for overtime pay.

200:3 ELIGIBLE LIST (RULE OF THREE)

Whenever department heads wish to fill a vacancy in the civil service they will request the director of Personnel to send an Eligible list of candidates for the position. The Director of Personnel will send the names of three (3) eligibles. If more than one (1) vacancy is to be filled, one (1) additional eligible will be certified for each vacancy. The eligible candidates certified will be the highest ranking eligibles willing to accept employment ranked in the following order:

- 1) eligible on the reemployment list
- 2) eligible on the promotion list
- 3) eligible on the employment list.

All names will be certified from each list in the order of their rank on that list. If none of the three (3) lists contain a sufficient number of eligibles, then less than three (3) names may be certified. (Section 26 Title 3 VIC)

200:4 APPOINTMENTS

Appointments to the classified and exempt service are effective only when approved by the Governor. Upon your appointment to a position in the government service, you will receive a Letter of Appointment from the Governor. The letter will show your position, the department to which you have been appointed, your annual salary and the effective date. You will also receive a Notification of Personnel Action (NOPA). The NOPA is an important document which records all personnel actions which affect you.

200:5 EMERGENCY APPOINTMENT

This appointment is used to indicate an employee's entry into the civil service on an emergency basis for a period not to exceed sixty (60) days in any twelve-month (12) period.

200:6 PROVISIONAL APPOINTMENT

This appointment is used to indicate an employee's entry into the civil service for a period of not more than six (6) months.

200:7 TEMPORARY APPOINTMENT

This appointment is used to indicate an employee's entry into the civil service for a period of one (1) year or less on projects of a temporary nature. (Rules & Reg., 452-132, Ch. 25 Title 3)

200:8 TRANSITIONAL APPOINTMENT

This appointment is used to indicate the hiring of an employer for specified local programs or federally-funded programs designed to be of more than six (6) months but, less than two (2) years duration.

200:9 WORKING TEST PERIOD (PROBATION)

The probational period or working test period is an integral part of the examination process. It is used to closely observe your work and to assist you in adjusting to your job. If you were promoted, you may also be required to serve a probational period.

The probational period begins on the effective date of your appointment and continues for such time as determined by your department head. However, there will be an automatic extension of your probation if you report to work at a later date than your appointment date. If you were re-employed the minimum probational period is two (2) months. If you are a new employee or were promoted, the minimum probational period is three (3) months.

The maximum probational period is twelve (120 months). However, your department head may request an extension of the initial period no less than fifteen (15) days before its expiration. The request is made, in writing, to the Director of Personnel. The extension of the probational period requested by the department/agency head up to a total of twenty-four (240 months from the original date for the appointment. (V.I. Rules & Reg.-Section 452-161, Chapter 25 Title 3)

200:10 EMPLOYEE PERFORMANCE REPORTS

Your job performance will be reviewed by your supervisor at regular intervals. Your supervisor will discuss your progress with you and you will have the opportunity to ask any questions or concerns you have. The categories in which you will be rated are listed on the Employee Performance Report form. You should not wait until your review to familiarize yourself with this form and to ask questions about your performance.

200:11 DESK AUDIT AND APPEAL OF CLASSIFICATION

Your department head may request a reallocation of your position if he/she believes you are functioning out of classification. Upon receipt of the request, a desk audit on your skills, duties, and or responsibilities will be performed by staff of the

Division of Personnel. The results of the desk audit will be reviewed by the Director of Personnel. If the reallocation is warranted, it will be forwarded to the Office of management and Budget for approval of funds and to the Office of Collective Bargaining for positions covered by a collective bargaining agreement.

If you are dissatisfied with the classification or allocation of a position you may file a written request for review with the Director of Personnel within thirty (30) days after the classification or allocation of the position. You will be given an opportunity to be heard. If you continue to be dissatisfied with the decision of the Director of Personnel after your request for review, you may file an appeal to the decision of the Governor within ten (10) days after the decision of the Director of Personnel. The Governor will send the appeal to the Public Employees Relations Board (PERB) which will hold a hearing within thirty (30) days after the filing of the appeal and will render a decision within ten (10) days after the close of the hearing. You are entitled to be present at the hearing and to be heard. The recommendations of the PERB will be submitted to the Governor.

200:12 TEST

You may be required to take a test before you can be certified eligible for certain positions. The test may be written or oral and may take into account such factors as education, experience, aptitude, capacity knowledge, ability, character, physical fitness, and other qualifications determined by the Director of Personnel. For more information about promotion opportunities and the positions which require a test, see your supervisor or personnel officer

200:13 PROMOTION

The government's policy is to promote qualified employees. Many factors will be considered in making promotion decisions including, your job performance, qualifications, interest and ability to handle a new job, experience and length of employment. You have an equal opportunity with your fellow employees to advance to higher positions. Evaluations will be performed by staff of the Division of Personnel.

200:14 PERSONNEL FILES

The Division of Personnel maintains personnel files on all employees. It is important to keep your records timely because this information is used for benefit administration, insurance notices, notification in case of emergency, etc. We respect your right to have the information on your records treated confidentially. Contact your supervisor or personnel officers if there are any changes in your:

- home address
- telephone number
- emergency contact
- marital status

- number of dependants
- military status
- educational achievement

A copy of these changes must also be sent to your Official Personnel Record (OPR) located in the Division of Personnel. You are permitted access to the records maintained by your department and the Division of Personnel which contain your personal data. A copy of the Personnel Records Access Policy is attached in Appendix A.

200:15 PROPRIETARY INFORMATION/CONFIDENTIALITY

You are expected to maintain the confidentiality of all non-public information and documents, including information stored in computers or on computer disks. You can not, under any circumstance, use agency information for your own personal use. You may not show or share the information with a third party.

200:1 DISABILITY ACCOMMODATION (THE AMERICANS WITH DISABILITIES ACT (ADA))

In compliance with the Americans with Disabilities Act, the government of the Virgin Islands prohibits discrimination in all employment practices including, job application procedures, hiring, firing, advancement, compensation, training and other terms, conditions and privileges of employment. This policy applies to recruitment, advertising, tenure, layoff, leave, fringe benefits and all other employment-related activities. Employment discrimination is prohibited against a **qualified individual with a disability**.

