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- 0:00:00 The Organic Act of the Virgin Islands has been in place since 1954. Now 68 years later, this document still stands as the constitution of our land. The laws that govern are made by the U.S. Congress, where we have no vote. The time to move these measures is now. The topic is of utmost importance as it dictates relations with the United States and our relationship within our Caribbean region. A lot has been done. Now the time is to continue the discussion and act. I recall that we did have in this committee a very robust discussion on the referendum and also our constitution and our self-determination. I'm hopeful that legislation will see the light of day and have the public hearing it just deserves. I dare say we need to pay close attention to the events and happenings in the Karabiri region and the many discussions related to the environment, food security, the movement of our people, and government relations. I want to congratulate and say hats off to all the parents and coaches who continue to work with our young people in this sport. Sporting activities such as baseball provide an excellent outlet for young people to learn teamwork, sportsmanship, discipline, and dedication while getting in some good physical activity. I am proud to support the Little League and other activities that provide opportunities for our young people while enriching and engaging them in positive outlooks and forums and activities. To all our Little League players, happy National Little League Month. And finally, September 15th through October 15th is Hispanic Heritage Month. To all those in the community with a Hispanic background from Spain, Mexico, the Caribbean, Central, and South America, we celebrate your contributions to the government, music, food, the arts, and many traditions you share within our community. The theme for 2022 is Unidos, inclusivity for a stronger nation.
- 0:02:49 This team is on point. When we respect and work together as one, we are much stronger. Happy Hispanic Heritage Month. Madam Clerk, kindly proceed to roll call. Senator Marvin A. Blyden. Senator Blyden, present. Senator Novell E. Francis, Jr. Senator Francis, Jr., present.
- 0:03:29 Senator Alma Francis-Heiliger, absent. Senator Javon E. James, Sr. Senator James, absent. Senator Franklin D. Johnson. Senator Johnson, present. Senator Carla J. Joseph. Senator Joseph, present. Senator Milton E. Potter. Senator Potter,

absent. Madam Chair, you have four present, three absent.

0:04:06 Senator Herman A. Thank you kindly, Madam Clerk. We have a quorum. Madam Clerk, are there any correspondences to be read into the record? Senator Martin D. Yes, ma'am. Senator Herman A. Kindly proceed. Senator Franklin D. Honorable Carla J. Joseph, Chairwoman of the Committee on Government Operations and Consumer Affairs, 34th Legislature of the United States, Virgin Islands, the Capitol Building, Charlotte and Mali, Virgin Islands, 00802, September 14, 2022. Dear Chairwoman Joseph, please excuse my tardiness due to a previously scheduled commitment. I will be arriving late to the Committee on Government Operations and Consumer Protection meeting scheduled for today, Thursday, September 14, 2022. I thank you in advance for your understanding in this matter, and I sincerely apologize for any inconvenience my tardiness may cause. Sincerely, Milton E. Potter. September 14, 2022. The Honorable Carla Joseph, 34th Legislature, Chairwoman of Government Operations and Consumer Protection. Greetings, Senator Joseph.

0:05:27 Please note for the records, I will be tardy to the Committee on Government Operations and Consumer Protection meeting scheduled for 9 a.m. on Wednesday, September 14, 2022, in the Earl B. Otley Legislative Hall, St. Thomas. Thank you for your understanding. Regards, Senator Alma Francis Heiliger, 34th Legislature, Member Committee on Government Operations and Consumer Protection. Madam Chair, this ends the reading of the correspondence. Thank you so kindly, Madam Clerk. Kindly note for the record that both Senators Potter and Francis Heiliger will be tardy, and we will duly note their presence when they arrive. Thank you so much.

0:06:07 Madam Clerk, can we move forward with reading today's agenda into the record? Thank you. Thank you. Bill number 34-0271. An act amending Title 10 of the Virgin Islands Code, Chapter 5, Section 64 of the Civil Rights Act. To include discrimination based on sexual orientation as an unlawful discriminatory practice. This bill is sponsored by Senator Janelle K. Saro. Then, the committee will receive testimony on... the operations of the Virgin Islands Water and Power Authority, Block 1. 10 a.m. to 1130 a.m. to 1130 a.m. The committee will receive testimony concerning bill number 34-0271, an act amending Title 10 of the Virgin Islands Code, Chapter 5, Section 64 of the Civil Rights Act, Section 64 of the Civil Rights Act, to include discrimination based on sexual orientation as an unlawful discriminatory practice. This bill is sponsored by Senator Janelle K. Saro. The Honorable Gary Malloy, Commissioner of the Virgin Islands Department of Labor. Ms. Cindy Richardson, Director of the Virgin Islands Division of Personnel. Mr. Robert Graham, Executive Director of the Virgin Islands Housing Authority. And the Honorable Denise George Esquire, Attorney General of the Virgin Islands Department of Justice. Madam Chair, this ends the reading of Block 1 of today's agenda.

