# V.I. DEPARTMENT OF LABOR

## THE WRONGFUL DISCHARGE ACT

*ACT 5227*

TITLE 24 VIRGIN ISLANDS CODE §76

§76. GROUNDS FOR DISCHARGE

(a) Unless modified by union contract, an employer may dismiss any employee:
   (1) who engages in a business which conflicts with his duties to his employer or render him a rival of his employer;
   (2) whose insolent or offensive conduct toward a customer of the employer injures the employer's business;
   (3) whose use of intoxicants or controlled substances interferes with the proper discharge of his duties;
   (4) who willfully and intentionally disobeys reasonable and lawful rules, orders and instructions of the employer; provided, however, the employer shall not bar an employee from patronizing the employer's business after the employee's working hours are completed;
   (5) who performs his work assignments in a negligent manner;
   (6) whose continuous absences from his place of employment affect the interest of his employer;
   (7) who is incompetent or inefficient, thereby impairing his usefulness to his employer;
   (8) who is dishonest; or
   (9) whose conduct is such that it leads to the refusal, reluctance or inability of other employees to work with him.

(b) The Commissioner may by rule or regulation adopt additional grounds for discharge of an employee not inconsistent with the provisions enumerated in subsection (a) of this section.

(c) Any employee discharged for reasons other than those in subsection (a) of this section shall be considered to have been wrongfully discharged; however, nothing in this section shall be construed as prohibiting an employer from terminating an employee as a result of the cessation of business operations or as a result of a general cutback in the workforce due to economic hardship, or as a result of the employee's participation in concerted activity that is not protected by this title. – Added Dec. 29, 1986, No. 5227, §2, Sess. L. 1986

V.I. DEPARTMENT OF LABOR

# THE WRONGFUL DISCHARGE ACT

*ACT 6391*

TITLE 24 VIRGIN ISLANDS CODE §§76-79

**§ 62, the definitions of "employee" and "employer" are amended to read:**

**"employee" includes any employee or any individual whose work has ceased as a consequence of, or in connection with, any current labor dispute or because of any unfair labor practice, and who has not obtained any other regular and substantially equivalent employment, but does not include any individual employed as an agricultural laborer or as a seaman or engaged in the catching, taking, or selling of any fresh fish, shellfish or crustacean, or in domestic service of any family or person at his home, or any individual employed by his parent or spouse, or an individual engaged in the activities of an educational, charitable, religious or non-profit organization where the employer-employee relationship does not, in fact, exist or where the services rendered to such organization are on a voluntary basis or any individual employed in a bona fide position in an executive or professional capacity or any alien temporarily admitted to the Virgin Islands, except one who has a currently valid authorization to work for his employer, but does not include <u>any person</u> who has been employed by an employer for less than six (6) calendar months or is a "public employee" as defined in chapter 14 of this title;**

**"employer" includes any person acting in the interest of an employer directly or indirectly that has employed five (5) or more employees for each working day in each of the twenty (20) or more calendar weeks in the two (2) year period preceding a discharge but not a "public employer" as defined in chapter 14 of this title. Amended Feb. 1, 2001, No. 6391, § 3(b)(4), Sess. L. 2000, p. 487.**