- **Who is protected against discrimination?** A qualified individual with a disability is protected against discrimination. An individual with a disability is a person who has a physical or mental impairment that substantially limits one or more major life activities, has a record of such impairment, or is regarded as having such an impairment.
- **Who is a qualified individual with a disability?** A qualified individual with a disability is a person who meets legitimate skill, experience, education or other requirements of an employment of an employment position that he/she holds or seeks and who can perform the essential functions of the position with or without **reasonable accommodation**.
- **What is reasonable accommodation?** Reasonable accommodation is any modification or adjustment to at job or the work environment that will enable a qualified applicant or employee with a disability to participation in the application process or to perform essential job functions. Reasonable accommodation also includes adjustments to assure that a qualified individual

with a disability has the same rights and privileges in the same rights and privileges in employment as a non-disabled employee.

For further information on the ADA, please contact your personnel office.

200:17 CODE OF ETHICAL CONDUCT

The purpose of this code is to prescribe and establish certain basic standards of ethical conduct which the government requires be observed in the handling of its affairs, and which the people of the Virgin Islands demand of all public servants. The full text of this code is found at Appendix B. Each employee is also asked to become familiar with the Conflict of Interest provisions of the V.I. Code. These provisions are found in Title 3 Virgin Islands Code, Chapter 37.

300: COMPENSATION

300:1 PAY PERIOD

For all employees, the standard pay period is biweekly (ten working days).

300:2 PAYROLL DEDUCTIONS

Your earnings and payroll deductions are shown on a voucher with your check. Deductions required or requested are as follows:

Required by U.S. &/or V.I

Federal Income Tax
Social Security Tax
Garnishment/ Wage
Attachments
Retirement Plan

Authorized by Employee

Medical Insurance
Dental Insurance
Life Insurance
Charitable Contributions
Payments to Financial Institutions
Direct Deposit

Any question about your paycheck should be directed to your personnel officer or supervisor.

300:3 WAGE GARNISHMENT

Garnishment of wages results when an unpaid creditor has taken the matter to court. A garnishment is legal permission for a creditor to collect part of an employee's pay directly from the employer. We are compelled by law to administer the court's order.

300: OVERTIME

Our intent is to compensate overtime in accordance with federal and local laws. An attempt will be made to plan overtime with consideration for employees and members of the general public.

Only classified employees are eligible for overtime pay. Classified employees must receive advance authorization from their supervisor or manager to work beyond the standard workday.

Exempt employees are not eligible for overtime pay. Eligible employees in the Exempt Service may be eligible for compensatory time for hours worked in excess of a normal forty-hour workweek.

300:5 COMPENSATORY TIME

If you are not entitled to monetary compensation for overtime work, you may be eligible for compensatory time. Compensatory time means time off equal to the amount of hours accumulated as result of hours worked in excess of the normal forty-hour week. You may not accumulate or "bank" compensatory time. All compensatory time must be taken not later than the pay period after the leave was granted.

300:6 TIME CARDS AND SIGN-IN SHEETS

You will be given a time card or a sign-in sheet to record your time and attendance. These documents are very important because they are used to determine your hours worked and to calculate your wages. You are to use your timecard and/or sign-in sheet wisely. Under no circumstance may you punch another employee's card or sign in for another employee. Time cards and SIGN-IN SHEETS are considered government property and are not to be taken from the assigned area. Violation of these rules may result in disciplinary action up to and including discharge.

300:7 DIRECT DEPOSIT

Employees who want their paychecks deposited directly to their bank or the credit union may do so by completing authorization forms available in your department, the Division of Personnel and the Department of Finance. All deposits will be credited to your account on the payroll date. You should retain the statement of deductions which accompanies your check for your personal records.

400: EMPLOYMENT BENEFITS

400:1 MEDICAL, DENTAL AND LIFE INSURANCE

The Virgin Islands government offers to full-time employees (individuals employed to work the regular and normal workweek for that class or agency) and their eligible dependents, a group health and dental insurance plan. When an employee enrolls in the medical and dental plan, group life insurance benefits are available.

Full-time employees must enroll (i.e., fill out all the required forms) within thirty-one (31) days (i.e., the first day on the job). An employee who does not enroll within 31 days of being employed and later wishes to enroll will have to provide medical evidence that he/she is insurable.

Full-time employees may also enroll eligible dependents. Your eligible dependents are your legal spouse, natural children, adopted children and step children all of whom must be enrolled within thirty-one (31) days (i.e., the same time as the employee enrolls). At any other time a dependent, not initially enrolled when the employee is first eligible, must complete and furnish medical evidence of insurability. This insurability evidence is to be furnished at the expense of the employee. When a new dependent is acquired, you must enroll them within thirty-one (31) days after acquiring such dependent.

When enrolling a dependent at any time, the following may be required: birth certificate, marriage certificate, adoption papers, legal papers of appointment. Various other documents may be required to determine the eligibility of the dependents.

The government provides and pays for a basic non-contributory \$10,000 life insurance. Employees may also select additional life insurance in either \$5,000, \$10,000, \$15,000, \$25,000, \$50,000 or \$75,000 amounts as supplemental contributory coverage. You pay the cost of this additional insurance. The life insurance coverage also provides accidental death and disbursement coverage.

Insurance enrollment forms and booklets explaining in detail the plan of benefits, as well as claim forms and a schedule of costs may be obtained from your personnel office or from the Group Health Insurance Office of the Division of Personnel in St. Thomas and St. Croix. The government and the employee contribute toward the medical and dental plan.

400:2 RETIREMENT SYSTEM

400:2:1 WHO IS REQUIRED TO BECOME A MEMBER?

As a condition of employment, you automatically become a member of the System after completing one year of service. Additionally, you will have the option of contributing for the one (1) year waiting period, without interest, for the purpose of

receiving pension credit. However, you must exercise this option within three (3) years from the date of completion of the one year waiting period.

At the inception of employment, you automatically become eligible for retirement benefits if you are disabled while acting within the scope of your employment or you die while performing government services.

400:2:2 WHO HAS THE OPTION TO BECOME A MEMBER?

If you are employed on a contractual or fee basis, membership in the Retirement System is not a condition of your employment, however, if you have had at least five (5) years of prior service you may opt for membership in the Retirement System.

400:2:3 WHO IS ELIGIBLE FOR MEMBERSHIP IN THE SPECIAL BENEFITS PROGRAM?

Employees working in certain categories are entitled to enhanced benefits. Police Officers, Firefighters including, firefighters working with the V.I. Port authority, Marshals with the Territorial court, Corrections Officers, Linemen and Plant Operators for the V.I. Water and Power Authority and eligible employees working directly and continuously with chlorine, sewage or carcinogens may retire after twenty (20) years of service.