0:09:02 And thank you so kindly, Madam Clerk, for the reading of the agenda. Who speaks on behalf of bill number 34-0271? Media kindly recognize the mic of the Honorable Janelle K. Saro. Thank you Madam Chair, today's bill, bill 34-0271 is pretty straightforward. In the time that I served in the institution, I, to give a moment of transparency and honesty, I have shied away from LGBTQ topics because we live in a very conservative society and I did not want my Senate agenda and the way that people view me to be, for that one particular topic to be, to be all of me. I didn't want it to be re-rooted, I didn't want my agenda to be re-rooted by my, by the way I live my life.

0:10:07 And I do have a story to tell one day, um, I may write a book or something, but the levels of discrimination have been real. And we look at people that live an alternative lifestyle and we assume the worst of them. Through our music, um, through the way that we talk about it. The Board of Education recently changed the dress code and, uh, the vitriol was spewed based on the dress code toward people of the LGBT community was indeed hurtful. Um, and it was painful to read as well. And, um, I just have one example where we look at people who are LGBTQ and we think the worst of them. As a teacher in CAHS, I remember I had two first cousins that entered ninth grade and I remember leaving my classroom, room 312B and coming downstairs and they were so excited to see me that they cupped me in one arm and the other arm and we laughing and cracking jokes. And I remember receiving a call from my mom at CAHS. She was the principal of Lockhart at the time and she said, "Why you, um, they tell me you're holding two girls' hands walking down the hallway." And I said, "Mommy, really?" And I said, "Those are my first cousins." And I told them who they were. But the immediate perception that because you live an LGBTQ life, that is what you, you're into mischief and I remember another time a student was calling me and say, "Hey, Ms. Saru," and I say, "Hey," and one of my principals said, "No, call her, Mr. Saru."

0:11:54 And there were so many moments of humiliation and discrimination. So when I walk in these chambers and I remain tough and I take positions, it comes from a place of having to fight my entire life for respect. You don't have to agree, but we have to give a level of mutual respect. So today's legislation is simple. What we're doing is adding sexual orientation as a form of discrimination in transportation, in housing, in the workplace.

0:12:30 There's an amendment coming that talks about where they're finding implicit bias. And that amendment should be leaving council in the next maybe 20 minutes. And it defines what implicit bias is. And it's requiring the GVI when onboarding new employees to give an implicit bias training, similar to diversity, equity, and inclusion, and annual trainings

thereafter. And that would be up to the discretion of the director of personnel to determine how those trainings are being administered.

0:13:09 Somebody in our family, and you do not want your child, your niece, your nephew, your cousin, your mom, your dad, to be treated in an inhumane way or being discriminated against. So as I leave the hallowed halls of the Obie-Atlee Legislative Chambers, as this is my last term, I think that it is time, I know it is time for me to not be silent because silence means complicity. And I don't want to be complacent about the issue anymore. So I'm asking my colleagues at the appropriate time to vote in the affirmative of this legislation. Thank you Madam Chair for the time. Thank you so much Senator Sorrell for putting on the record your personal experience of facing discrimination because of your sexual orientation. I just want to echo any type of discrimination that leads to individuals being marginalised, as we as a people have been marginalised many times, even now in the United States, because we don't have the right to vote, we are being marginalised too. And so that shouldn't be tolerated, that is a cause to be fought for, and a righteous cause, to do a fight so that we are respectful of each other decisions once it doesn't hurt anyone adversely. I want to, at this time, recognize the presence of several testifiers who have joined us. I'll start from the big island of St. Croix to assure that we have good sound. I see we have the Commissioner of Labour, the Honourable Gary Malloy.

0:15:13 Welcome. Yes, good morning. On behalf of the Honourable Gary Malloy, Nisha Christian-Hendrickson, Assistant Commissioner, Legal Counsel. Thank you. And there is a person in the chambers, in the conference room, rather, in St. Croix. Could you kindly identify yourself? Good morning. My name is Eric Chancellor. I am the Deputy Attorney General. I am appearing on behalf of the Honourable Denise N. George, Attorney General.

