

(S. B. 1060)

(No. 230-2018)

(Approved October 17, 2018)

AN ACT

To amend paragraph (a) of subsection (5) of Section 6.4 of Article 6 of Act No. 8-2017, as amended, known as the “Government of Puerto Rico Human Resources Administration and Transformation Act,” in order to empower the Governor of Puerto Rico or his authorized representative to authorize, at his discretion and as an exception, the use of the detail mechanism without requiring the reimbursement of the salary paid to such official or employee.

STATEMENT OF MOTIVES

Act No. 8-2017, as amended, known as the “Government of Puerto Rico Human Resources Administration and Transformation Act,” as well as previous similar statutes, authorizes details between the Executive Branch and other Branches of the Government of Puerto Rico. According to such statute, the detail is “an administrative action that allows for the maximization of the use of human resources in a cost-effective manner according to the Merit System.”

Among the applicable provisions set forth in paragraph (a) of subsection (5) of Section 6.4 of Article 6 of the aforementioned statute, detail “of officials and employees between the Executive Branch and other Government Branches shall be allowed; provided that, the Branch to which the official is detailed reimburses the compensation paid to said official, in accordance with the rules established therefor by the Office of Management and Budget.” However, for the purpose of maximizing the effective use of said mechanism, in benefit of the official or employee and the Government of Puerto Rico, this Legislative Assembly deems it

advisable to empower the Governor of Puerto Rico or his authorized representative to authorize, at his discretion and as an exception, the use of the detail mechanism without requiring the aforementioned reimbursement, as provided in this Act.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF PUERTO RICO:

Section 1.- Paragraph (a) of subsection (5) of Section 6.4 of Article 6 of Act No. 8-2017, as amended, known as the “Government of Puerto Rico Human Resources Administration and Transformation Act,” is hereby amended to read as follows:

“Article 6.- Public Service Human Resources Administration.-

The Government of Puerto Rico Human Resources Administration and Transformation Office shall ensure...

Section 6.1.- ...

Section 6.4.- Provisions on Promotions, Transfers, Demotions, and Mobility.-

The Government of Puerto Rico Human Resources Administration and Transformation Office shall be responsible...

1. ...

...

5. Other Actions

(a) Detail – The temporary assignment of a public official or employee from an agency of the Executive Branch or municipality, and vice versa, is hereby authorized in order to render mutual services at any other of said jurisdictions. Detailed employee or officials shall continue to hold the same office and shall keep all of their rights as officials or employees of said agency. Detail is an administrative action that allows for the maximization of the use of human resources in a cost-effective manner according to the Merit System. Under extraordinary circumstances, the use of this mechanism to detail officials and

employees between the Executive Branch and other Government Branches shall be allowed; provided that, the Branch to which the official is detailed reimburses the compensation paid to said official, in accordance with the rules established therefor by the Office of Management and Budget. Detail may be used for a one (1)-year term, which may be extended as necessary. Notwithstanding the foregoing, and under extraordinary circumstances, the Governor of Puerto Rico or his authorized representative may authorize, at his discretion and as an exception, the use of this mechanism to detail officials and employees between the Executive Branch as well as other Government Branches the payroll of which is paid from the General Fund of the Government of Puerto Rico, without requiring reimbursement thereof as provided above. In the event that the official on detail is an employee of a public corporation or government entity whose payroll is paid from its own funds and is detailed to discharge his functions in a Government Branch or agency the payroll of which is paid from the General Fund of the Government of Puerto Rico, as well as in the event that the Governor determines that his authorization shall inure to the benefit of the Government of Puerto Rico, the Governor may authorize the detail of the official or employee without requiring such reimbursement.

(b) ...

...”

Section 2.- This Act shall take effect immediately after its approval and the provisions thereof shall be retroactive to February 4, 2017, the date of approval of Act No. 8-2017.

CERTIFICATION

I hereby certify to the Secretary of State that the following **Act No. 230-2018 (S. B. 1060)** of the **4th Regular Session** of the **18th Legislative Assembly of Puerto Rico**:

AN ACT to amend paragraph (a) of subsection (5) of Section 6.4 of Article 6 of Act No. 8-2017, as amended, known as the "Government of Puerto Rico Human Resources Administration and Transformation Act," in order to empower the Governor of Puerto Rico or his authorized representative to authorize, at his discretion and as an exception, the use of the detail mechanism without requiring the reimbursement of the salary paid to such official or employee.

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

In San Juan, Puerto Rico, on this 15th day of September, 2020.

Orlando Pagán-Ramírez
Director