

“Technological-Occupational Education System of the Commonwealth of Puerto Rico”

Act No. 97 of December 18, 1991, as amended

(Contains amendments incorporated by:

Act No. 43 of July 31, 1992
Act No. 60 of September 2, 1992
Act No. 166 of July 23, 1998
Act No. 148 of July 15, 1999
Act No. 79 of March 10, 2003
Act No. 168 of July 26, 2003
Act No. 220 of August 9, 2008)

(Amendments non-incorporated:

Reorganization Plan No. 4 of December 9, 2011)

To create the Technological-Occupational Education System of the Commonwealth of Puerto Rico; establish its objectives; create the Technological-occupational Education Council; define its functions, faculties and composition; establish the functions and faculties of the Chairperson of the Technological-Occupational Education Council; create the Office of the Chairperson of the Council; create the Technological-Occupational Education Advisory Committee attached to the Office of the Governor; establish the functions of the Council with respect to the licensing and accrediting of public and private institutions that offer occupational education, including non-university post-secondary education; establish the Implementation Plan of this Act; amend subsection (5) and add subsection (19) to Section 7.07 of Chapter VII of Act No. 68 of August 28, 1990, as amended; amend Act No. 1 of June 23, 1985; repeal Act No. 95 of July 14, 1988, as amended; repeal Act No. 29 of May 76, 1972, and repeal Act No. 28 of April 23, 1931 as amended.

STATEMENT OF MOTIVES

It is the public policy of the Commonwealth of Puerto Rico to strengthen occupational education, which includes vocational, technical and high skills education, the teaching of which is a basic mission of the Puerto Rican education system.

As part of this effort, the Government is committed to emphasizing the value and dignity of work regardless of its nature, and the professionalism of occupational education.

The goal of the Technological-Occupational Education System is to normatively and programmatically articulate and coordinate the various programs and services of occupational education. The System shall provide each citizen and each Soup, or specific clientele with the necessary opportunities to achieve and maintain proper levels of productivity and purchasing

power. The primary emphasis of the training and employment practice shall be to develop the strategy of mobilizing and channeling public and private resources to individuals in order to fully contribute to the financial and social welfare of the country.

The updating of this educational sector is imperative in order to temper it to recent technological developments. It is necessary to diversify and review the academic curriculum so that it may adequately respond to the occupational demands of the different sectors and to the needs and interests of its supply.

Technological-Occupational Education shall provide academic and laboratory experiences to those persons who are interested in obtaining an occupational education that responds to the needs of the employment market. It is the responsibility of the System to provide the student with the necessary tools to perform effectively in the work environment, and shall provide learning experiences that will highlight ethical and moral values thus strengthening his self-esteem and love for work.

The purpose of the System is to contribute to the most advanced occupational education possible and provide training and retraining opportunities to the general population, so that they may efficiently and to the maximum of their capacity, face the changes within the work environment that the advances of modern technology impose in an accelerate way.

The educational services to be rendered shall be directed to educate and train participants for the occupational world so that their placement may be the most adequate in terms of their particular needs, abilities and interests. Specifically, the main objective of this new system shall be to contribute to the integral education of the student, emphasizing the aspect of technological education and seeking a balance between the economic progress of the People and their ethical, moral and spiritual condition. We hope to educate a highly-productive, deserving and solidary worker, technician or entrepreneur with a sense of commitment and work ethics to contribute to the common as well as the individual welfare.

A System of easy access would be created which, in combination with the regular existing Education System and the Higher Education System, will provide flexibility in the possible admission, convalidation and accreditation of courses and titles among these, according to the standards established to such effects.

In order to achieve this public policy the coordination and articulation of efforts and resources of the components of the public and private sectors is required, so that the System may have a wide variety of offers and alternatives that will allow the fulfillment of the interests and needs of society's various individuals and clients. It also demands the implementation of an agile, flexible and dynamic plan to adjust educational offerings to the changes in the market and the needs of the country.

Be it enacted by the Legislative of Puerto Rico:

Section 1. — Title of the Act. (18 L.P.R.A. § 1581 note)

This Act shall be known and may be quoted as "Technological-Occupational Education System Act of the Commonwealth of Puerto Rico".

