

(H. B. 2071)

**(No. 6)**

(Approved January 4, 2010)

## **AN ACT**

To amend Section 4.3 of Article 4 and Section 6.5 of Article 6 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,” in order to rename the “Human Capital Development Division” of the Human Resources Office of the Commonwealth of Puerto Rico (ORHELA, Spanish acronym) as the “Continuing Education School (CES)”; to empower ORHELA to bill the components of the Human Resources Administration System created in said Act for technical, human resources and labor advisory, mediation, and training services, as well as for the use of facilities, materials, and equipment; to require agencies, Individual Administrators, and bodies, public corporations, instrumentalities, and dependencies of the Executive Branch excluded from the System, to channel all their training needs through ORHELA; and set forth that all Heads of Agency shall refer to ORHELA every year the employees under their jurisdiction who have a specialized job classification in order for them to take training related to the same, as provided in the Act.

### **STATEMENT OF MOTIVES**

The challenges faced by the Government of the Commonwealth of Puerto Rico to render quality services to citizens are increasingly growing. The limited budget, the need to maximize available resources, while controlling and reducing payroll expenses and other administrative expenses in the agencies and dependencies of the Executive Branch, while preserving, in turn, the Merit Principle lead us to seek adequate alternatives to guarantee a continuous, effective, and efficient rendering of services to the People.

To achieve the above, it is necessary to design, adopt, and implement suitable human resources administration and labor relation strategies and measures that not only foster and guarantee the rendering of professional services to the citizenry, but also that promote labor productivity, efficiency and peace through the professional development of government employees. Thus, it is important to make the evolution of public officials feasible by means of training and the imparting knowledge so as to achieve their optimum development at the lowest cost possible.

It is a well known fact that public service requires technical and professional skills that can only be acquired by means of training, which shall yield positive results in the rendering of services to the citizenry. For such reason, the Human Resources Office of the Commonwealth of Puerto Rico (ORHELA) has among its responsibilities to train and develop government employees through the Human Capital Development Division (HCDD), thus meeting their needs for self-fulfillment based on a productivity framework. It is expected that the development of skills be of great benefits to the citizenry, the employee, and the government body.

ORHELA has the expertise and the infrastructure necessary to fulfill this task. Traditionally, the training and skill-building services offered by ORHELA are known for their excellence and cost-effectiveness. Furthermore, it is the agency that has the greatest sources of specialized knowledge and expertise in the human resources and labor relations fields within public service, since it has been, historically, the government body responsible for overseeing and supervising Human Resources Administration in Public Service.

For such reason, this Legislature deems it meritorious for ORHELA to be the primary government body to offer training services to all government agencies. Only in the event that this agency is unable to offer the same, it shall authorize requesting agencies for them to seek such services in other sectors such as the private sector. This measure is based on the fact that, at present, and pursuant to the provisions of Section 8.016, subsection (a) of Act No. 81 of August 30, 1991, as amended, known as the “Autonomous Municipalities of the Commonwealth of Puerto Rico of 1991,” no contracts shall be subscribed with private entities for the performance of training services until the competent municipal authority certifies in writing that there are no competent and qualified municipal employees or officials nor government agencies or entities engaged in providing low-cost training services (such as the University of Puerto Rico or the Central Labor Advisory and Human Resources Administration Office).

For all of the above, this legislative measure seeks to make professional development opportunities feasible for public employees, on the basis of productivity, at the least cost possible and in harmony with the Merit Principle. All this in benefit of the very own public service, which seeks to be nourished by efficient, qualified and capable employees to render the best service to the People.

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

Section 1.- Section 4.3, subsection (2)(h) of Article 4 of Act No. 184 of August 3, 2004, as amended, is hereby amended to read as follows:

“Article 4.— Public Service Human Resources Administration.—

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

1. Functions and Powers of the Director:

...

2. Functions and Powers of the Office:

a. ...

h. Bill for technical human resources and labor advisory, mediation, and training services, as well as for the use of facilities, materials, and equipment loaned to instrumentalities, public corporations or components of the government, including those that are part of the Human Resources Administration System created in this Act, and to private sector entities when these so request.”

Section 2.- Section 6.5 of Article 6 of Act No. 184 of August 3, 2004, as amended, is hereby amended to read as follows:

“Article 6.— Public Service Human Resources Administration.—

Section 6.5.— Provisions on Training.—

1. ...

2. ...

3. The Continuing Education School (CES) is hereby created in the public service as a part of the Office, to perform the functions indicated below:

...”

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

1. ...

...

4. The general and common, as well as the particular and specific, human resources development needs of all agencies shall be channelled through the Office, and only may agencies have the direct services from other entities by means of a dispensation granted by the Office to such effect.

5. For purposes of complying with so essential an area as training, all heads of agency shall refer every fiscal year to the Office, such employees under their charge who hold a specialized job classification, as listed below, so that they may participate in the following Comprehensive Programs: “Comprehensive Administration and Human Resources Skill-Building Program” (intended mainly for Supervisors, Directors and Assistant Secretaries in Internal Human Resources offices); “Comprehensive Collective Bargaining and Labor Relations Program” (intended mainly to Negotiation Committee members of the public agency or instrumentality); and the “Comprehensive Accounting and Budget Matters Program” (intended mainly for Assistant Secretaries and/or Directors in Administration, Management Affairs, Finances, Auditing, and Budget).

Section 3.- This Act shall take effect immediately once Article 38.02 of Act No. 7 of March 9, 2009, as amended, is rendered ineffective.

## **CERTIFICATION**

I hereby certify to the Secretary of State that the following **Act No. 6 (H. B. 2071)** of the **2<sup>nd</sup> Session of the 16<sup>th</sup> Legislature** of Puerto Rico:

**AN ACT** to amend Section 4.3 of Article 4 and Section 6.5 of Article 6 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,” in order to rename the “Human Capital Development Division” of the Human Resources Office of the Commonwealth of Puerto Rico (ORHELA, Spanish acronym) as the “Continuing Education School (CES)”; to empower ORHELA to bill the components of the Human Resources Administration System created in said Act for technical, human resources and labor advisory, mediation, and training services, as well as for the use of facilities, materials, and equipment; to require agencies, etc.

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

In San Juan, Puerto Rico, on the 30<sup>th</sup> day of April of 2010.

Solange I. De Lahongrais, Esq.  
Director