

(H. B. 1512)

(No. 32)

(Approved January 23, 2006)

AN ACT

To amend Sections 4.3, 6.3, 6.4, and 6.5 of Act No. 184 of August 1, 2004, as amended, known as the “Public Service Human Resources Administration Act of the Commonwealth of Puerto Rico,” in order to create a central register of calls for applications for recruitments, selections, and promotions; and to provide on its availability in electronic format on the Internet.

STATEMENT OF MOTIVES

One of the main purposes of the “Public Service Human Resources Administration Act of the Commonwealth of Puerto Rico” is to guarantee the application of the merit principle in all hiring procedures of the Government of the Commonwealth of Puerto Rico. One of the principal means to guarantee the application of the merit principle is to ensure a broad publicity in the recruitment, selection, and promotion processes so that fair and free competition determines the filling of government positions.

The creation of a public central register of calls for applications for recruitment, selection, and promotions shall be published so that the same may be available by different means, including in electronic format on the Internet, seeks to facilitate compliance with the purposes of the Human Resources Act and with the merit principle and free competition. The register would take the webpage of the United States Office of Personnel Management (OPM) as a model for the implementation of this initiative.

The proposed amendments to the law have various objectives:

First, to facilitate for the citizens the task of identifying which agencies have vacant positions and promotion opportunities. This, owing to the fact that, at present, there is no appropriately organized central register of calls for applications, which forces the citizens to visit the various agencies to search for a government job and examine each one of the different calls for applications.

Second, to provide the citizens with access to the information by establishing that the created register shall be available in electronic format on the Internet. This initiative, together with that of the government of establishing online access centers in different areas of the Island, shall allow the citizens quick access from their computers to any information relative to recruitments and promotions.

Third, to require that the call for applications register be updated to provide the citizens with the information on which calls for applications have been closed and which remain open. At present, this information must be obtained at every particular agency.

Fourth, we advise the government that the regulations to be promulgated for the implementation of this Act must provide for the citizens to submit their applications for everything relative to recruitments and promotions through the website to be created by the Human Resources Office of the Commonwealth of Puerto Rico.

Last but not least, the Act has the purpose to propitiate transparency and reduce nepotism, preferences, sponsorship, and corruption in general, by making the government's recruitment, selection and promotion processes more open. The more people know about the government employment opportunities, the more current practices that are contrary to the merit

principle and fair competition in the employment of citizens in the government shall be prevented from happening.

The above effects expected to be produced by this Act have the general purpose of contributing to clean up government personnel recruitment, selection, and promotion processes, pursuant to the public policy of transparency and clean government that drives this administration. It is also consistent with the efforts of the Office of Management and Budget to implement e-government initiatives.

BE IT ENACTED BY THE LEGISLATURE OF PUERTO RICO:

Section 1.- Section 4.3 of Act No. 184 of August 1, 2004, as amended, known as the “Public Service Human Resources Administration Act of the Commonwealth of Puerto Rico” is hereby amended to add a new clause s. to subsection 2 of said Section 4.3, to read as follows:

“Section 4.3.—Functions and Powers of the Office and the Director.—

In addition to the functions and powers conferred by other provisions of this Act, the Office and the Director shall have the following:

1. ...

2. Functions and powers of the Office:

a. ...

...

s. Manage the Central Register of Calls for Applications for recruitment, promotions and training in the Public Service and its electronic version on an Internet website, and supervise that individual agencies and administrators of the personnel system, as well as public corporations, municipalities, and all other agencies excluded from the personnel system, except for the Office of the Governor, Mayors’ Offices, the Office of the

Supreme Court, the Office of the Chief Justice, the Office of the Court Administrator, the Office of the Legislative Bodies, and the Clerks' Offices of the Municipal Legislatures, comply with the obligation to publish recruitment, promotion, and training opportunities by electronic means over the Internet, pursuant to this Act.”

Section 2.- Clause c of subsection 2 of Section 6.3 of Act No. 184 of August 1, 2004, as amended, known as the “Public Service Human Resources Administration Act of the Commonwealth of Puerto Rico,” is hereby amended to read as follows:

“Section 6.3.—Provisions on Recruitment and Selection.—

Agencies shall offer the opportunity of competing in their recruitment and selection procedures, to any qualified person, in attention to aspects such as: academic, professional and work achievements, knowledge, capability, abilities, skills, work ethic; without discrimination for reason of race, color, gender, birth, age, social origin or condition, political or religious beliefs, veteran status, or physical or mental disability.