Section 2. — Definitions. (18 L.P.R.A. § 1581)

For the purposes of this Act the following terms and phrases shall have the meaning set forth below:

- (a) *Agency.* — Shall mean the conglomerate of functions, offices and positions that constitute all the jurisdiction of a nominating authority, regardless of it being denominated as a department, agency, office, committee, board, public corporation or instrumentality of the Commonwealth of Puerto Rico.
- (b) *Committee.* — Shall mean the Technological-Occupational Education Advisory Committee.
- (c) *Council.* — Shall mean the Occupational and Human Resources Development Council as redesignated by Section 8 of Reorganization Plan No. 2 of the Department of Labor and Human Resources of May 4, 1994, formerly known as the Technological Occupational Education Council.
- (d) *Technological-occupational education or Occupational education.* — shall mean the systematic and formal process to provide each participant with the knowledge and experiences to develop the skills that will enable him to secure employment, retain it and advance in his working condition.
- (e) *Governor.* — Shall mean the Governor of the Commonwealth of Puerto Rico.
- (f) *Strategic five-year plan.* — Shall mean the duly planned development in a five (5) year period such as described in Section 9 of this Act.
- (g) *Plan.* — Shall mean the Implementation Plan, pursuant to Section 12 of this Act.
- (h) *Chairperson.* — Shall mean the person who chairs the Technological-Occupational Education Council, who shall be the administrator of the system.
- (i) *Program.* — Shall mean the [major] effort carried out by an agency directed toward a specific goal and which responds to some legal requirements or to the initiative of the executives. It forms a service unit based on the clientele it serves and on the operating organization or structure.
- (j) *Secretary.* — Shall mean the Secretary of Labor and Human Resources of Puerto Rico.
- (k) *System.* — Shall mean the conglomerate of agencies, programs or operating units that, directly or indirectly, offer services related to non-university technological-occupational education.
- (l) *Operating unit.* — Shall mean a part of the effort made within a program in order to attain the final objective or product thereof. The activities are usually conducted at the low or intermediate level of the organizational structure of a program or section.

Section 3. — Creation of the System. (18 L.P.R.A. § 1582)

In order to modernize and bolster occupational education in Puerto Rico and expedite the development thereof, the Technological-Occupational Education System of the Commonwealth of Puerto Rico is hereby created. Its main purpose shall be to offer a diverse and advanced technological-occupational education for the population. The system shall designate both normatively and programmatically, all the programs and services related to job education and training. The following agencies, programs or operational units shall be a part of this system:

(a) Occupational programs of the Technical, Vocational and High Skills Education Area of the Department of Education, created by Act No. 28 of April 23, 1931, as amended. The Technological Institutes of said Department shall be included, as well as their San Juan, Ponce, Guayama and Manatí campuses.

The special general education programs and projects at the elementary and high school level attached to said area are not included.

(b) The Corps of Volunteers at the Service of Puerto Rico, created by Act No. 10 of June 18, 1970, as amended [18 L.P.R.A. §§ 1411 et seq.].

(c) The Vocational Rehabilitation Program of the Department of the Family created by Act No. 414 of May 13, 1947 [18 L.P.R.A. §§ 1046 et seq.].

(d) The educational and training programs of the Right to Employment Administration, created under Act No. 115 of June 21, 1968, as amended, [29 L.P.R.A. §§ 1101 et seq.], and those delegated by the Governor by virtue of the Job Training Act (J.T.P.A.).

(e) The Tourist Company's Hotel School, as created in subsection (5) of Section 6 of Act No. 10 of June 18, 1970, as amended [23 L.P.R.A. § 671e(5)].

(f) Any other government programs that provide and promote technological-occupational education, including the non-university post secondary level; without it being understood as a limitation to those programs funded by federal laws: Family Support Act of October 13, 1988 (J.O.B.S.), Wagner-Peyser Act of 1933 as amended, and of Title IV of the Job Training Act (J.T.P.A.), Migrant and Seasonal Farmworker Program and by the programs created by state laws: Employment Security Act of Puerto Rico [29 L.P.R.A. §§ 701 et seq.] and the Nonoccupational Disability Insurance Act [11 L.P.R.A. 201 et seq.].

(g) The Work and Training Enterprises Corporation, attached to the Department of Justice, created by Act No. 47 of August 6, 1991 [4 L.P.R.A. § 1521 et seq.].

Section 4. — Objectives. (18 L.P.R.A. § 1583)

For the purpose of regulating the system, the following general objectives are established herein:

(a) Develop diverse and varied occupational, technical and high-skill educational programs in the public as well as the private sectors, in accordance with the needs of the different economic sectors of the Commonwealth, including, but without it being understood as a limitation, secondary and post-graduate programs, job training, and specialized short courses, and granting of diplomas, degrees or certificates of competence to those who meet the requirements established for the various programs.

