

(H. B. 2434)

(No. 176)

(Approved August 30, 2006)

AN ACT

To amend Section 13.2 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,” to clarify the meaning of the phrase “active in politics,” used in the context of the appointment of the members of the Appeals Commission of the Human Resources Administration System.

STATEMENT OF MOTIVES

Section 13 of the “Public Service Human Resources Administration Act,” Act No. 184 of August 3, 2004, as amended, provides for the creation of the Appeals Commission of the Human Resources Administration System.

The essential function of this administrative body is to hear appeals that arise as consequence of the actions or decisions of the Individual Administrators and the municipalities which affect public employees who are not covered by the Public Service Labor Relations Act when it is alleged that rights granted by legislation that may apply are being violated, including the areas essential to the merit principle.

The Commission is constituted by a Chairman and two Associate Commissioners to be appointed by the Governor, with the advice and consent of the Senate. Those three members shall be attorneys admitted to the bar with vast knowledge and experience in the human resources administration field and in the application and protection of the merit principle.

Section 13.2 of Act No. 184 provides that any person who has been active in politics during the four years preceding his/her appointment may not become a member of the Commission. The evident purpose of this is to avoid that persons who are identified with, or who have a high degree of emotional commitment towards a political party become members of this administrative body.

Nevertheless, the term “active in politics” is unclear, vague and prone to be interpreted erroneously or conveniently, which may cause noncompliance with the purpose of such limitation.

Therefore, for the purposes of Section 13.2 of Act No. 184, it is deemed convenient to clearly establish what shall be understood by “active in politics.”

Through this measure, it is established that by “active in politics” it shall be understood that the person, during the four (4) years prior to his/her appointment, has been a candidate to a nomination for elective office in the primaries of a political party, or a candidate nominated on the ballot of a political party, or has held a position in a committee or body of a political party, whether it be of the commonwealth, regional, municipal, ward or electoral unit. It shall be understood that “political party” includes a principal party, a party by petition, a local party by petition, an associated party and a national party.

With the approval of this law, what is to be understood as “active in politics,” shall be clarified, so that faithful compliance is given to the legislative purpose of including this limitation in the aforementioned Section 13.2.

BE IT ENACTED BY THE LEGISLATURE OF PUERTO RICO:

Section 1.- Section 13.2 of Act No. 184 of August 3, 2004, as amended, is hereby amended to read as follows:

“Section 13.2.- Composition

The Commission shall be composed of one Chairperson and two Associate Commissioners, who shall be appointed by the Governor with the advice and

consent of the Senate. Both the Chairperson and the associate members shall be attorneys at law, admitted into the bar, with ample knowledge and experience in the field of Human Resources Administration and in the application and protection of the merit principle. Any person who has been active in politics during the four years prior to the term of appointment, may not become a member of the Commission. It shall be understood by “active in politics” that the person, during the four (4) years prior to his/her appointment, has been a candidate for a nomination to an elective position in the primaries of a political party, or a candidate nominated on the ballot of a political party, or has held a position in a political party committee or body, whether national, commonwealth, regional, municipal, ward or electoral unit and/or any other candidate or aspirant to an elective position. It shall be understood by “political party” that it is a principal party, a party by petition, a local party by petition, an associated party or a national party.”

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. 176 (H.B. 2434) of the 4th Session of the 15th Legislature of Puerto Rico:

AN ACT to amend Section 13.2 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,” to clarify the meaning of the phrase “active in politics,” used in the context of the appointment of the members of the Appeals Commission of the Human Resources Administration System,

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

In San Juan, Puerto Rico, today 22nd of December of 2006.

Francisco J. Domenech
Director