



VIRGIN ISLANDS DEPARTMENT OF JUSTICE
OFFICE OF THE ATTORNEY GENERAL

January 30, 2024

VIA ELECTRONIC AND HAND DELIVERY

Honorable Albert Bryan Jr.
Governor of the U.S. Virgin Islands
Government House
Nos. 21-22 Kongens Gade
St. Thomas, VI 00802

Attn: Richard T. Evangelista, Esq.
Chief Legal Counsel to the Governor

Re: Proposed Rules and Regulations Governing Retirees Reentering Government Services

Dear Governor Bryan:

Transmitted herewith for your review, approval, and signature are the Division of Personnel ("DOP") Proposed Rules and Regulations for Retirees Reentering Government Services in the Territory of the United States Virgin Islands ("Rules and Regulations"). The Director of the DOP has signed in triplicate originals the Proposed Rules and Regulations, which are being submitted pursuant to ACT No. 8560, as amended by ACT No. 8690; Title 3 V.I.C. Chapter 27, Section 706; Chapter 28A, Section 755; and Chapter 25, Section 492a.

The Proposed Rules and Regulations are promulgated to ensure an orderly and uniform process for rehiring retirees to government service while retaining their annuity. These Rules and Regulations shall be used to determine whether retirees can reenter government service.

A Public Notice soliciting commentary regarding the written Proposed Rules and Regulations has been published in a newspaper of general circulation for public comment during a 30-day period on December 26, 2023, and January 24, 2024. According to legal counsel from the Division of Personnel, no public comments were received.

St. Thomas

3438 Kronprindsens Gade | GERS Complex, 2nd Floor | St. Thomas, VI 00802-5749 | (340) 774-5666
Division of Paternity & Child Support | 8000 Nisky Shopping Center | 2nd Floor, Suite 500 | St. Thomas, VI 00802 | (340) 775-3070

St. Croix

213 Estate La Reine | Kingshill, St. Croix, VI 00850 | (340) 773-0295
Division of Paternity & Child Support | 3018 Orange Grove, Suite 4 | Christiansted, St. Croix, VI 00821 | (340) 775-3070

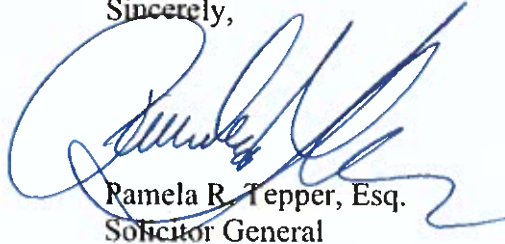
If approved, a Notice of Promulgation along with a brief description of the Rules and Regulations shall be circulated in at least one newspaper of general circulation. Kindly note, that in accordance with 3 V.I.C. 913 and 933, upon your review and execution, an original and two duplicates of the Rules and Regulations will be filed with the Office of the Lieutenant Governor and a copy submitted to the Legislature.

Attached, please find the following supporting documents:

- Original, signed Rules and Regulations with two duplicates; and
- Copies of the Notice for Public Comment as published in the Virgin Islands Daily News on December 26, 2023, and January 24, 2024.

The Office of the Solicitor General reviewed the Proposed Rules and Regulations and has approved this final draft for legal sufficiency. Should you have any questions, please feel free to contact me at (340) 774-5666.

Sincerely,



Pamela R. Tepper, Esq.
Solicitor General

Enclosures: Original Proposed Rules and Regulations and Two Duplicates

cc: Ariel M. Smith, Esq., Attorney General
Department of Justice

Honorable Cindy L. Richardson, Director
Division of Personnel



November 21, 2023

Ariel Smith
Attorney General
Virgin Islands Department of Justice
Office of the Attorney General
3438 Kronprindsens Gade
GERS Complex, 2nd Floor.
St. Thomas, VI 00802-5749

Dear Attorney General Smith:

The Virgin Islands Division of Personnel (DOP) hereby submits proposed Rules and Regulations with respect to Retirees Reentering Government Service, Title 3 V.I.C. Chapter 27, Section 706; Chapter 28A, Section 755; and Chapter 25, Section 492a.

The Proposed Rules and Regulations are an effort to ensure an orderly and uniform process for rehiring retirees to government service while retaining their annuity. These Rules and Regulations shall be used to determine whether retirees can reenter government service.

The Proposed Rules and Regulations are enclosed for your review. Following a determination on legal sufficiency, DOP will request the assistance of the Office of the Governor, in submitted the promulgated Rules and Regulations to the Virgin Islands Legislature.

DOP is committed to effectively enforcing the laws that affect the personnel of the Government Service. Should you have any questions or concerns, you may contact Aliya T. Felix, Esq., Legal Counsel at aliya.felix@dop.vi.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "Cindy L. Richardson".

Cindy L. Richardson
Director

cc: Aliya T. Felix, Esq.
Legal Counsel

DIVISION OF PERSONNEL



*Rules and Regulations for
Retirees Reentering Government Service in the
Territory of the United States Virgin Islands*

Submitted this 21 day of November, 2023.

to

GOVERNOR ALBERT BRYAN, JR.

by

CINDY L. RICHARDSON

Director

Division of Personnel

Copy below is hereby certified to be a true and correct copy of the Rules and Regulations adopted pursuant to authority granted in ACT No. 8560, as amended by ACT No. 8690; Title 3 V.I.C. Chapter 27, Section 706; Chapter 28A, Section 755; and Chapter 25, Section 492a.

