



DIVISION OF LABOR RELATIONS

September 10 & 12, 2024

Labor Relations Compliance Requirements for Business

The Division of Labor Relations protects workers rights by administering programs and activities relative to Fair Employment Practices, Equal Employment Opportunity Commission (EEOC) Complaints, Wage and Hour, Child Labor, and Plant Closings.

POWERS AND DUTIES OF THE COMMISSIONER

Virgin Islands Code :TITLE 24 LABOR : [Chapter I. Fair Labor Standards](#)

§ 5. Powers and duties of Commissioner

The Commissioner of the Department of Labor shall have the authority to

- (1) Investigate, ascertain, and gather data**
- (2) Enter and inspect, during all reasonable hours, the place of business or employment of any employer of persons in any occupation in the Virgin Islands.**
- (3) Require from any employer full and correct statements in writing and copies of records with respect to wages, hours, labor conditions, names, addresses and such other information pertaining to his employees.**

DIVISION OF LABOR RELATIONS RESPONSIBILITIES

The division of Labor Relations along with the newly formed Compliance Unit conduct Compliance visits to all private sector & EDC businesses within the US Virgin Islands.

All compliance visits are unannounced and are to be done within operational hours of the business.

REQUIRED POSTERS

Virgin Islands Fair Labor Standards Act

Family and Medical Leave Act

Equal Employment Opportunity Commission (EEOC)

Workers Compensation

Occupational Safety and Health Act (OSHA)

Sexual Harassment

Meal & Rest

Polygraph Protection

Uniformed Services Employment and Reemployment Rights Act (USERRA)

INSPECTION

Employer records shall be open for inspection or transcription by the Commissioner at any reasonable time.

Every employer shall furnish to the Commissioner on demand a certified transcript of the required information from the records kept pursuant to the provisions of this chapter.

The records of any employer can also be inspected by an authorized designee of the Department of Labor.

WAGE INFORMATION / EMPLOYEE RECORDS

Minimum Wage is \$10.50 per hour.

Overtime is to be paid after an employee has worked (8) eight hours in one day, after 40 hours in a work week and/or on the 6th and 7th consecutive day.

Employers are to maintain accurate employee records to include any application for employment, wage or salary information, notices of commendations, warning or discipline, authorization for a deduction or withholding of pay, fringe benefit information, leave records, employment history with the employer, including salary information, job title, dates of changes, retirement record, attendance records and performance evaluations.

WORK PERMITS / CHILD LABOR CERTIFICATES

Person hiring minors between the ages 14 – 17 would be required to get a Child Labor Certificate to keep within the employee files.

When a minor is applying the employer can obtain a certificate by going to the following site and enter the required information.

<http://www.vidol.gov/workauth/>

Employers would need to upload the following required information

Government Issued Picture ID for Mother or Father

Picture ID for the Minor

(Guardian) A notarized legal document stating you are the legal guardian of the minor

PLANT CLOSINGS

Virgin Islands Code :TITLE 24 LABOR :
[Chapter 18. Plant Closings](#) : § 472-478.

Employers must:

- * Give advance notification of 90 days before last date of operation to the Commissioner of Labor, affected employee, and union if one exists.
- * Severance payments to employees (equivalent to one weeks pay for every year of service with the employer) within one pay period after closure. Employees that have worked less than 1 year should be prorated.
- * Allow employees affected to receive preference in hiring and employment at other workplaces of the employer while maintaining their seniority.
- * Allow employees to the right of first refusal to purchase an affected facility within 90 days of the employer's notice to close the facility.

CONTACT

Virgin Islands Department of Labor

Division of Labor Relations

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Ms. Tracy Callwood – Senior Compliance Officer

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LABOR RELATIONS COMPLIANCE UNIT

September 10 & 12, 2024



An aerial photograph of a tropical coastline. The water is a vibrant turquoise, transitioning to a deeper blue further out. The land is covered in dense green vegetation. A small, sandy beach is visible on the left, with a few small boats anchored nearby. In the background, more islands and hills are visible under a clear sky.