Linemen and Plant Operators with WAPA working directly and continuously with chlorine, sewage or carcinogens must have worked for a period of five years. If your job classification meets one of the hazardous duty job classification below, you are eligible to participate in the special program. You are considered a hazardous duty employee if you are:

- a police officer
- line-men or plant operator;
- an eligible employee working with chlorine, sewage or carcinogens;
- a fire fighter, including fire fighters working for the V.I. Port Authority
- a marshal working for the Territorial Court, or
- Correction Officer

400:2:4A WHO IS EXCLUDED FORM MEMBERSHIP?

Certain categories of employees are not eligible to become members of the System. The are as follows:

- New employees age 55 and older with no prior credit service, or membership service;
- Part-time employees working less than ½ the normal work week;

- Contract employees with no prior service with the government of the Virgin Islands.

400:2:4B EARLY RETIREMENT LEGISLATION

Two Acts, Nos. 6007 and 6028 were passed recently giving incentives to government employees who wish to go into retirement early.

The purpose of the legislation is to reduce personnel expenditures through a reduction of the size of the government work force.

Employees who have opted for early retirement can only be retained if they are considered experts, and their services are essential. Their retention must be on a contractual basis and not for more than six months.

Those who took early retirement cannot go back to the service however Section 5(2) of Act 6007 makes provisions for early retirees to re-enter the service only at a cabinet level.

400:2:5 HOW DOES MY GOVERNMENT SERVICE COUNT?

The time you work for the government and the contributions you make to the system go toward earning service credits in the Retirement System. Service Credit is used to establish your eligibility for retirement and to calculate your retirement annuity.

You will receive credit for all service with the local and federal government in the Virgin Islands. Your government service is verified from employment records maintained by your department and the Division of Personnel. If you have government service that cannot be verified, you may submit a sworn written statement form two government employees who have personal knowledge of your service.

400:2:6 HOW ARE MY SERVICE CREDITS DETERMINED?

You earn one (1) year of service credit for each complete year you work for the government. The government's fiscal year is from October 1 to September 30. You earn fractional service credit for any fiscal year that you do to work a full year. Fractional service credit is awarded as follows:

**If You Worked The
Following No. of
Months In The
Fiscal Year:**

**You will Receive The
Following No. of
Service Credits**

9 or more	1 Year
6 to 8 months inclusive.....	$\frac{3}{4}$ Year
3 to 5 months inclusive.....	$\frac{1}{2}$ Year
Less than 3 months.....	$\frac{1}{4}$ Year

Credit is also given for service in the employment of the government, for less than a month. Such service credit is earned in fractions as follows:

**If You Worked The
Following No. Of
Days In A Month:**

**You Will Receive The
Following No. Of
Service Credits:**

15 or more.....	1 Month
5 to 14	$\frac{1}{2}$ Month
Less than 5.....	$\frac{1}{4}$ Month

**400:2:7 SPECIAL CIRCUMSTANCES UNDER WHICH YOU CAN
RECEIVE SERVICE CREDITS**

- Service credit will also be awarded for working and non-working periods under the following circumstances:
- Approved Leaves Without Pay. You can receive up to twenty-four (24) months of service credit for all approved leaves during the time you work for the government.
- Military Service. You can receive up to a maximum of ten (10) years of service credit for all active military data with the U.S. Armed Forces.
- Accumulated Sick Leave. You will receive service credit for all unused sick leave that you have accumulated at the time of your retirement. (Credit shall not be given for less than five (5) days of unused sick leave.)
- Forfeited Annual Leave. You will receive service credit for any unused vacation time that you for forfeited during your employment with the Government.

400:2:8 GOVERNMENT SERVICE FOR WHICH YOU WILL NOT RECEIVED CREDIT

Any government service that you have earned which is being used for credit toward a U.S. Civil Service Commission pension or other retirement system cannot be used as service credit with GERS.

400:2:9 HOW ARE CONTRIBUTIONS MADE TO THE SYSTEM?

Both you and the government make contributions to the Retirement System. Your contribution rate is determined by your job classification. Contributions are established by the Legislature and are changed from time to time, based on the funding requirements for the System.

400:2:10 LOANS

Members of GERS can now secure mortgage loans up to \$105,000. Act No. 5983 passed on May 31, 1994 paved the way for the increase from \$75,000.

Personal loans, and chattel mortgage loans as well as personal loans to retirees have also been increased to \$20,000, \$18,000, and \$8,000 respectively (Act 5984).

400:3 EMPLOYEE ASSISTANCE PROGRAM

400:3:1 WHY DOES THE GOVERNMENT PROVIDE AN EMPLOYEE ASSISTANCE PROGRAM?

Personal and family problems can effect and employee's well being and job performance. With this in mind, the government offers and Employee Assistance Program (EAP) that provides confidential, professional consultations and referral for employees and their dependents.

400:3:2 WHY SHOULD YOU CONSIDER THE EAP?

We are not always prepared with the right information and perspective to handle all of the problems we encounter in our lives. Specialized personal consultation may provide the relief and the necessary amount of assistance to meet our needs. The EAP is a resource that you and your family members can use to help address these problems.

400:3:3 WHAT DOES THE EAP PROVIDE?

The EAP offers professional consultation for a variety of problems:

- Family Issues
- Emotional Difficulties
- Interpersonal Issues

- Alcohol or Drug Problems
- Death
- Grief, Loss,
- Job Transition
- Marital Problems

400:3:4 WHO WILL KNOW?

Confidentiality is the basic right of any individual who needs consultation. When you make an appointment, no one will know unless you tell them. Anything you discuss will be held in the strictest confidence.

400:3:5 CONSULTING WITH WHOM?

The Department of Health, through the Employee Assistance Program, provides trained professional counselors. The goal of the EAP is to provide CONFIDENTIAL assistance to all employees to restore and enhance their effectiveness on the job. EAP counselors carefully assess each problem individually. Some concerns may be resolved through the consultation process. Other problems may require additional referrals to local resources which monitor progress, and when necessary, design follow-up programs.

400:3:6 WHAT ARE THE COSTS?

The initial consultations will be provided by the EAP at no cost to the employee. If you are referred to another resource, the cost may be covered by your health insurance. Services not covered by your insurance are your responsibility. The EAP will try to most appropriate resource, taking into account your financial capability.

400:3:7 WHAT IS THE FIRST STEP?

