

Lawmakers Advance Bill Doubling Caregiver Leave and Broadening Eligibility for Public and Private Employees

Bill 36-0086 expands caregiver leave from two to four hours monthly and widens eligibility to include caregivers of seriously ill dependents, elders, and adults. Lawmakers and advocates praised it as a compassionate step toward supporting working families

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A bill seeking to amend and expand the existing Caregivers Act received overwhelming support when it was presented before the Committee on Health, Hospitals, and Human Services on Tuesday.

Bill 36-0086, authored by Senators Novelle Francis and Ray Fonseca, “creates a structure for eligible persons to utilize the caregivers program,” according to Sen. Francis. It defines what constitutes serious illness and expands the definition of caregiver. If passed, the law will qualify a caregiver as “the primary caregiver of a seriously ill spouse, child, parent, or any other individual who is the legal dependent of that employee or who will be entrusted with care of an elder person or a dependent adult.”

The original Caregivers Act was made law nine years ago, after the Legislature overrode Governor Kenneth Mapp’s veto. Senator Francis insisted that since the law was passed, “it has become even more important to support our caregivers.”

The measure, if passed, would entitle government employees who are caregivers to “four hours administrative leave per month, each calendar year, to perform caregiving duties.” It also applies to full-time employees of beneficiaries under the Industrial Development Program and those working for companies who receive benefits under Act No. 4740. Currently, designated caregivers can only claim two hours monthly, while additional leave can be sought via the donated leave program.

The bill expanding the rights of caregivers received the nod of approval from Cindy Richardson, director of the Division of Personnel. She stated that the Division recognizes the “importance of providing caregiver leave as a means of supporting employees who must care for their loved ones.” The proposed amendment, she said, is “timely and welcomed.” She agreed that the changes “clarify the legislative intent and address areas that require additional specificity to support consistent application across agencies.”

“The proposed structure now provides clear eligibility standards, recognizes modern caregiving needs and ensures enforceability,” Ms. Richardson affirmed.

“This legislation is both compassionate and practical, addressing one of the most urgent social and workforce challenges of our time,” said Troy de Chabert Schuster, State Director for AARP of the Virgin Islands. For Mr. Schuster, caregiving is “not simply a personal obligation, it is a community responsibility.”

He argued that the bill represents an “economic strategy that benefits employers.” That’s because research conducted by the AARP shows that workers who have access to caregiver leave “report greater loyalty, reduced stress and improved productivity, resulting in a decrease in turnover costs.”

Despite his high praises, Mr. Schuster encouraged lawmakers to introduce “safeguards against fraud and abuse within the bill regarding proof of caregiving responsibilities within a reasonable timeframe.”

“It’s a full time job. That’s why any attempt to pass this bill will be a step in the right direction,” said Tracey Stewart-Sanders, President of Continuum Care Home Health, LLC. She recommended that the caregiver should be “designated as a family member of the immediate family or next of kin, and that the selection is based on the consensus of the family.”

Lawmakers all declared their support for the bill, with many sharing anecdotes from their time as caregivers.

“It’s a very, very important function,” said Sen. Fonseca, the committee’s chair. He spoke of caring for his mother, who battled dementia.

“It's high time that we look out for caretakers,” declared Senator Marvin Blyden. “We do have an aging community, and four hours is nothing really to assist individuals in terms of providing a service,” he said.

“Even if you take four hours to give them a little break, you know, from that stress and that burden, it helps,” Sen. Blyden continued, while Senator Kurt Violet mused on the toll that care work can take on individuals. Violet that “caregivers are losing it, mentally, emotionally, physically.”

Senator Clifford Joseph, meanwhile, suggested that the Division of Personnel ensure that multiple family members across departments have the opportunity to care for the same individual on a rotating basis. “For one person, it's overwhelming,” he noted.

“Recognizing caregiving as a legitimate leave is about compassion,” said Senator Kenneth Gittens.

“This is a very good bill. It's going to really help a lot of our government employees who are juggling not only caring for their loved ones, but also they are juggling doing the government work,” added Senator Carla Joseph.

All seven voting members of the committee supported Bill 36-0086, which now moves to the Committee on Rules and Judiciary for further action.