

ACT NO. 7359
BILL NO. 29-0293

TWENTY-NINTH LEGISLATURE OF THE VIRGIN ISLANDS

Regular Session

2012

An Act amending title 24, chapter 18 of the Virgin Islands Code relating to plant closings

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Be it enacted by the Legislature of the Virgin Islands:

SECTION 1. Title 24 Virgin Islands Code, section 471, is amended in the following instances:

(a) In paragraph (4) strike “and who is otherwise eligible to for unemployment benefits”;

(b) In paragraph (6) subparagraph (B) strike the existing language and insert “permanent layoff”;

(c) In paragraph (6) strike subparagraph (C) in its entirety and renumber the remaining subparagraph accordingly”;

(d) In paragraph (11) in the first sentence, after “facility”, strike “if the shutdown results in an employment loss at the single site of employment during any 30-day period for 10 or more employees”; and

(e) In paragraph (12), strike “plant” and insert “facility”; and

(f) In paragraph (13) strike the second sentence in its entirety.

SECTION 2. Title 24 Virgin Islands Code, chapter 18, section 472 s amended in the following instances:

(a) Subsection (a) is amended by

(1) designating the existing language as paragraph (1);

(2) inserting “with fewer than 1,000 employees” after “employer”;

(3) striking “mass layoff”;

(4) adding at the end of the subsection a sentence that reads: "In the case of a mass layoff, the employer shall give at least 30 days' advance notification of the mass layoff to any affected employees and their respective labor unions, and at least 10 days' advance notification to the Commissioner"; and

(5) by adding paragraph (2) to read:

"(2) Every employer with 1,000 or more employees who is closing a facility or planning a relocation or other action that results or will result in employment loss shall at least 180 days before such action give advance notification of the mass layoff to any affected employees and their respective labor unions, and if the employees are represented by a labor union, to such labor union. In case of a mass layoff that will not result in a plant closing, the employer shall give at least 30 days' advance notification of the mass layoff to any affected employees and their respective labor unions, and at least 10 days' advance notification to the Commissioner.

(b) Subsection (b) is amended in the third sentence, after the first occurrence of "sale" by inserting: ", unless the previous employer pays plant closing severance in accordance with section 473; and

(c) Subsection (d) is amended in paragraph (1), subparagraphs (A) and (B) by striking "mass layoff" wherever the term appears and inserting in its place "the reduction in force event".

SECTION 3. Title 24 Virgin Islands Code, Section 473, is amended in the following instances:

(a) Subsection (a) is amended by:

(1) striking paragraph (1) in its entirety and inserting a new paragraph (1) that reads as follows:

"(1) No later than one pay period the termination, 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 membership. The severance pay must be, calculated at the average weekly wage during the year prior to termination";

(2) adding paragraph (3) to read as follows; and

"(3) In the event of a sale, the original owner may elect to pay the employees according to this section and terminate them, or sell the company to the successor with the liability pending. If the latter occurs, the successor shall assume the liability for all the prior years of service for each retained employee, along with any years accumulated moving forward"; and

(b) Subsection (e), paragraph (3), subparagraph (A) is amended by striking the language in its entirety and inserting new language that reads:

“The employee accepts employment at another location that is owned by the employer”.

SECTION 4. Title 24 Virgin Islands Code, section 476, subsection (b) is amended by striking “six” and inserting “three”.

Thus passed by the Legislature of the Virgin Islands on April 19, 2012.

Witness our Hands and Seal of the Legislature of the Virgin Islands this 25th Day of April, A.D., 2012.



Handwritten signature of Ronald E. Russell in blue ink.

Ronald E. Russell
President

Handwritten signature of Sammuell Sanes in blue ink.

Sammuell Sanes
Legislative Secretary



Bill No.29-0293 is hereby approved.

Witness my hand and the Seal of the Government of the United States Virgin Islands at Charlotte Amalie, St. Thomas, this 14th day of May, A.D., 2012.

Handwritten signature of John P. de Jongh, Jr. in blue ink.

John P. de Jongh, Jr.
Governor