You may call the EAP office Monday through Friday during working hours. The EAP office is listed under the Department of Health in the telephone directory.

500: DISCIPLINE AND RULES

The following is a general statement on disciplining employees for conduct and performance problems. Deviation may be necessary.

500:1 PROGRESSIVE DISCIPLINE

Discipline may be initiated for violations of your department's rules and policies or for unsatisfactory work performance.

Progressive discipline ensures a fair and consistent method of disciplining employees and applies to Classified Service, as well as Exempt Service employees.

Progressive discipline helps you to improve and to correct any problems identified by you supervisor. You may be verbally warned, be given one or more written warnings, suspended and finally, dismissed. In all cases of demotion, suspension and termination you will be given advance notice of the 'charges' and an opportunity to be heard during a hearing conducted by your department head. In some instances, it may be necessary to take action in advance of notice of a hearing to protect the government's interest.

The government is committed to ensuring due process is followed when disciplining employees. The discipline and grievance procedure outlined in the collective bargaining contracts will also be observed when disciplining employees covered by those agreements.

500:2 EXAMPLES OF MISCONDUCT (NOT EXHAUSTIVE)

Disciplinary correction is the proper managerial response to the following types of misconduct and you may be subject to such action for any of the following:

1. excessive absence or tardiness
2. neglect or abuse of government property
3. unintentional violation of safety rules
4. excessive personal telephone calls
5. use of abusive language and/or conduct which disrupts departmental activities
6. theft of government property or that of another employee
7. insubordination or refusing to follow proper instructions
8. intoxication during work hours
9. willful misuse of government property
10. Deliberate injury to another person
11. falsification of government data
12. breach of confidentiality
13. drug or alcohol abuse
14. job abandonment
15. conduct enumerated in departmental rules and regulations and collective bargaining agreements.

500:3 DISCIPLINARY ACTION STEPS

The sequence of each disciplinary action will depend upon the seriousness of the situation. The disciplinary actions are:

1. informal meeting; oral or verbal notices and warnings
2. written reprimand and meeting
3. suspension
4. demotion
5. termination

500:4 INFORMAL MEETING

Upon learning of a performance or conduct problem, your supervisor may inform you, either orally or in writing, of the performance or conduct problem and request a meeting with you. The purpose of the meeting between you and your supervisor is to make you aware that your performance or conduct is not up to specified requirements. The seriousness of the problem and the possible consequences if you do not correct the problem will be explained and the specific policies which apply to the situation will be reviewed with you.

500:5 WRITTEN REPRIMAND AND MEETING

For repeated or serious problems, either performance or conduct, the supervisor may issue a formal letter of warning. The letter of warning will state the date, a description of the problem and specific corrective action to be taken by you over a designated period of time. After receipt of the letter a meeting between you and your supervisor may be held. The purpose of the meeting is to discuss the nature of the problem and specific steps to be taken by you to correct the problem.

500:6 SUSPENSION

Suspension may be used in situations where you have committed a serious infraction and your supervisor or department head decides it is in the best interest of you and the agency to temporarily separate you from the agency. The suspension may be immediate or it may take effect at a later date.

When a supervisor recommends the suspension of an employee, a letter of suspension signed by the department head, will be sent to the employee. The letter will state a description of the problem, the effective date of the suspension, the duration of the suspension and the employee's right to a hearing.

After the employee's receipt of the letter of suspension, the head of the agency or designee may hold a hearing at which the employee will be heard. The employee may call witnesses and produce documents relevant to the matter under consideration. Within a short time after the meeting, the department head will notify the employee in writing of the decision. The department head may approve, modify or disapprove the suspension. Suspensions in excess of 6 months must be approved by the Governor.

Suspension, pending a hearing, will be mandatory in cases involving violence, the illegal possession or transportation of firearms and the use of illegal drugs on government property.

500:7 DEMOTION

A department head may demote an employee for cause or in lieu of lay off. A written statement of the reasons for the demotion must be furnished to the employee and a copy filed with the Director of Personnel at least five (5) days prior to the effective date of the action. Any regular employee who is demoted may appeal to the PERB.

500:8 TERMINATION

Flagrant disregard for policies and practices such as gross insubordination and physical violence warrant immediate discharge. Major offenses, such as dishonesty, breach of trust, unlawful distribution of drugs while on government property, are so serious in nature that an employee may be discharged for the first violation. These are not the only instances which merit immediate discharge. Others are left to the discretion of the head of the agency or are outlined in your collective bargaining contract.

When a supervisor recommends the termination of an employee a letter of termination, signed by the department head, will be sent to the employee. The letter will state a description of the problem, the effective date of the termination and the employee's right to a hearing.

Within a short time after the employee's receipt of the letter of termination the agency head may hold a hearing at which the employee will be given an opportunity to be heard. The employee may call witnesses and produce documents relevant to the matter under consideration. The Agency Head will notify the employee in writing of the decision. The agency head may approve, modify or disapprove the termination. The recommendation for termination will then be sent to the Governor, through the Division of Personnel. The Governor may approve, modify or disapprove the recommended termination. Terminations are effective only upon approval by the Governor.

500:9 PUBLIC EMPLOYEES RELATIONS BOARD (PERB)

You may have a right to an appeal of your dismissal, demotion or suspension before the Public Employees Relations Board (PERB) provided, you file your appeal within 10 days following your receipt of the charges. (Section 530 Chap. 25 Title 3 VIC)

Your appeal must be in writing and addressed to:

Chairman, PERB
P.O. BOX 2984
Christiansted, VI 00822-2984

A copy must also be filed with the Department of Justice.

500:9:1 PERB'S JURISDICTION EXPANDED

Act No. 6010 has given powers to PERB to deal with appeals involving both union and non union government employees.

The Act replaces Government Employees Service Commission (GESC) in dealing with appeals concerning classification or allocation of employees.

The new measure amended Title 3, Section 451 VIC to include PERB, as an independent board of the Government of the Virgin Islands. The terms of members have also been increased.

500:10 SOLICITATION & LOITERING

Employees must not solicit other employees for any purpose during working time. This does not include break or meal times. Employees are not permitted to distribute literature of any kind in work areas. People who don't work for the government are prohibited from distributing literature of any kind or soliciting employees for any purpose at any time on government property. Loitering on government property at all times is prohibited.

500:11 SMOKING

Smoking in government buildings is not allowed. The regulation of smoking in the office is governed by Title 23 Virgin Islands Code, Section 891. Ask your supervisor or personnel office if your department has a specific smoking policy.

