

received 11/21/10



GOVERNMENT OF  
THE UNITED STATES VIRGIN ISLANDS



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*Albert Bryan Jr. — Commissioner*

July 20, 2010

Gay Gilbert  
Administrator  
Office of Workforce Security  
200 Constitution Avenue NW, Room S-4231  
Washington, DC 20210

**Re: Special Transfers for UC Modernization**

Dear Mr. Gilbert,

The Virgin Islands Department of Labor of the US Virgin Islands hereby applies for its first one-third (\$667,637.00) of the \$2,002,911.00 allocated to it as part of the \$7.0 billion distribution listed in Attachment VII to UIPL 14-09, dated February 26, 2009 concerning Special Transfers for UC Modernization.

In order to qualify for this first one-third (\$667,637.00) modernization incentive payment, the Virgin Islands has amended its base period provision by adding subsection (x) to Title 24 VIC, Chapter 12, Section 302 which provides for an alternate base period (ABP) that includes *"the most recent four completed calendar quarters immediately preceding the first day of an individual's benefit year which is substituted for the base period pursuant to section 303 (b) (3)."* Copy of Act No. 7093 is attached for your convenience and perusal. The Virgin Islands certifies that the aforementioned amendment is permanent and is not subject to discontinuance under any circumstances other than repeal by the Virgin Islands Legislature.

The Virgin Islands further certifies that the application for this modernization incentive payment is being submitted in good faith with the intention of providing benefits to unemployed workers who meet the eligibility provisions on which this application is based. The Virgin Islands will be using this first one-third payment of \$667,637.00 to pay UC benefits.

Should there be any questions concerning this application or its attachment, please do not hesitate to call Jaime Velez, UI Director at 340-773-1440.

Your favorable consideration, approval, and distribution of these funds will be greatly appreciated.

Sincerely,

Albert Bryan, Jr.  
Commissioner

Enclosure: Act No. 7093

**ACT NO. 7093**  
**BILL NO. 28-0132**

**TWENTY-EIGHTH LEGISLATURE OF THE VIRGIN ISLANDS**

**Regular Session**

**2009**

An Act amending title 24 Virgin Islands Code, to add a new definition for "Alternate Base Period" pertaining to the eligibility requirements under the Unemployment Compensation law and for other related purposes

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

**SECTION 1.** Title 24 Virgin Islands Code, chapter 12, section 302 is amended by adding subsection (x) to read as follows:

"(x) "Alternate base period" means the most recent four completed calendar quarters immediately preceding the first day of an individual's benefit year which is substituted for the base period pursuant to section 303 (b) (3), and with respect to a combined-wage claim pursuant to the arrangement approved by the United States Secretary of Labor in accordance with section 314(b), the period applicable under the unemployment compensation law of the paying state."

**SECTION 2.** Title 24 Virgin Islands Code, chapter 12, section 303, subsection (b) is amended by adding paragraph (3) to read as follows:

"(3) For benefits years effective on or after July 4, 2010, any individual who fails to meet the eligibility requirements of subsection (a) and this subsection, in the base period as defined in subsection 302(b), the Department shall make a redetermination of eligibility based on the alternate base period as defined in section 302 (x). If wage information for the most recent quarter of the alternate base period is not available to the Department from regular quarterly reports of wage information that is systematically accessible, the Department shall gather the necessary data in accordance with rules established for this purpose."

**SECTION 3.** Title 24 Virgin Islands Code, chapter 12, section 304, subsection (b) is amended by adding paragraphs (11) and (12), to read:



"(11) Notwithstanding any other provision of this subsection relating to availability for work, active search for work, or refusal to accept work, no otherwise eligible individual shall be denied benefits for any week solely because such individual is seeking only part-time work. "Seeking part-time work" means a situation in which an individual is willing to work at least 20 hours a week.

"(12) Notwithstanding any other provisions of this subsection, an individual may not be disqualified for separating from work under any of the following circumstances:

(A) (i) The individual is a victim of domestic violence, as defined by title 16 Virgin Islands Code section 91(b) and (c) which is verified by reasonable and confidential documentation or any other kind of evidence that reasonably proves domestic violence that causes the individual reasonably to believe that the individual's continued employment would jeopardize the safety of the individual or any member of the individual's immediate family.

(ii) For purposes of this subparagraph, an individual's "immediate family" includes the spouse or domestic partner of the individual, children, including a stepchildren and adoptive children, grandchildren, siblings of the individual, parents and grandparents of the individual and parents and siblings of the individual's spouse or domestic partner and members of the individual's household.

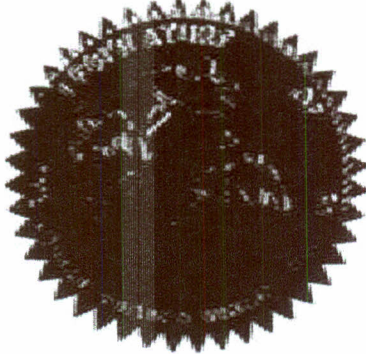
(iii) The Commissioner or the Commissioner's designee shall gather sufficient facts to support any eligibility determination which may include verification of the individual's belief that the individual's, continued employment would jeopardize the safety of the individual or a member of the immediate family. The Commissioner may verify the individual's belief by requesting a statement supporting recent domestic violence from a qualified professional from whom the individual has sought assistance, such as a counselor, shelter worker, member of the clergy, attorney, or health worker.

(B) Illness or disability exists for a member of the individual's immediate family. For purposes of this subparagraph, "illness" means a verified illness that necessitates the care of the ill person for a period of time longer than the employer is willing to grant leave, paid or otherwise. "Disability" means a verified disability that necessitates the care of the disabled person for a period of time longer than the employer is willing to grant leave, paid or otherwise. "Disability" encompasses all types of disability, including: (i) mental and physical disability; (ii) permanent and temporary disabilities; or (iii) partial and total disabilities. For purposes of this subparagraph an individual's immediate family includes the individual's spouse, children, grandchildren, parents, siblings, and parents-in-law.

(C) There is a need for the individual to accompany the individual's spouse: (i) to a place from which it is impractical for such individual to commute; (ii) due to change in location of a spouse's employment."

Thus passed by the Legislature of the Virgin Islands on August 21, 2009.

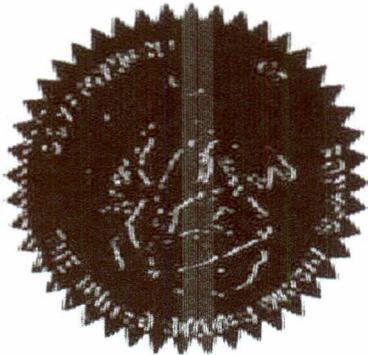
Witnessed our Hands and Seal of the Legislature of the Virgin Islands this 25  
Day of August, A.D., 2009.



*Louis Patrick Hill*  
Louis Patrick Hill  
President

*Samuel Sanes*  
Samuel Sanes  
Legislative Secretary

Bill No. 28-0132 is hereby approved.



Witness my hand and the Seal of the  
Government of the United States  
Virgin Islands at Charlotte Amalie,  
St. Thomas, this 11 day of September,  
A.D., 2009.

*John P. de Jongh, Jr.*  
John P. de Jongh, Jr.  
Governor