(b) Promote the flexibility and diversification of the technological-occupational education offerings to temper them to social changes, knowledge and technological progress, interests of the groups' population and specific clientele.

(c) Implement innovative models of occupational education that incorporate the private and public entrepreneurial sector as partners in the teaching process.

(d) Train youths and adults so that they may productively join the Commonwealth's labor force.

(e) Train persons with physical or mental limitations, so that they may join the work environment.

- (f) Retrain youths and adults so that they may develop the skills needed to work in a new occupation.
- (g) Articulate the technological and occupational education offers at the different levels and systems in which they are implemented.
- (h) Extol the value and dignity of work and non-university occupations.
- (i) Offer occupational guidance and advisory services.
- (j) Expedite the employment placement of graduates in jobs.

Section 5. — Creation, Composition, Requirements and terms of the Council Members.
(18 L.P.R.A. § 1584)

The Technological-Occupational Education Council is hereby created, which shall be the governing and normative body of the System. The Council shall be in charge of advising, coordinating, and the setting forth of public policy, and shall be the regulating and supervising entity of the occupational development and human resources system. Said entity shall be attached to the Department of Labor and Human Resources as an operational component. The Secretary of Labor and Human Resources shall supervise, evaluate, and approve the administrative promotions, internal organization, programmatical priorities, and coordination between the Council and the other operational components of the Department of Labor and Human Resources. The Council shall be composed of the Secretaries of the Departments of Education, the Family, Economic Development and Commerce, and of Labor and Human Resources, which shall be presided, by three (3) representatives of the private sector and three (3) representatives of the public interest. It is provided herein that one of the members of the Council shall be a young person of not more than 29 years of age, who has been outstanding in the technological-occupational field. The members of the private sector shall represent, among others, the industrial, commercial, banking, agricultural, and services sectors, and as part of their duties in the Council, along with the members representing the public interest, shall ensure that the System adequately addresses the educational and technological-occupational needs of Puerto Ricans. The members of the private sector and the representatives of the public sector shall be appointed by the Governor with the advice and approval of the Puerto Rico Senate. The Governor shall appoint, with the advice and approval of the Senate, an Executive Director, who shall direct the administrative and operational work of the Council. The Governor shall establish the salary of the Executive Director. All the powers and operational duties that had been transferred to the Council shall be returned to the Department of Education, the Department of Labor and Human Resources, and the Right to Work Administration.

The Learning Council of the Department of Labor and Human Resources shall continue in effect.

No person who [might] have a direct economic interest in educational institutions can be a member of the Council. The members of the private sector and the member of the public interest shall be appointed for a term of five (5) years each and shall hold office until the expiration of their respective appointments, or until their successors are appointed and take office. The Council's initial appointments shall be made for the following terms: one for three (3) years, one for four (4) years and (2), including the Chairperson, for five (5) years.

Any vacancy that occurs in the Council before the expiration of the member's term of appointment shall be filled in the same form and manner that he/she was appointed and for the unexpired term of the member who [occasioned] the vacancy.

The Council shall adopt bylaws for its internal operation and shall meet in regular session once a month. It may hold all the special meetings that may be necessary to carry out its functions and responsibilities, upon prior notice by its Chairperson, or through a request signed by no less than four (4) of its members and submitted at least twenty-four (24) hours before the meeting is to be held.

The members of the Council, with the exception of the Chairperson and the public officials, shall receive per diems of seventy-five dollars (\$75) for each day of meeting[s] they attend.

They shall be entitled to reimbursement or payment of official travel expenses which they necessarily incur in the fulfillment of their official duties. Every payment or disbursement on such account shall be made pursuant to the regulations promulgated by the Council. Until such regulations come into effect, every such payment or disbursement shall be made pursuant to the regulations promulgated by the Department of the Treasury that govern the payment of official travel expenses for officials and employees of the Executive Branch of the Government of the Commonwealth of Puerto Rico. Any member of the Council who receives a pension under any pension plan or retirement system for government employees and officials which is subsidized by the Government of the Commonwealth of Puerto Rico may receive the per diem provided in this section without affecting his/her right to the retirement pension or annuity.

Four (4) members of the Council shall constitute a quorum and all the agreements shall be approved by an absolute majority of its voting members.

