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## Op-Ed: A Retirement Windfall for the Few, a Burden for the Many

**Senator Marise James argues that the Virgin Islands' retirement system unfairly rewards top officials with lifelong six-figure pensions while everyday government workers face rigid rules and modest payouts, calling for urgent and equitable reform.**

Opinion / **Published On May 28, 2025 05:30 AM /**

Staff Consortium **May 28, 2025**

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Senator Marise James. By. REEMY-REEMZ PHOTOGRPAHY, V.I. CONSORTIUM.

Dear Editor:

Brilliant strategy: express outrage at a pay raise in front of the public to sell them on capping pensions at the current salaries of \$150,000 and \$125,000, all while quietly keeping the Governor and Lieutenant Governor's fat pension checks (\$120,000 and \$100,000 annually) for the rest of

their lives untouched. Masterclass in smoke and mirrors.

When it comes to retirement benefits, what's legal is not always what's fair. Today, we face a glaring injustice in how we compensate our public servants in retirement: elected officials are granted extraordinary pensions while ordinary government employees must labor under rigid, capped, and often insufficient rules.

In any democracy, public compensation—especially pensions funded by taxpayers—must reflect fairness and equity. Yet in the U.S. Virgin Islands, retirement laws are skewed to favor those at the top. Under current law, the Governor and Lieutenant Governor receive 80% of their salaries—\$150,000 and \$125,000 respectively—as an annuity for life after just eight years of service. No age requirement. No waiting period. Vesting for senators attaches upon completion of three (3) terms but receipt of the annuity begins at age 60. For the record, I opted out of the GERS at the beginning of my first term.

Compare that to our everyday public servants: teachers, janitors, clerks, and nurses. These workers must contribute to the Government Employees Retirement System (GERS) over decades, meet minimum age thresholds, and accept modest payouts—if the system remains solvent at all.

For example:

- A Tier I employee earning \$40,000 after 30 years of service receives \$2,500 per month.
- A Tier II employee with the same record receives \$1,750 monthly. • A senator, after serving just six years at \$85,000 annually, receives \$1,487.50 per month beginning at age 60.
- A lieutenant governor after serving just four years at \$125,000 annually, receives \$4,167.00 per month. And after eight years, he receives \$8,333.33 monthly.
- A governor after serving just four years at \$150,000 annually, receives \$5,000.00 per month. And after eight years, he receives \$10,000.00 monthly.

The system sends a disturbing message: elected service is rewarded far more generously than the hard, often invisible work of keeping our communities running.

While our senators lecture the public about fiscal responsibility and accountability, they remain silent about the cost of this lucrative retirement perk under the current law. Let's be clear: these gubernatorial pensions are not merely generous—they are outsized.

Imagine this: if a governor and his lieutenant governor are elected at age 42 and serve two terms, they begin collecting at 50. If they live to 85, that's \$7.7 million in pension payments. Multiply that by multiple former governors and lieutenant governors, and the public cost balloons into the tens of millions. In January 2027, we may have four former top officials who served two terms eligible for a combined \$440,000 annually in pensions—not counting those who served only one term which will take it over half a million! It's the law and so they all must be paid for the rest of their lives. But continuing to funnel six-figure pensions to a small group of former officials while average workers worry about their future is not just unsustainable—it's unjust.

Even more troubling is the potential for “triple-dipping.” A Virgin Islander could work in government from age 21, serve as a senator, then as governor—and retire with three pensions. It's legal. But is it just? While at the senate, he can receive his regular employee pension but if he was appointed as a judge after serving as a governor, he is ineligible to receive any gubernatorial pension benefits while serving as a judge. Make sense out of nonsense.

### **A Distraction Wrapped in a Pretext**

Bill No. 36-0032 came before the Budget, Appropriations, and Finance Committee of the 36th Legislature on Friday, May 23, 2025. The bill proposes to cap the retirement annuity for the governor and lieutenant governor at their current salaries of \$150,000 and \$125,000, respectively—even if salaries increase in the future.

I gave the bill to my summer intern to analyze, and I posed this basic but essential question: What is the problem to be solved? The answer was simple—there is no problem.

The hearing on May 23rd was nothing more than a pretext.

Before any substantive questioning began, three senators asked for points of information: Do the Governor and Lieutenant Governor pay into the Government Employees' Retirement System (GERS) or the Elected Governors and Lieutenant Governors Retirement Fund? What is their contribution rate? And—have the raises been implemented? All these questions except the last are already codified in law (Title 3 § 718 and Title 33 § 3080). The hearing served one purpose: to confirm what many already suspected—that the Governor and Lieutenant Governor are indeed moving forward with accepting the raises recommended by the Virgin Islands Public Officials Compensation Commission (VIPOCC). Nothing more.

This amendment does not improve our hospitals, fix our schools, pay our employees on time, protect our children, care for our elderly, or ease the burdens of daily life for the people of this territory. It solves nothing but continues the practice of giving governors and lieutenant governors hefty pensions of \$120,000 and \$100,000 every year.

Suggesting that the salary increases should simply take effect after the next general election in November 2026 means two things: (1) you agree the VIPOCC's proposed salary increases are legal, and (2) you have no objection to the Governor and Lieutenant Governor receiving salaries of \$192,088 and \$168,231, respectively. If the members of the Legislature truly believe that the increases are unlawful, the Legislature should act now to amend Title 3, Sections 1 and 31 of the Virgin Islands Code to reset the salaries to \$150,000 for the Governor and \$125,000 for the Lieutenant Governor. This is not just a legal correction—it is a moral and ethical one.

