

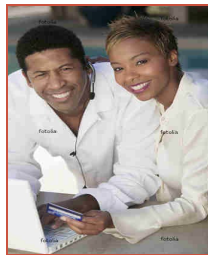
FAIR LABOR STANDARDS

The current minimum Wage in the U.S. Virgin Islands is \$8.35per hour. **WAGE LAWS MUST BE POSTED** in a conspicuous place where employees can see it.

All employers are required to keep, at their place of business for a period of three years, the name, address and occupation of each employee along with their rate of pay, hours worked each day and each week, and the amount paid to each employee each pay period.

Time and one half the regular rate of pay must be paid for hours worked over 8 hours per day or 40 hours per week and/or any hours on the 6th and 7th consecutive day of work. In the tourist service and restaurant industries, overtime must be paid on the 6th day providing 40 hours of work is exceeded. Overtime on the 7th consecutive day is required.

The Virgin Islands Department of Labor—Division of Labor Relations conducts investigations to enforce this legislation. Any employer who fails to comply with the wage laws or interferes or fail to comply with an investigation of the Department will be subject to a fine.



EMPLOYMENT DISCRIMINATION

It is against Local and Federal Law to discriminate against an individual in employment practices due to race, sex, age, religion, color, national origin or disability.

The Federal Equal Employment Opportunity Commission (EEOC) investigates discrimination cases that are filed after 180 days but within 300 days of an alleged unlawful practice of discrimination. The EEOC may grant an individual the right to sue in a court of law.

WRONGFUL DISCHARGE

An employer may dismiss any employee:

- Who engages in a business which conflicts with his duties or renders him a rival.
- Whose insolent or offensive conduct toward a customer injures the business.
- Whose use of intoxicants or controlled substance interferes with the proper discharge of his duties.
- Who willfully or intentionally disobeys reasonable and lawful rules, orders, and instructions of the employer.
- Who performs his work assignments in a negligent manner.
- Whose continuous absences affects the employer interest.
- Who is incompetent or inefficient.
- Who is dishonest.
- Whose conduct is such that it leads to the refusal, reluctance or inability of other employees to work with him.
- Due to economic hardship.

Any employee has the right to file a Wrongful Discharge Complaint if he/she believes that they were wrongfully terminated, within 30 days after such termination.

CHILD LABOR CERTIFICATE

A **CHILD LABOR CERTIFICATE** must be obtained from the Labor Relations Division for any minor under the age of 18. Minors between the ages of 14 and 15 cannot work more than 3 hours on a school day or 18 hours in a work week, during the school year.

It is against the law for a minor to work in a hazardous occupation involving heavy construction work, the operation of power driven equipment, metal forming, punching and shearing machines, the making of alcoholic beverages in a bottling plant, electric and power generating plants, steam laundries, any quarry, the operation of power driven woodworking machines, spray painting or occupations involving exposure to lead or other hazardous chemicals, or any other business that is hazardous.

UNION REPRESENTATION

Employees have the right of self-organization, to form, join or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in concerted activities for the purpose of collective bargaining or other mutual aid or protection, free from interference, restraint, or coercion by employers.



PLANT CLOSING

A Plant Closing is a permanent or temporary shutdown of a single site of employment, or one or more facilities operating unit within a single site of employment during any 30 day period for 10 or more employees. Plant Closing includes the sale, transfer, merger, takeover or similar change in controlling interest of any employing unit. wq

Title 24, Chapter 18, Section 472 of the VI Code states that every employer who is closing a facility, planning to relocate, or any other action that results or will result in an employment loss, shall give at least 90 days advance notice of a plant closing to the Commissioner of Labor, any affected employees, and if the employees are represented by a Labor Union to such Union. In case of a mass layoff 30 days notice to employees and their respective labor unions, and 10 days notice for the Commissioner

Severance pay is paid no later than one pay period after the end of work. The employer shall pay every affected employee a severance payment equal to one week's pay for every year of service with the employer. Severance pay for service in months over a year must be prorated accordingly; but a labor union shall have the right to negotiate for additional benefits for its members.

Plant Closing shall not include facilities which are closed under provisions of the Federal Bankruptcy Act 11 USC 101 et seq., except for employers in reorganization proceedings and facilities closed due to physical calamity or natural disaster.

In the case of a sale of part or all of an employer's business, the seller is responsible for providing notice of any plant closing or mass layoff.

PENALTIES / VIOLATIONS

Any employer who willfully violates any provision of VIC Title 24 or any regulation or order issued under this chapter shall be fined not more than \$2,500.

WAGE CLAIMS INVESTIGATION / COMPLIANCE

Any employer who pays an employee less than the applicable wage rate to which such employee is entitled shall be liable for such amounts. Any agreement between such employees and employer shall be no defense to such action. Our Division is authorized to enter and inspect the place of business of any employer to examine payrolls or other records that in any way relate to the question of wages, hours and other conditions of employment.

Family and Medical Leave Act

The Family Medical Leave Act (FMLA) applies to employers who employ 50 or more employees and public agencies. Covered employers are required to provide eligible employees up to **12 weeks unpaid leave each year for:**

- The birth of a child
- The placement of an adopted or foster child
- To care for a child, spouse, or parent with a serious health condition
- For the employee's own serious health condition

The FMLA also requires covered employers to continue health benefits coverage during the leave. After completion of the leave, the employee must be restored to the same or equivalent position.

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Honorable, Catherine Hendry
Commissioner of Labor

For additional information visit the following
websites:

www.vidol.gov
www.dol.gov
www.eeoc.gov

The Department of Labor is an equal opportunity employer
with equal opportunity programs. Auxiliary aids and service are available
upon request.



Division of Labor Relations



Protecting
Worker's Rights

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