Section 6. — Functions and Faculties of the Council. (18 L.P.R.A. § 1585)

The Council shall be the governing and normative body of the system. It shall have the following functions and faculties, which shall not be understood as a limitation thereto:

- (a) Implement and enforce the public policy established in this legislation and such other that may be established in the future with regard to technological-occupational education and to the purposes of this Act.
- (b) Establish the specific objectives that shall redirect the system at short or long term [sic], according to the established public policy and to the general objectives of the system provided in this Act.
- (c) Evaluate and approve the Strategic Five-Year Plan prepared by the Chairperson of the Council.
- (d) Determine the general direction of the technological-occupational programs offered by the agencies, programs or operating units that compose the system, regardless of what is provided by any other law, taking into account the peculiarities and characteristics of the programs.
- (e) Establish the minimum levels of competence that the students of the system must have in order to obtain the certificates, diplomas or degrees. These levels of competence must be in proportion to the occupational profiles needed and required by the private and public sector[s].
- (f) Approve the academic and professional programs and offerings of the components of the system and grant the titles and credentials of competence that are conferred by the system in the

duly-approved programs and periodically review the specialties or professions to be offered to each component of the system, taking into account the supply and demand.

(g) Establish the standards for the consolidation of two or more technological and occupational programs of the system.

(h) Establish standards on convalidation and transfer of students from one program to another, and the simultaneous participation in more than one program within the system.

(i) Structure the administrative organization of the Council.

(j) Articulate the existing occupational programs, for which it may establish the system's organization, including its faculty to create, eliminate, transfer, separate or consolidate any of the programs that compose the system and approve the creation of new programs, schools and colleges for technological-occupational education.

(k) Integrately [sic] receive and assess the budget requests of the different components of the system submitted by the Chairperson and submit the system's budget petition to the Governor through the Management and Budget Office.

(l) Evaluate and approve the requests for federal funds of the various components of the system subject to the limitations and procedures required by federal laws.

(m) Evaluate and audit the educational programs and services offered by the system every two (2) years in order to determine their effectiveness in attaining the established objectives.

(n) Establish, jointly with the Department of Education, the University of Puerto Rico, the Council on Higher Education, the General Council on Education, the private educational centers and agencies that render support services, as applicable, the mechanisms for collaboration and coordination that will facilitate the integral education of the participant and the possible convalidation and accreditation of courses and titles between them and the system.

(o) Establish coordination with the respective Examining Boards and Colleges duly constituted by law, in charge of regulating the occupations that are taught in the different educational institutions attached, so that they may support and [advise] the Council in the evaluation and auditing processes of programs and services offered by the System in order to harmonize the curriculums offered with the regulations of said entities. It is further Provided, That a copy of the criteria, elements or regulations established by the duly constituted Examining Boards and Colleges and that are included in the curriculums of educational institutions shall be remitted to the General Education Council for evaluation in their licensing or accreditation processes.

(p) Coordinate with the entrepreneurial sector with the purpose of achieving a greater participation of this sector in the development of the proposed objectives, including cooperation in the field of research and development; promote agreements with the enterprises to establish the occupational education programs and courses of the system in them and accredit the working experience in terms of education.

(q) Establish the conditions that promote the transforming of each workshop [in] the Commonwealth into an occupational training center.

(r) Restructure the curricular offerings of the vocational schools in harmony with the changes in the supply and demand of the working world.

(s) Provide adequate physical plant, equipment and modern workshops to public technical-occupational training centers which [can] facilitate the development of skills in harmony with the competitive demands of a global economy.

- (t) Approve all the regulations needed to attain the purposes of this Act and carry out any other inherent function or faculty.
- (u) Submit periodic reports to the Governor and the Legislature regarding the achievement of the objectives and purposes of this Act.
- (v) Perform and carry out the functions required by Section 111 of the Carl D. Perkins Federal Vocational Education and Applied Technology Act (P.L. 101-392). The Council shall determine which of these functions it shall delegate, according to the provisions of said federal statute.
- (w) Be the depositary of, and administer the funds received by Puerto Rico, pursuant to the Carl D. Perkins Federal Vocational Education and Applied Technology Act (P.L. 101-392), as well as to supervise their use, and make the disbursements chargeable thereto as provided in said act, and for the purposes specified therein.