***Rules and Regulations for
Retirees Reentering Government Service in the
Territory of the United States Virgin Islands
Title 3, Chapter 27, Section 706; Chapter 28A, Section 755***



CINDY L. RICHARDSON
Director
United States Virgin Islands
Division of Personnel

TABLE OF CONTENTS

Statutory Authority and Preliminary Instructions	<u>5</u>
Statement of Legislative Authority.....	<u>7</u>
DIVISION 1. Definitions	<u>7</u>
706-1. Definitions of Words and Terms	<u>7</u>
DIVISION 2. Eligibility Requirements	<u>9</u>
706-21. Eligibility	<u>9</u>
706-22. Exclusions	<u>10</u>
DIVISION 3. Program Terms	<u>10</u>
706-31. General Provisions	<u>10</u>
706-32. Exceptions	<u>12</u>
DIVISION 4. Program Requirements	<u>13</u>
706-41. Prospective Government Employing Entity	<u>13</u>
706-42. Director of D.O.P. and Respective Hiring Agency Head.....	<u>14</u>
DIVISION 5. Exceptions for Nurses, Teachers, and Police Officers.....	<u>15</u>
706-51. General Exceptions.....	<u>15</u>
706-52. Eligibility Exceptions for Nurses, Teachers, and Police Officers.....	<u>15</u>
706-53. Term Exceptions for Nurses, Teachers, and Police Officers.....	<u>16</u>
706-54. Procedural Exceptions for Nurses, Teachers, and Police Officers.....	<u>17</u>
DIVISION 6. Exceptions for Legislature and Judiciary.....	<u>18</u>
706.61. General Exceptions.....	<u>18</u>
706.62. Eligibility Exceptions for Legislature and Judiciary.....	<u>18</u>
706.63. Procedural Exceptions for Legislature and Judiciary.....	<u>18</u>
DIVISION 7. Insurance Coverage.....	<u>19</u>
706.71. Health Insurance/Benefits Coverage	<u>19</u>

706.81. Waiver and Enlargement of Time Limits	<u>19</u>
DIVISION 9. Enforcement.....	<u>19</u>
706.91. General Provisions.....	<u>19</u>
DIVISION 10. Position Classification System	<u>20</u>
492a-1. General Provisions.....	<u>20</u>
APPENDIX 1-STEPS IN THE REENTERING RETIREES PROCESS.....	<u>21</u>
CERTIFICATION BY THE LIEUTENANT GOVERNOR THAT REGULATIONS WERE DULY PUBLISHED AND CONFORM TO FORMATTING REQUIREMENTS.....	<u>22</u>
GOVERNOR’S CERTIFICATE OF COMPELLING CIRCUMSTANCES	<u>23</u>
GOVERNOR’S APPROVAL & LIEUTENANT GOVERNOR’S ATTEST.....	<u>23</u>
CERTIFICATION OF TRANSMITTAL TO LEGISLATURE	<u>24</u>

Statutory Authority & Preliminary Instructions

A. Introduction

Pursuant to ACT No. 8560, as amended by ACT No. 8690, which augment Title 3 V.I.C. Chapter 27, Section 706; Chapter 28A, Section 755; and Chapter 25, Section 492a, the Division of Personnel shall prescribe by Regulations the governance of the program established by the aforementioned Acts. The *Rules and Regulations for Rehiring Retirees to Government Service in the Territory of the United States Virgin Islands* aims to ensure an orderly and uniform process for rehiring retirees to government service while retaining their annuity. These Regulations, in conjunction with any relevant policy and procedure, shall be used to determine whether retirees can reenter government service.

B. Objectives

In accordance with the relevant legislation instructing the Division of Personnel to prescribe Regulations for the rehiring of retirees to government service through the Territory, the *Rules and Regulations for Rehiring Retirees to Government Service in the Territory of the United States Virgin Islands*, in conjunction with any relevant policy and procedure, should guide agencies as they onboard retirees and determine whether retirees can reenter government service.

C. Application

The *Rules and Regulations for Rehiring Retirees to Government Service in the Territory of the United States Virgin Islands* will be circulated to all Government Agencies, members of the Judiciary and Bar, and to the general public as to the requirements for rehiring retirees to government service. These Rules are applicable to the entire government service as defined in 3 V.I.C. § 451a.

D. Scope and Effect of Rules

The instant *Rules and Regulations for Rehiring Retirees to Government Service in the Territory of the United States Virgin Islands* supersedes prior existing regulations.

E. Effective Date

As the following *Rules and Regulations for Rehiring Retirees to Government Service in the Territory of the United States Virgin Islands* are issued pursuant to a Certificate of Compelling Circumstances, they are effective immediately upon signature of the Governor and attest by the Lieutenant Governor and are binding on all agencies.

The Division of Personnel will accept and consider public comments on *Rules and Regulations for Rehiring Retirees to Government Service in the Territory of the United States Virgin Islands* for thirty (30) days after signature by the Governor and attest by Lieutenant Governor.

Public comments must be received within thirty (30) days of the date that the Rules and Regulations for Rehiring Retirees to Government Service in the Territory of the United States Virgin Islands are signed by the Governor and attested by the Lieutenant Governor. Comments should be sent to the following address of record:

Legal Counsel
Division of Personnel
3438 Kronprindsens Gade
GERS Building 3rd Floor
St. Thomas, USVI, 00802 (340) 774-8588

Statement of Legislative Authority

Pursuant to ACT No. 8560, as amended by ACT No. 8690 the Division of Personnel shall prescribe by Regulations the governance of the program established by the aforementioned Acts. The Regulations shall also require all amendments to these Regulations to refer to the original regulation.

DIVISION 1. Definitions

706-1. Definitions of Words and Terms

Words and terms wherever used in this Regulation, unless a different meaning is clearly required in the context or a different definition has been provided elsewhere, shall have the following meanings:

“Continuous Recruitment Program” means the Program where vacancies are placed after being posted for a minimum of twenty (20) business days without producing any eligible candidates. Continuous Recruitment applies when it is expected that there will be a considerable and recurring need for an eligible candidate to fill a vacancy.

“Director” means the Director of the Division of Personnel.

“Employer” means the Government of the United States Virgin Islands and its agencies and instrumentalities including all autonomous and semiautonomous agencies of the Government of the Virgin Islands.

“Enterprise Resource Planning (ERP)” means the System where all personnel actions are performed.

“G.E.R.S.” means the Government Employee Retirement Service.

“Government” means the Government of the United States Virgin Islands (GVI) and its agencies and instrumentalities.

“Hard to Fill Position” means a position that has been posted for a minimum of three (3) consecutive months, is on the continuous recruitment program, and that requires an urgent need for the retired member’s services because of an existing vacancy for which the employing entity has been unable to recruit a qualified individual. Nurses, teachers, and police officers are positions that are automatically deemed hard to fill for purposes of these rules and regulations.

