

(H.B. 1707)

**(No. 64)**

(Approved February 17, 2006)

**AN ACT**

To add a subsection 12 to Section 13.9 of Act No. 184 of August 3, 2004, as amended, known as the “Public Service Human Resources Administration Act” in order to empower the Appeals Commission of the Human Resources Administration System to grant compensation for damages and to impose administrative fines in all types of discrimination that is proven by employees who appeal before this forum, without impairment to the rights of public servants to resort to the judicial forum to claim for damages when they do not do so before the Appeals Committee.

**STATEMENT OF MOTIVES**

When administrative agencies exercise their adjudicative power they carry out functions analogous to those of the courts. Among the most important judicial remedies is the granting of monetary compensation to indemnify damages suffered. However, there is no provision whatsoever in the Constitution of the Commonwealth of Puerto Rico or in that of the United States that establishes that only the courts shall have jurisdiction to grant monetary compensation. There is legislation through which the power to grant compensation for damages has been delegated to the agencies.

The Public Service Human Resources Administration Act provides that within the public policy of the Government of Puerto Rico in that pertaining to the Human Resources Administration of the agencies covered by said Act is the reaffirmation of merit as the principle that shall govern Public Service; and that every employee be selected, trained, promoted,

treated and retained in his/her employment with consideration to merit and capacity, without discrimination pursuant to the applicable laws. However, the Public Service Human Resources Administration Act does not empower the Appeals Committee of the Human Resources Administration System to grant financial compensation for damages suffered by the public servants of Puerto Rico nor does it empower said Committee to impose administrative fines in cases of political discrimination as a dissuasive measure.

This Legislature declares that it is meritorious to expressly empower the Appeals Committee of the Human Resources Administration System to grant compensation for damages and to impose administrative fines in cases of political discrimination. By conferring this power to it, the interests of its enabling act shall be furthered and the employees shall be granted a prompt, effective and simple remedy without being forced to resort to the courts, and having to defray the high costs entailed by a lawsuit. It is also established as a dissuasive measure to prevent political discrimination in the agencies covered by said Act.

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

Section 1.- Section 13.9 of Act No. 184 of August 3, 2004, as amended, known as the “Public Service Human Resources Administration Act,” is hereby amended to add a subsection 12, to read as follows:

“Section 13.9.- POWERS OF THE COMMISSION

The Commission shall have, among others, the following powers:

- (1) ...
- (12) The Commission shall be empowered to grant compensation for damages and to impose administrative fines in all types of discrimination that are proven by the employees who resort to this forum, without impairment to the rights of public

employees to resort to the judicial forum to claim damages when they do not claim the same before the Appeals Commission.”

Section 2.- The Appeals Commission of the Human Resources Administration System shall adopt the regulations that by virtue of this Act are necessary which shall include sufficient guarantees of due process of law that shall govern the adjudicative procedure, the presentation of evidence and the discovery of proof. At the same time, an adjudicative procedure that shall allow for prompt and fair solutions shall be established. The regulations shall be promulgated in accordance with the provisions of Act No. 170 of August 12, 1988, as amended, known as the “Uniform Administrative Procedures Act” within one hundred and eighty (180) days after the approval of this Act.

Section 3.- This Act shall take effect immediately after its approval for the exclusive purpose of promulgating the regulations required by Section 2 and its other provisions shall take effect one hundred and eighty (180) days after its approval.

## CERTIFICATION

I hereby certify to the Secretary of State that the following Act No. 64 (H.B. 1707) of the 3<sup>rd</sup> Session of the 15<sup>th</sup> Legislature of Puerto Rico:

**AN ACT** to add a subsection 12 to Section 13.9 of Act No. 184 of August 3, 2004, as amended, known as the “Public Service Human Resources Administration Act” in order to empower the Appeals Commission of the Human Resources Administration System to grant compensation for damages and to impose administrative fines in all types of discrimination that is proven by employees who appeal before this forum, without impairment to the rights of public servants to resort to the judicial forum to claim for damages when they do not do so before the Appeals Committee,

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

In San Juan, Puerto Rico, today 27<sup>th</sup> of November of 2006.

Francisco J. Domenech  
Director