Section 7. — Functions of the Chairperson. (18 L.P.R.A. § 1586)

The Chairperson of the Council shall be a full-time officer who shall have the duty of executing the determinations of the Council and coordinating the operation of the system, together with the directors of agencies, programs or operating units that are a part thereof. The following functions are hereby assigned to the Chairperson without their being construed as a limitation:

- (a) With the participation of the directors of the various components of the system:
 - (1) Prepare a Strategic Five-Year Plan in tune with the public policy established by this Act, which he/she shall submit to the Council for its evaluation, recommendation and approval, as established in Section 9 of this Act.
 - (2) Evaluate work plans and submit reports to the Council together with his/her recommendations for their approval or rejection.
 - (3) Evaluate the budget requests of the agencies, programs or operating units that compose the system, and submit them to the Council together with his/her recommendations for the corresponding action.
 - (4) Coordinate the operation of the system.
- (b) Organize the operation of the Council in accordance with the administrative organization plan approved by it.
- (c) Appoint the executive vicechairperson of the system.
- (d) Select the personnel that he/she deems necessary to carry out the functions of the Council, and appoint them without being subject to Act No. 5 of October 14, 1975, as amended, known as "Puerto Rico Public Service Personnel Act", but subject to the standards and regulations adopted by it to such effects.
- (e) Submit the regulations needed to achieve the objectives and purposes of this Act. The same shall be adopted pursuant to Act No. 170 of August 12, 1988, as amended [3 L.P.R.A. §§ 2101 et seq.].
- (f) Contract the professional, advisory and technical services that are needed to comply with the purposes of this Act.
- (g) Prepare and submit the operating budget of expenses for the Council's approval, and manage the same.

- (h) Keep complete and detailed registry and accounting of all expenses, disbursements and revenues of the Council pursuant to the applicable laws and regulations. Establish the corresponding procedures for the custody and control of the funds of the Council, which shall be deposited in accredited banking institutions located in the Commonwealth of Puerto Rico.
- (i) Acquire through purchase, lease, gift or any other legal means, such real goods and chattels that are needed to carry out his/her functions and those of the Council, without being subject to Act No. 164 of July 23, 1974, as amended, known as "General Services Administration Act" , but subject to the standards and regulations adopted by the Council to such effects.
- (j) Coordinate with the Occupational Information Coordinating Committee of Puerto Rico (PROIC) all issues in connection with occupational information.
- (k) Submit periodic reports to the Council on the work performed, as provided in its regulations.
- (l) Accept gifts, funds, properties or financial aid of any kind, from any natural or juridical person or entity of a private or government nature that operates or functions locally, internationally or in the United States, and in consultation with the Council, agree upon the use of such funds.
- (m) Perform any other function prescribed by the Council.

Section 8. — Office of the Chairperson. (18 L.P.R.A. § 1587)

The Office of the Chairperson is hereby created which shall have the [primary] function of enabling the public policy on technological-occupational education and the objectives contained in this Act, thus facilitating both the government's efforts and those of private entities that are interested in participating and collaborating with the government's efforts.

The Office of the Chairperson shall attend to all matters related to strategic planning, provision of funds, employment liaison services, the establishing of an occupational information system and the integration of the initiatives and resources of the economy's private sector into the public effort. It shall also evaluate and arrange systematically the system's educational offerings with the opportunities offered in the job market.

Section 9. — Strategic Five-Year Plan. (18 L.P.R.A. § 1588)

The Chairperson, with the participation of the various components of the system, shall draw up a Strategic Five-Year Plan, which must include aspects such as the following, among others:

- (a) Factors external to the traditional academia that justify the adoption of a new integrated institutional design to [promote occupations] and education in the technological field.
- (b) The statements of educational policy that highlight the ethical and social value of work in general and of the occupations and technologies that make up the competitive production infrastructure of our people.
- (c) Highlight the new scenario of integrated economies and the globalization of human life and how the occupations and technologies of the Puerto Rican community can be integrated advantageously to this new economic scenario.
- (d) Specific actions to incorporate the entrepreneurial sector as an assessing and designing partner of the occupational and technical curricula pertinent to the actual work scenario and concrete arrangements of articulation with the entrepreneurial sector that illustrate how the

enterprise's laboratories and workshops are constituted in training places through a consortium with the occupational education system.

(e) Specific plans to guarantee the adequate guidance of children, youths and adults who are interested in entering the system.

(f) A flexible policy of admission to the system and plans to attain a high retention of participants, and with respect to support and general basic education services; as well as to develop the mechanisms to report the system's dropouts under the age of eighteen (18), to the General Council on Education.