“Hiring Agency Head” means the officer required to approve hires in accordance with these rules and regulations. The Director of the Division of Personnel is the Hiring Agency Head for all central government entities. For all other government entities, the officer authorized to approve hires is the respective Agency Head.

“Member” means any retiree of the Government Employees Retirement System who accepts a retirement annuity upon withdrawal from service of the Government of the Virgin Islands.

“Membership Term” means the total length of time that a retiree can participate in the Reentering Retirees Program.

“NEOGOV” means the applicant tracking system used by the central government entities of the Government of the Virgin Islands.

“NOPA” means Notice of Personnel Action.

“Prospective Government Employing Entity” means any government employing entity covered by the Reentering Retirees Program, to include any independent or semiautonomous agency or other instrumentality of the Government of the Virgin Islands, pursuant to 3 V.I.C., Chapter 27 and Chapter 28A.

“Reentering retiree” means a retiree who is a member of the G.E.R.S. and is reentering government service subject to these rules and regulations.

“Reentering Retirees Program (RRP)” means the program governing retirees who are temporarily rehired to government service pursuant to 3 V.I.C. Chapter 27 or 28A.

“Service” means employment with the Government of the Virgin Islands for salary,

wages, or other compensation.

“Subsequent Retirement” means retirement after remaining in the government service subsequent to the expiration of a membership term under these rules and regulations. Subsequent Retirement requires an application to the System and is subject to the provisions of the retirement system in effect at the time the application is received by the System. Retired teachers, nurses, and police officers can only apply for subsequent retirement after once again becoming a contributing member of the System.

“System” means the Government Employees Retirement System of the United States Virgin Islands.

“Tier I Member” means any employee who is a member of the System pursuant to 3 V.I.C. § 702.

“Tier II” means any employee who is a member of the System pursuant to 3 V.I.C. § 750.

DIVISION 2. Eligibility

706-21. Requirements

Any retired member of the System is eligible to reenter the service of the government, by appointment ONLY to a hard to fill position, subject to these rules and regulations, and under the following conditions:^{1 2}

A retiree must:

- (a) be qualified and competent for performance of the duties of the position in which the retiree is to be employed;
- (b) be retired from government service for a minimum of nine months from the effective date of retirement (*See Exception: [Division 5](#)*); and

¹ See Exceptions: [Division 5](#) & [Division 6](#).

² Employees whose services are compensated on a contractual, fee or per diem basis and who work exclusively for the Government at least forty (40) hours per week and who are members of the System, are eligible for membership in the RRP.

- (c) apply for a vacant hard to fill position that has been posted for a minimum of three (3) consecutive months. (See *Exceptions: [Division 5](#) & [Division 6](#)*)

Any employer of the Government of the Virgin Islands, to include all three branches of government and all independent or semi-autonomous agencies and instrumentalities, may request approval to rehire a retiree.

706-22. Exclusions

The following individuals are excluded from membership in the RRP.

- a) Any casual employee;
- b) Any part-time employee who does not regularly work at least fifty percent (50%) of the normal work period; and
- c) Any provisional employee.

DIVISION 3. Program Terms

706-31. General Provisions

- a) Employment under this program is temporary;
- b) Membership in the RRP may not exceed one period of thirty-six consecutive months. Multiple membership terms are prohibited under this program; (See *Exceptions: [Division 5](#)*)
- c) Completion of a full 36-month membership is not mandatory; (See *Exceptions: [Division 5](#)*)
- d) If, for any reason, a member leaves the government service before completion of a full 36-month membership, the member shall not be able to reenter the RRP to complete any remainder of the uncompleted term; (See *Exceptions: [Division 5](#)*)
- e) Upon reentering the government service, all retirees under RRP shall immediately provide written notification to the G.E.R.S. of reemployment;

- f) A reentering retiree is only permitted to be a member of the RRP in a hard to fill position for a maximum of thirty-six consecutive months from their effective date of rehire without affecting the retiree's status as retired; (See *Exceptions: [Division 5](#)*)
- g) During the RRP membership period, a reentering retiree under this subsection shall be a contributing member to the System; (See *Exceptions: [Division 5](#)*)
- h) During the RRP membership period, there shall be no effect on the member's status as retired and the member shall continue to receive their retirement annuity without suspension or diminution while in receipt of a current salary from the Government;
- i) At the end of the membership period and if the retiree remains employed with the GVI, the service retirement annuity shall be cancelled, and the retiree shall no longer be a member of the RRP; (See *Exceptions: [Division 5](#)*)
- j) A reentering retiree shall earn four hours of annual leave and four hours of sick leave each pay period;
- k) A reentering retiree under 3 V.I.C. § 706 must pay contributions to the System at the Tier I rate pursuant to Tit. 3 Virgin Islands Code § 767, via withholding from their active Government paycheck. The employer has a duty to and shall pay its contributions to the System as provided in 3 VIC § 767;³
- l) A reentering retiree under 3 V.I.C. § 755 must pay contributions to the System at the Tier II rate pursuant to Tit. 3 Virgin Islands Code § 767, via withholding from their active Government paycheck. The employer has a duty to and shall pay its contributions to the System as provided in 3 VIC § 767;⁴

³ Both 3 V I C § § 706(d)(4), 755(d)(4) reference repayment according to 3 V I C. § 767, which applies to Tier II Retirement Benefits, it appears that the intent was that retirees reenter government service at the same contribution rate in which they left the government upon retirement. Therefore, DOP shall interpret 3 V.I.C. §§ 706(d)(4) and 755(d)(4) to mean that retirees shall reenter the government service at the same contribution rate in which they left the government upon retirement, unless/until further clarification is provided via statutory amendment.

