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Bill Aimed at Protecting the Jobs of Assistant Attorneys General From Political Influence Approved in Committee

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Linda Straker **December 10, 2021**

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Lady Justice. By. GETTY IMAGES

Members of the Committee on Rules and Judiciary on Thursday gave their approval to an Act that seeks to amend V.I. Code relating to the tenure of assistant attorneys general serving within the V.I. Dept. of Justice by giving legislative protection to their jobs.

“This bill recognizes that our assistant attorneys general should have employment safeguards against wrongful termination,” said Senator Novelle E. Francis, Jr. who is the sponsor of the legislation.

"This protection itself is a public good and safeguards against executive abuse of these tireless public servants. This bill essentially removes the politics from the tenure and retention of assistant attorneys general and protects the integrity of the collective bargaining agreement," he said while urging other members of the committee to vote favorable for the bill, numbered 34-0107.

Mr. Francis said the issues raised in the measure were first brought to his attention in 2017, and he described the bill as being "about employment rights and protection of bargaining rights."

"Under the existing statute, questions remain as to whether assistant attorneys general can be terminated at will. Assistant AGs should be able to act independently and upon their conscience as attorneys without fear of reprisal," he told committee members.

Cindy Richardson, acting director of the Division of Personnel who was one of the testifiers, applauded the objective of the measure. "This is a straightforward and necessary change," she said while explaining that the language of the current statute says that assistant attorneys general "serve at the pleasure of the governor and can be effectively removed during a subsequent transition."

"The language in the proposed bill changes the language in the existing bill to allow for assistant attorneys general to be removed only under the terms and conditions of a collective bargaining agreement, and these employees have functioned within a collective bargaining agreement represented by the industrial steelworkers for the past four decades," she said.

"We certainly agree with this change," added Ms. Richardson.

Testifier Joss Springette, chief negotiator at the Office of Collective Bargaining, told the committee that her office "has no suggestive changes to the bill," while Carol Thomas-Jacobs, chief deputy attorney general who presented remarks on behalf of the Office of the Attorney General, explained that the proposed legislation would change the law by removing the inconsistencies for firing without due cause at the end of a governor's term under which they were appointed.

"The Office of the Attorney General supports this...thankfully it has not been the practice to terminate assistant attorneys general at the end of each administration. Allowing for continuity for hundreds of cases by AGs on behalf of the government and the people of the Virgin Islands is essential," she said.

"Second, why should assistant attorneys general not be protected by their collective bargaining agreements the same way other government employees are?" she asked while sharing the view that the bill "will remove the possibility of improper political influence in the course and manner assistant attorneys general approach legal issues and decide whether to prosecute a case or not."

Speaking about the right to be unionized, Ms. Thomas-Jacob reminded the committee that employees cannot be forced to join a union and there is no need to codify adherence to any applicable contract or any union collective bargaining agreement.

"Further, an employee cannot be forced to pay union dues without their affirmative consent," she said. "The proposed wording of today's measure may give the false impression that an employee may only seek redress for termination only if they are part of a union governed by a collective bargaining agreement."

Suggesting the language in the Act be changed to a more basic fundamental wording that is found in numerous other areas of the Virgin Islands Code, she recommended that termination should occur only for due cause and after notice of an opportunity to be heard.

“After all, I believe that the intent of today’s measure is to protect assistant attorneys general from arbitrary and capricious termination,” she said.

Following an emotional and heated deliberation among committee members on the measure, it was approved with an amendment and it will be sent to the full body for further consideration.

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