

(S. B. 2975)

**(No. 246)**

(Approved September 2, 2004)

**AN ACT**

To amend Act No. 184 of August 3, 2004, better known as the “Public Service Human Resources Administration Act of the Commonwealth of Puerto Rico,” to amend Sections 5.2 and 5.3, as well as Article 16, to exclude the Office of Government Ethics as Individual Administrator under this Act; eliminate subsection 5 of Section 5.4, provide that the Chairperson and Associate Members of the Personnel Administration System Board of Appeals positions be abolished on the day before the Committee of Appeals, created by this Act, begins its operations; to provide that each appointing authority may grant general salary raises to employees for meritorious services, and to renumber some subsections.

**STATEMENT OF MOTIVES**

Subsection 5 of Section 5.4 of Act No. 184 of August 3, 2004, better known as the “Public Service Human Resources Administration Act of the Commonwealth of Puerto Rico,” is hereby eliminated. In the legal system in effect mechanisms already exist so that Heads of Agency who intentionally violate personnel laws answer individually and without the protection of the Commonwealth immunity, for which a provision to those ends turns out to be unnecessary. In addition, Subsection 1 of Section 13.17 is hereby amended, to provide that the Chairperson and Associate Members of the Personnel Administration System Board of Appeals positions be abolished on the day before the Committee of Appeals, created by this Act, begins its

operations, in such a way that the outgoing appealing forum may hear cases until the new forum begins its functions.

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

Section 1.- Section 5.2 of Act No. 184 of August 3, 2004, is hereby amended, in order to eliminate subsection (5) and renumber subsections (6), (7), and (8) as subsections (5), (6), and (7).

Section 2.- Section 5.3 of Act No. 184 of August 3, 2004, is hereby amended in order to include a new subsection (7), to read as follows:

“ ...

“The Office of Government Ethics of Puerto Rico.”

Section 3.- Article 16 of Act No. 184 of August 3, 2004, is hereby amended in order to eliminate subsection (e) and renumber subsections (f), (g), (h), and (j) as (e), (f), (g), (h), and (i).

Section 4.- Section 5.4 of Act No. 184 of August 3, 2004, is hereby amended in order to eliminate the provisions of subsection 5:

“Section 5.4 Relationship Between the Office and Individual Administrators

Likewise, the above-mentioned Act is hereby amended to exclude from its provisions the Office of Government Ethics of the Commonwealth of Puerto Rico, created by Act No. 12 of July 24, 1985, as amended, based upon the principle that it must have full autonomy and discretion to carry out its supervising functions as to the actions of the officials in the Executive and Legislative Branch.

The provisions concerning the relationship between the Office and Individual Administrators are contained within the text of this Act. The following guidelines shall also govern such relationship:

1. All Individual Administrators ...

2. ...
3. ...
4. ...”

Section 5.- Section 8.3.-Specific Norms on Compensation, is hereby amended to amend subsection 3, so that the last 3 paragraphs of this subsection read subsection number 4; and to create a new subsection 5.

“Section 8.3- Specific Norms on Compensation.—

The following norms shall only apply to:

1. Each Appointing Authority ...
2. All employees have the ...
3. Non-unionized and management public employees who have held a regular job during an uninterrupted period of three years in the service, without having received any other raise, shall receive a raise of up to five (5) percent of their salary or its equivalent in intermediate rates. For this, the employee must have provided satisfactory services during the term of three years as evinced by their evaluation sheets. The Appointing Authority shall send written notice to all employees who do not meet this consideration. The notice shall include the reasons for which the employee is not being granted the aforementioned raise and shall admonish him/her of his/her right to appeal before the Appeals Committee.
4. Raises for meritorious services – a compensation which is part of the salary and is granted to acknowledge the outstanding performance of employees. This raise shall be of one, two or three compensation rates in the schedule to which the job of the employee is assigned. In order to be entitled to this raise, the employee must have carried out the functions of his/her job for

twelve (12) consecutive months in the service before the date of the granting thereof and his/her evaluations must conform to the amount of raise to be granted. Any period of time worked by the employee while under a transitory appointment in a job of equal classification may be credited toward completing the period established for eligibility.

As general rule, these shall not exceed seven (7) percent of the employee's salary. In exceptional cases in which it is evinced that the employee has contributed directly toward achieving the goals and objectives of the agency, a raise of up to twelve (12) percent may be granted.

When for budgetary reasons, the raise granted cannot be given in its full amount, a partial raise may be granted and at any time, within the twelve following months, the remainder may be granted. In these cases, the twelve (12)-month period established for eligibility for a new salary raise for merit, shall begin to count from the date on which the first partial raise took effect.

5. Each appointing authority may grant general raises to the employees covered by this Section, according to the requirements provided in the above subsection (3). Raises may be authorized for all employees, or for an occupational or classification group whenever deemed necessary to attend situations of employees who were left behind in terms of compensation. These raises shall depend on the availability of the necessary fiscal resources of the agency for its granting and shall require the previous approval of the Office of Management and Budget.”

Section 6.- Subsection 1 of Section 13.17.- Transition Process, is hereby amended to provide that the Chairperson and Associate Members of the Personnel Administration System Board of Appeals positions be abolished on the day before the Committee of Appeals, created by this Act, begins its operations.

“Section 13.7.- Transition Process.-

1. The positions of chairperson and associate members of the Board of Appeals of the Personnel Administration System, created by Act No. 5 of October 14, 1975, as amended, and of the Board of Appeals of the Education System, created by Act No. 78 of August 28, 1991, shall be abolished on the day before the Committee of Appeals, created by this Act, begins its operations.
2. The personnel ...”

Section 7.- This Act shall take effect immediately after its approval.

## CERTIFICATION

I hereby certify to the Secretary of State that the following Act No. 246 (S.B. 2975) of the 7<sup>th</sup> Session of the 14<sup>th</sup> Legislature of Puerto Rico:

**AN ACT** to amend Act No. 184 of August 3, 2004, better known as the “Public Service Human Resources Administration Act of the Commonwealth of Puerto Rico,” to amend Sections 5.2 and 5.3, as well as Article 16, to exclude the Office of Government Ethics as Individual Administrator under this Act; eliminate subsection 5 of Section 5.4, provide that the Chairperson and Associate Members of the Personnel Administration System Board of Appeals positions be abolished on the day before the Committee of Appeals, created by this Act, begins its operations; to provide that each appointing authority may grant general salary raises to employees for meritorious services, and to renumber some subsections,

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

In San Juan, Puerto Rico, today 9<sup>th</sup> of September of 2005.

Francisco J. Domenech  
Director