⁴ *Id.*

- m) The contributions paid to the System by a reentering retiree, are not refundable after any subsequent retirement or subsequent end of the reentering retiree's appointment to government service;⁵ (See Exception: 706-32)
- n) Upon subsequent retirement, end of the membership term or early termination of membership term, reentering retirees shall not receive an increase in their annuity because of their reemployment under these Regulations. A retiree's annuity will remain the same as it was before their reemployment under these Regulations; (See Exceptions: [Division 5](#))
- o) When hired to fill unionized positions, a reentering retiree shall be subject to and comply with the position's applicable union and/or collective bargaining agreement;
- p) Upon subsequent end of the reentering retiree's appointment to government service, a retiree shall not be entitled to any lump-sum payment for any accumulated annual leave;
- q) The Division of Personnel will create unique Reentering Retiree ERP Codes as necessary for the effective administration of this program;
- r) In addition to these terms, all reentering retiree nurses, teachers, and police officers must adhere to [Division 5](#) of these Regulations; and
- s) In addition to these terms, all reentering retirees to government service in the Legislative and Judicial Branches of government must adhere to subsection [Division 6](#) of these Regulations.

706-32. Exceptions

706-31(m) of this regulation does not apply to Tier I general members of the RRP.

DIVISION 4. Program Requirements

706-41. Prospective Government Employing Entity

- a) The employing entity must continue to follow the standard operating procedure in place, at the time, to initiate the hiring of an employee of the respective agency (i.e., creating a job requisition, approving requisition, attaching PRF to initiate job requisition process, posting of vacancy, using referred list to conduct and document the interview/selection process in NEOGOV, etc.);
- b) After identifying an eligible retiree candidate from a referred list, but prior to initiating the NOPA process, an entity must submit to the Hiring Agency Head, a completed request to rehire a retiree, (provided by the Division of Personnel), detailing the reasons for employing the retiree, to include, among other things, proof that the position is hard to fill and the recruitment efforts the agency engaged in to fill the vacancy. The Director of the Division of Personnel is the Hiring Agency Head for all central government employing entities. The respective hiring agency head of all other government entities is the officer required to approve hires under these Regulations;
- c) Only after receiving written approval of a request to rehire a retiree from the respective Hiring Agency Head, can the employing entity initiate the close out process, to include finalizing the referred list and closing out the job requisition in NEOGOV (if applicable), subject to the standard operating procedures in place at the time;
 - 1) As part of the close out process, under this program, entities must request a new employee number through the Division of Personnel.
 - 2) The employing entity must use the appropriate Reentering Retiree ERP Codes when completing a respective NOPA under these Regulations.
- d) Employment for every retiree subject to these Regulations, must be made through the Notice of Personnel Action (NOPA) process, or the regular method of employment used by the hiring agency, except for recipients of professional services contracts awarded through the competitive bidding process; (See *Exceptions: [Division 6](#)*) and

- e) Within 30 days of rehire, the prospective hiring agency must notify the Division of Personnel of each hire made under this program and include the Chief of the Group Health Insurance Office in such correspondence.

706-42. Director of the Division of Personnel or Respective Hiring Agency Head

a) Before approving any request to rehire a retiree, the Director of the Division of Personnel, or the respective Hiring Agency Head, must review the submitted request to rehire retiree. Based on the information provided, the Hiring Agency Head must find that:

1. The retiree is qualified and competent for performance of the duties of the position in which the retiree is to be employed;
2. On the date of the request, the retiree has been retired from government service for a minimum of nine months from the effective date of retirement. (See *Exceptions: [Division 5](#)*) The Hiring Agency Head must consult GERS to confirm retirement information;
3. The vacancy is a hard to fill position as defined in this Regulation;
4. The hiring is non-permanent rather than a final filling of the position and is a newly established job classification that results in a new employee number being issued;
5. No other qualified candidate external/internal applied for the posted vacancy;
6. The prospective employing entity established a record of recruitment efforts over the pendency of the posting; (See *Exceptions: [Division 5](#) and [Division 6](#)*);
7. No internal candidate was eligible/identified for retention/promotion purposes; and
8. The prospective employing entity developed a detailed recruitment/succession plan to fill the vacancy on a permanent basis. (See *Exceptions: [Division 5](#) and [Division 6](#)*);

- b) The Hiring Agency Head must dispose of requests within ten business days of receiving a request to rehire a retiree;
- c) Upon approving employment of a retired member, under this program, the Director of Personnel for central government or the respective agency head for non-central government entities, must certify the approval to the System;
- d) The Director of Personnel for central government or the respective agency head for non-central government entities shall be the officer to approve the NOPA of every reentering retiree in this Program, or the regular method of employment used by the respective hiring agency. **EXCEPTION:** The Department of Education shall approve NOPAs that come through their agency for every reentering retiree;
- e) Within 30 days of rehiring a retiree, the Director of Personnel for the central government or the respective Hiring Agency Head for non-central government entities shall notify the G.E.R.S. of each hire made under these rules and regulations; and
- f) Where appropriate, the Director of Personnel or the respective Hiring Agency Head shall notify the appropriate union of the intent to fill unionized positions.

DIVISION 5. Exceptions For Nurses, Teachers, and Police Officers

706-51. General Exceptions

These exceptions (706-51. through 706-54.) apply only to retirees reentering under this program as nurses, teachers, or police officers. Anything not specifically covered in these exceptions shall be governed by the general terms of these Regulations. These exceptions are to be read in conjunction with the general terms of these Regulations.

706-52. Eligibility Exceptions for Nurses, Teachers, and Police Officers

- a) A nurse, teacher, or police officer receiving a service retirement annuity, may reenter the service of the government by either appointment or on a contractual basis;

- b) If returning to the positions of nurse, teacher, or police officer, they will be subject to the general rules and regulations and these exceptions herein;
- c) Immediately after retirement, a reentering retiree nurse, teacher, or police officer is eligible to participate in the RRP. There shall be no waiting period from the effective date of retirement for members of this class to reenter the government service to fill the positions of nurses, teachers, or police officers;
- d) Vacancies for positions under this subsection are not required to be posted for a minimum of three consecutive months. Members of this class are eligible for rehire immediately after the position is posted. **Exception: Substitute teacher positions shall not be deemed automatically hard to fill;** and
- e) All other eligibility requirements under these Regulations shall remain in effect.

706-53. Term Exceptions for Nurses, Teachers, and Police Officers

Notwithstanding the preceding terms outlined in these Regulations, the following term exceptions apply to all reentering retiree nurses, teachers, and police officers.