1. ...
2. ...
3. The following shall be the general provisions that shall govern employee recruitment and selection for regular job positions within the career service:
 - a. ...
 - b. ...
 - c. Job summons shall be published on the web page of the government and through the most appropriate media for each case, in order to reach resources. When the announcement of

job opportunities establishes a term for filing applications, it shall be published at least ten (10) work days before the closing date. The diversity of media or the medium to be used in the diffusion and the term to receive applications shall be subject to criteria such as the following: degree of specialization of the job class, job market, number of jobs to be covered, geographical area of the job opportunity, and the kind of competition. Each job opportunity announcement shall indicate the title of the job class, the nature of the work, the minimum requirements, the salary schedule, the term for filing applications, and any other necessary information such as the kind of competition, the kind of test and/or the criteria for the evaluation or sorting of the names in the eligible candidate register. The Office, together with the Office of Management and Budget, shall regulate the publication of calls for applications on the web page and shall provide in its regulations that any recruitment made without complying with these provisions shall be null. Individual agencies and administrators of the personnel system, as well as public corporations, municipalities, and all other agencies excluded from the personnel system, except for the Office of the Governor, Mayors' Office, the Office of the Supreme Court, the Office of the Chief Justice, the Office of the Court Administrator, the Offices of the Legislative Bodies, and the Clerks' Offices of the Municipal Legislatures, shall notify the Office of calls for applications for recruitment and selection, as well as promotion and training opportunities, including a

copy thereof any information related to the corresponding requirements, functions, remuneration, and other relative aspects, as established above. The Office shall establish and manage a Central Register of Calls for Applications for Recruitment, Promotions, and Training in the Public Service and its electronic version over the Internet. The Central Call for Applications Register for Public Service Recruitment, Promotions, and Training may be accessed through the Webpage of the Office and that of the Central Government in which the information contained in the Register as well as in the calls for applications for recruitment, selection, promotions, and training shall be published, thus making the complete text thereof available anytime that is convenient. In the event of calls for applications without a closing date, the Office shall be responsible for coordinating with the agencies, so that the information regarding the register, the calls for applications, and the information published in the media and the web may be updated at least every ten (10) days, as provided by regulations. Individual agencies and administrators of the personnel system, as well as public corporations, municipalities and all other agencies excluded from the personnel system, including, voluntarily, the Office of the Governor, Mayors' Offices, the Office of the Supreme Court, the Office of the Chief Justice, the Office of the Court Administrator, the Officer of the Legislative Bodies, and the Clerks' Office of Municipal Legislatures may establish and operate their own register of calls for applications for

recruitment, promotions, and/or training, and manage their own webpages and publish through them the corresponding information. The citizens may submit their application for recruitment, selection, promotions, and training on the Internet, through the webpage created pursuant to the regulations adopted by the Office.”

Section 3.- Clause c of subsection 3 of Section 6.4 of Act No. 184 of August 1, 2004, as amended, known as the “Public Service Human Resources Administration Act of the Commonwealth of Puerto Rico,” is hereby amended, to read as follows:

“Section 6.4.—Provisions on Promotions, Transfers, and Demotions.—

Individual Administrators shall provide the proper mechanisms for the promotion, transfer and demotion of employees, for the placement of these in jobs where they may derive greater satisfaction from their work and contribute with their efforts to the achievement of the objectives of the organization with greater efficiency, pursuant to the following provisions:

1. Promotions

a. ...

b. ...

c. Promotion opportunities shall be announced in order for all duly qualified candidates to be able to compete, pursuant to clause c of subsection 3 of Section 6.3 of this Act, through the agency, the Central Register, and the corresponding agency register. If after having announced such opportunities there fails to be a reasonable number of persons who meet the minimum education and experience requirements established, the manner in which to fill those positions or to render the

services shall be the manner provided in Section 6.3 (3) of this Act for regular recruitment and selection procedures.”

Section 3.- Clause c. of subsection 3. of the first part, and clause a. of subsection 10 of the second part of Section 6.5 of Act No. 184 of August 1, 2004, as amended, known as the “Public Service Human Resources Administration Act of the Commonwealth of Puerto Rico,” are hereby amended, to read as follows:

“Section 6.5.—Provisions on Training.—

1. ...
2. ...
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. identify the needs for the development of human resources in the public service, pursuant to the provisions of clause c. of subsection 3. of Section 6.3 of this Act, through the announcement in agencies and in the Central Register of the highest possible amount of information on training opportunities in agencies, provided, that notice to the Training Office shall not be necessary, except for the granting of scholarships, in those cases provided by the Office through regulations;
 - b. ...
 - c. ...
 - d. ...
 - e. ...
 - f. ...

g. ...

4. ...

5. ...

The specific provisions to govern personnel competency and training shall be the following:

1. ...

...

10. When granting scholarships, the following requirements shall be met:

a. Opportunities for the granting of scholarships shall be announced, pursuant to the provisions of clause c. of subsection 3 of the first part of this Section and in clause c. of subsection 3. of Section 6.3 of this Act, through their announcement in agencies and their publication in the Central Registry and the corresponding registry of the agency.”

...”

Section 4.- This Act shall take effect sixty (60) days after its approval.

CERTIFICATION

I hereby certify to the Secretary of State that the following Act No. 32 (H.B. 1512) of the 3rd Session of the 15th Legislature of Puerto Rico:

AN ACT to amend Sections 4.3, 6.3, 6.4, and 6.5 of Act No. 184 of August 1, 2004, as amended, known as the “Public Service Human Resources Administration Act of the Commonwealth of Puerto Rico,” in order to create a central register of calls for applications for recruitments, selections, and promotions; and to provide on its availability in electronic format on the Internet,

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

In San Juan, Puerto Rico, today 15th of November of 2006.

Francisco J. Domenech
Director