

KELVIN L. VIDALE

Senior level professional who functions independently and demonstrates leadership in team environments and managing people. Possesses strong analytical, strategic planning, and communication skills. Experience in the analysis and improvement of policy and an ability to meet organizational goals.

- **Lexis, Westlaw, MS Office**
- **Excellent verbal and written English communication skills**

Core Competencies

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| • Organizational Vision and Strategy | • Ethical Decision Making | • Labor and Employment Law |
| • Legal Compliance | • Contract Management | • Administrative Law |
| • Project Management | • Consent Decree Management | • Electronic case filing |
| • Litigation Management | • Policy Review | • Inter-Agency Coordination |

PROFESSIONAL EXPERIENCE

Governor Juan F. Luis Hospital and Medical Center, St. Croix, VI

Associate Counsel, October 11, 2022 – April 4, 2023

(Full Time, Monday to Friday, 40 hours per week)

Managed the review and assessment of critical interdepartmental operational needs to ensure successful transition from old community hospital to newly-constructed interim facility.

- Advised the Chief Executive Officer and senior staff on labor relations matters.
- Managed all aspects of civil litigation, including the development of legal strategy and arguments, motion practice, discovery, and settlement negotiations.
- Researched legal precedents to advise on contract and labor relations matters.
- Reviewed requests for release of medical records.
- Drafted Health Insurance Portability and Accountability Act-compliant forms.
- Represented the hospital in administrative hearings involving labor and employment matters.
- Negotiated, reviewed, and finalized contracts.
- Managed cases with outside counsel.
- Completed fact-finding investigations with the office of Human Resources to ensure compliance with labor relations rules and regulations.

Bureau of Corrections, St. Croix, VI

Legal Counsel, October 15, 2019 – October 10, 2022

(Full Time, Monday to Friday, 40 hours per week)

Improved all substantive areas of the consent decree from non-compliance to partial compliance.

- Handled all aspects of civil litigation, including the development of legal strategy and arguments, motion practice, discovery, notices, status reports, and settlement negotiations.
- Prepared letters, stipulations, affidavits, legal memoranda and findings for agency investigations and pending legal actions.

- Reviewed investigations of employee misconduct and advised senior executive staff on appropriate corrective action.
- Managed consent decree projects by implementing recommendations for compliance, devising action steps, drafting deadlines, and identifying barriers to completion.
- Reviewed legislation affecting the department.
- Represented the agency in legislative hearings and media appearances.
- Drafted policies related to use of force, contraband, abuse prevention, classification and housing, inmate due process, and report writing.
- Negotiated, drafted, and finalized contracts.
- Promoted team concept by sharing best practices, institutional knowledge, and serving as a coach/facilitator/negotiator to coordinate initiatives and build consensus among team members.

Self-Employed, St. Croix, VI

Legal Counsel, January 18, 2017 – October 14, 2019

(Full Time, Monday to Friday, 40 hours per week)

Defended successfully against employer seeking to deny unemployment benefits to employee.

- Studied legal precedents to advise on labor relations and employment matters.
- Represented clients in administrative hearings in labor and employment disputes, and appeals at the local and federal court.

Virgin Islands Waste Management Authority, St. Croix, VI

General Counsel, April 22, 2013 – January 17, 2017

(Full Time, Monday to Friday, 40 hours per week)

Negotiated termination of Amended Wastewater Consent Decree.

- Advised Executive Director and senior staff on consent decree, labor relations, interpretation of statutes and regulations, legislative testimony, policies, public records requests, and contracts.
- Handled all aspects of civil litigation, including the development of legal strategy and arguments, motion practice, discovery, notices, status reports, and settlement negotiations.
- Prepared letters, stipulations, affidavits, legal memoranda and findings for agency investigations and pending legal actions.
- Conducted fact-findings investigations to respond to claims of employee misconduct, claims made against the Authority and recommended response(s) as well as corrective action steps.
- Managed, tracked, and maintained federal consent decree compliance projects and environmental permits as well as program fees collected.
- Negotiated, drafted and finalized contracts and agreements for solid waste, wastewater, construction, consulting services and labor relations.
- Supervised division of compliance management and environmental enforcement team.
- Served as hearing officer for administrative/labor matters; evaluated new laws, policies, regulations and requirements, and established response strategies.
- Revised solid waste regulations for territory.

Department of Planning and Natural Resources – Division of Environmental Protection, St. Croix, VI

Legal Counsel, October 12, 2009 – April 19, 2013

(Full Time, Monday to Friday, 40 hours per week)

Promulgated underground storage tank rules and regulations for the territory.

- Advised Commissioner and senior staff on interpretation of statutes and regulations, policies, and contracts.
- Handled all aspects of administrative environmental proceedings, including the development of legal strategy for inspections, enforcement actions, and settlement negotiations.
- Drafted findings of fact, conclusions of law, and orders for corrective action for notices of violation.
- Participated in investigation of violations of state-delegated pesticide, solid waste, public water use systems, air, water, underground storage tank, and earth change programs.
- Provided policy guidance to federal, state, local, territorial, nongovernmental organizations, and private sector contractors performing environmental work regarding approved methods to meet established objectives.
- Advised incident command team during emergency environmental events to collect data, participate in briefings, establish community demographic profiles, and respond to community needs.
- Reviewed regulations with U.S. Environmental Protection Agency subject matter experts.
- Promulgated underground storage tank rules and drafted pesticide regulations.

Ten Thousand Helpers of St. Croix, St. Croix, VI

Board Secretary / Grants Manager, February 2008 – February 2014

(Volunteer, Monday to Friday, 20 hours per week)

Secured a federal grant for the unhoused and persons dealing with substance abuse.

