

FLOOR

BILL NO. 31-0317

Thirty-first Legislature of the Virgin Islands

February 24, 2016

An Act authorizing Government of the Virgin Islands to enter into an agreement allowing for the temporary assignment of federal government personnel in the Executive Branch of the Government pursuant to the Federal Intergovernmental Personnel Mobility Act

PROPOSED BY: Senator Neville A. James by Request of the Governor

1 **WHEREAS**, the intergovernmental Personnel Act Mobility Program A(IPA) codified at
2 5 USC §3371 through §3375 provides for the temporary assignment of personnel between the
3 Federal Government and various entities including state and local governments, colleges and
4 universities, Indian rival governmental federally funded research and development centers, and
5 other eligible organizations; and

6 **WHEREAS**, in accordance with the IPA, the Government and a federal agency may
7 agree to the assignment for up to two years which may be extended for up to two or more years,
8 if the parties agree, in either an intermittent, part-time, or fulltime position; and

9 **WHEREAS**, the IPA will allow the Government to meet the crucial needs of the
10 community by providing a mechanism to fill positions to fill positions for which a willing and
11 skilled candidate is unavailable; and

12 **WHEREAS**, the Government is in need of flexibility in meeting its need for hard to fill
13 positions in the Executive Branch; Now, therefore,

1 *Be it enacted by the Legislature of the Virgin Islands:*

2 **SECTION 1.** Title 3 Virgin Islands Code, chapter 25, subchapter 1, is amended by
3 adding section 415 read as follows:

4 **“§451b. Temporary assignment of Federal personnel**

5 (a) The Government may hire federal employees pursuant to the Intergovernmental
6 Personnel Act Mobility Act (IPMA)), 5 U.S.C. §3371 through §3375. The Government shall
7 execute a written agreement with the federal agency and the assigned employee recording the
8 obligations and responsibilities of the parties to the assignment. The federal employee shall
9 retain all federal benefits and may not participate in the Government of the Virgin Islands
10 Employees Retirement System or health care benefits under the Virgin Islands law.

11 (b) The Government shall bear the cost of any such temporary assignment as agreed
12 upon under terms of the IPA agreement.

13 (c) Salaries of the Virgin Islands Inspector General, the Deputy Virgin Islands
14 Inspector General; and the Adjutant General of Virgin Islands as provided in title 3 Virgin Islands
15 Code, section 1201, and 23 Virgin Islands Code section 150 (a) VIC section 1201 (c) respectively
16 may not be tied to the salaries of temporarily assigned federal employees under the IPA program.

17 **SECTION 2.** (a) Title 3, chapter 40, section 1201 is amended in the following instances:

18 (a) Subsection (c) is amended at the end of the subsection (c) by adding. “excluding
19 a commissioner temporarily assigned in the executive branch pursuant to section 451b of this title
20 ”

21 (b) Sub section (d) is amended at the end of the subsection by adding the following
22 “excluding an assistant commissioner temporarily assigned to the Executive branch pursuant to
23 section 451b of this title.”

24 **SECTION 3.** Title 23 Virgin Islands Code, chapter 19, section 1508, subsection (a) is
25 amended by adding the following language at the end of the second sentence to read as follows:

1 “excluding a commissioner temporarily assigned in the Executive Branch pursuant to title 3,
2 Virgin Islands Code, section 451b”.

3 **BILL SUMMARY**

4 This bill permits the Government to enter into agreements with Federal Government
5 agencies to allow for the temporary assignment of Federal employees to the Territory under the
6 Intergovernmental Personnel Act Mobility Program (IPA), 5 U.S.C. subsection 3371 through
7 3375. The bill further provides that the salaries of the Inspector General and Adjutant General
8 shall not tie to those temporary IPA employees’ salaries who work on temporary assignment in
9 the Government.

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