0:15:46 Wonderful. And then we have presence with us here this good morning. Two testifiers, two persons from the Department of Labor. We'll begin with you first. Director, Cindy Richardson. You'd be so kind to place your name and your position on the record. Good morning. Cindy Richardson, Director of the Division of Personnel. Okay. And the gentleman who is seated next to you. Hold one moment. Media, can we have the mic for the testifier increased? Thank you. Try again, Mr. Gabriel.

0:16:29 Good morning. Gabriel Knight, Strategy and Organizational Development Officer at the Division of Personnel. Thank you. I want to thank all of you for joining us today. Definitely for taking time out to be here, so that we could properly vet and have a robust discussion on this legislation that is being proposed. I will start off with asking Miss Cindy Richardson to kindly move forward and place your testimony on the record. On the record. Before you do that, I'd like to recognize that Miss Janelle K. Saru has a point.

0:17:11 I'm so sorry. Senator Janelle K. Saru has a point of information. You're recognized, Senator. Thank you, Madam Chair. I want to alert you that AARP is testifying as well. They're just having some technical difficulties, so you can be aware of that. Yeah, I am aware that AARP, but they weren't on the initial list, but we will make room for them today. We will make some room. That's not no worries. So once we get everything squared out and I see them up and running, we'll definitely recognize them. Not to worry. Okay. Director, kindly proceed with placing your testimony on the record.

0:17:53 Good day, Senator Carla Joseph and other distinguished members of the 34th Legislature Committee on Government Operations and Consumer Protection. Non-committee members, our listening and viewing audience, members of the Division of Personnel team, and the people of the United States Virgin Islands. My name is Cindy L. Richardson, Director of the Virgin Islands Division of Personnel, and I thank you for the invitation to offer testimony on bill number 34-0271, which amends the Virgin Islands Code to include discrimination based on sexual orientation as an unlawful discriminatory practice. Accompanying me today is Mr. Gabriel Knight, Strategy and Organizational Development Officer, who addresses cases of dealing with sexual harassment and EEO issues. As proposed, the Division of Personnel supports the intent of this bill, and we are proud to be involved in setting an example that discrimination based on sexual orientation is unacceptable throughout our territory. Discrimination based on sexual orientation includes individuals being treated differently or harassed because of a real or perceived sexual orientation. Sexual orientation is a person's sexual identity in relation to the gender or genders in which they are sexually attracted. Keep in mind that discrimination based on sexual orientation is not limited to the workplace and experience and can span various scenarios, including business interactions, real estate, places of public accommodation, publicly assisted housing, and financial institutions or lenders. Bostock versus Clayton County, Georgia, a landmark United States Supreme Court case, made discrimination based on sexual orientation illegal in both public and private workplaces. This means that nationwide, all employers are prohibited from firing or otherwise discriminating against workers on the basis of sexual orientation or gender identity in every aspect of employment, including, being but not limited to hiring, training, promotion, compensation, discipline, and termination.

