

(H. B. 75)

(No. 27)

(Approved July 20, 2005)

AN ACT

To establish a minimum wage for the professional nursing class in the private sector in Puerto Rico.

STATEMENT OF MOTIVES

During the last decade our Island experienced a radical change in its public health system. These changes were the result of a government restructuring in which the Government transferred the rendering of health services to the private sector as well as the public health centers and hospitals. Prior to the transfer of health facilities to the private sector, the employees of these centers were considered government employees. After these institutions were sold, some employees of these public health centers became employees of the private sector thus losing their rights as public employees.

Among the employees most affected by this transcendental change, are nursing professionals. These professionals, together with the medical personnel, are responsible for watching over our health and follow-up the recommendations of our physicians and specialists. These are the professionals that accompany us day and night while we recover from an illness and administer medication to us and monitor our health. Unfortunately, these professionals, who have an enormous responsibility on their hands have not yet been done professional or wage justice. Many of these professionals earn a salary which is, at times, the minimum federal

wage required, regardless of their having the great responsibility of overseeing and monitoring our health. This situation has caused many nursing professionals to seek better employment opportunities in other jurisdictions, leaving our Island short of sufficient nursing professionals.

The health and education of a people are two neuralgic points that a country must address with priority in order to provide its citizens an excellent quality of life. For such reason, health has been a main topic during the last decade in Puerto Rico. The interest in improving our health system has caused that the various administrations make a priority the creation of new programs and services, to ensure citizens a good health system in general. But the creation and operating improvement of these programs can not disregard the working conditions and satisfaction of health professionals, such as nurses, who along with physicians and other professionals make our recovery more pleasant.

Through this bill, wage justice is made to nursing professionals in the private sector. This wage justice is achieved through the establishment of minimum wage schedules, which shall apply to all nursing professionals in the private sector, provided the same are not contrary to collective bargaining agreements in effect at the time this Act becomes effective. This exception is necessary in order to prevent issues on impairment of contractual obligations.

BE IT ENACTED BY THE LEGISLATURE OF PUERTO RICO:

Section 1.- The minimum wage to be earned by a nurse in the private sector shall be:

- a) Practical Nursing - \$1,500
- b) Nurse having an Associate Degree without experience - \$2,000
- c) Nurse having a Bachelor's Degree without experience - \$2,350

d) Nurse having a Bachelor's Degree with experience - \$2,500

These new salary schedules shall become effective in a period of three (3) years divided in three phases.

The new salary schedules to be established shall apply without impairing the terms of the different collective bargaining agreements in effect at the time this Act becomes effective.

During the first and second phase, the raise shall be thirty-three (33) percent, and on the third phase, it shall be of the remaining percent.

Section 2.- This raise in the salary schedule shall not apply to those employers who employ one (1) nurse.

Section 3.- The Secretary of Labor is hereby empowered to establish a procedure through which employers may be exempted from this Act, provided that said employer proves that such raise would have a devastating effect in the finances of the company, taking into account, among other things, the operating costs of the company and the number of employees. Every employer who benefits from this exemption shall draft a projected salary raise plan in order to comply with this Act after three (3) years. This plan shall be remitted to the Secretary of Labor who shall have custody thereof, and give it follow up, in order to make feasible its implementation. This salary raise plan shall be submitted to the Secretary no later than ninety (90) days after the Secretary has exempted such employer from complying with this Act.

Section 4.- The Secretary of Labor shall draft regulations for the imposition of fines to those who violate any of the provisions of this Act. Fines shall begin at one thousand (1,000) dollars and shall not exceed five thousand (5,000) dollars for each violation.

Section 5.- This Act shall take effect immediately after its approval.

CERTIFICATION

I hereby certify to the Secretary of State that the following Act No. 27 (H.B. 75) of the 1st Session of the 15th Legislature of Puerto Rico:

AN ACT to establish a minimum wage for the professional nursing class in the private sector in Puerto Rico,

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

In San Juan, Puerto Rico, today 16th of December of 2005.

Francisco J. Domenech
Director