

(H. B. 2013)  
(Reconsidered)

**(No. 99)**

(Approved July 31, 2007)

### **AN ACT**

To amend Section 13.10 of Article 13 of Act No. 184 of August 3, 2004, as amended, to authorize the Chairperson of the Appeals Commission of the Human Resources Administration System to appoint an Associate Commissioner as the one selected to preside said Commission in his/her absence; as well as to assign functions in the adjudicative, regulatory and/or operational phases of the agency to one or more Commissioners.

### **STATEMENT OF MOTIVES**

The Appeals Commission of the Public Service Human Resources Administration System was created to provide those employees excluded from Act No. 45 of February 25, 1998, as amended, with a forum to appeal the decisions of the appointing authorities regarding the merit principle and the provisions of the Public Service Human Resources Administration Act of the Commonwealth of Puerto Rico. It is a specialized administrative appellate forum with quasi-judicial functions.

The determinations of the Appeals Commission have an impact on the agencies involved and their public employees, not only with regard to their work environment and daily decision-making processes, but also on their finances. Its decisions affect the vested rights of the public service personnel. The volume of work is high and the availability of resources is limited. For this reason, the Commission itself has requested to be granted certain tools that are at the disposal of other bodies similar in nature.

One of these tools is giving the Chairperson of the Commission the flexibility to divide and assign tasks among the members of the Commission, including designating an acting Chairperson. This type of law already exists for the Public Service Commission and the Labor Relations Board, therefore, it is not unknown in our code of laws, and provides a mechanism to improve the efficiency of the Appeals Commission.

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

Section 1.- Section 13.10 of Article 13 of Act No. 184 of August 3, 2004, as amended, is hereby amended to read as follows:

“Section 13.10.- Functions and Powers of the Chairperson.-

The Chairperson shall be the chief executive officer of the Commission and shall have the following responsibilities and powers:

1. ...

...

6. Designate an Associate Commissioner to act as Chairperson in his/her absence; which shall be known as the acting Chairperson, and who shall assume all duties and responsibilities of the actual Chairperson, until the latter is able to return to his/her position.

7. Assign work areas, in the adjudicative, regulatory and/or operational phases of the agency, to one or more Associate Commissioners.

The abovementioned in this Section shall not hinder in any way the right of the parties to a fair and unbiased adjudication process.

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. 99 (H.B. 2013) (Reconsidered) of the 5<sup>th</sup> Session of the 15<sup>th</sup> Legislature of Puerto Rico:

**AN ACT** to amend Section 13.10 of Article 13 of Act No. 184 of August 3, 2004, as amended, to authorize the Chairperson of the Appeals Commission of the Human Resources Administration System to appoint an Associate Commissioner as the one selected to preside said Commission in his/her absence; as well as to assign functions in the adjudicative, regulatory and/or operational phases of the agency to one or more Commissioners,

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

In San Juan, Puerto Rico, today 14<sup>th</sup> of December of 2007.

Francisco J. Domenech  
Director