500:12 TELEPHONE

Telephones are a vital part of our business day since much of our business is handled on the phone. Personal use of the telephone should be limited to emergencies and unusual circumstances. Also, personal calls should be brief. Personal long distance calls not billed to the employee may not be made without maintaining accurate records and reimbursing the department for the cost of the call. All long distance calls must be approved in advance by your supervisor.

500:13 POLITICAL ACTIVITY

The Virgin Islands government respects and encourages employee participation in political activities, but not on government time or on government property.

500:14 BULLETIN BOARD

Please be aware that your department uses bulletin boards to communicate important information such as safety rules, management memos and labor relations matters. Each employee has the responsibility to read the information that is posted.

Your manager or supervisor can give you the location of the bulletin board nearest your office location. Employees may not post material on bulletin boards without their supervisor's approval.

500:15 OUTSIDE EMPLOYMENT

The Virgin Islands government does not limit an employee's activities during nonworking hours unless those activities interfere or conflict with the performance of his/her job, or create a conflict of interest. The use of government property is specifically prohibited unless approved in advance. However, under appropriate circumstances, a department head may approve for employees to undertake outside employment.

500:16 SUBSTANCE ABUSE

The Virgin Islands government will not tolerate any substance abuse on its premises. Any employee reporting for work showing physical or behavioral signs of being affected by the consumption of alcohol or the use of drugs will be asked to leave immediately. Under these circumstances, assistance will be provided to ensure that the employee arrives home safely. Any employee who repeatedly reports to work under the influence of alcohol or drugs may have his/her employment terminated. The Government's Drug Free Workplace Policy is found at Appendix D. (Governor: Policy Statement March, 1991.)

500:17 PROTECTION OF GOVERNMENT & EMPLOYEE PROPERTY

Respect and protection of government and personal property is everyone's concern. If you find property missing or damaged, report it to your supervisor immediately. Employees are also discouraged from bringing private property onto the premises because of the potential for loss or vandalism to such property.

500:18 RELEASE OF INFORMATION

Except for records and information that are required by the government, no information about you will be released unless there is a signed authorization form from you on file, and the request is in writing.

500:19 COMPUTER SOFTWARE PROTECTION

The Virgin Islands government prohibits employees from reproducing copyright protected computer software for use on its computers. Upon resignation or termination, you will be expected to return to the government all access data and access codes.

600 EMPLOYEE DEVELOPMENT

600:1 EMPLOYEE RECOGNITION PROGRAM

The Employee Recognition program focuses on those dedicated employees whose work is efficient, commendable and praiseworthy. The program is designed to highlight the many positive contributions government employees make to the Territory and to demonstrate that many employees are representative of, rather than exceptions to, the highest traditions of public service. Additionally, individual departments are encouraged to honor outstanding employee work performance at anytime.

In May of each year the Division of Personnel, along with federal, state and local civil service offices throughout the nation sponsors Public Service Recognition Week (PSRW). During this week, we pay tribute to employees selected by their departments and agencies as deserving of recognition for their work. Contact your supervisor concerning you department's employee recognition program. More information on Public Service Recognition Week may be obtained from the Division of Personnel.

600:2 TRAINING

In order to promote efficiency and economy in the operation of the government, it is desirable in the public interest that self-education and training by employees be supplemented and extended by government sponsored training programs.

You are encouraged to keep abreast of all training notices and notify your supervisor of your interest in receiving training. If required, you must attend training offered by your department. Your department may also offer training through the U.S. government, the government of a state, professional associations, international organizations or private groups and associations.

The Division of Personnel also offers a series of training for employees and supervisors. Please consult the training catalog for a listing and description of courses.

600:3 VIRGIN ISLANDS TRAINING INITIATIVE

The Government of the U.S. Virgin Islands, the USDA Graduated School and the U.S. Department of the Interior cooperate jointly in administering the Virgin Islands Training Initiative (VITI). The purpose of VITI is to identify employee training needs, to provide management and training services and to work cooperatively with the University of the Virgin Islands to develop local training capabilities.

VITI presents the unique opportunity to implement quality training for U.S. Virgin Islands Government employees in the areas of financial management, management controls, records management, administrative productivity and other related

management strategies and techniques. The project is designed to foster a sustainable local training capability by enhancing existing educational institutions and government training services. The Division of Personnel will inform you from time to time about the availability of these courses, as well as others that will be offered by VITI. If you have further questions, please call the Division of Personnel.

APPENDIX A

Official Personnel Record (OPR) Policy

PURPOSE

To guarantee all personnel file information is consistently maintained in accordance with current personnel practices and applicable Virgin Islands and Federal laws. Also, to ensure certain employee personnel file data is properly safeguarded and protected.

Finally, to provide for employee and management access to the data maintained in personnel files in a logical and systematic fashion.

COVERAGE

Employees of the Virgin Islands Government covered under the Personnel Merit System, V.I. Code Ann. Tit. 3, Ch. 25.

RESPONSIBILITY

- A. Employee access to their personnel files
 - 1. Every employee is permitted to gain access to the records maintained by the Division of Personnel which contain personal data regarding that employee.
 - a. However, these records may be reviewed only in the presence of a designated Division of Personnel employee.
 - b. The employee may not, of his/her own discretion, mark up, change, or in any way correct the data without first referring to step 2 below.
 - 2. In order to make corrections on a personnel record file, the employee must first submit a written request to the Director of Personnel stating the changes to be made and the reason for the change. If the request is granted, the changes will be made by staff of the Division of Personnel.
 - 3. If the request for a correction is turned down, the employee may then request that his/her statement of disagreement with the document in the personnel file be placed within the file. That statement of disagreement is to be made a permanent part of the employee's file.
- B. Other files maintained by the division of Personnel

The Division of Personnel also maintains files which are separate from the individual OPR. These other files are not ordinarily reviewable by the employee, and include:

- Salary planning
- Manpower forecasts
- Insurance records
- Litigation information
- Any other files containing confidential information

C. Management Access to OPR

1. It is guaranteed by the Division of Personnel that all OPRs will be maintained in a secured locked area when unattended.
2. The only individuals who are authorized to review these files are specific individuals within the Division of Personnel and heads of departments/agencies or their authorized representatives.
3. Management will be allowed access to these files strictly on a need to know basis; and of that access, only information regarding an individual's job performance and skill qualifications will be for review.

