

(H. B. 2011)
(Reconsidered)

(No. 106)

(Approved August 9, 2007)

AN ACT

To add a new subsection (23) to Section 3 of Act No. 184 of August 3, 2004, as amended better known as the “Public Service Human Resources Administration Act of the Commonwealth of Puerto Rico,” in order to define the term Executive Director, and renumber subsections (23) to (50) as (24) to (51), respectively; and to amend Section 13.10 of Section 13 of Act No. 184, *supra*, adding a new subsection (6) to empower to Chairperson of the Appeals Commission of the Public Service Human Resources Administration to designate an Executive Director who shall be responsible for organizing and directing the works of the Commission, appoint personnel, contract the services of experts and advisors, and administrate the budget.

STATEMENT OF MOTIVES

The Appeals Commission of the Public Service Human Resources Administration was created to provide those employees excluded from Act No. 45 of February 25, 1998, as amended, known as the “Puerto Rico Labor Relations Act,” with a forum to appeal the decisions of the appointing authorities regarding the merit principle and the provisions of the Public Service Human Resources Administration Act of the Commonwealth of Puerto Rico. This is a specialized administrative appellate forum with quasi-judicial functions.

The determinations of the Appeals Commission have an impact on the agencies involved and their public employees, not only with regard to their work environment and daily decision-making processes, but also on their

financial aspect. Its decisions affect the vested rights of the public service personnel. The volume of work is high and the availability of resources is limited. For this reason, the Commission itself has requested to be granted certain tools that are at the disposal of other administrative forums similar in nature.

One of these tools is that the Chairperson of the Commission may count on an Executive Director who assumes the administrative and managerial functions making it possible for the Chairperson of the Commission to focus on the decision-making process and the implementation of the public policy. This mechanism already exists in other government entities similar in nature, therefore, it is not unknown in our code of laws, and is a measure that increases the efficiency and productivity of the Appeals Commission.

BE IT ENACTED BY THE LEGISLATURE OF PUERTO RICO:

Section 1.- A new subsection (23) is hereby added to Section 3 and subsections (23) to (50) are hereby renumbered as (24) to (51), respectively, of Act No. 184 of August 3, 2004, as amended, to read as follows:

“Section 3.- Definitions

(1) ...

...

(23) Executive Director – shall mean the person appointed by the Chairperson of the Appeals Commission, who shall administer and direct the administrative works of the Commission under the supervision of the latter.

(24) ...”

Section 2.- A new subsection (6) is hereby added to Section 13.10 of Article 13 of Act No. 184 of August 3, 2004, as amended, to read as follows:

“Section 13.10.- FUNCTIONS OF THE CHAIRPERSON

The Chairperson shall be the chief executive officer of the Commission and shall have the following responsibilities:

(1) ...

...

(6) Select and appoint an Executive Director, who shall hold his position while he/she has the trust of the Chairperson. The Executive Director shall meet the requirements of education, experience and of any other nature deemed essential by the Chairperson to properly perform the functions of the position. He/she shall be responsible for organizing and directing the works of the Commission. The Executive Director shall also contract, with the previous authorization of the Chairperson, the services of experts and advisors. The Executive Director shall administer the budget and be responsible for his/her undertakings before the Chairperson.”

Section 3.- This Act shall take effect immediately after its approval.

CERTIFICATION

I hereby certify to the Secretary of State that the following Act No. 106 (H.B. 2011) (Reconsidered) of the 5th Session of the 15th Legislature of Puerto Rico:

AN ACT to add a new subsection (23) to Section 3 of Act No. 184 of August 3, 2004, as amended better known as the “Public Service Human Resources Administration Act of the Commonwealth of Puerto Rico,” in order to define the term Executive Director, and renumber subsections (23) to (50) as (24) to (51), respectively; and to amend Section 13.10 of Section 13 of Act No. 184, *supra*, adding a new subsection (6) to empower to Chairperson of the Appeals Commission of the Public Service Human Resources Administration to designate an Executive Director who shall be responsible for organizing and directing the works of the Commission, appoint personnel, contract the services of experts and advisors, and administrate the budget,

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

In San Juan, Puerto Rico, today 30th of November of 2007.

Francisco J. Domenech
Director