

(H. B. 3220)

**(No. 142)**

(Approved October 4, 2007)

## **AN ACT**

To amend clauses (a) and (b) of subsection (3) of Section 6.4 of Act No. 184 of August 3, 2004, as amended, known as the “Public Service Human Resources Administration Act of the Commonwealth of Puerto Rico,” to provide that a demotion of a public employee covered by the provisions of this Act shall not become effective until thirty (30) days have elapsed counting from the date of notice of the demotion, except when the affected employee has expressed in writing his/her agreement to said action.

### **STATEMENT OF MOTIVES**

Subsection (3) of Section 6.4 of Act No. 184 of August 3, 2004, as amended, known as the “Public Service Human Resources Administration Act of the Commonwealth of Puerto Rico,” contains the provisions applicable to the demotion of public employees covered by the provisions of this statute.

Demotions may be made when an employee requests it or when the positions are eliminated and the employee cannot be relocated in an office similar to the one he/she previously held.

In the cases of demotion, it is required that the employee expresses in writing his/her agreement. But this agreement is not required when the action responds to the elimination of the position and the absence of other similar positions that would allow the lateral relocation of the employee.

A demotion, due to its nature, could cause problems for the employee and disruption in his/her personal life which could result in frustration and lack of motivation.

As it is known, Act No. 184, *supra*, has among its goals to maintain an atmosphere of harmony and satisfaction in the workplace that results in a high sense of motivation, productivity and commitment to service among the employees.

To protect public employees from actions which constitute abrupt and unexpected demotions, it should be provided that no demotion shall take effect until thirty (30) days have elapsed counting from the date of the notice of demotion, except when the affected employee has expressed in writing his agreement with said action. In said case, the demotion shall take effect immediately or before said term has elapsed.

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

Section 1.- Clauses (a) and (b) of subsection (3) of Section 6.4 of Act No. 184 of August 3, 2004, as amended, are 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 relocation 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 ...
2. Transfers ...

3. Demotions.—

- a. Demotions may be made when employees so request or when jobs are eliminated and they cannot be placed in a job similar to that which they held. No demotion shall become effective until thirty (30) calendar days have elapsed since the date of the written notice thereof to the affected employee. Said notice shall inform the employee of the procedure to be followed in the case he/she is not in agreement with the decision, as well as the date the decision shall become effective.
- b. In the cases of requested demotions, employees must state in writing their agreement therewith, in which case the demotion may be effective immediately or before the expiration of the term of the notice established in the preceding clause.
- c. Demoted employees must meet the minimum education and experience requirements established for the job class to which they are being demoted.

Section 2.- This Act shall take effect immediately after its approval.

## CERTIFICATION

I hereby certify to the Secretary of State that the following Act No. 142 (H.B. 3220) of the 6<sup>th</sup> Session of the 15<sup>th</sup> Legislature of Puerto Rico:

**AN ACT** to amend clauses (a) and (b) of subsection (3) of Section 6.4 of Act No. 184 of August 3, 2004, as amended, known as the “Public Service Human Resources Administration Act of the Commonwealth of Puerto Rico,” to provide that a demotion of a public employee covered by the provisions of this Act shall not become effective until thirty (30) days have elapsed counting from the date of notice of the demotion, except when the affected employee has expressed in writing his/her agreement to said action,

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

In San Juan, Puerto Rico, today 28<sup>th</sup> of December of 2007.

Francisco J. Domenech  
Director