

BILL NO. 36-0085

Thirty-Sixth Legislature of the Virgin Islands

May 8, 2025

An Act to prevent or rescind any automatic implementation of salary adjustments made pursuant to the recommendations of the Virgin Islands Public Officials Compensation Commission, to reclaim unauthorized payments, and to establish enforcement and penalty provisions

PROPOSED BY: Senators Alma Francis Heyliger, Kurt A. Violet, Milton E. Potter and Clifford A. Joseph Sr.
Co-sponsors: Ray Fonseca and Marise C. James

1 **WHEREAS**, pursuant to section 20 of the Revised Organic Act of Virgin Islands, the
2 Legislature of the Virgin Islands has the exclusive authority to prescribe the laws for “[t]he
3 salaries and travel allowances of the Governor, Lieutenant Governor, the heads of the executive
4 departments, other officers and employees of the government of the Virgin Islands, and the
5 members of the legislature. . . .”

6 **WHEREAS**, the Legislature of the Virgin Islands has established the salary of the
7 Governor at \$150,000 and that of the Lieutenant Governor at \$125,000, codified at title 3 Virgin
8 Islands Code, chapter 1, section 1, subsection (a) and title 3 Virgin Islands Code, section 31,
9 subsection (a), respectively;

10 **WHEREAS**, pursuant to the authority granted under title 3 Virgin Islands Code, chapter
11 25, section 544, on or about August 13, 2024, the Virgin Islands Public Officials Compensation
12 Commission's issued a report and recommendations, regarding salaries for “government
13 officials” as defined in 3 V.I. C. § 541(c);

1 **WHEREAS**, 3 V.I.C. § 546 in pertinent part provides that “[t]he Legislature shall act
2 upon the recommendations of the Commission not later than 90 days after the
3 recommendations have been submitted to the Legislature. Nonaction on the recommendation
4 with the 90-day period is deemed an approval by the Legislature of the recommendations[];”

5 **WHEREAS**, the report and recommendations were not received by all members of the
6 35th Legislature of the Virgin Islands and the 35th Legislature did not review or act on the
7 recommendations within the 90-day period;

8 **WHEREAS**, automatic implementation of salary adjustments without proper legislative
9 review undermines the Legislature's authority under section 20 of the Revised Organic Act of
10 the Virgin Islands and disrupts the statutory compensation structure established by law; and

11 **WHEREAS**, any salary adjustment made pursuant to Virgin Islands Public Officials
12 Compensation Commission’s recommendations is done in contravention of section 20 of the
13 Revised Organic Act of the Virgin Islands; Now, Therefore,

14 ***Be it enacted by the Legislature of the Virgin Islands:***

15 **SECTION 1.** (a) If any salary adjustments or payments have been made pursuant to the
16 recommendations of the Virgin Islands Public Officials Commission, those adjustments and
17 payments are unauthorized and are rescinded. The salaries of all public officials, as defined in
18 3 V.I.C. § 541(c), remain at their August 1, 2024, levels.

19 (b) Not later than September 30, 2025, all funds disbursed, or salary increments paid
20 to public officials based on the Commission’s recommendations must be returned to the
21 General Fund of the Treasury of the Government of the Virgin Islands by the person who
22 authorized the increases or the person who disbursed the funds.

23 (c) Any employee of the Government of the Virgin Islands who knowingly facilitates
24 or implements salary adjustments in violation of this act is subject to a penalty of not less than
25 \$5,000 for each day the violation continues.

(d) In addition to civil penalties, any funds disbursed pursuant to unauthorized salary adjustments are subject to immediate recovery by the Virgin Islands Department of Justice, with recovery costs borne by the person responsible for the funds disbursement.

(e) Willful or repeated violations of this act may result in additional disciplinary actions against the person, including suspension or dismissal, as provided under applicable law.

BILL SUMMARY

This bill rescinds any salary adjustment that may have been pursuant to the recommendation of Virgin Islands Public Officials Compensation. It also provides for the repayment of those money and penalties for unauthorized salary adjustments.

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