



THE UNITED STATES VIRGIN ISLANDS

OFFICE OF THE GOVERNOR
GOVERNMENT HOUSE

Charlotte Amalie, V.I. 00802
340-774-0001

EXECUTIVE ORDER NO. 482-2018

**AMENDMENT TO EXECUTIVE ORDER NO. 481-2017 TO REPEAL THE HIRING
FREEZE AND TO PROVIDE FOR THE IMPLEMENTATION AND LIMITATION OF
WAGE NEGOTIATIONS**

WHEREAS, pursuant to Section 11 of the Revised Organic Act of 1954, as amended, the Executive Power in the Virgin Islands is vested in the Governor who holds general supervisory power and control over all the Departments, Bureaus, Agencies and Instrumentalities of the Executive branch of the Government of the Virgin Islands; and

WHEREAS, as mandated by law, the Governor shall maintain the efficiency of operations of the Government and determine the methods means and personnel necessary to conduct the operations of the Government and to maintain the efficiency of such operations in establishing and executing public policy not inconsistent with the rights of the citizens of the Virgin Islands amongst which are the paramount rights to have the Government protect their health, safety and welfare; and

WHEREAS, on February 14, 2017, I executed Executive Order 481-2017 which, in pertinent part, froze all non-essential hiring in the Executive Branch of Government and suspended wage negotiations pursuant to the instructions contained in, and the ruling of, the United States Court of Appeals for the Third Circuit in the matter of *United Steel Paper and Forestry Rubber Manufacturing Allied Industrial and Service Workers International Union AFL-CIO-CLC v. Government of the Virgin Islands; Governor of the Virgin Islands; Angel Dawson, Finance Commissioner; Debra Gottlieb, Director of Management and Budget, App. No. 14-4357*; and *St. Croix Federation AFT Local 1826; Rosa Soto-Thomas v. Governor of the Virgin Islands; V.I. Commissioner of Finance Angel Dawson, Jr.; Director of VIOMB Debra Gottlieb; 29th Legislature of the Virgin Islands; Virgin Islands Department of Education; Government of the Virgin Islands, App. No. 14-4358* (the "VIESA Case"); and

WHEREAS, in its ruling, the United States Court of Appeals for the Third Circuit held that the Government's actions were unreasonable and unconstitutional, and therefore, in violation of the law because the Government knew it was facing severe budget deficits and that the financial condition of the Virgin Islands was precarious. Yet, the Government assured the unions that

funding would be available despite having full knowledge that such wage increases were unsustainable; and

WHEREAS, as the Territory continues to recover from the devastation of two Category 5 hurricanes, it is necessary to lift the freeze on non-essential hiring in the Executive Branch of Government to ensure that the essential work of the Government is able to continue to provide basic services to the people of the Territory; and

WHEREAS, the Government of the Virgin Islands and unionized employees have not engaged in wage negotiations since the implementation of Executive Order No. 481-2017; and

WHEREAS, the Government of the Virgin Islands seeks to ensure compliance with the mandates of the law regarding proper funding for union contracts and the negotiation of good faith contracts; and

WHEREAS, in order to comply with the laws of the Virgin Islands and ensure good faith negotiations, wage negotiations must be limited to sustainable available funds;

NOW, THEREFORE, for the reasons elaborated above, and pursuant to the authority vested in me by the Revised Organic Act of 1954, as amended, and the Virgin Islands Code, I, Kenneth E. Mapp, Governor of the Virgin Islands of the United States, hereby amends Executive Order No. 481-2017 as follows:

1. Section 1 of Executive Order No. 481-2017 is hereby **REPEALED**.
2. Section 2 of Executive Order No. 481-2017 is conditionally lifted as follows:
 - a. The Chief Labor Negotiator of the Office of Collective Bargaining is permitted to enter into wage negotiations on behalf of the Executive Branch Departments and agencies.
 - b. The Chief Labor Negotiator of the Office of Collective Bargaining is permitted to negotiate wage increases on behalf of the Executive Branch Department and Agencies in an amount not to exceed three percent (3%) *per annum*; except by the expressed written consent of the Governor.
3. Section 5 of Executive Order No. 481-2017 is hereby **REPEALED**.
4. All other portions of Executive Order 481-2017 remain in full force and effect.
5. This Executive Order No. 482-2018 shall take immediate effect and shall terminate upon a subsequent written Executive Order by the Governor of the Virgin Islands of the United States.

Executive Order No. 482-2018 Amending Executive Order No. 481-2017 re Repeal the Hiring Freeze and to Provide for the Implementation and Limitation of Wage Negotiations
May 31, 2018
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IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the Government of the Virgin Islands of the United States to be affixed at Charlotte Amalie, St. Thomas, U.S. Virgin Islands this 31st day of May, A.D. 2018.



A handwritten signature in blue ink, appearing to read "K. Mapp", written over a horizontal line.

Kenneth E. Mapp
Governor

A handwritten signature in blue ink, appearing to read "O. Potter", written over a horizontal line.

Osbert E. Potter
Lieutenant Governor