- a) Membership in the RRP may not exceed one single period of two calendar years. Multiple membership terms are prohibited under this program;
- b) Completion of a full two-year membership is not mandatory;
- c) If, for any reason, a member leaves the government service before completion of a full 2-year membership, the member shall not be able to reenter the RRP to complete any remainder of the uncompleted term;
- d) A retiree under this subsection is only permitted to be a member of the RRP for a maximum of two consecutive years from their effective date of rehire without affecting the retiree's status as retired;

- e) During the two-year period as a member of the RRP, a reentering retiree under this subsection shall not be a contributing member to the System;
- f) At the end of the two-year period and if the retiree remains employed with the GVI, the service retirement annuity shall be cancelled, the retiree shall no longer be a member of the RRP, and the member shall thereupon again become a contributor to the System;
- g) Upon subsequent retirement, the member shall receive a retirement annuity which shall consist of (1) the previous retirement annuity which had been cancelled, plus (2) the additional retirement annuity earned during reemployment;
- h) If the retiree renders at least three years of service during reemployment, his retirement annuity shall be recalculated according to the provisions of the retirement system in effect at the date of his latest retirement and based upon his entire period of service, including service rendered before and after the date of reemployment by the government); and
- i) In no event shall the recalculated retirement annuity be less than the annuity amount originally granted.

706-54. Procedural Exceptions for Nurses, Teachers, and Police Officers

Agencies requesting to rehire retiree nurses, teachers, or police officers under this exception, to fill positions of nurses, teachers, or police officers **ARE NOT** required to:

- a) Prove that these positions are hard to fill. These positions shall be automatically deemed hard to fill;

NOTE: Substitute teachers shall not be automatically deemed hard to fill positions. Requests to rehire retirees to the position of substitute teacher must prove that the position is hard to fill in accordance with the general application of these rules;

- b) Establish a record of recruitment efforts over the pendency of the posting of a vacancy under this subsection; and

- c) Develop a detailed recruitment/succession plan to fill the respective vacancy on a permanent basis.

DIVISION 6. Exceptions For Judiciary and Legislature

706-61. General Exceptions

These exceptions (706-61. through 706-63.) apply only to retirees reentering government service in the Judicial and Legislative Branches of Government. Anything not specifically covered in these exceptions shall be governed by the general terms of these Regulations. These exceptions are to be read in conjunction with the general terms of these Regulations.

706-62. Eligibility Exceptions for Judiciary and Legislature

- a) A retiree may reenter the service of the government in the Judicial and Legislative Branches of the Government by either appointment OR by contract. These retirees are subject to the general rules and regulations and the exceptions herein;
- b) Vacancies for positions from the Judicial and Legislative Branches of Government are not required to be posted for a minimum of three consecutive months. Retirees that fall under this exception are eligible for rehire immediately after the position is posted.

706-63. Procedural Exceptions for Judiciary and Legislature

- a) It is not required that employment for every retiree subject to this exception, be made through the Notice of Personnel Action (NOPA) process, or the regular method of employment used by the hiring agency, except for recipients of professional services contracts awarded through the competitive bidding process. *See 3 V.I.C. §§ 706(e), 755(e).*

- b) Employing entities subject to this exception are not required to establish a record of recruitment efforts over the pendency of the posting of a vacancy under this subsection; and
- c) Employing entities subject to this exception are not required to develop a detailed recruitment/succession plan to fill the respective vacancy on a permanent basis.

DIVISION 7.

Insurance Coverage

706-71. Health Insurance/Benefits Coverage

Reentering retirees are required to show proof of credible health insurance coverage. Enrolling in the government's health insurance plan under this program will be implemented as follows:

- a) All reentering retirees 65 years of age and over must maintain their then existing health insurance coverage with the respective carrier. The insurance premiums of these rehires must continue to be withheld from their annuity check.
- b) All reentering retirees under 65 years of age must be enrolled in the then current Government Health Insurance Benefits for active Government employees. The insurance premiums of these rehires must be withheld from their active government employment salary.

DIVISION 8. Time Limits

706-81. Waiver and Enlargement of Time Limits

For good cause, the Director may enlarge any of the time limits set forth herein by not more than 60 days. Good cause may include reasonable delays or events which are not foreseeable by any party, such as force majeure events.