(g) Specify, with the maximum flexibility, the access routes to the system for students who have dropped out of the education system; persons who have been displaced from the job market because their skills are not marketable; active students from other education systems who concurrently want to be trained in a useful occupation; persons who want to be trained or retrained; elderly persons who want to be trained in occupations, and disabled persons who want to be trained.

(h) An innovative and flexible articulation of services between the public university and preuniversity education systems, with emphasis on the occupational education curricula.

(i) Articulation with the entrepreneurial and government sector and the desirable organization to ensure the placing of occupational program graduates in the corresponding places of employment.

(j) Concrete quality control indicators of the technological-occupational curricula and an evaluation system based on results.

(k) A strategy of promotion and disclosure of the opportunities that the occupational system shall offer, directed at the clientele, private enterprise and other organizations.

(l) A pedagogical training and continued education plan for the instructors of the different components of the system.

(m) Innovative plan for recruitment, incentives and retention of the best personnel in charge of the technological and occupational instruction, with flexibility in the use of human resources.

(n) Elaborate the pedagogical models that shall be applied to the different clienteles in technological-occupational education that will attend to such aspects as:

- (1) Communication skills.
- (2) Critical and creative thinking skills within the context of the occupations.
- (3) Group working skills.
- (4) Productivity and quality in the market.
- (5) Characteristics of the work environment in the present scenario.
- (6) Work ethic.

Section 10. — Licensing and Accreditation. (18 L.P.R.A. § 1589)

(a) The Council shall specifically designate a Technological-Occupational Education Accreditation Advisory Board to handle each licensing or accreditation request of public or private institutions that offer vocational, technical and high skills education or non-university postsecondary education pursuant to Chapter II of Act No. 31 of May 10, 1976.

The technological-occupational non-university private educational institutions that upon the effective date of this act hold a license duly granted pursuant to Act No. 31 of May 10, 1976, as

amended, shall continue to operate under such license until renewed, modified, suspended or revoked by the Council. Every licensing procedure that has been initiated upon the effectiveness of this act shall continue to be handled according to the provisions of law and regulations initiated.

(b) The accreditations of the programs and operating units that [comprise] the system shall be granted for periods that shall not exceed six (6) years, which may be renewed in harmony with the standards established to such effects. The Council shall establish the minimum academic requirements.

(c) Once this act takes effect, an evaluation process shall be initiated for the accreditation of all institutions and programs of the system and shall be completed in a period of five (5) years. The Council shall establish, by regulations, the period that it shall grant to the institutions that do not obtain accreditation to correct the deficiencies found. If after three evaluations, a public institution or program is not able to correct the indicated deficiencies, the Advisory Board shall submit its recommendations to the Council with regard to the cancellation of the license and, in that event, the institution shall not offer any educational course whatsoever. The Council shall establish the standards so that the offerings of those institutions can be offered by other educational institutions.

Section 11. — Technological-Occupational Education Advisory Committee. (18 L.P.R.A. § 1590)

The Technological-Occupational Education and Employment Training Advisory Committee attached to the Office of the Governor is hereby created.

The Committee shall act as an advisory body [to] the Governor and the Council, and shall operate in close collaboration with them.

The Committee shall be composed of thirty-two (32) members designated by the Governor, who shall adequately represent the population of Puerto Rico as follows:

(a) Ten (10) of the Committee's members shall be representatives of the private, business, industry and agricultural sectors and other primary economic sectors. Five (5) of said members shall be representatives of such sectors on the State Council as required by the Carl D. Perkins Act, and the other five (5) shall represent those sectors on the State Council as required by Section 122 of the Employment Training Act. One (1) of the members shall serve on both councils pursuant to Section 112 of the Carl D. Perkins Act.

(b) Six (6) members of the Committee shall be representatives of the Legislature, Commonwealth departments, agencies or organizations, including public welfare, employment, vocational rehabilitation, education, economic development, health, commerce, agriculture and youth agencies, pursuant to Section 122 of the Employment Training Act.

(c) Eight (8) members of the Committee shall be representatives of labor or community organizations interested in occupational education and employment training and their support services, the home and work. Two (2) of said members shall be representatives of labor organizations on the State Council, as required by Section 112 of the Carl D. Perkins Act and six (6) of said members shall be representatives of labor or community organizations on the State Council, as required by Section 122 of the Employment Training Act.

(d) Two (2) of [the] Committee's members shall be private citizens and shall be representatives of the public interest on the State Council as required by Section 122 of the Employment Training Act.

(e) Six (6) of the Committee's members shall be representatives of secondary and postsecondary vocational institutions on the State Council as required by Section 112 of the Carl D. Perkins Act.

