



# LABOR Works...

US VIRGIN ISLANDS  
**DEPARTMENT  
of LABOR**

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Let LABOR Work For You

## Commissioner's Message

**Have** you ever wondered what gives things in our life value? Take money for example. The dollar bill is simply a piece of cloth with special ink, seals and insignia that we exchange for goods and services. At one time it was backed by gold but now it is not. When you really look at it, it's just a piece of cloth but to us it has real value. It has real value because we chose to *believe* that it does.

Our careers and jobs function along the same precepts and are only valuable when we ascribe value to them. Each one of us plays a vital role in bringing to the territory a safe and productive work environment rife with opportunities for economic prosperity. It is important that we all recognize the importance of each other's existence (value) and how we can work together to achieve our goals. We have to value that as managers and as employees. If we learn to value our "work effort" and our position we bring new value to everything we produce. Do you value your work effort and career?

This value must be held for and by the individual who cleans the toilet to the doctor who saves lives; we all play an important role. When you value your role, that value will be displayed in your product whether goods or services. In short, the greater respect and value you have for your job, the greater the value in the product produced, and

conversely, the lesser the value the lesser the product.

We all represent the VI workforce everyday and whatever we contribute reflects on us as individuals as well as collectively on the territory as a workforce. We need to be cognizant that our workforce drives the economic development we hope to attract and each of us plays a role in ensuring that we have a talented, motivated and productive workforce in the territory.

Take some time to measure your work product. What have you produced today, how valuable is it and how does it contribute to the overall mission and goals of your organization? We all have something to contribute, let's make that contribution valuable and beneficial to our territorial work product. This is a decision you can make today, to be valuable, not only to yourself but to the Territory. **Self-Value...**When you set the standards of your own value, others will treat you accordingly.

### What's Inside:

- ◆ *DOL- Success Story*
- ◆ *Youthnet Cont'd*
- ◆ *Women In the Workforce*
- ◆ *Arbitration...What's it all about*
- ◆ *Legal Corner*
- ◆ *Did You Know*

## YOUTHNET

*Bridging Young Virgin Islanders to Brighter Futures*

**YOUTHNET** is a new initiative launched by the Virgin Islands Department of Labor with the full support of the Administration to help in addressing the needs of our at-risk youth. It mirrors the *Federal Shared Youth Vision Collaborative Partnership* which has given the charge to state agencies across the Nation to collaboratively develop and implement youth programs that will focus on serving the neediest youth. **YOUTHNET's vision is to establish an inter-agency, virtual, one-stop continuum of services aimed at increasing levels of self-sufficiency for at risk youth ages 16-24.** Its mission is "to establish a "NETwork" of agencies that recaptures, counsels, mentors, educates, trains, rehabilitates and transitions youth into self sufficient members of society."

**YOUTHNET** will create a safety "Net"-for our youth-so to speak, if they fall from the system and dropout of school or are otherwise displaced. It will focus on our neediest youth—our high school dropouts. Research shows that in the Virgin Islands on a yearly average, 400 or eight percent (8%) of our students dropout of high school for a variety of reasons. According to the 2000 Census 40% of our workforce have no High School Diploma or GED. Youth are hopeless and disillusioned, unaware of the resources and the job opportunities available in the territory. They vanish from our educational system only to surface in our judicial and health care system, unemployed, undereducated, under skilled and with numerous barriers to leading self sufficient lives. What we found to be quite disturbing is that there is no Territorial Dropout Prevention Plan. Where do they go for help? How do they transition from school to the world of work? To address this concern, the **Department of Labor** has been working tirelessly to promote strategic partnerships with key government agencies

... cont'd on page 2

## SUCCESS STORY—Project Link—NOLEN VASQUEZ



Determination, perseverance – that’s what Nolen Vasquez got. She entered the **Project Link** program in May 2007 as a 7<sup>th</sup> grade drop-out. Today, Ms. Vasquez is our top student – having successfully completed Psychology, United States History, Math I, and English I. In addition, she has completed our computer program and holds a part-time job as a tutor in the Children’s Center After School Program. She is registered to take the SAT test on Saturday, May 3<sup>rd</sup>. Last month she received her passport.

It hasn’t always been easy for Nolen. Having dropped out in junior high school, she lacked many basic skills necessary to do high school work. Through individualized tutoring and counseling offered through Project Link, she has been able to learn the basics as she takes her courses. Many days she wanted to give up because she

had been out of school for so many years. However, after six months in the program, she changed. She began to see the value of education; began to plan for a future beyond high school; began to vision her life, educated and holding a job. Her attitude changed and she became a positive role model for the other students who were dragging and giving up. The more others gave up, the more Nolen pushed forward – asking for extra work, calling the tutor at home to ask for help with homework, and showing up for extra hours.

