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Lawmakers Press Forward With Salary Repeal Bill as Administration Officials Skip Crucial Senate Hearing

With top government officials absent, senators advanced debate on repealing executive pay hikes, questioning the legality of VIPOCC's overdue report and citing deep public frustration as they prepare to vote on the controversial bill this week.

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Senator Alma Francis Heyliger, sponsor of Bill 36-0085, which seeks to rescind recently implemented pay raises for members of the executive branch. By. V.I. LEGISLATURE.

The absence of three key testifiers from Monday's Senate Committee of the Whole meeting did not prevent legislators from discussing legislation that has generated massive public interest — the effort to repeal [recent salary increases](#) for top government officials.

Sponsored by Senator Alma Francis Heyliger and co-signed by several lawmakers, Bill 36-0085 would “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.” The lawmaker had previously attempted to [special order the bill](#) to the floor at an earlier legislative session, but was asked to take it through the full vetting process.

“Can we as a territory afford this?... Can we honestly say that this is the right thing to do? My answer to that is no,” Senator Francis Heyliger asserted.

Among those invited to share additional perspective on whether raises for senior officials in the government's executive branch was the right thing to do was Cindy Richardson, director of the Division of Personnel. However, she wrote to say that she was unable to attend “due to a long-standing schedule commitment, the receipt of the invite, the preparation for last week's session and the budget overview session scheduled for June 3.”

The governor's chief of staff Kevin A. Williams Sr. also wrote asking to be excused. “Due to scheduling conflicts, I am unable to participate at this time. I trust that in the future, we will have a more suitable opportunity to address this matter.” He welcomed the opportunity to discuss the matter “through an open and fair process based on proven data and methodologies.”

Finance Commissioner Kevin McCurdy submitted correspondence as well. “Due to existing commitments, including my preparation for the prior Senate hearing and upcoming budget overview... I will be unable to attend this particular hearing... I'm disappointed that I cannot participate in person.”

Their absence was described as an “affront to the people of the Virgin Islands” by Senator Hubert Frederick.

Still, lawmakers proceeded, leveraging the opportunity to pose questions to the Legislature's chief legal counsel, Amos Carty. Some, like Senator Franklin Johnson, questioned the validity of VIPOCC's report given its delayed completion. “The Commission report was nearly two years late,” he stated. “That alone violates subsection 544 (a) and calls into question the legal basis for any salary changes tied to that report.”

Senator Kenneth Gittens shared similar sentiments, adding that he was “troubled and frankly dismayed by the blatant absence of financial personnel from the government.” He, too, wondered whether the tardy delivery of the report held any weight. “That does not automatically invalidate it because the statute did not prescribe any consequences for late submission,” clarified Mr. Carty.

“This seems like double standards,” accused Gittens. “Because if the Legislature failed because they didn't act in 30 days, we should also be looking at the fact that this document was allegedly received some two years later.” The window given to Senators under the law to act upon the VIPOCC's report was 90 days.

Nonetheless, Mr. Gittens said he had received confirmation of another conflict between the VIPOCC report and the V.I. Code. “Such increases conflict with Title Three of the Virgin Islands Code sections 1 and 31 of the V.I. Code, which establishes the processes and authority for handling compensation adjustments,” he stated.

By Section 20 of the Organic Act, the Legislature “establishes salaries of the governor, lieutenant governor, and if it so chooses, all members of the executive branch,” Mr. Carty opined.

Consequently, that portion of the bill also gives the Legislature the ability to rescind raises that are not in accordance with that section of the Act and any applicable local law.

Senator Kurt Vialet inquired whether there were any “submission of legislation that changes what is contained in the Virgin Islands Code in reference to the salary being \$150,000 [and] \$125,000?” Mr. Carty responded in the negative. Therefore, Mr. Vialet concluded, “the Virgin Islands code was never changed...unless that is changed in the Virgin Islands code, it can't be changed to a higher amount.”

Senator Marise James focused on the automatic nature of [Act 8384](#), which turned the legislature's inaction into approval. “Isn't that a violation of the delegation doctrine?” Mr. Carty reminded the lawmaker that he was not in his current role when that Act was passed. “Had I been counsel, I would advise the body not to enact this because of the situation that we're having now,” he offered. Vialet later chimed in that “there's no way or no place in 8384 that literally says that you can circumvent section 20 of the Organic Act in order to change section three without actual legislation being enacted.”

For Senator Hubert Frederick, however, debate on technicalities such as the timing of the report was of no relevance now. “I think we should repeal the law and move forward. This should be quite simple. The public is watching us, and they want to know what are we going to do,” he told his colleagues.

Senator Novelle Francis, who was the Senate President when VIPOCC submitted its report, offered another angle for consideration. “We will be taking some action over the next couple of days, but what happens to the situation of salary increases for elected officials moving forward?” he wondered. “There's never a right time for us to consider the salary increase of those individuals...This body will have to make that determination and what that would look like moving forward. I am hoping that we're prepared to make that decision.”

Nevertheless, he agreed with the general sentiment that “we have to take action again to bring some relief to the public sentiments.” Mr. Francis is expected to join the rest of his colleagues in voting the bill forward during Wednesday's legislative session. They all expect it to be vetoed by Governor Albert Bryan.

“I know the statement is it will never be a good time, but guess what? This is the worst time possible,” remarked Senator Vialet. “When the veto come, override the veto and be ready to file in court if the laws of this Legislature are not adhered to because they have been violated time in and time out again by a governor that feels he could do whatever he feels like,” he warned.

“The quickest route to handle this and show the people of the Virgin Islands that we mean business, is to repeal the act,” urged Senator Gittens, as lawmakers prepare to vote on the issue this week.