- 0:20:24 Prior to the Bostock decision in 2020, about half of the states in the nation had already outlawed workplace discrimination based on sexual orientation or gender identity. Further, the Equal Employment Opportunity Commission, EEOC, the agency that enforces federal anti-discrimination laws, took the position that sexual orientation discrimination was unlawful sex discrimination under Title VII of the Civil Rights Act of 1964's prohibition on discrimination based on sex. Lastly, both the second and seventh federal court circuits have also held that sexual orientation discrimination is a form of sex discrimination in violation of Title VII of the Civil Rights Act of 1964. Research indicates that employment discrimination based on sexual orientation continues to be persistent and widespread. Nationally, over 40% of workers in the U.S. report experiencing unfair treatment at work, including being fired, not hired, or harassed because of sexual orientation at some point. Research also shows that this type of discrimination is ongoing with over 30% of individuals reporting that they have experienced discrimination or harassment within the past five years. In fact, employees report engaging in behavior to avoid discrimination, including hiding their sexual orientation, leaving jobs, or considering leaving jobs because of unfair treatment. This type of discrimination also leads to emotional distress, depression, and anxiety. The government of the Virgin Islands believes in dignity of all individuals and recognizes the right to equal employment opportunities for all. It is our expectation that employees treat one another with respect. Thus, it is our policy that all employees enjoy a work environment free from all forms of prohibited discrimination. The GBI is committed to preventing discrimination in the workplace, training personnel, taking immediate corrective action to stop discrimination and harassment in the workplace, and promptly investigating any allegation of work-related discrimination or harassment. DOP currently conducts new employee training every two weeks, which includes a two-hour segment covering this topic. Compared to the rest of the nation, we have overlooked this. We have overlooked this issue of discrimination based on sexual orientation for too long. It is time that we acknowledge that it is an unlawful practice and unacceptable in our territory. The Division of Personnel is strongly committed to promoting a workplace free from discrimination of all kinds, including discrimination based on sexual orientation and stands aligned with existing federal law and this proposed legislation. So thank you for the opportunity to add to today's discussion. The Division of Personnel stands ready for any questions you may have.
- 0:23:42 Thank you kindly, Director Richardson for your testimony. The Chair will now recognize the Assistant Commissioner and Legal Counsel of the Virgin Islands Department of Labor, Attorney Nisha Christian Hendrickson. You'll recognize the place your testimony on the record. And before you commence, Attorney Kristian Hendrickson Hendrickson Hendrickson the appearance and have the record note, the appearance of Mr. Troy DeShipper-Schuster, who's the State Director of the AARP. He is here joining us virtually. I believe we also have, Madam Clerk, kindly note that Senator Javon E. James Sr. is also present. So we have five members present here to the committee meeting today. Attorney Christensen-Hendrickson, kindly proceed with placing your testimony on the record.
- 0:24:57 All right. Good morning, Honorable Carla Joseph, Honorable Members of the Committee on Government and Consumer Affairs, distinguished senators, ladies and gentlemen, listening and viewing audiences. I am Nisha Christian-Hendrickson, Assistant Commissioner and Legal Counsel for the Virgin Islands Department of Labor. I will speak on behalf of Commissioner Gary Molloy on this bill. Thank you for the invitation to provide testimony on Bill No. 34-0271, an act amending Title 10 of the Virgin Islands Code, Chapter 5, Section 64 of the Civil Rights Act, to add the word sexual orientation after the word sex in the following instances as described in Bill 34-20271.
- 0:25:48 The Virgin Islands Department of Labor favors the bill as presented with one caveat. It is our position that the bill should be revised to state sex, which is defined to include pregnancy, sexual orientation, and gender identity. This would mirror the interpretation of Title 7 of the Civil Rights Act. Title 7 prohibits employment decisions based on stereotypes, unfair or untrue beliefs about abilities and traits associated with gender and sexual orientation. On June 15, 2020, in *Bossock v. Clayton County*, the United States Supreme Court held that Title 7 of the Civil Rights Act of 1964 protects employees against discrimination because they are gay or transgender.
- 0:26:36 This ruling provided the interpretation of Title 7 of the Civil Rights Act of the Civil Rights Act. Moreover, the Biden administration on January 20, 2021, issued executive order on preventing and combating discrimination on gender identity or sexual orientation. And this further bolstered the protections described in Boston. Today, 30 states and territories have passed laws preventing discrimination based on sexual orientation. The Virgin Islands doing so would align with what should be a fundamental right under the law. Everyone should have the ability to have a harassment-free work site.
- 0:27:18 The Virgin Islands, and there's a chart presented in the testimony that describes and gives you a view of the states in the nation and how they come down on this issue. The Virgin Islands Department of Labor is in favor of the bill, but would propose a clarification in the language as described earlier. I would like to personally thank the Brian Rose administration and the Virgin Islands Department of Labor family for the committed efforts on behalf of the people of the Virgin

Deputy Deputy Deputy Deputy Deputy Deputy Deputy Deputy Deputy Deputy Deputy Deputy, The Deputy Deputy Deputy Deputy Deputy name, these terms of the subject of the case of the authority and for the case of the law.