It's worth noting that five years ago, five sitting senators were among those who amended the law that established the VIPOCC—an action taken despite no measurable improvements to the lives of our people, the conditions in our hospitals and schools, or the stability of payments to employees and vendors. Yet, the legislature chose to activate the VIPOCC in 2022, two years before the 2024 gubernatorial election.

And now, here we are again— less than two years before another gubernatorial election—and instead of prioritizing recovery, resilience, or reform, we are once again talking about salaries. Not the pressing needs of our community. Not accountability. Not better outcomes for Virgin Islanders. Just salaries.

We can either continue down this path of performative governance, or we can call this what it is: a distraction, wrapped in a pretext, designed to benefit the few at the expense of the many. Section 20 of the Revised Organic Act of the Virgin Islands empowers the Legislature to set the salaries and allowances of public officials—including the Governor, Lieutenant Governor, department heads, and Senators. Power is not something that is held, but something that is exercised. It's an active process, not a passive possession.

### **The Moral and Fiscal Imperative**

The current policy is morally indefensible and fiscally irresponsible. It reflects a system in which power protects itself and rewards its holders with benefits denied to those who perform the daily labor of governance. At a time when the Government Employees Retirement System faces financial instability, continuing to enrich high-ranking officials at this level is unsustainable and sends a damaging message to the public: those at the top make the rules to serve themselves, not the people.

I am not a career government employee, and I am acutely aware that I am a political outsider. I am not deeply embedded in the political elite, Virgin Islands institutions, or traditional power structures. I am a voracious reader and I love reading autobiographies and biographies. Like President Carter, I lack deep ties to political people and party. Like President Obama, I am new to the senate and not part of the old Democratic Party order. And like Bernie Sanders I have become an ideological outlier in the Senate; I received no support for my government candidacy bill that would allow government employees to run for office without having to take leave. This outsider/outlier status has proven to be both my strength and my burden. So for me, the most disturbing part is that legislators—particularly those who harbor ambitions of becoming Governor or Lieutenant Governor one day—are the ones protecting and perpetuating this policy. They are voting to preserve a golden parachute (\$120,000 and \$100,000 for life) that they hope to claim in the future. It is a cynical and calculated move: pass laws today that will pay off tomorrow if they reach higher office.

This is the definition of self-serving governance.

This retirement policy is not about honoring public service. It is not just unfair; it is a prime example of self-dealing and political opportunism masquerading as public service. Our top elected officials are walking away with six-figure annual pensions for what amounts to eight years of work. Meanwhile, the regular government workers continue to pay into a system that may not be there when they retire. Their pensions are capped. Their retirement age is fixed. And their contributions are mandatory. The disparity is not only unsustainable—it's immoral.

### **Reform Must Begin Now—Before the 2026 Election**

I propose we reduce the gubernatorial annuity percentage of the salaries. Reducing the percentage from 80% to 50% reduces the annual pension for both retired officials from \$220,000 to \$137,500. A savings of \$82,500 yearly! Reduce it to 40% like the state of California and we save \$110,000 every year!

Interestingly, in response to my proposal to reduce the percentage, when the sponsor of the amendment said that it would be “unfair” to reduce the pension for Governor Bryan because Governor DeJongh was collecting 80% of \$150,000, I didn't disagree. A prospective approach is not only fair—it's constitutionally required. The current governor and lieutenant governor were elected with the understanding, codified in law, that completion of two terms would result in an annuity equal to 80% of their respective salaries. Retroactively reducing them could violate the U.S. Constitution's Contract Clause and Due Process protections.

But nothing prevents us from doing what is right for future generations. The people who process our tax returns, teach our children, and clean our streets deserve better. We must pass legislation that reduces the annuity percentage going forward—before another election locks in another outsized annuity. My bill request to reduce the annuity percentage is preempted by a similar request submitted by Senator Alma Francis Heyliger. I am looking forward to working with her and any other senator to change the law.

## **A Call to Action**

In a just and equitable society, no one is above the rules—especially those who write them. The Virgin Islands’ retirement policy for the Governor and Lieutenant Governor exemplifies a systemic unfairness that must be corrected. If the government is truly committed to fiscal responsibility, then it should start with the top. It is time for lawmakers to realign the system to reflect the values of fairness, equity, and fiscal responsibility by ensuring that all public servants, regardless of rank or title, are treated with the same standards and respect. Reforming this unjust policy would not only demonstrate a commitment to fairness but also free up financial resources that could be used to improve services for all our people.

Public service is not meant to be a path to privilege but a calling to serve with integrity and humility. Public office is not supposed to be a gateway to personal wealth. It’s a trust. And that trust is broken every time another official quietly benefits from a system they refuse to reform. The people of the Virgin Islands deserve better. We deserve leaders who put service before self, and who lead by example—not by exploitation.

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*Submitted on Tuesday by: Senator Marise C. James, Esq. a second-term senator in the 36th Legislature of the U.S. Virgin Islands, representing the island of St. Croix. An attorney and former JAG officer with the Virgin Islands National Guard, she currently serves as Chair of the Committee on Disaster Recovery, Infrastructure and Planning.*

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