AGENDA

Business Compliance and Regulatory Laws

Common Pitfalls

Best Practices for Compliance

Resources

BUSINESS COMPLIANCE AND REGULATORY LAWS



Labor Laws

Title 24



Registration of Vacancies

Act 5174, Title 27, Chapter 9,
Subsection 303b



Worker's Compensation

Title 24, Subsection 272



For businesses participating in Tax Incentive Programs

EDA Statute Title 29, Chapter 12
Hotel Development Act Title 29,
Chapter 13
Program Law

COMPLIANCE CERTIFICATION AND THE PROCESS



Formal Correspondence to the Commissioner of Labor



Randomized moving to Annual Checks



Responsive from the business to close gaps



Remittance Obligations

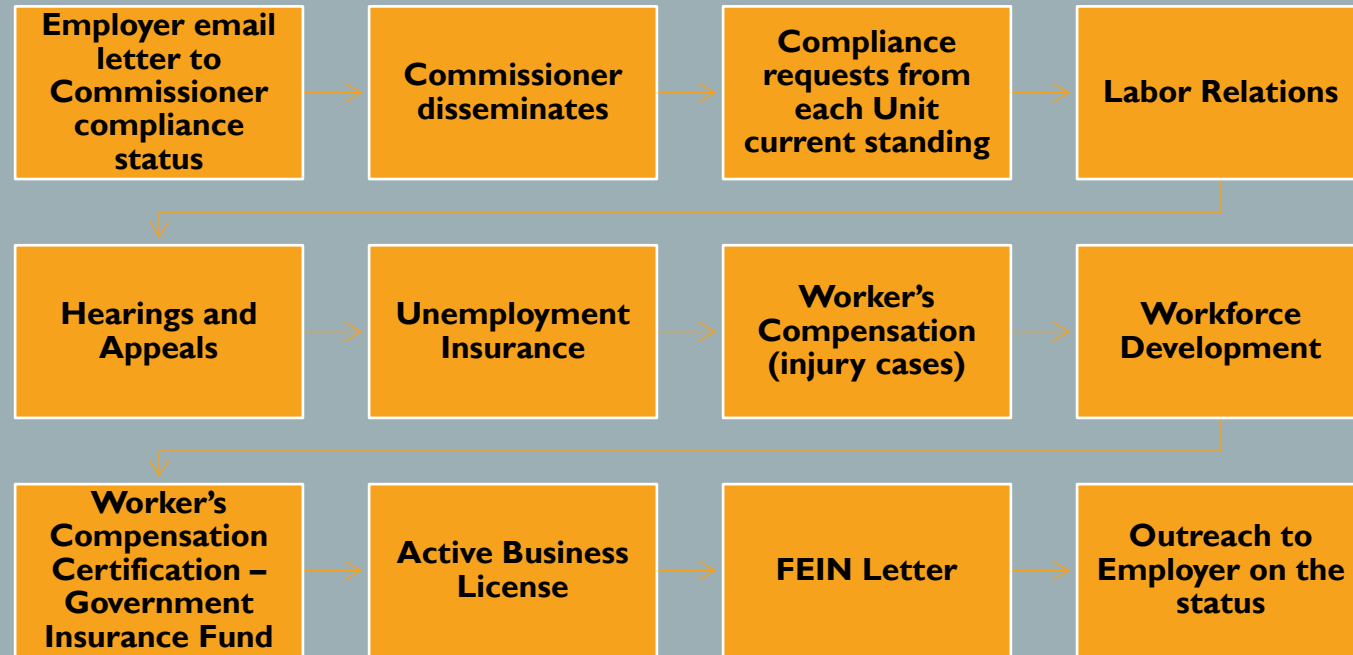


Reporting Gaps



Time to resolve issues

THE COMPLIANCE PROCESS



HOW OFTEN IS MY BUSINESS REVIEWED?

**Annual checks are
conducted.**

Other Triggers:

A change in your business or
notification is shared with VIDOL

Returned mail

Account balance

Reporting Data Mismatch

Undeliverable E-Mail

WHAT COULD BE THE HOLD-UP?

- No Registration found with Unemployment Tax Insurance
- Job Vacancies posting gaps or no VleWS account
- Quarterly wage and contribution missing reports
- Outstanding Balances with Unemployment Insurance
- Worker's Compensation Insurance lapse
- Active cases with Labor Relations or with the Hearing and Appeals Units
- If you are a beneficiary, are your Annual Contributions up-to-date?