Because of Nolen’s efforts, **Project Link** is seeking outside funds to send her to a summer session college course at *Felician College* in New Jersey. This would allow her the opportunity to take a basic entry level class and live in the dorms. It will be her first trip off of St. Croix. In addition, she has been asked to be a public speaker at the *Highbridge Community Life Center* in the South Bronx, New York where she will speak about anti-violence in the community and the importance of staying in school

and getting an education. Finally, Nolen will participate in outdoor education programs through Project U.S.E. (Urban Suburban Environments) and learn valuable skills in team building, communication, collaboration, problem solving, and self-esteem building.

Ten months ago, when asked “Where do you see yourself in the future?” she responded, “Hopefully with a high school diploma.” Today, when asked the same question, she responds, “I’m going to college to study and get a degree so I can be someone.”

*Project Link is a program offered by the Women’s Coalition of St. Croix, one of the department of Labor’s Eligible Youth Service Providers, which is designed to assist at-risk youths and adults who wish to complete high school and earn their diploma by allowing them to use the knowledge and skills they have acquired in a social, educational, and work related setting. The program seeks to develop the whole person by helping them to first understand themselves in order to understand the world they live in and the way in which they fit in that world and impact it. Participants must become knowledgeable about what jobs offer, such as health insurance, social security, and retirement as well learn skills regarding personal fiscal management. The combination of adults and youth create a collaborative environment with regards to the development of positive peer-adult relationships, an increase in maturity, and mutual respect.*

## YOUTH NET



such as the Departments of Education, Human Services, Health, Justice, and the V.I. Housing Authority, and businesses, unions, community organizations and the Workforce Investment Board to create the **YOUTHNET** system. The system will be broken down into three separate components: PREVENTION, RECAPTURE AND REHABILITATION. In a nut shell, it will stem the tide of dropouts by creating programs and activities to encourage and *prevent* students from

dropping out of school by providing counseling, mentoring and guidance for students identified as heading in that direction; it will provide a system to follow up on students when they fall out of the system by creating a “Net” or tracking system that will rapidly identify out of school youth in crisis and *recapture* them in the system; it will provide a system to *rehabilitate* youth that have multi-tiered problems (drugs, education, abuse, homelessness) by offering opportunities to be educated and receive a GED, postsecondary vocational training, apprenticeships,

high growth and other employment opportunities; it will Incorporate the Career Success Standards and other work-ready programs into the public school system to increase the amount of work-ready graduates; and offer training that will lead to certification, gainful employment and self sufficiency. **YOUTHNET** will synchronize services to operate in one system that will offer youth who have become disconnected from mainstream institutions and systems another opportunity to successfully become self-sufficient and productive members of our community.



## Women in the Workforce ~ A VIDOL Labor Market Basket Special

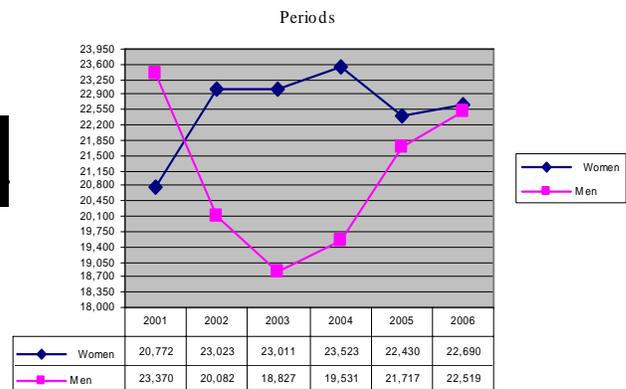
Over the past six years 2001– 2006 the Virgin Islands labor force has been represented by a larger population of women. This trend has continued to grow from 47% in 2001 and peaked to as high as 55% in 2003 (see chart 1 below detailing six year trend). The most recent data of 2006 reflects a convergence of the genders close to 50/50.

As a percent of each industry classification, (CES data collection on the labor force, separates in accordance with NAICS North American Industrial Classification System) females represent a higher percentage of workers and are employed in the Virgin Islands service and hospitality, finance and insurance at a six year average of 80.4%, health care and social services industry averaging 85.3% , and food services and drinking places at 67.2% In contrast, the natural resources, mining, and construction industry represent the lower side of women employed in that industry. Although women represent the smaller percent of this population, the year over year growth reflects more women representation in this

industry that has traditionally been male dominated.

Overall, data has continued to reflect a trend of women comprising a larger percentage of Virgin Islands workforce and it seems by statistical data collected, this trend will continue to stay steady in coming years.

Six Year Labor Force Gender Trend



### Arbitration...What's it all about?

In order to gain a stronger working knowledge of the subject matter two definitions must be provided:

**Arbitration:** A process in which the parties involved agree to submit an unresolved dispute to a neutral third party, whose decision is final & binding. **Arbitrability:** The challenge of whether or not a disputed issue is subject to arbitration under the terms of a contract.