DIVISION 9. Enforcement

706-91. General Provisions

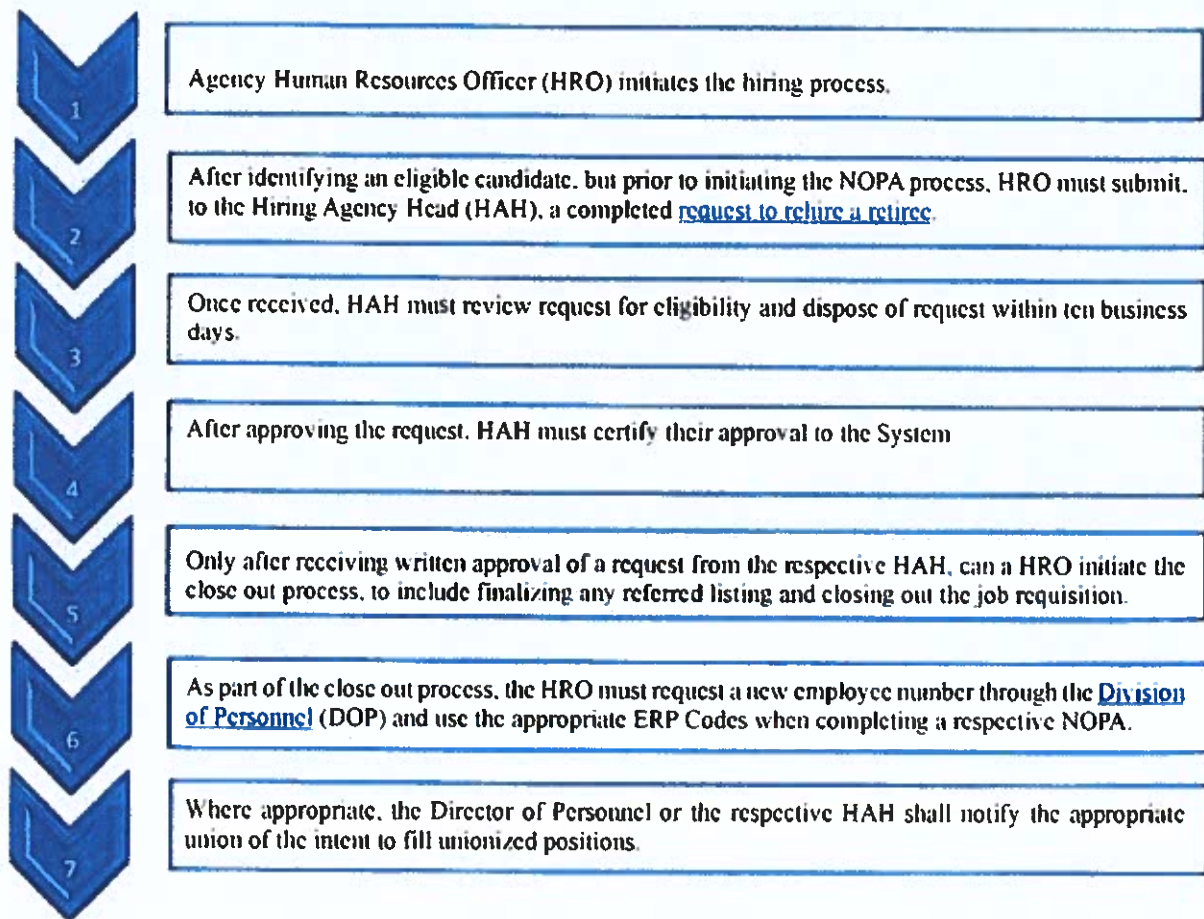
In the first 365 days of implementation of the RRP, a biennial audit of the program shall occur. Thereafter, an annual audit shall occur. The Division of Personnel for central government agencies or the respective agency head for all other entities shall be responsible for conducting any audit under this program to ensure compliance with these Regulations. Any individual(s) found to be in violation of these rules may be subject to disciplinary action. The Division of Personnel will establish a standard operating procedure for conducting such audits.

DIVISION 10. POSITION CLASSIFICATION

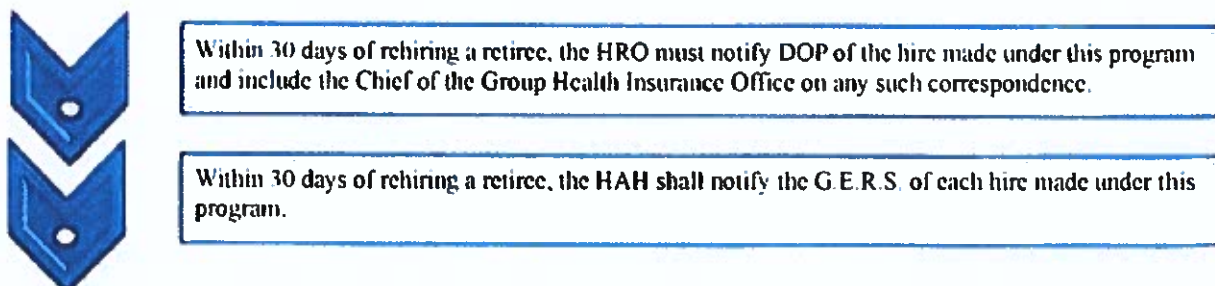
492a-1. Position Classification System

The position classification system established by 3 V.I.C. §§ 491-498 is applicable to all classified positions in the Government of the Virgin Islands for reentering retirees pursuant to 3 V.I.C. Chapter 27 or 28A of Title 3.

APPENDIX 1- STEPS IN THE REENTERING RETIREES PROCESS

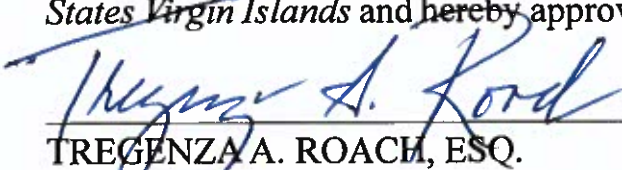


****If your agency does not use the Tyler Munis Enterprise Resource Planning (ERP), please note that you must also complete the following:**

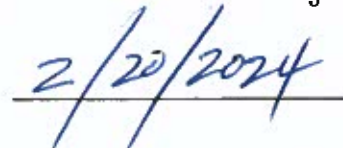


**CERTIFICATION BY THE LIEUTENANT GOVERNOR THAT
REGULATIONS WERE DULY PUBLISHED AND CONFORM TO
FORMATTING REQUIREMENTS**

In my capacity as Lieutenant Governor of the United States Virgin Islands, I have reviewed the foregoing Rules and Regulations from the Division of Personnel and find them to be in compliance with Title 3, Chapter 25, and the *Amended Rules and Regulations for Filing and Publication of Regulations in the Territory of the United States Virgin Islands* and hereby approve the same in accordance with 3 V.I.C. § 936.



TREGENZA A. ROACH, ESQ.
Lieutenant Governor or Designee
United States Virgin Islands

Date



GOVERNOR'S CERTIFICATE OF COMPELLING CIRCUMSTANCES


Pursuant to the authority granted under Section 938 of Title 3 of the Virgin Islands Code, in my capacity as Governor of the United States Virgin Islands, I certify that because of compelling circumstances, including lengthy delays before publication, the public interest requires that the attached *Rules and Regulations for Retirees Reentering Government Service in the Territory of the United States Virgin Islands* become effective immediately on the date noted below.


ALBERT BRYAN, JR.
Governor
United States Virgin Islands

2/13/24
Date

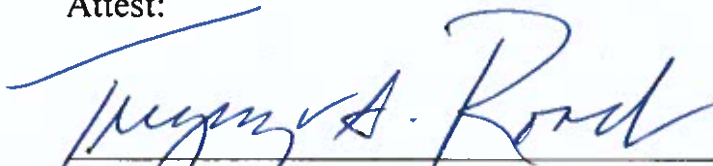
GOVERNOR'S APPROVAL & LIEUTENANT GOVERNOR'S ATTESTATION

Pursuant to the powers vested in me by Section 11 of the Revised Organic Act of 1954, the above *Rules and Regulations for Retirees Reentering Government Service in the Territory of the United States Virgin Islands*, of the Division of Personnel, which will be published in a newspaper of general circulation for public comment for at least thirty (30) days after the date of approval noted below.


