



THE GOVERNMENT OF THE UNITED STATES VIRGIN ISLANDS

BUREAU OF CORRECTIONS

"Security, Custody, Control"

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FOR IMMEDIATE RELEASE

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BOC Statement on May 5, 2021 Protest by Correctional Officers

The Bureau of Corrections (“BOC”) wishes to congratulate all correctional officers and workers during National Correctional Officers and Employees Week, which runs from May 2-8, 2021. The demanding work they do every day, often behind the scenes, keeps us all safe. They are richly deserving of our highest degree of gratitude and praise.

BOC respects the First Amendment rights of correctional officers to peaceably assemble and protest over issues of collective concern. Most of the issues raised by today’s correctional officer protest, however, are long-standing and pre-date the current BOC administration.

Chief among them is a 9-year-old grievance concerning the proper calculation of correctional officer overtime pay (RA-123-12T). Regrettably, the critical issues raised by this 2012 grievance were never addressed by past BOC administrations, leaving this important matter unresolved for almost a decade.

BOC Director Wynn Testamark met this grievance on her desk upon taking command of the agency in February 2019. After studying the issue closely and meeting extensively with BOC partner agencies, including the Department of Finance (“DOF”) and the Office of Collective Bargaining (“OCB”), Director Testamark took decisive action to resolve it. Under her leadership, BOC has done more in the last year to fix the payroll issues giving rise to this grievance than in the previous eight years combined.

Among the actions, Director Testamark has taken to address labor relations at the Bureau are:

- After consulting with OCB and DOF, BOC made a major change in its payroll policy in November 2020 – for the first time since 2012 – so that correctional officers are now paid overtime after working 8 hours in any one day;
 - previously, correctional officers only were paid overtime after working 40 hours in one week – which led to the 2012 grievance;

- BOC administrators met with correctional officers on April 6, 2021, to get their input, listen to their payroll complaints, and review their proposal on the proper calculation of overtime pay;
- BOC has been in discussions to retain the services of outside, law enforcement payroll experts to train BOC employees who work on its payroll;
- BOC met with DOF leaders in March to determine how best to accurately calculate correctional officer overtime, while preserving correct leave accrual, using existing DOF payroll software;
 - BOC also requested training of its employees who handle payroll.

BOC's implementation of 12-hour shifts in response to the COVID-19 pandemic has created added challenges to calculation of correctional officer overtime. Virgin Islands law requires that overtime be paid at time and half (1½x) to employees who work more than 8 hours in any day and more than 40 hours in any week. The law also requires that employees who work more than 48 hours in a week receive overtime at twice (2x) their normal pay.

Because correctional officers on 12 hours shifts, 5 days a week, now work at least 60 hours each week, all three overtime rules come into play each workweek: daily over 8, weekly over 40, and weekly over 48. Because the existing payroll software has not been programmed to properly adjust for the interaction of all three overtime rules, BOC employees who work on payroll must manually manipulate each correctional officer's timecard each pay period to ensure proper calculation of overtime. Since BOC changed its payroll policy in November 2020, it has been working diligently with correctional officers, DOF, and OCB to correctly compensate all correctional officers for overtime work performed.

"BOC is committed to ensuring that all of our correctional officers are paid what they are owed," Testamark said. "I fully understand that correctional officers have been waiting for 9 years for a resolution of this issue," she added, "and I have instructed our payroll team to take the necessary steps to ensure that their overtime is properly calculated and promptly paid."

In addition to tackling and reducing the sizeable backlog of labor grievances upon taking charge, Director Testamark has been engaged in ongoing negotiations, along with OCB, over a new collective bargaining agreement for correctional officers.

Wednesday's protest by correctional officers did not affect BOC operations on St. Thomas. All officers scheduled to work reported for duty.

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