D. External Requests for OPR information

Any external source (i.e., a person or corporation outside the government of the Virgin Islands) who requests information from an employee's OPR must first receive clearance from the employee before any data is released. The only exception to this policy is verification of employment requests for active employees and positive response to legitimate credit source inquiries.

E. Maintenance of the OPR

All persons using an OPR will be required to sign in/out for the file(s) in question. The information requested on the in/out card will include:

- a) the name of the individual requesting the file(s)
- b) the name of the employee(s) file(s)
- c) date requested
- d) date returned
- e) signature

1. Procedures for Internal DOP Use:

- a. Complete sign in/out when requesting use of OPRs.

- b. Preferably, files should be used in the record room. However, staff may remove OPRs from the record room provided no more than three (3) files are taken at any one time.
- c. Files must be returned within forty-eight hours (two days) after they were signed out.
- d. Files must be submitted to an employee in the record room upon return. (As opposed to each individual filing the OPRs).
- e. All documents in the OPR must be filed in date order.

2. Procedures for Use by Government Agencies:

- a. Requests for use of file(s) or specific documents must be made in writing on the form provided for that purpose at least one (1) working day in advance.
- b. Complete sign in/out sheet.
- c. Files must be used in the record room under the supervision of an employee within that section.
- d. Any document to be copied from the file must be removed by a DOP employee and copied by that employee. A fee of twenty-five (\$.25) cents per page will be charged.

3. Request by Employee for Review of Personnel File.

- a. Request must be in writing on the form provided for purpose.
- b. Proper identification must be presented
- c. Complete sign in/out log
- d. File must be reviewed in the record room under the supervision of an employee within that section.
- e. Any document to be copied from the file must be removed by a DOP Employee and copied by that employee. A fee of twenty-five cents per page (\$.25) will be charged.

F. Contents of the OPR

Generally, no document should be placed an employees' Official Personnel Record without also being delivered to the employee. The provisions of the various Collective bargaining Agreements on access to the OPR must also be observed.

The contents of the OPR are:

- any application for employment, with supporting documents
- INS Form I-9 with copies of Social Security Card and proof of citizenship
- appointment papers including, Letter of Appointment
- evidence of budget clearance from OMB
- wage or salary information
- notices of commendations
- warnings or discipline
- job title
- dates of changes
- retirement record
- attendance records
- performance evaluations

The following documents **MUST NOT** be included in the OPR:

- records relation to the investigation of a possible criminal offense
- letters of reference
- documents which are being developed or prepared for use in civil, criminal or grievance procedures
- medical records
- materials use by the government to plan for future operations
- information available under the Fair credit Reporting Act under 15 U.S.C. 1618.

APPENDIX B

Executive Order No. 53-1962

**Filed December 7, 1961;
File No. 174**

TO PRESCRIBE AND ESTABLISH A CODE OF ETHICAL CONDUCT FOR OFFICERS AND EMPLOYEES OF THE GOVERNMENT OF THE VIRGIN ISLANDS

WHEREAS, the observance and maintenance of the highest standards of ethical conduct by all those who represent it is essential to the well-being and integrity of Government; and

WHEREAS, the President of the United States has directed that it is incumbent upon those who serve the people in the Government Service, and especially those who occupy positions of great trust and responsibility, to set an example of high ethical and moral standards; and

WHEREAS, it is the policy of the executive branch of the Government of the Virgin Islands to accept and continue in the government Service only those persons who by their performance and conduct strengthen the moral fiber of the Government;

NOW, THEREFORE, by virtue of the authority vested in me by section 11 of the Revised Organic Act of the Virgin Islands, a code of Ethical Conduct is prescribed and established for officers and employees of the executive branch of the Government of the Virgin Islands, as follows:

SCOPE

I. This order shall apply to all officers and employees of the executive branch of the government of the Virgin Islands, including classified and unclassified personnel.

PURPOSE AND OBJECTIVES

II. The purpose of this Order is to prescribe and establish within the executive branch of the government of the Virgin Islands, certain basic standards of ethical conduct which the Government requires be observed in the handling of its affairs, and which the people of the Virgin Islands demand of any public servant in order to preserve the integrity of the Government Service. The government of the Virgin Islands strives to be just in all its dealings and its agents must be just in all those dealings. The good

intentions and the demonstrable virtue of an officer or employee is no defense where his conduct may cause questions as to that integrity to arise. The Government does not and will not tolerate the performance or conduct of any officer or employee based on personal pecuniary considerations, on the one hand, or on the other, on any mistaken concept of “leaning over backwards” to prevent the exposure or appearance of any such private interest. The people of the Virgin Islands deserve and demand every confidence that governmental officers and employees are faithfully devoted to the public interest and motivated solely by the public interest. Accordingly, this order is designed to prohibit and proscribe activities, attitudes or conduct on the part of any officer or employee of the government, including the acceptance of gifts, gratuities, personal gain, or promises of the same, or of expected benefit to family or friends, political or otherwise, under any circumstances where acceptance or expectation may result in, or create the appearance of resulting in:

- a) use of public office for private gain
- b) an undertaking to give preferential treatment to any person
- c) impending government efficiency or economy;
- d) any loss of complete independence impartiality;
- e) the making of a Government decision official channels; or
- f) any adverse effect on the confidence of the public in the integrity of the Government.

PERSONAL CONDUCT

III. All officers and employees of the laws, rules and regulations and executive orders enacted, prescribed or issued by order of the government. Such officers and employees are required to cultivate and develop such norms and standards of public conduct as reflect to the credit of the Government. Moreover, the personal and private conduct of an officer or employee which adversely reflects upon the dignity and prestige of the Government will not be tolerated. The Government accordingly expects all of its officers and employees to honor their financial commitments. The Government is not a collection agency for the debts of its officers and employees, but conduct on the part of such officers or employees with respect to private financial matters evidencing a pattern or irresponsibility shall be regarded as contrary to the good of the government service. Gambling in any form and the use of intoxicants in public offices are prohibited. An employee who habitually uses intoxicants is subject to removal.

GOOD FAITH

IV. All officers and employees are required to carry out and execute in good faith the established policies and programs of the Government. A governmental officer or employee continues to enjoy the full political privileges and rights enjoyed by all other American citizens, but his right to disagree or criticize may not be projected into the discharge or performance of his duties and responsibilities so as to frustrate, impede or distort decisions made by those charged with the making thereof.