ALBERT BRYAN JR.
Governor
United States Virgin Islands

2/13/24
Date

Attest:


TREGENZA A. ROACH, ESQ.
Lieutenant Governor
United States Virgin Islands

2/20/2024
Date

CERTIFICATION OF TRANSMITTAL TO LEGISLATURE

I hereby certify that the above-approved Rules and Regulations from the Division of Personnel were transmitted to the Legislature of the Virgin Islands pursuant to 3 V.I.C. § 913 on the day noted below.



Governor/Governor's Designee
United States Virgin Islands

3/4/24

Date

In battleground Arizona, Robert F. Kennedy Jr. draws Biden and Trump voters

By JONATHAN J. COOPER
The Associated Press

PHOENIX — Some voted for Donald Trump, others for Joe Biden. A few had never wanted anything to do with politics before they heard Robert F. Kennedy Jr. on a podcast or YouTube video.

Lined up outside a Phoenix wedding hall tucked between a freeway, a railroad track and a U-Haul rental center, the hundreds of people who turned out Wednesday to hear Kennedy speak shared little in common ideologically. What united them was a deep-seated distrust — of the media, of corporations and especially of the government — and a belief that Kennedy is the only person in politics willing to tell them the truth.

"I like that he talks to us like adults," said Gilbert Limon, a 48-year-old pharmacist from Phoenix. "He tells you the majority of what you need to know. Whereas I feel like (other politicians) just give you bits and pieces to try to fit their agenda. I've had enough of that."

Voters are not enthusiastic about a Biden-Trump rematch, and alternatives like Kennedy or the No Labels third-party movement, which would typically be longshots, see an opening. Kennedy's appearance in a 2024 battleground state highlights how he could influence the election in ways that are tough to predict. Allies of both Trump and Biden have expressed concerns that Kennedy's independent bid could pull votes from their candidate in next year's expected general election rematch.

Candidates from outside the Republican and Democratic parties rarely make a splash, if they can make the ballot to begin with. But third-party candidates don't usually carry a famous last name like Kennedy's, or his existing network of supporters.

Kennedy made the stop in Phoenix as part of his laborious push to get access to the 2024 presidential ballot as an independent candidate, which he figures will require him to collect at



Photo by ASSOCIATED PRESS
Independent presidential candidate Robert F. Kennedy Jr. speaks at a voter rally Wednesday in Phoenix.

least a million signatures across the country. Aides mingled in the crowd, filling up his petitions to qualify in Arizona.

Ballot access for independent and minor-party candidates is an expensive and complicated process, with each state setting its own rules. Campaigns usually hire people to collect signatures and often need a small army of lawyers to challenge access rules and fight back against others trying to keep the candidates off the ballot.

American Values 2024, a super PAC supporting Kennedy, has pledged to spend \$15 million to help him get on the ballot in 10 states. Kennedy secured a victory in Utah, where the lieutenant governor pushed back the deadline to qualify from January to March after Kennedy filed suit.

Kennedy is a member of one of the Democratic Party's most famous families — his father was the attorney general for his uncle, President John F. Kennedy. But he's more recently built closer ties to the far right, where his conspiratorial and isolationist views are at home.

Enriqueta Porras, a 52-year-old physician from Phoenix, voted for Hillary Clinton in 2016 and Trump in 2020. She said she's torn about the third-party conundrum. She'd like to vote for someone she believes in, like Kennedy, but also wants to make sure Biden loses and may vote strategically.

The Virgin Islands
DAILY NEWS
A Pulitzer Prize-Winning Newspaper

ST. CROIX ST. JOHN ST. THOMAS TORTOLA

SOLD HERE

Gallows Point Resort

Cruz Bay
St. John

U.S. Virgin Islands Division
of **Personnel**



December 21, 2023

PUBLIC NOTICE

This Public Notice by the Division of Personnel is to advise the public of its intention to enact regulatory provisions pertaining to the rehiring of retirees to the government service throughout the Territory, in accordance with ACT 8560 as amended by ACT 8690, Title 3 V.I.C. Chapter 27, Section 706; Chapter 28A, Section 755; and Chapter 25, Section 492a.

Pursuant to ACT No. 8560, as amended by ACT No. 8690, which augments Title 3 V.I.C. Chapter 27, Section 706; Chapter 28A, Section 755; and Chapter 25, Section 492a, the Division of Personnel shall prescribe by Regulations the governance of the program established by aforementioned Acts above. The Rules and Regulations for Rehiring Retirees to Government Service in the Territory of the United States Virgin Islands aims to ensure an orderly and uniform process for rehiring retirees to government service while retaining their annuity. These Regulations, in conjunction with any relevant policy and procedure, shall be used to determine whether retirees can reenter government service.

If you have any questions, please call (340) 774-8588 on St. Thomas and (340) 718-8588 on St. Croix or visit our website www.dopusvi.org for more information.



Get Festive with HOLIDAY HAIR!

Shades of Hair

340-774-2337
or visit us on 

Specialize in relaxed, colored and natural hair care, loes, braids and more.
Spa Pedicure Available!
Walk-ins and visitors welcome!
Located in Drake's Passage, St. Thomas.

Book your holiday hair appointment today!

OPEN SUNDAYS

Eglah Clendinen

The family of Eglah Natalie Marsh-Clendinen sadly announces her passing on Dec. 29, 2023.

"Eggie," as she was affectionately known, was a true native (born and raised) St. Johnian. She was employed with the St. Thomas/St. John Sports Parks and Recreation Department for 20-plus years until retirement at age 50.



Eglah Clendinen

She had an infectious smile that lit up anywhere she graced her presence. She was a gentle, loving spirit with inner and outer beauty who enjoyed giving her best to anyone without any expectations. She was a woman of God and passionate for making her garden a little piece of "heaven" here on Earth. With flowers and fruits galore, her garden brought her and many islanders much pleasure.