This piece is designed to provide the reader with a specific prospective of arbitration and look at its shape in present day use, with an emphasis on one type of procedure: *Employment Arbitration*. Employment arbitration is initiated by the employer to resolve statutory claims including employment discrimination and disputes over the

application of company personnel policies, such as termination under an employer handbook or policy manual. Under employment arbitration, the employer unilaterally determines that disputes over employment subjects will be resolved in arbitration. When a grievance has reached the point of arbitration, both parties have probably gone through several steps of discussion in negotiations to resolve the issue. The following five principles govern the arbitration of grievances under collective bargaining:

1. Arbitration is a matter of contract. The parties are not required to arbitrate a dispute that they have not agreed to submit to arbitration. The courts determine whether there is a duty to arbitrate a dispute... *con'd on page 4*



## Legal Corner



**Update your legal humor:**

**DUMB LAWS:**

- ♦ **WEST VIRGINIA**- IT IS ILLEGAL TO WHISTLE UNDERWATER;
- ♦ **PENNSYLVANIA**- IT IS ILLEGAL TO SLEEP ON TOP OF A REFRIGERATOR;
- ♦ **NEW JERSEY**- IT IS ILLEGAL TO WEAR A BULLET-PROOF VEST WHILE COMMITTING MURDER;
- ♦ **ARIZONA**- DONKEYS CANNOT SLEEP IN BATHTUB;
- ♦ **CONNECTICUT**- IN ORDER FOR A PICKLE TO OFFICIALLY BE CONSIDERED A PICKLE, IT MUST BOUNCE.



## Arbitration cont'd

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## Did you know...

- you can search VIDOL job listing online at [www.vidol.gov/jobs](http://www.vidol.gov/jobs)
- all employers are required by law to post job vacancies with the VI Dept. of Labor-**Act 5174**.
- on July 24, 2008 the Federal Minimum Wage will be increased to **\$6.55 per hour**, unless exempted under the Fair Labor Standards Act ([www.dol.gov](http://www.dol.gov)).
- the Department of Labor Adult and Youth Services personnel provide resume preparation assistance, Life Skills Management Training, and Computer Literacy Training free of charge to interested persons (inquire at **773-1440 or 776-3700**).
- **Family and Medical Leave Act of 1993 (FMLA)** requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to "eligible" employees for certain family and medical reasons (visit [www.dol.gov](http://www.dol.gov)).
- a minor under the age of **18** but older than **13** is required to obtain a Child Labor Certificate from the Division of Labor Relations to work (visit [www.dol.gov](http://www.dol.gov)).
- if you have **10** or more employees and plan to lay off at least 50% of those employees you must provide at least 90 days notice to your employees, the V.I. Department of Labor and the employees labor union of your intent to close you business-**24 V.I.C. 472**.
- all V.I. employers are required to obtain Workers' Compensation Insurance-**24 V.I.C. 250**.

2. In determining whether there is a duty, the courts should not examine the merits of the underlying grievance, even if it appears to be frivolous;

3. In labor contracts with an arbitration clause, there is a presumption of arbitrability, unless there is positive assurance that the arbitration clause is not susceptible under another interpretation; doubts should be resolved in favor of coverage.

4. As long as an arbitration award is based on the bargaining agreement, a court should enforce the award without examining its correctness;

5. In interpreting the labor agreement, the arbitrator is not limited to the words of the contract. The arbitrator is empowered to consider factors such as past practice, parol evidence, and the "common law shop."-Source, *Labor Relations and Collective Bargaining, Carrell & Heavrin, Prentice Hall, Sixth Ed.*

The V. I. Legislature has attempted to bring some equity to this process by amending a portion of the code's language and enacting Act 6857 to

say...that a person signing such an agreement be done so knowingly and voluntarily. The practice of inserting Arbitration Clauses in employment contracts, as a condition of hire, are alive and well in the Virgin Islands, and despite numerous local and higher court filings in challenging its validity, the practice has been ruled as constitutional. Although several recent arbitration agreement court cases have been argued in our District Court, and appealed to the 3<sup>rd</sup> Circuit Court of Appeals, its legality, application and use have prevailed. The Virgin Islands' courts have also held that by agreeing to arbitrate a statutory claim, a party *does not* forego the substantive rights afforded by the statute, it only submits to their resolution in an arbitral, rather than a judicial, forum." The Department of Labor adheres and yields to this forum by recognizing the legitimacy of the Arbitration Process. **DOL** has a mandate to follow the directions dictated by the courts. Therefore, it behooves the reader, signer and author using this process to **thoroughly read the entire agreement before signing on the dotted line.**



**Self Help Resource Rooms** are now open to the public on St. Thomas at the Kronprindsens Gade location and on St. Croix at the Church Street and Mini Mall locations. Individuals have online access to job vacancies, job applications, resume development tools, educational choices, career assessment tools, typing software, and so much more. **Come by and see all that DOL can do for you!**