The Governor shall designate the Chairperson of the Committee from among the members who are not in public office and shall ensure that the population with physical disabilities is well represented on said Committee. The members who represent Commonwealth agencies and organizations shall hold office until their successors are appointed and take office. The representatives of the private sector, labor and community organizations, vocational institutions and the private citizens who compose the Committee shall be appointed for a term of five (5) years.

Once the Committee is designated, it may be composed of independent subcommittees which shall carry out the functions of the bodies that the different Commonwealth and federal programs [require be] incorporated into the system. Subcommittees shall be organized, among others, to comply with the requirements for the creation of State Councils of the Carl D. Perkins Federal Act and the Employment Training Act.

The subcommittees shall have advisory and coordinating faculties assigned by the various federal laws that provide for the creation of committees or consulting, advisory, evaluating or coordinating bodies in the areas of job training, vocational education, adult education and vocational rehabilitation and in vocational and social betterment assistance programs. This Act shall not be construed as to affect the duties and responsibilities that the subcommittees thus created have to comply with the federal laws in any way whatsoever, thus ensuring the independence and autonomy conferred by such laws.

Every plan, order, report or any other document or affirmative action that is required of any subcommittee and that calls for the endorsement, approval or any other action on the part of the Governor shall be referred to him through the Committee which may submit to the Governor the recommendations it deems pertinent, such as, among others; approve, reject, return, revise, amend, rectify, correct, examine, verify, study or corroborate such documents or actions required. A copy of every document or affirmative action that the Committee or any of its subcommittees refers to the Governor for corresponding action, shall be simultaneously remitted to the Council which shall be able to submit to the Governor or the Committee the recommendations that it deems pertinent.

The Council shall remit to the Committee a copy of the Implementation Plan and of the Five-Year Strategic Plan required by this Act prior to its approval for its comments or remarks. The Council may request the recommendations of the Committee or its subcommittees on any matter under its consideration.

The Governor, by his own initiative or upon recommendation of the Committee, may increase the number of members and the composition of the Committee, maintaining the number and composition of the Carl D. Perkins and the Job Training subcommittees, as required by such federal laws.

The members of the Committee shall receive per diems of seventy-five (75) dollars for each day they attend its meetings and those of the subcommittees that are organized, or while carrying

out the duties charged by the Committee or subcommittees. Those members who are public employees and officials shall be governed by the regulations of the Secretary of the Treasury on the matter.

Any member of the Committee who receives a pension from any retirement system subsidized by the Government of the Commonwealth of Puerto Rico may receive the per diems provided in this section without affecting their right to said pension or annuity.

Section 12. — Implementation Plan of this Act. (18 L.P.R.A. § 1591)

The Chairperson shall submit the Implementation Plan of this Act to the Council for its approval, which shall provide, among other things, [for] the way in which the system shall be organized. The Plan must contain the following, without it being understood as a limitation:

- (a) An analysis of the administrative, teaching, fiscal and legal system of each program, agency or operating unit.
- (b) The manner in which the programs and agencies that compose the system shall be integrated and coordinated, whether as a program, agency or an operating unit separate or coordinated with the system or integrated to other components of the system. In the event that the Council determines that any one of the existing programs should be separated from the agency to which it is attached, and constituted as an independent program within the system, or attached to another program, it will provide the Plan for the form and manner of conducting these transfers.
- (c) Plans and perspectives of short- and long-term actions.
- (d) Tentative agenda in stages, to attain the Council's Strategic Five-Year Plan and its Implementation Plan.
- (e) Recommendations of amendments to the statutes that create the programs, agencies and operating units or to this Act.

The Council must submit the Implementation Plan to the Governor and the Legislature for their approval not later than one year after the Council has been constituted.

It is hereby provided that until the approval of the Implementation Plan, the agencies, programs and bodies to be attached to the Council shall coordinate their works with the Council in the normative, planning and budgetary phases through the Chairperson.

Section 13. — Transfers. (18 L.P.R.A. § 1581 note)

a) All the powers, functions, faculties, duties, files, documents and obligations of the Vocational, Technical and High Skills Education Board created by Act No. 28 of April 23, 1991. as amended, are hereby transferred to the Council.

b) There are hereby transferred to the Office of the Chairperson:

- 1. All personnel, properties, equipment, files and documents, obligations, available and remaining funds of any origin; contracts, obligations, exemptions and privileges of the Education and Employment Governing Board originated under Act No. 95 of July 14, 1988, as amended.
- 2. Any regulations that have been governing the operation of the Education and Employment Government Board that are in effect and in force with regard to the transfer authorized in this Act, must remain in force if it applies, in harmony with the projection of the objectives and

public policy designed in this Act. These shall continue in force until amended or repealed by the Council.