BEST PRACTICES

Connect with VIDOL at least once per year

Implement oversight with third parties who do business on your behalf

Update your contact information

Notify us of changes in ownership and the name of the company.

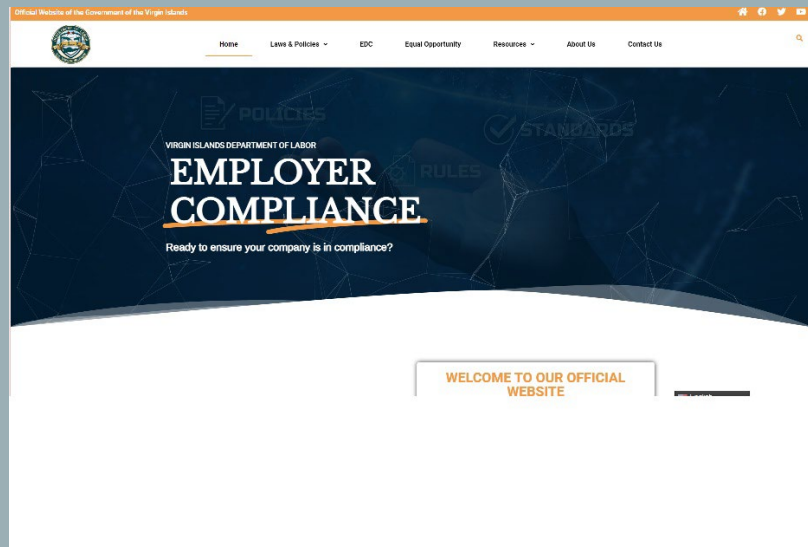
Advise of opening or closure

Use our website as a resource

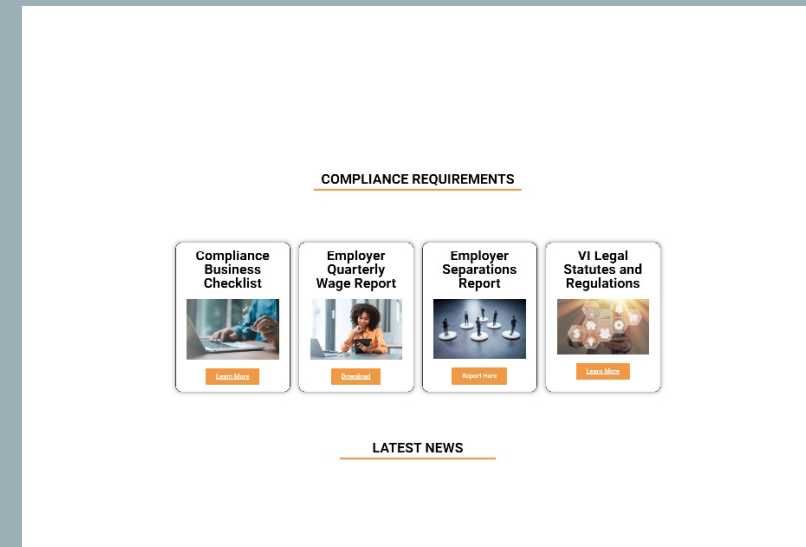


RESOURCES!

COMPLIANCE WEBSITE



CHECKLISTS AND LINKS



BUSINESS COMPLIANCE CHECKLIST



PRIVACY.FLOWCODE.COM

BUSINESS COMPLIANCE CHECKLIST

BUSINESS AUTHORIZATION

- Required Documents:**
 - DLCA Business License (required yearly upon renewal)
 - LI: Governor's Corporations and Trademarks Registration Certificate
 - EIN Confirmation Letter
- In-Office:**
 - Processing is supported by the Unemployment Tax Insurance Unit

VIDOL REQUIREMENTS


- Workforce Development**
 - Creation of an employer account in the Virgin Islands Electronic Workforce System (VIEWS)
 - Posting of job vacancies in VIEWS, in accordance with Act #5174.
- Unemployment Insurance (UI)**
 - Registration of business with UI's Tax Division.
 - New Hire reporting, required by the 20th day of employment.
 - VIESA quarterly wage & contribution report payment.
 - Registration with the State Information Data Exchange System (SIDES)
 - Change of Status form/Multiple Worksite Report (if applicable).

