

(H.B. 1790)

**(No. 101)**

(Approved May 19, 2006)

## **AN ACT**

To add a subsection 4 to Section 13.14 of Act No. 184 of August 3, 2004, as amended, known as the “ Public Service Human Resources Administration Act of the Commonwealth of Puerto Rico”, to provide that in those cases in which the Appeals Commission of the Public Service Human Resources Administration System may have jurisdiction, according to the provisions of Section 13.13, and the affected party has made a written complaint to the Appointing Authority, which was not answered, the former may file an appeal after sixty (60) days have elapsed since the notice of the claim to the Appointing Authority.

### **STATEMENT OF MOTIVES**

The Appeals Commission of the Public Service Human Resources Administration System is an administrative body with jurisdiction to address appeals which arise as a consequence of the actions or decisions of the Individual Administrators and the municipalities regarding the merit principle and human resources administration.

Subsection 1 of Section 13.14 of Act No. 184 of August 3, 2004, as amended, the “Public Service Human Resources Administration Act,” provides that the affected party “shall present a written appellate brief to the Commission within the term of thirty (30) days to be counted as of the date in which the party is notified of the action or decision subject to the appeal in case he/she had been given a written notice, or when he/she became aware of the action or decision by other means.”

This statute does not provide a remedy when the affected party has filed a

claim to the Appointing Authority, and the later refrains from taking action and does not answer. Since there is no answer, the affected party does not have a time frame to present a written appeal and is left devoid of remedy.

Thus, it is necessary to add a subsection 4 to Section 13.14, so that in cases in which the Commission may have jurisdiction, as provided in Section 13.13, and the affected party has filed a claim in writing and no answer received, it may file an appeal after sixty (60) days have elapsed as of the notice to the Appointing Authority.

The sixty (60) days term is adequate and sufficient for the Authority to answer the affected party. If there is no answer, the latter may file a written appeal, once the term has elapsed, without being subject to the thirty (30) days term provided in subsection 1 of Section 13.14.

In this manner, the party affected by the decisions and action or inaction of the Appointing Authority is guaranteed the right to claim the remedies he/she is entitled to pursuant to the “Public Service Human Resources Administration Act.”

***BE IT ENACTED BY THE LEGISLATURE OF PUERTO RICO***

Section 1.- A subsection 4 is hereby added to Section 13.14 of Act No.184 of August 3, 2004, as amended, to read as follows:

“Section 13.14.-APPELLATE PROCEDURE, TERM

The procedure to bring a complaint or appeal shall be the following:

1. ....
4. In cases in which the Commission may have jurisdiction and the affected party has filed a claim in writing to the Appointing Authority and no answer is received, within sixty (60) days of the notice, the affected party shall have a thirty (30) days term, counting from the date on which the (60) day term expires, to file its appeal before to the Commission.

Section 2.- This Act shall take effect immediately after its approval.

**CERTIFICATION**

I hereby certify to the Secretary of State that the following Act No.101 (H.B.1790) of the 3<sup>rd</sup> Session of the 15<sup>th</sup> Legislature of Puerto Rico:

**AN ACT** add a subsection 4 to Section 13.14 of Act No. 184 of August 3, 2004, as amended, known as the “ Public Service Human Resources Administration Act of the Commonwealth of Puerto Rico”, to provide that in those cases in which the Appeals Commission of the Public Service Human Resources Administration System may have jurisdiction, according to the provisions of Section 13.13, and the affected party has made a written complaint to the Appointing Authority, which was not answered, the former may file an appeal after sixty (60) days have elapsed since the notice of the claim to the Appointing Authority,

has been translated from Spanish to English and that the English version is correct.

In San Juan, Puerto Rico, today 16<sup>th</sup> of August of 2006.

Francisco J. Domenech  
Director