

(H.B. 2093)

(No. 285)

(Approved December 26, 2006)

AN ACT

To add a clause (6) to subsection (b) of Section 12B of Act No. 74 of June 21, 1956, as amended, known as the “Employment Security Act,” in order to provide that those employers who hire ex-convicts shall have access to the benefits of the “Employment Opportunities Development Fund,” for the purpose of promoting employment opportunities for those with a criminal record who apply for employment and for other related purposes.

STATEMENT OF MOTIVES

If there is a sector of our society that has very limited access to employment, it is without a doubt the population of ex-convicts. The majority of the convicts who are at present in prison shall eventually be free to join the community and become reintegrated to our society at some given moment. It is thus the duty of the government not only to provide proper supervision as the case may be, but also to foster training and other programs for these citizens so that they may return to the free community.

Act No. 52 of August 9, 1991 amended Act No. 74 of June 21, 1956, as amended, known as the “Employment Security Act,” in order to create the “Employment Opportunities Development Fund.” The money of said Fund is to be solely and exclusively used for promoting employment opportunities in jobs with a future, officially identified as such by the Department of

Labor and Human Resources, to promote employment with a demand in the present market, to promote the creation of jobs and employment opportunities of high productivity and to promote employment and training opportunities for the elderly. Said Act was recently amended through Act No. 81 of August 26, 2005 in order to promote the employment of young people between the ages of 16 and 24, and of those persons who apply for employment for the first time.

The Legislature is duty bound and interested in identifying that type of program and in establishing the public policy that would regulate the integration of ex-convicts into the labor force and therefore into society.

In order to do this, the present Act establishes that those employers who hire ex-convicts shall have access to the benefits of the “Employment Opportunities Development Fund,” for the purpose of promoting employment opportunities for those with a criminal record who apply for employment.

BE IT ENACTED BY THE LEGISLATURE OF PUERTO RICO:

Section 1.-A clause (6) is hereby added to subsection (b) of Section 12B of Act No. 74 of June 21, 1956, as amended, known as the “Employment Security Act,” to read as follows:

“Section 12B.-Employment Opportunities Development Fund.

(a) ...

(b) Deposit and disbursement.-All moneys in the “Employment Opportunities Development Fund” shall be deposited, administered and disbursed in the same manner and under the same conditions and requirements provided by the Act with respect to other special funds in the Department of the Treasury of the Commonwealth of Puerto Rico, except that the moneys in this Fund shall not be consolidated with other funds of

the Commonwealth, but shall be kept in a separate account in the books of the depositary bank. The Secretary of the Treasury shall be the Treasurer and ex officio custodian of the Fund. He/she shall be accountable, under his/her official bond for the faithful compliance of his/her duties with respect to the Fund. Said accountability shall be effective January 1, 1991 and shall exist in addition to any other accountability under any separate bond existing on that date or subsequently.

The money in the Fund shall be continually at the disposal of the Secretary, solely and exclusively for activities coordinated by the Employment Services of the Department of Labor and Human Resources directed to:

- (1) ...
- (6) promote employment opportunities for ex-convicts.
- (C) ...”

Section 2.-The Secretary of the Department of Labor and Human Resources shall amend the regulations in effect in order to guarantee compliance with this Act and to do this he/she may solicit the help and collaboration of the Department of Corrections and Rehabilitation.

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. 285 (H.B. 2093) of the 4th Session of the 15th Legislature of Puerto Rico:

AN ACT to add a clause (6) to subsection (b) of Section 12B of Act No. 74 of June 21, 1956, as amended, known as the “Employment Security Act,” in order to provide that those employers who hire ex-convicts shall have access to the benefits of the “Employment Opportunities Development Fund,” for the purpose of promoting employment opportunities for those with a criminal record who apply for employment and for other related purposes,

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

In San Juan, Puerto Rico, today 28th of September of 2007.

Francisco J. Domenech
Director