VIDOL REQUIREMENTS CONT.

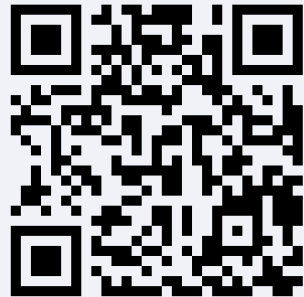
- Worker's Compensation (WC) – Government Insurance Fund**
 - WC coverage through the V.I. Department of Finance, Government Insurance Fund, for employers with one or more employees.
 - Annual renewal of WC coverage to ensure appropriate categories for each position.
- Labor Relations**
 - Posting of mandatory Federal and State law employment posters.
 - Child Labor Certificates for youth workers under the age of eighteen (18). Minors cannot work in hazardous work conditions.
 - Compliance with the Fair Labor Standards Act.
- Hearings & Appeals**
 - Resolution of all wrongful discharge cases against the employer.

CONTACT INFORMATION

- Compliance Unit**
 - compliance@dol.vi.gov
- Labor Relations**
 - laborrelations@dol.vi.gov



EDC COMPLIANCE CHECKLIST



EDC Compliance Checklist

The form is titled "EDC COMPLIANCE CHECKLIST" in bold blue letters, with a blue city skyline graphic above it. It is divided into several sections: "AFFIDAVIT OF EDC BENEFICIARY" with two numbered items, "VIDOL REQUIREMENTS" with two numbered items, "VIDOL REQUIREMENTS CONT." with three numbered items, and "MISCELLANEOUS" with two numbered items. A small circular seal is located at the bottom left of the form.

EDC COMPLIANCE CHECKLIST

AFFIDAVIT OF EDC BENEFICIARY

- 1. Affidavit Submission**
 - a. Complete affidavit regarding residency of employees found [HERE](#)
 - b. Submit with documents listed in item #2 of this section.
- 2. Required Documents:**
 - a. DLCA Business License (required yearly upon renewal)
 - b. Lt. Governor's Corporations and Trademarks Registration Certificate
 - c. EIN Confirmation Letter

VIDOL REQUIREMENTS

- 1. Workforce Development**
 - a. Creation of an employer account in the Virgin Islands Electronic Workforce System (VieWS).
 - b. Posting of job vacancies in VieWS, in accordance with Act #5174.
- 2. Unemployment Insurance (UI)**
 - a. Registration of business with UI's Tax Division.
 - b. New Hire reporting, required by the 20th day of employment.
 - c. VIESA quarterly wage & contribution report payment.
 - d. Registration with the State Information Data Exchange System (SIDES).
 - e. Change of Status form/Multiple Worksite Report (if applicable).

VIDOL REQUIREMENTS CONT.

- 3. Worker's Compensation (WC) – Government Insurance Fund**
 - a. WC coverage through the V.I. Department of Finance, Government Insurance Fund, for employers with one or more employees.
 - b. Annual renewal of WC coverage to ensure appropriate categories for each position.
- 4. Labor Relations**
 - a. Posting of mandatory Federal and State law employment posters.
 - b. Child Labor Certificates for youth workers under the age of eighteen (18). Minors cannot work in hazardous work conditions.
 - c. Compliance with the Fair Labor Standards Act.
- 5. Hearings & Appeals**
 - a. Resolution of all wrongful discharge cases against the employer.

MISCELLANEOUS

- 1. Annual Contribution**
 - a. \$2500 1st quarter requirement, due On or before January 31st of each calendar year pursuant to Act No. 7301.
- 2. Employee Separations Reporting**
 - a. Quarterly reporting of employees who have separated from the employer (if applicable).

CONTACT

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Senior Compliance Officer
Virgin Islands Department of Labor

Send questions and requests for
Employer Support to:

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compliance@dol.vi.gov





COMPLIANCE PRESENTATION

Brought to you by the USVI Department of Labor