

(H.B. 2669)

(No. 25)

(Approved March 9, 2007)

AN ACT

To amend the first paragraph and subsection (14) of Section 6.2; amend subsection (1) of Section 8.3 of Act No. 184 of August 3, 2004, as amended.

STATEMENT OF MOTIVES

Act No. 184 of August 3, 2004, as amended, better known as the “Public Service Human Resources Administration Act of the Commonwealth of Puerto Rico,” was approved with the intention to uniform the human resources system of all agencies of the Government of Puerto Rico. Even though this Act, in general terms, contains extensive provisions concerning the operation of a personnel system, it lacks the firmness that would urge the agencies to adopt the mandate of Law, since it functions as a recommended model and not as a model to be established. This broad implementation of the Law has made the agencies independent entities affecting primarily the principle it so strongly seeks to establish, the merit principle. Public employees encounter regulatory procedures and provisions that are different according to each agency thus affecting their personnel.

However, we believe it meritorious to establish that all agencies shall have the obligation of providing ORHELA (Office of Human Resources of the Commonwealth) with their job classifications as well as an updated inventory of its personnel. It has been a shameful experience to realize that no agency is able to certify to the Legislature the number of employees who

work for the executive, or the categories, or anything. This situation must be corrected as soon as possible and so we need that all agencies be proactive in offering the cooperation so as to enable ORHELA to fully meet its obligations.

In having to face the fiscal crisis the executive branch is undergoing, we have evaluated several provisions of Act No. 184 that attempt against the fiscal security of the agency due to the arbitrariness and lack of control in their application. We have become aware that the provisions that concern all bonuses must be evaluated and endorsed by ORHELA and by the Office of Management and Budget so as to guarantee that the budget of the agency is not adversely affected. In that same line, we have determined for how long the period for maintaining transitory positions when new projects are created in an agency must be increased so as to have the opportunity of making a serious and accurate analysis about the availability of the funds needed to be able to create positions through regular means.

This Legislature believes that it is necessary to take affirmative action to responsibly manage the control of expenses in the executive. This legislative measure takes another step towards helping our people obtain the efficient, diligent, and responsible government they deserve.

BE IT ENACTED BY THE LEGISLATURE OF PUERTO RICO:

Section 1.-To amend the first paragraph, subsection (14) and subsection (16) of Section 6.2 of Act No. 184 of August 3, 2004, as amended, to read as follows:

“As an effective instrument to attain the implementation of Government programs, each Appointing Authority shall be responsible for establishing and maintaining a rational structure of functions that leads to the greatest uniformity possible and which serves as a basis for

actions concerning personnel. To achieve this purpose, the agencies may use the work analysis and position evaluation methods most suitable to their operational functions and organizational reality. When classifying or appraising their positions, the agencies shall comply with the following provisions:

1. ...

...

14. The agencies shall abstain from creating fixed duration positions to attend to permanent needs or to perform functions of vacant permanent positions. However, upon beginning new programs or as new permanent needs arise within a program, fixed duration positions may be created for a term not greater than one (1) year while the regular career positions are created.

15. ...”

Section 2.-To amend subsection (1) of Section 8.3 of Act No. 184 of August 3, 2004, as amended, to read as follows:

“Section 8.3.-Specific Norms on Compensation.—

The following norms shall only apply to non-unionized and management employees or to employees excluded from Act No. 45 of February 25, 1998, as amended, who work in the public service.

1. Each Appointing Authority, with the advise and endorsement of the Office, may develop and incorporate into its regulations compensation methods that conform to its budgetary capacity, as certified by the Office of Management and Budget, that recognize the productivity, efficiency, and quality of the work carried out by the employees. These alternate compensation methods may be used to: retain the most suitable personnel, obtain qualified personnel

for positions for which it is difficult to recruit, and motivate employees.

...”

Section 3.-This Act shall take effect immediately after its approval.

CERTIFICATION

I hereby certify to the Secretary of State that the following Act No. 25 (H.B. 2669) of the 5th Session of the 15th Legislature of Puerto Rico:

AN ACT to amend the first paragraph and subsection (14) of Section 6.2; amend subsection (1) of Section 8.3 of Act No. 184 of August 3, 2004, as amended,

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

In San Juan, Puerto Rico, today 27th of June of 2007.

Francisco J. Domenech
Director