PROSCRIBED ACTIVITIES

IV. No officer or employee of the Government of the Virgin Islands may:

- a) **Interest in Claims-** directly or indirectly, receive or agree to receive any compensation for any services rendered or to be rendered, either by himself or any another, in relation to any proceeding, contract, claim, controversy, charge, accusation or arrest, or other matter in which the government of the Virgin Islands is a party or directly or indirectly interested, before any department or agency of the government;
- b) **Presentation of Claims-** act as an agent or attorney for prosecuting any claim against the Government of the Virgin Islands, or aid or assist in the prosecution or support of any such claim otherwise than in the proper discharge of this official duties, or receive any gratuity, or any share of or interest in any such claim in consideration of assistance in the prosecution of such claim;
- c) **Adverse Interest-**being directly or indirectly interested in the pecuniary profits or contracts of any corporation, joint-stock company, or association, or any firm or partnership, or other business entity, act as an officer or agent of the government of the Virgin Islands for the transaction of business with such business entity;
- d) **Outside Employment-**engage in outside employment or other outside activity not compatible with the full and proper discharge of the responsibilities or duties of his office. Abuse of leave privileges to engage in outside work shall be treated as an interference with official performance of duty. While an officer or employee is not prohibited from performing outside work solely because the work is of the same general nature as the work he performs for the Government, no such officer or employee may perform work for compensation outside the government service:
 1. if the work is such that he is required to do it as a part of his regular duties; or
 2. if the work involves active proprietary management of a business closely related to the business closely related to the official work of the officer or employee; or
 3. if the work relates to any matter in which the Government has an interest directly or indirectly; or
 4. if the work is to be performed while an officer or employee is on duty; or
 5. if the work is of such a nature that may reasonably be construed by the public to be the official act of the Government; or

6. if the work involves the use of the Government facilities, equipment and supplies of whatever kind; or
 7. if the work involves the use of official information which is not available to the public.
- e) **Extra compensation**-receive compensation or anything of monetary value in connection with his services as such an officer or employee from any source other than the Government of the Virgin Islands, or for any consultation, lecture, discussion, writing or appearance the subject matter of which is:
- 1) devoted substantially to the responsibilities, programs or operations of the officer's or employee's department or agency or
 - 2) draws substantially upon official data, proposals or ideas which have not become part of the body of public information, except such compensation may be contributed by the federal government or the government of any state of the United States or any political subdivision thereof as part of a joint or participating program. Nothing in this paragraph shall preclude the participation by officers or employees for meritorious public service given by such charitable or other civic organizations.

VIOLATIONS

V. The government shall expect the resignation, or will dismiss, suspend or take any other appropriate disciplinary action against any officer or employee who violates the provisions of this order. The good intentions or demonstrable virtue of an officer or employee shall be no defense in any instance where such officer or employee by his conduct brings the integrity of the Government of the Virgin Islands into question.

NOTICE OF ORDER

Heads of departments and agencies shall establish and maintain internal procedures by means of which all officers and employees are adequately and systematically informed of the content, meaning and importance of this Executive Order. Copies of this Executive Order shall be given to each officer and employee presently employed by the Government of the Virgin Islands and to each new officer and employee upon entrance on duty.

EFFECT ON OTHER LAWS

Nothing in this Executive order shall be construed to supersede, alter or interpret any existing law, executive order, or regulation.

APPENDIX C

EXECUTIVE ORDER

No. 54-1961

Filed December 28, 1961;

File No. 177

RESPONSIBILITIES AND CONDUCT OF GOVERNMENT OFFICERS AND EMPLOYEES

Pursuant to Section 11 of the Revised Organic Act of the Virgin Islands of the United States, approved July 22, 1954, which provides that the Governor shall have the power to issue executive regulations not in conflict with any applicable law, and which also provides that the Governor shall have general supervision and control of all departments, bureaus, agencies and instrumentalities of the executive branch of the government of the Virgin Islands, the following regulations are hereby issued and promulgated to define and to govern the responsibilities and conduct of all employees of the government of the Virgin Islands of the United States.

Section 1. All officers and employees of the Government are "Public Servants" and, as such, they have a solemn and positive responsibility to the Government and to the public. Accordingly, administrative officials and employees alike are governed and guided, and in many instances restricted, by laws, policies, procedures, or rules on personnel matters. Upon employees in the Government service rests the obligation to serve the whole people, whose interests and welfare require orderliness and continuity in the conduct of Government functions.

Section 2. It is essential that all employees observe strictly the regular hours of duty which have been established. These are from 8:00 a.m. to 12:00 noon and from 1:00 p.m. to 5:00 p.m. daily, except Saturdays, Sundays and holidays and except where other working hours generally conforming to this standard or for necessary shifts of protective and institutional personnel have been properly established by responsible authority. Employees are required to be at their posts of duty at the designated opening time of work. All unexcused tardiness shall be charged against annual leave and continued or flagrant cases of tardiness will be made the subject of disciplinary action. The same requirement applies to the established luncheon period. Employees should not leave their offices or posts of duty unnecessarily during working hours.

Section 3. Officers and employees will be expected to perform their duties with dignity and decorum at all times. All relations with persons in other departments and with the public generally should be marked with courtesy, respect and diplomacy. Unnecessary noise, loud talking, and other distractions should be avoided. While the Government has no control over the activities of employees when off duty, it expects all of employees to conduct themselves in their personal affairs in a manner in which will not bring adverse criticism or disrepute upon the Government. All employees are

expected to respond readily and cheerfully to the instructions and directions of their supervisory officers and to cooperate in a similar manner with other officers and employees contacted in their work. Public criticism of one office by another officer is improper.

Section 4. Employees will not read newspaper, books, magazine or other unofficial literature during office hours, except where it is required in connection with their official duties. Employees will be expected to keep all official papers, files, materials and supplies in neat order. Employees will be expected to remain in their respective offices and posts of duty during working hours, unless their official duties require their presence elsewhere. Loitering and congregating of employees in corridors, washrooms, or elsewhere during office hours is strictly forbidden.

Section 5. Officers and members of voluntary associations and organizations should arrange all of their activities and contacts in a manner whereby there will be no conflict with, or interruption in, the regular office hours or the general work of the Government. The soliciting of changes, raffling in all its phases, and disposing of articles in any similar way, for any purpose whatever, are prohibited throughout the Government's offices. Peddlers, collectors, newsboys, solicitors (except the regularly organized charities) are expressly prohibited from practicing or pursuing their vocation within any Government building without proper permission. Employees are likewise prohibited from patronizing such persons during regular office hours and it is the duty of each employee to see that these regulations are strictly enforced and to report promptly all violations thereof to the Chief clerk of the particular office. Official and personal businesses are not to be intermingled during regular working hours and all employees are admonished that the foregoing regulations must be followed strictly.

