

The Virgin Islands Consortium

Faulty Submissions From Bureau of Corrections Robs Officers of Annual and Sick Leave; Meeting to be Held to Fix Error

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Aerial shot of the Golden Grove Correctional Facility on St. Croix. By. ERNICE GILBERT FOR VI CONSORTIUM.

Senator Kurt Vialet, Chairman of the Committee on Finance will host a hearing with the Bureau of Corrections to correct an issue with the way B.O.C. has been submitting work hours of corrections officers that has robbed those officers of their correct annual and sick leave.

B.O.C. sought to cast blame on the Dept. of Finance during the Friday Finance Committee hearing, but Senator Kenneth Gittens contended — and Mr. Violet later confirmed — that the problem lies with B.O.C. and not the Dept. of Finance.

The matter was brought to the fore based on a question from Sen. Milton Potter, who inquired why the corrections officers were subject to such treatment when "the V.I. Code outlines clearly how much sick leave and annual leave each government employee can have."

Riel Faulkner, assistant director for Administration and Compliance at B.O.C., stated, "The issue is the interpretation of that section of the V.I. Code that says full bi-weekly pay period." He sought to explain a rather confusing situation, stating that corrections officers are currently working 60 hours, or five 12-hour shifts, and therefore have not adequately met the threshold of enough regular time in compliance with the V.I. Code relative to annual sick leave. Mr. Faulkner said that on average corrections officers only work about 28 regular hours based on the way their time is calculated.

Wynn Timermark, director of the Bureau of Corrections, said in her testimony, "The labor laws of the Virgin Islands require that correctional officers get paid overtime in three different ways." According to Mr. Faulkner, this includes time and a half for over 40 hours in a week; overtime for more than 8 hours in a day; and double time for working more than 48 hours in a week. He said the way the V.I. law is interpreted, "full bi-weekly pay period means only regular hours and they don't include the overtime hours."

Lawmakers did not buy this response. Senator Franklin Johnson, a former corrections officer, said, "If the officers are working over 40 hours there is no reason why they shouldn't be getting their annual and sick leave calculated right."

Mr. Faulkner blamed the issue on the V.I. Dept. of Finance. "We agree 100 percent. If they work 40 hours or 60 hours they are entitled to have the full annual and sick leave calculated. But it is a Department of Finance interpretation as to how they accrue sick and annual leave. For reasons that are not extremely clear to me they have decided that would only be accrued on regular, not overtime hours."

Mr. Johnson, still displeased, pointed to police officers whose sick and annual leave he said are calculated the same way as B.O.C.'s. "Police officers are working the most overtime and they are not having issues with their overtime or their annual, or their sick leave and they are calculated the same way corrections is calculated... Why is it that only the Bureau is having this issue?"

Mr. Violet then called for a one-minute recess after Mr. Johnson's question. Upon the resumption of the hearing, Mr. Faulkner sought to provide further explanation. "It's an automatic calculation that's made by the system developed by the Department of Finance. It's not something that the B.O.C. calculates or has anything to do with. So long as we submit the time that they work, the system automatically calculates what amount of sick and annual leave should be given."

Senator Kenneth Gittens said he has gleaned information that suggests B.O.C. has been incorrectly submitting documents. "All you have to do is look at some of your sister agencies and see how they are submitting their overtime," he added.

After no resolution by the end of the hearing on the topic, Mr. Violet said he would hold a separate meeting to correct the matter. "I have been in contact with the Department of Finance on the way it should be processed.. The way that you guys are calculating at the time is totally different to the other entities."