

The Virgin Islands Consortium

Governor's Wage Increase Does Not Violate VI Law, AG Walker Contends, Dismissing Legislature's Legal Opinion

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ST. CROIX -- Attorney General Claude Walker took to a podium at Government House here to diminish any doubt that may have formed in the minds of Virgin Islanders following an eight-page legal opinion issued by the 32nd Legislature's legal counsel, which questions the legality of Governor Kenneth Mapp's recent executive order that raised the minimum wage of government employees from \$9.62 to \$13 per hour, and the base pay for a number of positions throughout the government.

"We feel compelled to come before you today to set the record straight," Mr. Walker said.

The Legislature's [legal opinion](#) contends that unless the funding for the raises provided through the executive order are found in the fiscal year 2018 budget ratified by the Legislature, then the executive order and the salary increases it approves are in violation of Virgin Islands law. Mr. Walker stood in staunch opposition of the opinion, stating that the Revised Organic Act "expressly gives the governor of the Virgin Islands the executive power and authority of general supervisory control over all departments, bureaus, agencies and instrumentalities of the executive branch of the government of the Virgin Islands."

He said the Revised Organic Act further states that the governor shall maintain the "efficiency of the government and to determine the methods and personnel necessary to conduct the operations of the government and to maintain the efficiency of such operations."

The attorney general argued that Mr. Mapp had made known when announcing the executive order that the territory was in need of personnel to fill critical positions, but the base salaries and minimum wage the government offered before August 1, were unattractive and therefore action to lift wages and raise base pay had to be taken.

"It is well established law in the Virgin Islands that the governor has the power to issue executive orders, so long as such orders do not conflict with the valid and existing laws enacted by the Legislature," Mr. Walker said, adding that the executive order did not violate established laws.

Asked by The Consortium if the governor had preempted local unions that have been in negotiations with the government for pay increases -- some for higher than what was provided in Mr. Mapp's executive order -- Mr. Walker passionately defended the governor, contending that negotiations with the unions had been ongoing long before the current administration. "The governor has the right to respond to the critical needs as a result of the hurricanes," Mr. Walker said.

He also mentioned the high cost of living in the territory, which appeared to suggest that any discussion that sought to minimize the impact of the executive order was misplaced. "It's an insulting discussion," he said. "The governor is seeking to provide a living wage, a just wage... Any assertion that the governor does not have the authority to establish minimum salaries for government employees in the executive branch is false."

Emile Henderson, who serves as the governor's chief legal counsel, was also with Mr. Walker at the podium. He too defended the executive order and said the salaries that were in place before August 1 held the territory at a disadvantage. "At the end of the day in this community, we all have to agree that the starting salaries that we've been paying for these critical positions were woefully deficient, and at some point we have to take the bull by the horn and proceed forward to get qualified individuals into government service, and that is the only way you're going to be able to do that," Mr. Henderson said.

As of August 1, the minimum wage of government employees in the executive branch climbed \$13 per hour or \$27,040 annually. Before the governor's executive order, the minimum wage of government employees stood at \$9.61 per hour, or \$20,000 annually. The minimum wage of private sector employees currently stands at \$10.50 per hour.

Along with the minimum wage increase for government employees, the governor's executive order also increased the starting salary for all departments and agencies, including the Department of Education: Beginning August 1, the starting salary of teachers territory-wide will be \$44,000 annually, or roughly \$21.15 per hour. (If a teacher's base salary is at or above \$44,000 annually, this teacher will see no change in pay, the governor said.)

Teachers have long been calling for a salary increase, and Mr. Mapp is hoping that the base pay raise will help slow the flow of educators who leave the territory for better paying education jobs on the mainland.

Watch: Mapp announces pay increases at press conference

"It's about providing a living wage for workers in the Virgin Islands," the governor said during a press conference at WICO announcing the increases, giving a reason for his momentous action.

Along with the Department of Education, the following departments and agencies were also included in the governor's executive order for base pay increases.

The Department of Health

- Emergency Medical Technician, Basic: \$35,159
- Emergency Medical Technician, Intermediate: \$37,100
- Emergency Medical Technician, Paramedic: \$41,140
- Environmental Officer: \$37,100

The Department of Planning and Natural Resources

- Enforcement Officer Recruit: \$33,000 while on probation; \$38,000 once probation period is completed.
- An Environmental Officer of any rank beneath the rank of chief who completes and maintains an annual certification as a registered EMT, Basic, will receive a salary increase of \$4,500 annually.

The Department of Licensing and Consumer Affairs

- Enforcement Officer Recruit: \$33,000 on probation; \$38,000 once probation period is completed.

Bureau of Corrections

- Officer Cadets: \$35,000 on probation; \$40,000 upon completion of probation period
- The salary of a Corrections officer of any rank below chief will increase by \$4,500 annually once this officer completes and maintains EMT, Basic, certification.

VI Fire Service

- Fire Fighter Recruit: \$33,000 during probation period; \$38,000 upon completion of probation.

- The salary of a firefighter in any rank beneath chief increases by \$4,500 if this firefighter is able to maintain EMT, Basic certification.

Virgin Islands Police Department

- Base salary for police officers [was increased from \\$30,715 to \\$40,953 in June.](#) However, it was also included in the governor's executive order (albeit at a lesser amount of \$40,000).

Department of Human Services

- Social Worker I: \$45,130
- Social Worker II: \$49,455
- Social Worker III: \$54,180
- Social Worker IV: \$57,395
- Teachers employed with the Department of Human Services (D.H.S.) for the Head Start Program who meet the qualifications as teachers employed at the Department of Education (D.O.E.), shall be paid an annual income equal to the August 1, 2018 base salary at D.O.E. of \$44,000
- Preschool Teacher Assistant at D.H.S. and Head Start: \$35,000

Governor Mapp told The Consortium that the salary increases will be paid for and sustained by economic growth, including the recently ratified oil refining agreement on the south shore of St. Croix, along with economic activity spurred by hurricane recovery projects.

"None of the revenues that are going to be derived from the Limetree Bay [agreement] is currently contained in the proposed Fiscal Year 2019 budget," Mr. Mapp said. "And as you may know, the Fiscal Year 2019 budget provides for \$131 million of new revenues as a result of the recovery and the projects that we are undertaking in the community. And so these revenues that we expect within the next year have to be quantified and added into our budgets that will be able to accommodate these changes in salary, but more importantly, allow us the opportunity to drive our recruitment campaign forward."