- 0:34:34 Sexual orientation means an inherent or immutable, enduring, emotional, romantic, or sexual attraction to other people. It puts that an individual's sexual orientation is separate and apart a gender identity. Gender identity, on the other hand, has been defined by the Human Rights Campaign as one's inner concept of self. As male, female, female, a blend of both, or neither? How individuals perceive themselves and what they call themselves. One's gender identity can be the same or different from their sex assigned birth.
- 0:35:22 With that, I would like to thank the members of the Committee for allowing you to present remarks on Bill No. 34-271. I'm not available for any questions or memories we have. Thank you so much, Attorney Chancellor, for your testimony. At this time, the Chair will recognize Mr. Troy DeShabert-Schuster, State Director of AARP, to present your testimony on the record. Kindly proceed, Mr. DeShabert-Schuster. Honorable Senator Carla J. Joseph, Chair of the Committee on Government Operations and Consumer Protection, and Senators of the 34th Legislature, good morning.
- 0:36:16 AARP in the Virgin Islands appreciates this opportunity to offer testimony in support of Bill No. 34-0271. It is our hope that today's hearing will convince the members of this body to take action to ensure the civil rights and equal opportunity for all Virgin Islanders. All people have the fundamental right to be free from discrimination. This amendment provides equal treatment under the law for individuals by prohibiting discrimination based on sexual orientation and gender identity in employment, housing and services.
- 0:36:56 The issues of discrimination relating to one's sexual orientation comes up all the time in this community. It is directly tied to a negative perception, which often translates to a reality that fosters a place of hate, prejudice and bigotry. As the nation's largest non-profit, non-partisan organization, we are dedicated to empowering people to choose how they live as they age. We advocate at the local and national level for issues that better the lives of all Americans, including their right to live a life free from discrimination. To its policy, AARP supports fair and equitable treatment for all older Americans.
- 0:37:40 As it stands, many adults face discrimination in the workplace and other settings. Historically, disadvantaged groups like the LGBTQ community experience discrimination related to the sexual orientation, which makes them targets of hate crimes. LGBTQ discrimination is an aging issue that has endangered the health, financial security and personal fulfillment of many Americans. According to AARP's 2022 landmark national LGBTQ research study titled Dignity: The Experience of LGBTQ Older Adults, 34% of LGBTQ older adults are concerned that they will have to hide their identity in order to have access to social services as they age.
- 0:38:34 Over half of the respondents to the just released national survey reported fair of sexual orientation discrimination should they need to access suitable housing or gain employment. Unsurprisingly, support is near unanimous, 92%, for protection from discrimination based on sexual orientation or gender identity, Like protections for discrimination based on race, sex, national origin or religion. Today, the leadership of this body has the responsibility to respond to these problems of inequality with solutions. It must continue to use the tools of the legislature to face this ever-mounting or ever-moving target of equality.
- 0:39:23 In this effort, AARP has outlined some recommendations for a way forward. The following are a few highlights of those recommendations. Address employment practices. As policymakers, consider mandating human resources personnel with semi-autonomous and central government agencies to establish clear anti-discrimination policies that prohibit harassment and discriminatory behavior based on an employee's sexual orientation. Next, anti-discrimination training. In conjunction with policies, direct hiring agents to provide employees, especially supervisors and managers, with anti-discrimination training that covers a variety of topics. How sexual orientation and gender identity are covered under the law.
- 0:40:15 How to treat and accommodate transgender employees. How to report incidences of discrimination based on sexual orientation. Next, create an all-inclusive workplace. In one of its first acts of the 116th Congress, the House established the Office of Diversity and Inclusion. This office was designed to foster more diversity within the halls of Congress that reflects the diversity of America. The installation of an Office of Diversity and Inclusion in the government of the Virgin Islands Division of Personnel will serve as a key component in ensuring the government fosters diversity in its hiring and retention practices.
- 0:41:00 And lastly, ensure enforcement and protection. As members of the legislative branch of government, you should utilize your position to protect and enforce the fundamental right of all people to be free from discrimination. As lawmakers, you should enact and strengthen laws against hate crimes and civil rights statutes. In conclusion, AARP has long championed anti-discrimination. Our founder, Ethel Percy Andrus, stated, "What you do for one, you do for all." The members of this committee and all members of the 34th legislature should vote in favor of this bill that secures the core American values of fairness and equal treatment of all persons. Thank you.

