

ACT NO. 9098

BILL NO. 36-0207

THIRTY-SIXTH LEGISLATURE OF THE VIRGIN ISLANDS

Regular Session

2026

An act amending title 3 Virgin Islands Code, chapter 25, subchapter VI, by adding section 590d and title 24 Virgin Islands Code, chapter 1, by adding section 24 requiring employers to grant parents or legal guardians of a child with a diagnosed disability four hours per month of paid leave to attend the child's medical appointments

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Be it enacted by the Legislature of the Virgin Islands:

SECTION 1. Title 3 Virgin Islands Code, chapter 25, subchapter VI is amended by adding section 590d:

“§ 590d. Leave for children with a disability

(a) As used in this section:

(1) “Child with a diagnosed developmental disability” means a child who is under the age of 22 years and has undergone evaluation and received a professional diagnosis of a developmental disability.

(2) “Developmental disability” means a group of chronic conditions including autism, cerebral palsy, and intellectual disabilities that persist throughout a person's lifetime and impair physical, learning, language, or behavioral functions and which result in significant limitations in daily activities and create a need for specialized long-term support.

(3) “Government of the Virgin Islands” or “GVI” means the Government of the Virgin Islands including its semi-autonomous agencies and independent instrumentalities.

(b) Parents or legal guardians of a child with a diagnosed developmental disability who are full-time employees of the Government of the Virgin Islands, are entitled to four hours per month of paid leave to attend the child's medical, therapeutic, or diagnostic appointments.

(c) The GVI may request the following documentation from the employee:

(1) confirmation that the child has been diagnosed with a developmental disability; however, no specific medical details may be required; and

(2) written proof of an appointment or other confirmation of attendance at the medical appointment.

(d) Leave granted under this section shall not diminish, replace, or otherwise impact any other leave to which an employee is entitled to under federal or local law and the GVI may not deduct from an employee's salary, wages, or accrued leave for leave taken under this section. Leave under this section may be supplemented with accrued sick leave if additional time is needed to attend the appointment.

(e)(1) Except in cases of an emergency, employees must provide at least seven business days' notice of the appointment date and time to their employer.

(2) In the case of an emergency, the emergency must be substantiated by formal documentation within three days of the emergency.

(3) The term "emergency" as used in paragraph (2) means a situation involving a child with a diagnosed developmental disability that requires immediate attention to protect the child's health, safety, or developmental progress including the following circumstances:

(A) A specialist or medical professional arriving in the territory on short notice for urgent care;

(B) A child requiring advanced therapeutic care to maintain functional abilities;

(C) A sudden regression in the child's condition where immediate intervention is necessary to prevent further developmental loss; or

(D) An unexpected behavioral or medical episode requiring urgent evaluation or adjustment of treatment.

(f) The Virgin Islands Division of Personnel ("VIDOP") shall enforce the provisions of this section and may promulgate regulations as are necessary to implement this section.

(g) VIDOP shall investigate and resolve complaints concerning violations of this section, including requiring payment of back pay, if applicable.

SECTION 2. Title 24 Virgin Islands Code, chapter 1, is amended by adding section 24:

"§24. Leave for children with a disability

(a) As used in this section:

(1) "Child with a diagnosed developmental disability" means a child who is under the age of 22 years and has undergone evaluation and received a professional diagnosis of a developmental disability.

(2) "Developmental disability" means a group of chronic conditions including autism, cerebral palsy, and intellectual disabilities that persist throughout a person's lifetime and impair physical, learning, language, or behavioral functions and which result in significant limitations in daily activities and create a need for specialized long-term support.

(3) "EDC beneficiary" means any person or entity granted economic development benefits under title 29, chapter 12, Virgin Islands Code.

(4) "Private employer" means a sole proprietor, corporation, partnership, limited liability company or other entity which employs ten or more persons.

(b) Parents or legal guardians of a child with a diagnosed developmental disability, who are full-time employees of a private employer or an EDC beneficiary, are entitled to four hours per month of paid leave to attend the child's medical, therapeutic, or diagnostic appointments.

(c) Employers may request the following documentation from the employee:

(1) confirmation that the child has been diagnosed with a developmental disability; however, no specific medical details may be required; and

(2) written proof of an appointment or other confirmation of attendance at the medical appointment.

(d) "Leave granted under this section shall not diminish, replace, or otherwise impact any other leave to which an employee is entitled to under federal or local law."

(e)(1) Except in cases of an emergency, employees must provide at least seven business days' notice of the appointment date and time to their employer.

(2) In the case of an emergency, the emergency must be substantiated by formal documentation within three days of the emergency.

(3) The term "emergency" as used in paragraph (2) means a situation involving a child with a diagnosed developmental disability that requires immediate attention to protect the child's health, safety, or developmental progress including the following circumstances:

(A) A specialist or medical professional arriving in the territory on short notice for urgent care;

(B) A child requiring advanced therapeutic care to maintain functional abilities;

(C) A sudden regression in the child's condition, where immediate intervention is necessary to prevent further developmental loss; or

(D) An unexpected behavioral or medical episode requiring urgent evaluation or adjustment of treatment.

(f) The Virgin Islands Department of Labor ("VIDOL") shall enforce the provisions of this section and may promulgate regulations as are necessary to implement this section.

(g) VIDOL shall have the power to:

(1) investigate and resolve complaints concerning violations of this section including requiring payment of back pay, if applicable; and

(2) impose civil penalties not to exceed \$1,000 per violation."

SECTION 3. This act takes effect 90 days after enactment.

Thus passed by the Legislature of the Virgin Islands on May 28, 2026.

Witness our Hands and Seal of the Legislature of the Virgin Islands this 29th day of May, A.D., 2026.



Handwritten signature of Milton E. Potter in blue ink.

Milton E. Potter
President

Handwritten signature of Avery L. Lewis in blue ink.

Avery L. Lewis
Secretary



Bill No. 36- 0207 is hereby approved.

**Witness my hand and the Seal of the Government of
the United States Virgin Islands at Charlotte Amalie,
St. Thomas, This 9th day of June, 2026 A.D.**

A handwritten signature in blue ink, appearing to read "Albert Bryan Jr.", is written above the printed name.

**Albert Bryan Jr.
Governor**