

(H. B. 61)

(No. 21)

(Approved June 2, 2009)

AN ACT

To add a new subsection (n) to Section 7 of Act No. 203 of 2004, as amended, known as the “Office of the Advocate for the Elderly Act”; to rename current subsection (n) of said Act as subsection (o); to add a new clause (j) to subsection (3) of Section 6.5 of Article 6 of Act No. 184 of 2004, as amended, known as the “Public Service Human Resources Administration Act of the Commonwealth of Puerto Rico,” in order to provide that sensitivity, informational and educational campaigns shall be conducted among public employees concerning the rights that protect the elderly, through the Office of the Advocate for the Elderly, in coordination with the Human Capital Development Division.

STATEMENT OF MOTIVES

Attune with the public policy established by the Federal Government by virtue of Public Law Number 89-73 of 1965, as amended, known as the “Older American Act of 1965,” and in awareness of the important standing of the elderly within our society, various legislative measures have been approved in Puerto Rico which seek to improve the quality of life and the living conditions of our elderly population.

Among these legislative initiatives are Act No. 121 of July 12, 1986, known as the “Bill of Rights for Aged Persons”; Act No. 68 of July 11, 1988, which created the “Office for Elderly Affairs”; Act No. 308 of October 3, 1999, known as the “Older Citizen Act.” The latter two laws were repealed by Act No. 203 of August 7, 2004, known as the “Office of the Advocate for the Elderly Act.”

This legislation has had the purpose of reasserting the public policy of the Government of Puerto Rico that sets forth guarantees for the elderly to fully enjoy the rights and prerogatives to which they are entitled; such public policy has required public agencies and private entities to develop strategies and make efforts directed toward securing the full enjoyment of these persons of their rights and privileges as expressly consigned in the “Bill of Rights for Aged Persons.”

The Human Capital Development Division was created by virtue of Act No. 184, *supra*, which has the purpose of identifying the needs for development of the human resources in the public service, as well as planning, managing, and evaluating skill-building and training activities in order to meet staffing needs in the public service, and developing research programs in the field of human resource administration, in addition to advising Government agencies as to the implementation of the positive results yielded by research studies for the betterment of human resources administration, coordinating the program under which scholarships are awarded to agencies by the Government, developing in coordination with the agencies a tuition fee payment program, and planning in coordination with the agencies the granting of leaves with pay to pursue studies.

On the other hand, the Human Capital Development Division also offers various kinds of training and skill-building activities aimed at the personal and professional development of employees. Furthermore, such Division has qualified personnel able to design, prepare, and develop various kinds of training in different areas concerning human resources.

In view of the foregoing, we believe it to be reasonable for the Human Capital Development Division to offer, in coordination with the Office of the Advocate for the Elderly, sensitivity, informational and educational campaigns to public employees about the rights that protect the elderly

population. At present, Puerto Rico is experiencing changes in its age-bracket structure—the population of Puerto Rico is deemed to be an older population according to the most recent censuses conducted. The latest numbers available are from the Population and Housing Census of 2000. According to this source, the population aged 60 or over totaled 585,701, which represents 15.4% of the entire population. If we were to define the elderly population in the present measure as people aged 65 or over, we must make note of the fact that this group totaled 425,137 people, 11.2% of the entire population in the year 2000, to be compared with 340,884 (9.7% of the population) in 1990.

Moreover, population projections for Puerto Rico for 2010, according to the Planning Board, indicate that the rate of population over 60 shall increase to 17%, while the population under 19 would decrease to 30.8%, to be compared with 36.4% in 1990.

For all of the above, it is foreseeable that as time progresses, the number of elderly persons who will require government services and who will resort to the agencies to request such services, will be significantly greater. The establishment of sensitivity campaigns is a compelling interest, in order for public employees whose functions inherently charge them with handling the public to have the skills and the sensitivity necessary to tend to this population.

BE IT ENACTED BY THE LEGISLATURE OF PUERTO RICO:

Section 1.—A new subsection (n) is hereby added to Section 7 of Act No. 203 of 2004, as amended, to read as follows:

“Section 7.—Functions and Duties.—

The Office shall have, without it being construed as a limitation, the following functions and duties:

(a) ...

...

(n) Offer, in coordination with the Human Capital Development Division, attached to the Office of Human Resources of the Commonwealth, training, sensitivity, informational, and educational campaigns to public employees about the rights that protect the elderly.

(o) Any other function necessary for compliance with this Act.”

Section 2.—A clause (j) is hereby added to subsection (3) of Section 6.5 of Article 6 of Act No. 184 of 2004, as amended, to read as follows:

“Section 6.5.—Training.—

(1) ...

...

(3) The Human Capital Development Division is hereby created in the public service as a part of the Office, to perform the functions indicated below:

(a) ...

...

(j) Collaborate and assist the Office of the Advocate for the Elderly in training, sensitivity, informational, and educational campaigns to be offered by the said Office to public employees about the rights that protect the elderly.

...”

Section 3.—In order to fully comply with the provisions of this Act, the Office of the Advocate for the Elderly is hereby empowered to promulgate, in coordination with the Office of Human Resources of the Commonwealth of Puerto Rico, such regulations as deemed pertinent and necessary for the achievement of the objective of this Act, within a term of ninety (90) days as of the date of effectiveness of this Act.

Section 4.—This Act shall take effect immediately after its approval.

CERTIFICATION

I hereby certify to the Secretary of State that the following **Act No. 21 (H. B. 61)** of the **1st Session of the 16th Legislature** of Puerto Rico:

AN ACT to add a new subsection (n) to Section 7 of Act No. 203 of 2004, as amended, known as the “Office of the Advocate for the Elderly Act”; to rename current subsection (n) of said Act as subsection (o); to add a new clause (j) to subsection (3) of Section 6.5 of Article 6 of Act No. 184 of 2004, as amended, known as the “Public Service Human Resources Administration Act of the Commonwealth of Puerto Rico,” in order to provide that sensitivity, informational and educational campaigns shall be conducted among public employees concerning the rights that protect the elderly, through the Office of the Advocate for the Elderly, in coordination with the Human Capital Development Division.

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

In San Juan, Puerto Rico, on the 1st day of February of 2010.

Solange I. De Lahongrais, Esq.
Director