- 0:41:51 Thank you so much, Mr. Deshabert Schuster. I just got a call from St. Croix saying that there was some feedback. I'm hoping that your testimony was heard, but nonetheless, it is on the public drive for a member's edification. So, colleagues, we will proceed with one round of questioning and we'll start off with Senator Marvin A. Blighton. Senator, one round of four minutes. Let me just be clear. One round of four minutes of questioning and we will start off with Senator Marvin A. Blighton. Senator Blighton, you are recognized for your four minutes. Kindly recognize Senator Blighton's mic.
- 0:43:00 Thank you, Madam Chair. Good morning to my colleagues, listening and viewing audiences, staff, central staff. Good morning, Director Richardson and your supporting team there with you. Good morning, Deputy Commissioner Hendrickson. Mr. Schuster, good morning to you and thank you all for your testimonies. This is a straightforward bill. All testifiers, good morning. And I recommend this is a straightforward bill. I want to commend the sponsor for bringing this piece of legislation forward. It is clear that everyone agrees with the legislation. There are no appetitions. And it's not necessary moving forward.
- 0:43:48 I know in several of the testimonies, they spoke to Title VII of the Civil Rights Act of 1964. I know the testimony from AAP spoke to several recommendations in which I'm sure the director of personnel will adhere to some of them because they're really straightforward and make sense and would add to protection of individuals moving forward in the territory. Director Richardson, let me ask you in respect to your testimony.
- 0:44:43 You say you do training like twice a month at your department and it includes all forms of discrimination in those trainings? So we do training, sorry, Cindy Richardson, Director of Personnel. We do do training every two weeks for the new employee orientation and it does include a two-hour segment regarding this. And we do also do sexual harassment training by request per agency. Our sexual harassment policy is also up online. It's a 14-page document which also goes into the reporting of any incidents and the steps towards that as well.
- 0:45:28 Okay, thank you for that. And also in respect to Department of Labor, they spoke to one caveat in terms of the legislation. Can you expand on that for me, please? Yes, good morning. Nisha Christian-Hendrickson, Assistant Commissioner of Legal Counsel. We agree with the addition of sexual orientation, but we believe that it should be further defined to add pregnancy as well as gender identity because although this bill speaks to sexual orientation, we do know that gender identity is a big part of the transgender community's... One minute. ...the transgender community's concerns.
- 0:46:10 And so to be fully encompassing of all concerns in the LGBTQ+ community, we believe that should be added. Okay, thank you for that. And before my time is up, AARP, the Schuster. You spoke to some data which is very important. And is there any data locally? Because most of the data you gave was nationally, but do you have any data locally in terms of the numbers for instance? You said, unsurprisingly, 92% supports the protection of discrimination based on sexual orientation, etc.
- 0:46:48 Do we have any local data? Well, for this, the local data is mixed in. It was a national survey we did which included Puerto Rico and the Virgin Islands, all of the states. So, no, we don't have data specific to the Virgin Islands, but the Virgin Islands is definitely included in that data. Okay, well, it would be nice to know, you know, what we are looking at in terms of, especially sexual orientation and when it comes to discrimination in that space. I would have liked to see those numbers.
- 0:47:19 But thank you again for your testimony and thank you for your responses. Thank you so much, Madam Chair. Thank you. Thank you so much, Senator Blighting. I just want to follow up on Senator Blighting's question, relative to the collection of data. Director Richardson, does your entity collect any data regarding any type of discrimination that employees face in the job site in our local government? Thank you for that question, Senator.
- 0:47:53 Cindy Richardson, Director, Division of Personnel. In preparation for this testimony today, we did try to obtain some statistics, but we currently did not have any record or statistics to report back to include in the testimony about any current cases or cases in the past in which we were able to report out and give some of that data that you're asking for. And how do you, as a director, look at being able to collect data? What method and approach that we - because that's the statistics. One of the major challenges that we are facing is that we don't have much data here. And everyone knows that our finances are really driven by the data collection. Are you looking into a method to collect data on these type of discrimination? Not only specific to the one that we are facing and discussing here regarding gender discrimination, sexual orientation discrimination, but other types of discrimination?
- 0:49:05 Thank you for that question. Yes, so that is something that has been a driver for me since I've been at the department. And my staff could probably agree with you on that, that I've kind of changed the way that they report back to me. And it is all about the data. So one of the first things I did was to go to Mr. Knight and ask, "Did you have any current cases or anything from the past that dealt with sexual orientation?" And he was able to give statistics on other topics and other types of cases, but nothing in regards to sexual orientation. So it is something that we will be tracking should they come

up. And so you have a mechanism to collect that data in place now?

0:49:43 Yes. Okay. While also I wanted to, before I go to the point of information by Senator Saro, I wanted to ask a broader question now to Assistant Commissioner Christian Hendrickson. What about the Department of Labor? Do we have a mechanism in place where we're collecting data? And how do people come to file any case regarding discrimination that they are experiencing? Good morning again.

