

(H. B. 274)

(No. 67)

(Approved March 7, 2006)

AN ACT

To amend subsection (A) and its clause (a) of Section 4 of Act No. 13 of October 2, 1980, as amended, known as the “Puerto Rican Veterans’ Bill of Rights,” in order to consign that the preferential treatment of veterans is not limited to their income or appointment, but that it includes any promotion, employment or job opportunity.

STATEMENT OF MOTIVES

Act No. 13 of October 2, 1980, known as the “Puerto Rican Veterans’ Bill of Rights,” grants rights to those who have served in the Armed Forces of the United States of America, in recognition of the invaluable services rendered to the great American nation and to the cause of world democracy.

In Puerto Rico, the Act is clear in indicating that the preferential treatment of veterans who compete under equal conditions works to their benefit, since it covers any position, employment or job opportunity. This means that it includes both their appointment and their promotion. However, the interpretation of clause (a) of Section 4 of Act No. 13, *supra*, varies from employer to employer. For this reason, it is necessary to clarify the wording so as to achieve uniformity in the interpretation of the same.

This kind of legislation has met its share of challenges at the federal courts in terms of its constitutionality. However, specifically in the case of promotions, two federal cases have rebuffed the questions raised as to equal protection under the law. *Koelfgen v. Jackson*, 355 F. Supp. 243 (1972), 410

U.S. 976 (1973) and *Ríos v. Dillman*, 499 F.2d 329 (1974). Furthermore, the Rehabilitation Act of 1973 and the Veterans Employment Opportunities Act of 1988, among others, provide similar rights for any veteran applying for a job or a promotion in a job within the Federal Government. These rights extend in some cases to state governments, agencies and private companies that receive funding from the United States Government or which conduct business transactions therewith.

The Legislature of Puerto Rico believes that the discipline, experience, loyalty, and spirit of service garnered by veterans during their term of service in the United States Armed Forces should be recognized not only at the time they are hired, appointed or contracted for any position or employment, but also when they request or are granted a promotion or an acknowledgment. For this reason, this Legislature, concerned about the diversity in interpretation, deems appropriate to clarify the body of laws in order to serve justice onto those who have rendered so invaluable a service.

BE IT ENACTED BY THE LEGISLATURE OF PUERTO RICO:

Section 1.—Clause (a) of subsection (A) of Act No. 4 of Act No. 13 of October 2, 1980, as amended, known as the “Puerto Rican Veterans’ Bill of Rights,” is hereby amended to read as follows:

“Section 4.—Rights Granted Under the Puerto Rican Veterans’ Bill of Rights.—

The following rights are granted for the benefit of veterans.

A. Rights Related to Work.—

The Government of the Commonwealth of Puerto Rico, its agencies and instrumentalities, public or quasi-public corporations, municipalities, and all private natural or juridical

persons who operate businesses in Puerto Rico shall be under the obligation to:

- (a) Give preference to veterans, under equal academic and technical conditions or experience, in their appointment or when granting promotions to any position, or for employment or job opportunities.
- (b) ...”

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. 67 (H.B. 274) of the 3rd Session of the 15th Legislature of Puerto Rico:

AN ACT to amend subsection (A) and its clause (a) of Section 4 of Act No. 13 of October 2, 1980, as amended, known as the “Puerto Rican Veterans’ Bill of Rights,” in order to consign that the preferential treatment of veterans is not limited to their income or appointment, but that it includes any promotion, employment or job opportunity,

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

In San Juan, Puerto Rico, today 12th of April of 2006.

Francisco J. Domenech
Director