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Bill to Give Parents of Children With Disabilities Four Hours of Paid Leave Advances in Legislature

The bill requires public and private employers in the Virgin Islands to provide four hours of paid monthly leave to parents and guardians of children with diagnosed disabilities, while lawmakers weigh amendments on notice, eligibility, and implementation.

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Parents and guardians of children with diagnosed disabilities may soon be afforded four hours of paid leave monthly to attend medical appointments and provide other related care.

Bill 36-0207, sponsored by Senator Avery Lewis, would amend Title 3 and Title 24 of the Virgin Islands Code to require employers – both private and public – to grant the aforementioned leave.

In a passionate introduction of the bill, Senator Lewis noted that the provision “may sound like just another leave, but I say respectfully, until you have walked in the shoes of these parents, you cannot fully understand the weight they carry.” The proposal, he said, asks employers to “lead with compassion, fairness and humanity.”

Children who have been diagnosed with disabilities “require a special level of care, love, patience and attention,” Mr. Lewis said. Time off from work to attend to appointments or emergencies, therefore, becomes critical. According to Lewis, the bill “recognizes the needs of families while also respecting the realities faced by employers.”

Built-in guardrails include notice requirements and documentation of employment.

The intent of Bill 36-0207 was supported by the Division of Personnel and the Departments of Health and Labor.

“This legislation represents a thoughtful investment in the well-being of children and families across the Virgin Islands,” said Rueben Molloy, DOH’s assistant commissioner.

There were, however, recommendations that testifiers believe will provide additional clarity and strengthen the bill.

According to VIDOL Assistant Commissioner Nesha Christian-Hendrickson, the bill is a “thoughtful, important proposal” that helps to balance work and caregiving responsibilities. To bolster the bill, VIDOL recommended defining a full-time employee as one who works 35 hours or more every week, and introducing a phased approach to benefit smaller, private sector businesses. Ms. Christian-Hendrickson also urged “flexibility on the notice requirement” and extending the effective date from 90 to 180 days after enactment to allow for the promulgation of rules and regulations, and for engaging in public awareness.

Cindy Richardson, director of the Division of Personnel, also lauded the policy proposal. Though there is some overlap with the existing Caregiver Act, appointments “may not always align neatly,” making Senator Lewis’s bill relevant. Ms. Richardson asked that the bill specify whether the entitlement applies per parent or per qualifying child.

Aliyah Felix Blyden, the DOP’s legal counsel, will be partly responsible for crafting the relevant policies to guide the implementation of the policy on the government’s side. She requested further dialogue with the bill’s sponsor. “I would really appreciate being able to get input from you guys, from the bill sponsor, on what their intention is, and it helps me to then draft the regulation,” she noted.

Lawmakers commended Sen. Lewis for a measure that they believe will have a profound impact on those in need of additional support.

“No parent should have to choose between keeping their jobs and caring for their child, grandchild, or whoever,” Senator Novelle Francis said. He characterized the bill as “critical.” Senator Kenneth Gittens agreed that the bill “aligns with policy on equity and inclusion that I’m seeing because families of children with disabilities face at times these disproportionate burdens.”

“Sometimes we do have to pass legislation to make people do the right thing...treat one another with compassion,” added Senator Marise James.

Senator Kurt Vialet, the committee's chair, signaled an intention to amend the effective date from 90 to 30 days, a sentiment that is not shared by VIDOL.

Senator Franklin Johnson urged expedience, particularly as a Legislative Session may not be held until May. "If we go in session [in] May, and we add six months on to that, we're going to the end of the year," he lamented.

Lawmakers have promised to review the current language, taking into consideration the various recommendations offered during Wednesday's session. Bill 35-0207 now moves to the Committee on Rules and Judiciary, with the bill's sponsor promising to have the suite of amendments prepared by then.

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