When not in church or her garden, you could find Eggie fishing around the rocks with her pals, Lillie, Hilda and Lavern, traveling the world via a cruise or enticing the Spring Garden neighborhood with her legendary culinary skills. We will miss you beyond words but celebrate the amazing woman we were blessed to know and love.

Eglah was preceded in death by her daughter, Jennifer Clendinen-Chinnery.

She is survived by her daughters, Jacquelyn D Clendinen and Celia Clendinen Tonge; sons, Vincent "Mellie" Clendinen Jr., Wayne, Gary and Ernie Clendinen; brother, Kenneth Marsh Sr.; sisters-in-law, Aileen, Madline and Margaret Marsh; grandchildren, Kessa and Kaseem George, Shena George-Essanasson, Tiombe Chinnery Cunningham, Sokotto and Camal Clendinen, Abia Jones, Larcesa Williams, Delani, Anwar, Jordan, Lili Clendinen, Kristin Clendinen-Robbins and Christina Maynard Clendinen, Ilesha Rabsatt-Costanzo, Shurna and Tia Rabsatt, Sophia and Jacqueline Clendinen, April Clendinen-Pemberton, Tehi, Saihinly, Fischele, Macchan, Tyrah, Imri,

Narene Tonge, and Liyah Tonge-Whitfield, Jamal, Aysha, Ciena Clendinen and Mirisa Clendinen-Richardson; 63 great-grands and seven great-great-grands; godchildren, Vernele S. Delagarde, Vonnelle Anthony, Claudine Scatliffe, Tasia Brathwaite-Lake, Cassandra Mathurin Charles, Raquisha Edwards and Raquida Edwards Brumby; and special friends to the end, Hilda Anthony, Merle Matthias and Geneva Paris.

The first viewing will be held today at Celestial Chapel of Dan Hurley Home for Funerals from 5 to 7 p.m. The second viewing will be held on Friday, Jan. 26, 2024, Cruz Bay Calvary Baptist Church, at 9:30 a.m. with service to follow at 10:30 a.m. Interment is at Calabash Boom Cemetery.

Funeral arrangements are under the care of Dan Hurley Home for Funerals and Cremation Centers of St. Thomas, St. John, and St. Croix.

Special thanks to assisting Caregiver: Annette La Croix, the Continuum Care staff, Calvary Baptist Church family, the PCMI family, the St. John St. Ursula Senior Center, the Human Services Caregivers Program/Meals on Wheels and Dr. Weische.

Michael McKenzie Stuart

We announce the passing of Michael McKenzie Stuart, who departed on Dec. 18, 2023, at the age of 54.

He was preceded in death by his brother, James "Sobaz" Stuart.

He leaves to mourn wife, Cherry Stuart; mother, Cecile Stuart; father, Benoit Stuart; sons, Michael and Jason.

Michael and Jason, and Giles Stuart; stepson, Cameron D. Stoute; daughter-in-law, Keshia Gregory-Stuart; granddaughters, Dreama and Kenese Gregory-Stuart, Destiny, Ari-Annie Stoute; grandson, Cayden Stoute; brothers, Davidson, Augustus, Brian, Mike-Deenness, Kirmanic, John, Shastri, Walton, Jeremy, Chedd and Bena

Stuart; brothers-in-law, Larry and Kurt Alcendor; sisters, Vanalise, Risha, Shana, Christine, and Surell Stuart; sisters-in-law, Kishma, Muriel, Martha, Denise and Dona Stuart; uncles, Jerome and Cyril Eugene, Maurice and Pascal Stuart; aunts, Theresa, Maria, Sonia, Lucia and Clementine Stuart; nephews, Meryl, Marley, Djhunte, Josh, Curtison, Divino, Nyra, Riley, Mossiric, Jeffi, Brad, Jaylan, Abassi, and Kassen Stuart, Donovan and

Desmond Henderson; nieces, Casandra, Amariah, Vernelia, Mosandra, Nyma, Naijah, Viva, Lisa and Cassandra Stuart, Deborah Henry; godmother, Melanie "Ato" Alexander, special cousins, Anya, Andra, Grayson Stuart, Donia Alexander, Joseph and Bernard Comodore, Elaine, Andy Angol, Invar Rocque, Kwamie Eugene, Bernard Eugene.

She also leaves to mourn, best friends, Eric Fontain, Roland

George and Sylvester Hypolite; and management and staff of JPK Construction and more relatives and friends too numerous to mention.

The viewing will take place on Saturday, Jan. 27, 2024, at 9 a.m. at Emmanuel Baptist Church with services immediately following at 10 a.m. Interment will be at the Eastern Cemetery, Smith Bay.

Arrangements are entrusted to Turnbull's Funeral Home and Crematory Services.

U.S. Virgin Islands Division of Personnel



January 24, 2024

PUBLIC NOTICE

This Public Notice by the Division of Personnel is to advise the public of its intention to enact regulatory provisions pertaining to the rehiring of retirees to the government service throughout the Territory, in accordance with ACT 8560 as amended by ACT 8690, Title 3 V.I.C. Chapter 27, Section 706; Chapter 28A, Section 755; and Chapter 25, Section 492a.

Pursuant to ACT No. 8560, as amended by ACT No. 8690, which augments Title 3 V.I.C. Chapter 27, Section 706; Chapter 28A, Section 755; and Chapter 25, Section 492a, the Division of Personnel shall prescribe by Regulations the governance of the program established by aforementioned Acts above. The Rules and Regulations for Rehiring Retirees to Government Service in the Territory of the United States Virgin Islands aims to ensure an orderly and uniform process for rehiring retirees to government service while retaining their annuity. These Regulations, in conjunction with any relevant policy and procedure, shall be used to determine whether retirees can reenter government service.

If you have any questions, please call (340) 774-8588 on St. Thomas and (340) 718-8588 on St. Croix or visit our website www.dopusvi.org for more information.

CannaBiz
CONSULTING
SERVICES LLC

Grow with Purpose

ST. JOHN / ST. THOMAS

William Waldo CO/MA
+1.340.513.4836
WILLIAM@VIRGINABIS.COM

ST. CROIX

Jody Starr CO
+1.340.643.1481
JODY@FIDDLERS-GREENS.COM