

(H. B. 2051)

(No. 279)

(Approved December 22, 2006)

AN ACT

To include the Sign Language Interpreters of Puerto Rico among the group of professionals exempted from the restrictions of Article 177 of the Political Code of 1902, as amended, and Section 3.2 (f) of the “Ethics in Government Act of the Commonwealth of Puerto Rico.”

STATEMENT OF MOTIVES

Persons with hearing impairments have developed a complex visual communications system called sign language. This language has the capacity to express abstract and concrete ideas without requiring a spoken language. Most topics, thoughts and symbols may be expressed with signs. Just as a person with hearing thinks in his/her own language, many deaf persons do so in their own sign language. Sign languages have gradually developed and improved with the passing of time.

Many countries around the world have incorporated specialized learning centers to teach sign language, not only to persons with hearing problems, but also to persons with special hearing needs who are not considered to be deaf, but have difficulty pronouncing words. For such reason, it is so necessary to learn to communicate through signing.

Experts have discovered that in order to broaden language in an easy, skillful and satisfactory manner, it is much more beneficial to use signing since the first phases of language development. They have also observed that when the deaf are exposed from early infancy to a natural sign language and

a linguistic foundation is created in them, their academic performance and social adaptation improve, and later, the learning of a written language becomes easier for them.

Sign language is rarely used in our island. At present, we only have fifty (50) qualified Sign Language Interpreters. Because of the fact that the profession of Sign Language Interpreter has not been regulated, many candidates have left the island in order to study this subject. Therefore, we are facing a crisis due to the scarcity of such professionals, together with a great demand for their services in courts, universities and television, which makes it difficult to hire personnel that is trained in this specialized field.

At present, most of the Sign Language Interpreters who are public employees hold positions that do not include sign language interpreting within their essential duties. However, due to the need for such services within the government, especially during government messages to the people, national disasters, and emergencies, they are hired for such purposes during irregular hours or night shifts with no other benefit than the granting of compensatory time.

Interpreters who are regular public employees cannot receive any additional pay or extra compensation from the government for their personal or official services, unless such additional pay or extra compensation is expressly authorized by law. This last restriction is established in Article 177 of the Political Code of 1902, and Section 3.2 (f) of Act No. 12 of July 24, 1985, as amended, known as the “Office of Government Ethics Act of the Commonwealth of Puerto Rico.”

Although Article 177 of the Political Code of 1902 prohibits double compensation for public employees, the same does not apply to various health professionals, such as physicians and nurses. Furthermore, Act

No. 100 of June 27, 1956, and Act No. 149 of July 15, 1999, as have been amended, allow the University of Puerto Rico and the Department of Education, respectively, to contract the services of any public employee, and the same are exempted from the prohibition on double compensation. Act No. 66 of April 4, 1998, amended Sections 1 and 2 of Act No. 100, *supra*, to authorize UPR to contract or use the services of any person who holds any position in the municipalities, the special corporations created by the latter, and in the inter-municipal bodies established under Act No. 81 of August 30, 1991, as amended, known as the “Autonomous Municipalities Act of the Commonwealth of Puerto Rico.” Employees and artists of the School of Plastic Arts are authorized to render their services to government instrumentalities without being subject to the double compensation prohibition pursuant to Act No. 349 of September 16, 2004.

Many Sign Language Interpreters feel that their studies in said field are not compensated fairly in the public sector, and that it even goes against their interest for personal improvement. All of the aforementioned certainly are negative influences on the implementation of the Americans with Disabilities Act of 1990 (PL 101-336), Act No. 44 of July 2, 1985; Act No. 80 of June 9, 2002, and Act No. 121 of August 8, 2002, as have been amended.

For all of the above, the Legislature of the Commonwealth of Puerto Rico acknowledges the need to authorize public employees who are certified as Sign Language Interpreters to receive compensation without being subject to the double compensation prohibition set forth in Section 177 of the Political Code of 1902, as amended, and Section 3.2 (f) of Act No. 12, *supra*, for their services as interpreters rendered outside of their working hours to any department, subdivision, agency, board, committee, instrumentality,

public corporation or municipality of the Government of the Commonwealth of Puerto Rico.

BE IT ENACTED BY THE LEGISLATURE OF PUERTO RICO:

Section 1.- Definitions

- a) Government – For purposes of this Act, means any municipality, board, commission, administration, authority, public-private corporation, government body, or public instrumentality of the Commonwealth of Puerto Rico.
- b) Sign Language Interpreter – For the purposes of this Act, means any regular government employee with a minimum of twelfth (12th) grade high school education who has a minimum of 175 hours in Sign Language Workshop, including workshops on the Code of Ethics of Sign Language Interpreters or an equivalent, and who has interpreted for the public for a minimum of 104 hours. In the alternative, any employee with the aforementioned characteristics and qualifications who has not been trained in Sign Language, but has taken the workshops on the Code of Ethics of Interpreters or its equivalent, and has interpreted for a minimum of 260 hours for the public. Verification of the minimum hours shall be made through the presentation by the Interpreter of any official document issued by the entity, person or organizer of the activity in which the services of the interpreter were rendered, in order to certify that the service was rendered for a certain amount of hours. Said hours may be added to other hours of services rendered in other activities to complete the specified minimum hours.

Section 2.- The Government may contract the services of its employees who are qualified as Sign Language Interpreters to render services in accordance with the definition established in Section 1(b) of this Act, and may pay to them the due compensation due in accordance with applicable fees for such additional services rendered outside their working hours, without being subject to the provisions in Section 177 of the Political Code of Puerto Rico of 1902, and Section 3.2 (f) of Act No. 12 of July 24, 1985, as amended, known as the “Ethics in Government Act of the Commonwealth of Puerto Rico.” For the granting of such contract, the Sign Language Interpreter shall obtain a written dispensation or authorization from the head of the government entity in which he/she works.

Section 3.- This Act shall take effect immediately after its approval.

CERTIFICATION

I hereby certify to the Secretary of State that the following Act No. 279 (H.B. 2051) of the 4th Session of the 15th Legislature of Puerto Rico:

AN ACT to include the Sign Language Interpreters of Puerto Rico among the group of professionals exempted from the restrictions in Section 177 of the Political Code of 1902, as amended, and Section 3.2 (f) of the “Ethics in Government Act of the Commonwealth of Puerto Rico”,

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

In San Juan, Puerto Rico, today 13th of July of 2007.

Francisco J. Domenech
Director