

H.B. 2484

(No. 219)

(Approved September 29, 2006)

AN ACT

To declare as public policy of the Commonwealth of Puerto Rico that at least five (5) percent of the labor force of the Agencies, Dependencies and Public Corporations be constituted by qualified persons with disabilities.

STATEMENT OF MOTIVES

The persons with disabilities seek both equal employment and social conditions in relation to their non disabled peers. For this reason those persons who suffer from some disability must be equitably and fully integrated into the labor force and into our society.

According to the Census data for the year 2000, Puerto Rico has 3,808,610 inhabitants, of which 934,674 suffer from some type of disability. Approximately eight (8) of every ten (10) persons of the population with disabilities are qualified but are unable to gain access to the labor force.

According to a study conducted by the Office of the Advocate for the Disabled (OPPI, Spanish acronym), in 2002-2003, entitled *Estudio de Empleados con Impedimentos en las Agencias del Gobierno* [Study of Employees with Disabilities in the Government Agencies] (Our translation), the percentage of persons with disabilities recruited by the government agencies is only 2.02%.

The OPPI was created by virtue of Act No. 2 of September 27, 1985, as amended, so that it would serve as an instrument for coordinating the attention given to and solving the problems and needs of the persons with disabilities in the areas of education, health, employment, free business or entrepreneurial initiatives, civil and political rights, transportation, housing and recreational and cultural activities. Its purpose was also to establish the necessary standards and guarantees for fostering a sense of belonging to a society that would not impose barriers of a physical nature nor of attitude and that would allow for the achievement of their aspirations and integrate them into the productive endeavors of the country according to their capabilities.

Furthermore the OPPI is the supervising agency of the public and the private sectors with the legal responsibility of administering Act No. 44 of July 2, 1985, known as the Antidiscrimination Act and the Federal Laws that protect the rights of the persons with disabilities through protection and defense programs. Both the Constitution of the Commonwealth of Puerto Rico and the Federal Laws guarantee the right of all persons to be treated equally before the Law, the right to life and to obtaining employment and equal pay for equal work.

This Legislature is genuinely interested in equitably and fully integrating the persons with disabilities into the labor force and into our society. For this reason it is necessary to promote and foster the public policy of the Government in relation to those persons with physical or mental disabilities so as to broaden their employment opportunities, prohibit employment discrimination against such persons and make sure they achieve their economic independence by being included in the labor force.

BE IT ENACTED BY THE LEGISLATURE OF PUERTO RICO:

Section 1.-Title.

This Act shall be known as the “Act to Foster the Employment of Qualified Persons with Disabilities in the Agencies, Dependencies and Public Corporations of the Commonwealth of Puerto Rico.”

Section 2.-Definitions.

For the purposes of this Act, the following terms shall have the meaning expressed below:

a) “Agencies, Dependencies and Public Corporations” means every department, agency, instrumentality, office and any other body of the Commonwealth of Puerto Rico, including all public corporations and their subsidiaries or any government entity with its own juridical personality created by law or which may be created in the future, without any exception whatsoever.

b) “Person with disabilities” refers to any person with a physical, mental, cognitive or sensorial disability that substantially limits one or more essential life activity; who has a medical history or record of a physical, mental, cognitive or sensorial disability; or who is considered as having a physical, mental, cognitive or sensorial disability.

c) “Qualified person with disabilities” refers to that person with disabilities who legitimately has the skills, education or other requirements or qualities necessary for employment to which he/she aspires or has obtained and for which he/she is qualified for performing the essential tasks of such employment with or without reasonable accommodation.

Section 3.-Public Policy.

It is hereby established as the public policy of the Commonwealth of Puerto Rico that at least five (5) percent of the labor force of the agencies,

dependencies and public corporations be constituted by qualified persons with disabilities.

Section 4.-It shall be the duty of every agency, dependency and public corporation to comply with the percentage established as public policy within the term of four (4) years as of the date of approval of this Act. The percentage shall be complied with gradually at the rate of 1.25% per year. The pertinent regulations shall also be approved or amended to guarantee the recruitment of persons with disabilities that will permit reaching the five percent herein established within the term provided. All this in coordination with the Office of Human Resources of the Commonwealth of Puerto Rico created pursuant to Act No. 184 of August 3, 2004, as amended.

Section 5.-It shall be the duty of the Office of the Advocate for the Disabled, together with the Department of Labor and Human Resources to oversee the faithful compliance of the provisions of this Act.

Section 6.-This Act shall take effect immediately after its approval.

CERTIFICATION

I hereby certify to the Secretary of State that the following Act No. 219 (H.B. 2484) of the 4th Session of the 15th Legislature of Puerto Rico:

AN ACT to declare as public policy of the Commonwealth of Puerto Rico that at least five (5) percent of the labor force of the Agencies, Dependencies and Public Corporations be constituted by qualified persons with disabilities,

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

In San Juan, Puerto Rico, today 27th of November of 2006.

Francisco J. Domenech
Director