0:50:18 Nisha Christian Hendrickson, Assistant Commissioner, Legal Counsel. In the event that a person feels that they have been discriminated against in the private sector, we would have the individual speak to one of our labor relations specialists or the director of labor relations and file their complaint. It's an online form that then would be transmitted depending on the number of employees in the employed agencies. So in other words, if it's under 15, it'd be something we would deal with in the department. If it's over 15, that intake form would be forwarded to the EEOC for further processing. So we do have some numbers which I can provide to the committee at a later date in reference to the categories. But we do not, for privacy purposes, separate out basis if it's on race discrimination or gender discrimination. Currently, we have a broad category of discrimination that we count.

0:51:18 But that is something that we can tend at a later time with the committee so choose this. Thank you so much. Before I go to the point of information for Senator Saro, I'd like the clerk to recognize the presence of Senator Alma Francis Heiliger. Senator Saro, you are recognized for your point of information. Thank you, Madam Chair. Actually, I meant to say point of inquiry. So I just want to correct. Kindly proceed, my dear. Do you have a civil rights commission still? Say that again? I didn't hear.

0:51:53 I don't think that probably will be for you. Maybe justice? Mr. Chancellor? Do we have, attorney, do we have a civil rights commission? Does it exist? No. No. You're on your record now? Attorney? He's muted. He's muted. We are not hearing Attorney Chancellor. Attorney Chancellor, we are not hearing you. Try again. Still no audio on our side of the transmission. Try once more because it looks like is your mic muted? Try once more, Attorney Chancellor. Okay, the Committee on Government Operation will take a one-minute recess to address this technical issue.

0:53:23 *music* *music* *music* *music* We are back on the record. Attorney Chancellor, kindly proceed.

0:54:26 Yes, can you hear me now? Yes, we can hear you clearly now. Okay. So, to my understanding, yes, we do have a Civil Rights Commission, and it's currently housed at the Department of Public Works. That's my understanding. Please recognize Senator Sarou's mic. So, the Civil Rights Commission is at Public Works? Well, it operates out of the Public Works building, yes.

0:55:06 That's my understanding. So, Madam Chair, please, just with your indulgence. So, is there a staff, an attorney? Is it functioning? Is it addressing issues? Because going to the Department of Labor is one thing, and some of these are not labor matters. There's civil rights matters. So, who is the commission under, and is it staffed? How many staffers? How many attorneys are assigned to the commission? Thank you for your indulgence, Madam Chair. I don't have the answer to that question. Thank you.

0:55:41 Thank you so much, Attorney Chancellor. I just want to feed into that. And be sure to speak clearly into the mic. I know of the record, I had some similar concerns of Senator Sarou. I asked the Attorney General, because I remember vividly, I recall vividly, that there was a Civil Rights Commission that was housed under the Department of Justice. So, I would ask you if it would be possible for you to call your division heads. I don't know, but this would have been in the 90s. I think the attorney who was heading it was, his name was Lunsford Williams, if I recall correctly. Are you familiar with that name?

0:56:33 No, I'm not. Okay. So, it would be helpful because I don't believe there is any, to my knowledge, operating within the Virgin Islands. I think everything goes through Puerto Rico. I don't know if there is anyone who could feed into that, Commissioner, Assistant Commissioner Christian Hendrickson or Director Richardson. Can you give any clarity to that information regarding where the Civil Rights Commission is housed and the like?

0:57:11 Can you recognize the mic of Assistant Commissioner Christian Hendrickson? Good morning again. Nisha, Christian Hendrickson, Assistant Commissioner, Legal Counsel. The EEOC, to my understanding, operates out of the Puerto Rico location, but it's not the Civil Rights Commission that is being discussed right now. But I do know that the office that the intake forms go to from the Department of Labor on the private side do go to Puerto Rico, yes. Okay, so that's something we need to work on here.

0:57:56 Director Richardson, did you want to feed into that? I'm sorry, Cindy Richardson, Director of Personnel. No, I was going to echo the same sentiments as the Assistant Commissioner, Legal Counsel of Department of Labor. Okay, thank you so much. Next, for the line of questioning, we have Senator Novell E. Francis. Senator Francis, you are recognized for your

four minutes of questioning. Thank you very much, Madam Chair. Good morning to you, my colleagues. Good morning to the testifiers. Are you hearing me, Madam Chair?