3. The personnel of the Education and Employment Governing Board and those working in the Safe Employment Program, who were holding regular offices with regular functions, on the effective date of this Act, may be transferred with regular status. All confidential employees who on said date are entitled to reinstatement to a career position, shall be transferred with the confidential status and shall remain in office until the nominating authority reinstates them in the corresponding position. In every case, the transfer shall be authorized depending on the availability of funds and the need for their professional services.

The personnel thus transferred shall keep the same rights and benefits they had at the time of their transfer, as well as their rights and obligations with regard to any pension or retirement system or savings and loan funds. The classification, reclassification and compensation of the positions shall be established in harmony with the classification and compensation plans to be established by the Office of the Chairperson.

c) All powers, functions, faculties, duties, files, documents, personnel, resources and obligations of the Puerto Rico Employment and Training State Council, and the Vocational, Technical and High Skills Education State Council created by virtue of Act No. 28 of April 23, 1931, as amended, are hereby transferred to the Technological-Occupational Education and Employment Training Advisory Committee to be created by virtue of Section 11 of this Act.

Any bylaws that have been governing the operations of the Employment Training State Council and the Vocational, Technical and High Skills Education State Council that are in effect on the date of approval of this Act shall continue in force until amended or repealed.

d) All personnel, properties, equipment, powers, faculties, functions, duties, files, documents, obligations, available and remaining funds of any origin, of the Puerto Rico Vocational and Technical Education Postsecondary Public Institutions and Programs State Approving Agency are hereby transferred to the Council by virtue of Section 10 of this Act.

The personnel thus transferred shall keep the same rights and benefits they had at the time of their transfer, as well as their rights and obligations with respect to any retirement or pension system or savings and loan funds. The classification, reclassification and compensation of the offices shall be established in harmony with the classification and compensation plans to be established by the Office of the Chairperson.

Section 14. — Appropriation of Funds. (18 L.P.R.A. § 1581 note)

All financial resources and funds appropriated to the Education and Employment Government Board in the General Budget of Expenses of the Government of Puerto Rico for fiscal year 1991-1992, are hereby transferred to the System's Council.

The Council shall also evaluate and determine the use of the budget contributions of local and Federal funds that are appropriated to all the components of the System.

In subsequent years, the funds needed to defray the operating expenses of the public components of the System shall be separately consigned in the General Budget of Expenses of the Commonwealth of Puerto Rico. Funds from other Federal or state financing sources related to the promotion of occupational education may also be transferred.

Section 15. — Amendments to Acts in Force. [Omitted]

Section 16. — Repeal. — Act No. 95 of July 14, 1988 as amended, and Act No. 28 of April 23, 1931 as amended, that creates the Vocational, Technical and High Skills Education Board and the Vocational, Technical and High Skills Education State Council, and Act No. 29 of May 16, 1972, are hereby repealed.

Section 17. — Severability Clause. (18 L.P.R.A. § 1581 note)

In the event that any part of this Act is declared unconstitutional or null, the other provisions thereof shall remain in force and effect.

Section 18. — Transitory Provisions. (18 L.P.R.A. § 1581 note)

a. The Council shall prepare and submit the Implementation Plan of this Act for the Governor's approval within a period of one (1) year following its effectiveness.

Section 19. — Effectiveness. (18 L.P.R.A. § 1581 note)

This Act shall take effect immediately after its approval, except for that with regard to the repealing of Act No. 95 of July 14, 1988, which shall take effect thirty (30) days after its approval and the repeal of Act No. 28 of April 23, 1931, with regard to the Vocational, Technical and High Skills Education State Council, and the transfer of its faculties and duties and those of the Puerto Rico Employment and Training Council, to the Technological-Occupational Education Advisory Committee, which shall take effect upon the constitution of said Committee, as provided in Section 11 of this Act, and as it meets the requirements of the applicable Federal statutes.

Note. This compilation was prepared by the Puerto Rico OMB staff who have striven to ensure it is complete and accurate. However, this is not an official compilation and may not be completely free of error. It contains all amendments incorporated for reading purposes only. For accuracy and exactitude please refer to the act original text. Compiled by the Office of Management and Budget Library.