- Recorded minutes for board meetings.
- Reported on activities to board members, government representatives, and community members.
- Managed grants for public assistance transitional home, substance abuse, and vocational rehabilitation programs.
- Completed grant applications for public assistance transitional home, substance abuse, and vocational rehabilitation programs.
- Tracked grant fund drawdowns and program compliance with requirements for public assistance grants with local government office.

Rohn & Cameron, St. Croix, VI

Litigation Associate, October 4, 2007 – July 4, 2008

(Full Time, Monday to Friday, 40 hours per week)

Researched various statutes and case law.

- Developed findings of fact for cases.
- Drafted motions for discovery requests, settlement of intestate administration, and striking suggestion of death and sanctions.
- Completed letters to clients and opposing counsel.

Disability Rights Center of the Virgin Islands, St. Croix, VI

Staff Attorney, October 1, 2006 – July 1, 2007

(Full Time, Monday to Friday, 40 hours per week)

Updated senior staff on the current state of Americans with Disabilities Act.

- Determined findings of fact for clients' claims.
- Studied legal precedents to advise on employment and Americans with Disabilities Act matters.
- Drafted memoranda of law on housing accessibility, wrongful discharge and veterans' benefits appeals.
- Represented clients at government agency hearings and community forums.
- Interviewed clients about rights violations.

EDUCATION

Indiana University School of Law, Bloomington

Juris Doctor

Activities: Indiana Journal of Global Legal Studies, *Articles Editor*
Sherman Minton Moot Court Competition, *Top Oralist*

Indiana University School of Public and Environmental Affairs

Master of Public Affairs

Nova Southeastern University, Davie, FL

Bachelor of Science, Psychology

Honors: Dean's List

Activities: Alpha Chi National Honor Society

PROFESSIONAL MEMBERSHIP

Virgin Islands Bar, *Member*

District Court of the Virgin Islands, *Member*

As a legal advisor to several agency leaders, I have focused on litigation, consent decree enforcement, and labor relations. This work has led to policy change to bring each agency into compliance with the law.

In the close to three years I worked as legal counsel in the Division of Environmental Protection at the Department of Planning and Natural Resources, I led the division in various areas. I helped three environmental programs finalize their agency rules and promulgated those for underground storage tanks. This is in conjunction with offering enforcement and compliance assistance to a total of eight distinct regulatory programs, a challenge my colleagues at the U.S. Environmental Protection Agency (EPA) appreciated. In addition to knowing the regulatory requirements for each program, I also mastered the statutory requirements upon which those rules and programs are based. I often relied on federal rules to expand on this knowledge base. Together I used this information to identify program-specific violations under the law and determine where there may be a cross-section of violations across programs and divisions, and work to build multi-media strategic approaches to dealing with environmental problems; and at times coordinate with the EPA on cases.

Once a complaint was drafted and served on a violator, I scheduled hearings to inform them of the full scope of laws that apply and the basis upon which the agency was enforcing those laws. The effort required extensive study and review of the law and the ability to communicate the information in easy-to-understand language. I fostered an atmosphere of teamwork in dealing with the public and private sector to ensure that no case escalated to a formal hearing (an adjudicative process that could be costly for the agency and violator yet fail to mitigate the violation in a timely manner), thereby giving the division a one hundred percent success rate as far as settlements and informal settlement conferences were concerned.

At the Virgin Islands Waste Management Authority, I completed similar tasks but focused on court orders related to the implementation of consent decree requirements as well as litigation and procurement matters. Because the territory is subject to consent decrees for its landfills and wastewater systems, I represented VIWMA in district court on those issues. That work involved coordinating with technical consultants and program staff to complete projects and reports to keep the territory in compliance with court mandates and local and federal law. Regular meetings had to be set along with the creation of targeted deadlines. Additionally, I drafted and reviewed contracts for professional services and construction projects—coordinating that work with the office of procurement. Finally, the office of human resources and I managed all internal and external labor grievances for union and non-union employees. In my time there I managed a team of 12 employees, whose duties ranged from enforcement to investigation.

At the Bureau of Corrections our agency worked closely with a monitoring team and subject matter experts to address issues, such as inmates' access to mental health care, contraband reduction, staffing, incident report writing, classification and housing, and use of force. I along with the agency's compliance team was tasked with overseeing the implementation of the terms of the consent decree. I defended the agency's compliance with the terms of the consent decree before district court judges every quarter.

I also interpreted statutes related to overtime pay; drafted and compiled job descriptions for both the state agency and federal consent decrees; and evaluated incidents of sexual assault, sexual harassment, and the excessive use of force by assessing conduct through video and testamentary evidence and determining violations of law or policy. Similarly, I drafted a variety of policies in those areas to ensure the agency would improve compliance with the terms of the consent decree. Most of my time was spent training staff on those policies, periodically revising policies, and tracking the implementation of the terms of the consent decree with various team leads.

In my time at the Governor Juan F. Luis Hospital and Medical Center I led all litigation for a variety of in-house and third-party disputes. In that capacity, my work was aligned closely with the state Attorney General's office to resolve all pending wrongful death claims. I also worked closely with the Office of Human Resources to advise the Chief Executive Officer on labor relations cases. That work required me to develop a record of the facts in each case, based on written records and employee interviews, and determine next steps based on Virgin Islands labor laws and hospital rules.

My career has brought me personal satisfaction knowing that I have advised agency leaders, developed needed rules, and communicated with the public at large on issues of general concern. I look forward to my continued years of service with your agency and express an interest in working in either the Air and Radiation office or Solid Waste and Emergency Response office.

Sincerely,

Kelvin L. Vidale