- 0:58:37 Claire is D. Thank you very much. I want to, first of all, commend the bill's sponsor for moving this very, very important piece of legislation. And I don't know if it's just, if it's straightforward, though. It is the right thing to do. However, we cannot legislate morality. We cannot legislate human behavior. And I heard the opening statement from my colleague as she presented the bill. And I'll tell you, this territory, you have to grow thick skin and be able to, again, be under public scrutiny. Because it seems that once you're in public office, once you're leaders of this community, you're, like, open seas and individuals throw fat shots at you.
- 0:59:26 And I'll tell you, this territory, you're, like, in my opinion, you're going to have to be under public scrutiny, you're going to have to be under public scrutiny, you're going to have to be under public scrutiny, you're going to have to be under public scrutiny, you're going to have to be under public scrutiny, you're going to have to be under public scrutiny, you're going to have to be under public scrutiny. held accountable for their actions in respect to discrimination because of sexual orientation issues. I wanted to ask whether or not the Department of Labor or Department of Justice in any such prosecution in any such complaint lodged to each of the entities with the Attorney General's Office and any complaint have come into the office. Senator Francis, I'm not sure if Assistant Commissioner Christian Hendrickson heard you clearly because you started to break up a little bit at the end.
- 1:00:25 So if you could just be so kind to repeat it. Okay, well, I'll have the Deputy AG answer first and then we'll come to Assistant Commissioner Christian. Christian, go ahead. We have not had any complaints filed with us since I've been with the Department of Labor. And Attorney, Assistant Commissioner, are you aware of any such complaints that have filed the Department of Labor?
- 1:01:02 Good morning, Nisha Christian Hendrickson, Assistant Commissioner Legal Counsel for the VIDOL. I was having difficulty hearing the question, but what I got from was whether or not there have been any complaints filed on the basis of discrimination. Is that correct? Because of sexual orientation, yes. Senator, the answer to the question, we have right now general categories. We have, we don't typically separate on our data by sexual orientation. However, I did reach out to the director to help me. She'll have to go to sort through case by case to determine whether or not that has happened. And she is preparing that information right now. So I'll be able to get back to you by the end of this hearing. Very well. And in respect to movements legislation through, do you think that they'll need for you to be able to have a specific sexual orientation?
- 1:01:54 Or do we continue to have just a broad segment of the situation? I'm sorry, I was not able to hear the question. If it could be repeated. Mr. Senator Francis, we're going to take a little brief recess because it's really coming in. It starts off really good, the transmission, and then like 30 seconds into,

People named in this transcript

SUSPECTED, and a finding aid only. Names were matched by machine against the spellings used across all 426 of our transcripts, and the title is the one used in the room. Being named here is NOT evidence that a person attended or spoke · only that the name was said. Speech recognition mishears names, so a spelling may be wrong even where no alternative is offered.

- 8x **Senator Janelle K. Saro**
heard in this transcript as: Janelle K. Saru, Saro, Sarou
- 7x **Senator Carla Joseph**
the surname alone also matches: Clifford Joseph; Karla J. Joseph
heard in this transcript as: Carla J. Joseph, Joseph
- 7x **Senator Novelle Francis**
heard in this transcript as: Francis, Francis Jr., Novell E. Francis, Novell E. Francis Jr.
- 6x **Commissioner Christian Hendrickson**
heard in this transcript as: Hendrickson
- 4x **Senator Alma Francis-Heyliger**
heard in this transcript as: Alma Francis Heiliger, Alma Francis-Heiliger
- 4x **Senator Marvin A. Blighton**
heard in this transcript as: Blighton

- 3x **Senator Franklin D. Johnson**
heard in this transcript as: Johnson
- 3x **Senator Javan James**
heard in this transcript as: Javon E. James Sr, Javon E. James Sr.
- 3x **Senator Marvin Blyden**
heard in this transcript as: Blyden, Marvin A. Blyden
- 3x **Senator Milton E. Potter**
heard in this transcript as: Potter
- 2x **Commissioner Gary Malloy**
heard in this transcript as: Gary Molloy
- 2x **Senator Marie C. James Yes**
heard in this transcript as: Martin D. Yes
- 2x **Senator Marise C. James**
the surname alone also matches: Javan James; Giovanni James Sr
heard in this transcript as: James
- 1x **Senator Clifford Joseph**
- 1x **Chairman Karla Joseph**
the surname alone also matches: Clifford Joseph; Carla Joseph
heard in this transcript as: Joseph

Bills and acts referred to

Matched by number against our own acts corpus. The number is what the recognition heard, so it may be wrong; where it resolved, the title is the one the Legislature gave the act.

Referred to but not found in our acts corpus: Bill 34-0271