Section 6. When officers and employees conduct themselves in a manner contrary to law, regulation, or policy, good personnel administration requires that appropriate measures be taken to correct the disobedience or punish the offender according to the gravity of the circumstances. Such action may take the form of warning, reprimand, demotion, suspension, removal, etc.

The foregoing regulations issued in the form of an Executive Order will be strictly obeyed by all employees of the Government of the Virgin Islands, as well as employees of all other Bureaus, Agencies, Offices and Authorities under the Government of the Virgin Islands.

Section 7. Executive Order No. 36-1958 is hereby rescinded.

APPENDIX D

Drug Free Workplace Policy

INTRODUCTION

On a daily basis we are reminded that alcohol and other drug abuse is affecting virtually every segment of our society. There is no age, social or economic group, occupation or community that is immune from the effects of this worldwide crisis.

The use of illicit and illegal drugs and alcohol by a significant proportion of the national work force has major adverse effects on the welfare of all Americans and results in billions of dollars of lost productivity each year. As a major employer, the Government of the Virgin Islands must be in the forefront of the effort to eliminate illegal drugs and alcohol from the workplace.

Although not perceived to be a pervasive problem within the Virgin Islands Government, the safety of our personnel and the need for the continued confidence of the public we serve require that we address this issue.

The Government of the Virgin Islands is concerned with the health and well being of its employees, the successful accomplishment of the Territory's obligation to its residents, and the need to maintain employee productivity. The intent of the policy is to offer a helping hand to those who need it, while sending a clear message use of any substance capable of impairing the ability to perform work-related duties is incompatible with Virgin Islands Government service.

It is the responsibility of this Territory to provide a safe and healthy environment for our residents, visitors, and employees. The responsibility extends to ensuring a drug free workplace, free of the misuse of prescription drugs and the use of alcohol or illegal substances.

This policy is part of a larger effort to educate our population regarding the hazards of substance abuse, to provide help to those who want to help themselves, and to clearly send the message that illegal drugs and substance abuse will not be tolerated in our workplaces or in our community.

STATEMENT OF POLICY

The Government will take action against employees who use, distribute, or possess controlled substances on or off the job, and who violate Government rules in reference to possession of alcohol on the job.

Employees must report to work in a fit condition for duty. Being under the influence of alcohol or illicit drugs is prohibited.

Alcohol and drug abuse are recognized as illnesses or “disorders,” and the Government accepts responsibility for providing channels of help, but it is the employee’s responsibility to seek help.

If the employee seek help prior to discovery and sincerely utilizes the help offered, then confidentiality, job security, and promotional opportunities will be protected. But if the employee does not seek help and the problem caused by substance abuse I some way comes to the attention of the Government, then disciplinary action wile result.

Employees who use or distribute drugs on the job are subject to discharge. Law enforcement officials will be immediately notified of such action.

If an employee is under is under treatment with a drug that could alter his or her ability to do the job assigned, the employee could be subject to reassignment. It is the employee’s responsibility to notify his/her supervisor.

IMPAIRMENT PROHIBITED

No employee will report for work or will work impaired by alcohol or any illegal substance. “Impaired” means under the influence of a substance such that the employee’s mot or senses (i.e., sight, hearing, balance, reaction, relax) or judgment either are or may be reasonably presumed to be affected. Any violation of this policy may result in summary discipline, up to and including discharge.

POSSESSION PROHIBITED

No employee at any work site will posses any quantity of alcohol or illicit drug. “work site” means any office, building, or property (including parking lots) owned or operated by the Government, or any other site at which an employee is to perform work for the Government. “ Possess” means to have either in or on an employee’s person, personal effects, vehicle, tools, and area substantially entrusted to the control of the employee such as desks, files, and lockers.

Lawful over-the-counter drugs (excluding alcohol) in reasonable amounts and other lawful (prescription) drugs which have been prescribed by a physician for use in treating an illness or disease are allowable to the extent that their use does not impair an employee’s ability to perform his duties.

Any violation of this policy may result in summary discipline, up to and including discharge.

EMPLOYEE EDUCATION AND ASSISTANCE

One of the most beneficial elements of a drug free workplace is employee assistance programs which play an important role in preventing and resolving employee

substance abuse. The programs provide substance abuse information to all employees and on-going supervisor training, as well as referral to appropriate resources to assist in employee rehabilitation.

Training programs will provide supervisors with information that will assist them in identifying employees who should be referred to an employee assistance program. The training shall acquaint supervisors with the type of assistance available to employees. Additionally, employees will be provided with information and educational activities concerning this policy and the harmful effects of substance abuse.

Each agency or department of the Virgin Islands Government is responsible for referring employees to the Employee Assistance Program operated by the Department for Health. Referrals can be made to the Department of Health at 773-5150 and 773-7265. The employee assistance program serving Territorial agency is presently being strengthened to meet the needs of this policy. Crisis counseling, evaluation, and referral to longer term treatment and/or other interventions as deemed appropriate are available through the Employee Assistance Program (EAP). An Employee Assistance Program (EAP) Task force composed of members of the Drug Policy Board with the involvement of labor unions and other government agencies will be convened to recommend to the governor the implementing procedures, costs and strategies for employee assistance programs to support this policy.

TESTING

A task force on testing has been convened to recommend to the Governor policies and procedures for the implementation of a drug testing program for Government employees. This task force shall be composed of members from representative Government agencies and labor leaders. The task force shall consider programs for drug testing as part of the pre-employment process, for testing based upon reasonable suspicion, and for testing following on-the-job incidents.

CONFIDENTIALITY

Each agency shall exercise diligence and care to maintain the confidentiality of information gathered through employee assistance programs and testing results. The sensitive nature of test results and employee assistance records requires that procedures be established to ensure confidentiality as provided by territorial and federal law. The aforementioned task forces shall also address this issue.

IMPLEMENTATION

This policy is not intended to diminish procedures for employees in safety sensitive or law enforcement positions.

Disciplinary action up to and including employee dismissal resulting from the discovery of substance abuse is intended to first offer a helping hand to employees, but in

so doing shall not compromise the health, safety and welfare of fellow employees or the residents of, and visitors to, the Virgin Islands.