

(H. B. 577)

(No. 28)

(Approved July, 20, 2005)

AN ACT

To establish salary schedules to be applied to the professional nursing class in the public service and to set forth a staggered plan to adjust the schedules existing at present.

STATEMENT OF MOTIVES

For many years the professional nursing class in the public service has requested a review of the salary schedule applicable to them. During the past administration, a series of legislative measures directed to addressing said claims were introduced. Although a legislative measure was approved, with the endorsement of all delegations in the Legislature, the same was vetoed by the governor who stated that such matter should be addressed by the present administration.

The recruiting of nursing personnel is not easy, due to the specialization required for the performance of their functions. At present, the salary schedules of the professional nursing class in the public service are the lowest when compared to salary schedules in different states of the United States. Consequently, there has been a constant relocation of Puerto Rican nurses to the United States in search of better job conditions.

As a result of the relocation, the health services offered by the Government of Puerto Rico were affected by the continuous hiring and training of new personnel. To enjoy excellent health services and receive them from the best personnel available is a right of the people, not a

privilege. It is our responsibility to adopt those measures directed to the protection of the health of our people.

We deem that the claim of the professional nursing class in the public service of reviewing the salary schedules applicable to them, is fair and reasonable. This bill has the purpose of reviewing said salary schedules in an orderly manner without affecting the resources and services provided to the citizenry.

In the measure that the salary schedules that apply to the professional nursing class in the public service are reviewed, the salary schedules that apply to the professional nursing class in the private industry shall also be reviewed. This shall be the logical effect, since such sector would have to offer similar salaries in order to hire the best personnel available, which would choose to work in the public service for the higher salaries offered by it.

The approval of this Act shall serve to do justice to the professional nursing class in the public service and to prevent the continuation of a massive exodus of the professional nursing class to the United States. There is no need to conduct further studies to review these salary schedules since, we have all the necessary information to justify the changes proposed by this legislation. The problem is not solved by holding someone responsible for the crisis in the contracting of this personnel, the problem is solved by acting through the salary review herein proposed.

As legislator we have a compelling interest in protecting the health of our people and in assuring that it has access to the best health services and that the same is rendered by the best trained personnel.

BE IT ENACTED BY THE LEGISLATURE OF PUERTO RICO:

Section 1.- The nursing personnel in the public service shall earn a minimum basic wage based on their education, experience, and performance in a full time work schedule of thirty-seven and a half (37.5) hours. The minimum wage classifications to be applied shall be the following:

- a. Practical Nurse without experience: \$1,500.00
- b. Nurse having an Associate Degree without experience: \$2,000.00
- c. Nurse having a Bachelor's Degree without experience: \$2,350.00
- d. Nurse having a Bachelor's Degree with experience: \$2,500.00

The Secretary of the Department of Health is hereby empowered to establish a procedure through which the government of Puerto Rico shall comply with the new salary schedules herein established. Provided, that within a term of two years as of the approval of this Act, all nursing personnel in the public service shall be classified in the corresponding schedule. In addition, the Secretary of the Department of Health shall be responsible for reviewing the schedules herein proposed every five years and the making of adjustments to the same that he/she deems pertinent.

Section 2.- Part time wages of the professional nursing in the public service shall be established in a staggered manner through regulations by the Secretary of the Department of Health, as well as the minimum basic wage for any other classification not included in the preceding paragraph. Provided, that within a term of three years as of the approval of this Act, all nursing personnel in the public service shall be classified in its corresponding schedule.

Section 3.- This Act and the regulations promulgated thereunder, are prospective in nature and shall not affect contracts and commitments prior to

its approval, nor shall intervene with any contracts and collective bargaining agreements that are in effect at the time of its approval.

Section 4.- The Secretary of the Department of Health is hereby empowered to grant a wage differential to the nursing personnel of hospitals and emergency rooms of the Treatment Centers and the nursing personnel with a fixed work schedule.

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. 28 (H.B. 577) of the 1st Session of the 15th Legislature of Puerto Rico:

AN ACT to establish salary schedules to be applied to the professional nursing class in the public service and to set forth a staggered plan to adjust the schedules existing at present,

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