

ACT NO. 7878

BILL NO. 31-0176

THIRTY-FIRST LEGISLATURE OF THE VIRGIN ISLANDS

Regular Session

2015

An Act amending title 3 Virgin Islands Code, chapter 25 adding subchapter IVa enacting "The Virgin Islands Public Officials Compensation Commission Act"

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Be it enacted by the Legislature of the Virgin Islands:

SECTION 1. Title 3 Virgin Islands Code, chapter 25 is amended by adding subchapter IVa.

"Subchapter IVa The Virgin Islands Public Officials Compensation Commission

This subchapter may be cited and referred to as "The Virgin Islands Public Officials Compensation Commission Act."

§541. Definitions. In this subchapter the terms have the meanings unless the context determines otherwise:

(a) "*Commission*" means The Virgin Islands Public Officials Compensation Commission as established in section 542 of this subchapter.

(b) "*Government*" means the three branches of the Government of the Virgin Islands.

(c) "*Government Officials*" includes the Attorney General, the Governor, members of the Governor's cabinet, including all commissioners and directors of government agencies, the Lieutenant Governor, the judicial officers, senators of the Legislature of the Virgin Islands, and all elected officials in the Virgin Islands who receive remuneration.

(d) "*Remuneration*" includes the salaries, emoluments, mileage, per diem, travel, incidental benefits awarded for employment and other expense allowances and reimbursements of government employees and officers.

(e) “*Judicial Officers*” means Virgin Islands justices, judges and magistrates.

§542. (a) The Virgin Islands Compensation Commission is established within the Division of Personnel for budgetary purposes only.

(b) The Commission is composed of nine members, none of whom is an official or employee of the Government of the Virgin Islands, or of any department, agency, or any autonomous or semi-autonomous instrumentality of the Government of the Virgin Islands with the exception of the University of the Virgin Islands. The Governor, the President of the Legislature and the Chief Justice of the Supreme Court shall each appoint three members.

(c) Beginning January 15, 2017, and every four years thereafter, members appointed shall serve until the Commission has submitted its final report under section 543.

(d) No member of the Commission is eligible for appointment to public office so long as the member is a member of the Commission and for two years thereafter.

(e) The Governor shall call the first meeting of the Commission for the purpose of organization. At this meeting, the Commission shall select from its membership a chairperson, a vice-chairperson, and a secretary to serve for the duration of the term of the Commission.

(f) A majority of the Commission members constitutes a quorum to transact business. The affirmative vote of five members is required to approve the Commission’s recommendations on compensation.

(g) Any vacancy in the membership must be filled in the manner in which the original appointment was made.

(h) The members of the Commission shall serve without compensation, but must be reimbursed for travel and subsistence expenses, but the expenses must be approved by the chairperson. The costs and expenses of the Commission must be paid from the funds appropriated by the Legislature.

(i) The Division of Personnel shall provide the Commission with such staff as is necessary to perform its functions and shall provide record-keeping facilities and other facilities as needed.

§543. (a) Beginning in January 15, 2017, and every four years thereafter, the Governor shall convene a Commission to conduct a review of the salaries, expense allowances, and other emoluments of the Governor; the Lieutenant Governor; members of the Governor’s cabinet, including the Attorney General, all commissioners and directors of government agencies; judicial officers; senators of the Legislature; and the Inspector General of the Virgin Islands. The Commission shall make the review for the purpose of determining and providing the pay levels appropriate for the duties and responsibilities of the respective offices and positions subject to such review. The Commission may hold public hearings and invite members of the public, the Virgin Islands Bar, judicial officers, government officials and experts to provide testimony.

(b) In determining the compensation for each non-judicial office, the Commission shall consider the following factors:

- (1) The amount of compensation needed to attract and retain qualified, experienced and competent persons;
- (2) The amount of compensation paid in government service and the private sector to persons with similar qualifications;
- (3) The average consumer prices, commonly known as the cost of living;
- (4) The increase or decrease of median household income of Virgin Islands households and other economic indicators;
- (5) The overall compensation presently received by the public officials and all other benefits received;
- (6) The interests and welfare of the public and the financial ability of the Territory to meet those costs;
- (7) Such other factors not confined to the foregoing which are normally or traditionally taken into consideration in the determination of such compensation; and
- (8) Any other factors the Commission may consider to be reasonable, appropriate and in the public interest.

(c) In order to carry out its responsibilities to make findings, conclusions and recommendations as to the proper salary and benefits of the judicial officers, the Commission shall consider the following additional factors:

- (1) The skill, experience, and education required of a particular judicial office;
- (2) The value of compensable service performed by judicial officers, as determined by reference to judicial compensation in the District Court of the Virgin Islands, the United States Court of Appeals for the Third Circuit, the states comprising the United States Court of Appeals for the Third Circuit and the District of Columbia;
- (3) The compensation of attorneys in the private sector, government, academia, and non-profit enterprises with comparable responsibility, training and experience; and
- (4) Changes in the cost of living for judicial officers relative to the last time judicial compensation was set for a particular judgeship, including any increase in health or retirement contributions to be paid by the judicial officer.

(d) When considering the factors enumerated in subsections (b) and (c) of this section, the Commission may employ academic or professional experts to provide statistical analyses and relevant data.

§544. (a) The Commission shall submit to the Governor, the President of the Legislature, and the Chief Justice of the Supreme Court no later than May 1 of the fourth year of each term of the Commission a report of the results of the review conducted by the Commission of the offices and positions subject to this chapter, together with its recommendations. The Commission shall file the written report notwithstanding a determination by the Commission that no compensation increase or decrease is recommended.

(b) Any Commission member who does not concur in the proposed or final recommendations may attach written objections to the Commission's report or its findings and recommendations.

§545. The term of each Commission expires upon submission of the recommendations. The Governor, the President of the Legislature and Chief Justice of the Supreme Court shall appoint members to the next Commission no later than November 30 following the submission of the Commission's report.

§546. The Legislature shall act upon the recommendations of the Commission not later than 180 days after the recommendations have been submitted to the Legislature.

SECTION 2. (a) The sum of \$100,000 is appropriated in the fiscal year ending September 30, 2016, from the interest earned on debt services or from any available funds, to the Division of Personnel for the operation of The Virgin Islands Public Officials Compensation Commission.

(b) The funds appropriated in subsection (a) remain available until expended.

Thus passed by the Legislature of the Virgin Islands on May 9, 2016.

Witness our Hands and Seal of the Legislature of the Virgin Islands this 19th Day of May, A.D., 2016.



Neville James
Neville James
President

Myron D. Jackson
Myron D. Jackson
Legislative Secretary



Bill No. 31- 0176 is hereby approved.

**Witness my hand and the Seal of the
Government of the United States
Virgin Islands at Charlotte Amalie,
St. Thomas, this 29th day of May, 2016 A.D.**


**Kenneth E. Mapp
Governor**