

(H. B. 4286)

**(No. 298)**

(Approved December 6, 2003)

## **AN ACT**

To amend Section 5 of Act No. 34 of June 12, 1969, as amended, in order to include in the provisions for the receipt of the Christmas Bonus, the officials and employees covered under Act No. 45 of February 14, 1998, as amended, and who because of administrative provisions or their own collective bargaining agreement receive a Christmas Bonus of less than the established through this Act; and to provide for its effectiveness.

### **STATEMENT OF MOTIVES**

The present administration of the Commonwealth of Puerto Rico has established as a public policy doing justice to the thousands of public servants who work for the government, to stimulate and promote the efficiency in the services rendered to our people and to attract and retain in the public service the best suited personnel. To that effect, this Administration has raised the Christmas Bonus benefit from five hundred (500) dollars in the year 2000, to one thousand (1,000) dollars in the Christmas season of the year 2003.

However, with the approval of Act No. 173 of July 31, 2003, public employees who receive their Christmas Bonus by virtue of the collective bargaining agreements negotiated under Act No. 45 of February 14, 1998, as amended, were excluded from the raise to one thousand (1,000) dollars provided for in Christmas 2003. This situation has brought about a certain uneasiness, since at present there are collective bargaining agreements that

contemplate that the Christmas Bonus negotiated shall be automatically subject to any posterior raise granted to non-union employees, while other bargaining agreements do not contemplate the situation explained above; which implies that in some cases the amount of the Christmas Bonus of some union employees shall be less than the amount received by non-union employees of the Government.

It is the duty of this Legislature to do justice to all public servants who work for the Commonwealth of Puerto Rico. Therefore, through this legislation we amend Section 5 of Act No. 34 of June 12, 1969, as amended, in order to include into the provisions of said Act, the public employees who receive a Christmas Bonus in an amount less than the established therein, by virtue of a collective bargaining agreement negotiated under Act No. 45, *supra*, or through an administrative order.

**BE IT ENACTED BY THE LEGISLATURE OF PUERTO RICO:**

Section 1.- Section 5 of Act No. 34 of June 12, 1969, as amended, is hereby amended to read as follows:

“Section 5.- The provisions of Sections 1 to 7 of this Act shall not apply in those cases in which the officials or employees receive Christmas Bonuses by virtue of collective bargaining agreements, including bargaining agreements under Act No. 45 of February 14, 1998, as amended, or administrative provisions to that effect, except in the cases in which the amount of the Bonus to which they are entitled through such bargaining agreements or administrative provisions turns out to be less than the amount provided for by Sections 1 to 7 of this Act, in which case they shall receive the amount needed to complete the amount of the Christmas Bonus provided for by this Act.”

Section 2.- The funds to cover the additional cost of this Act shall originate from the Budgetary Fund.

Section 3.- The Office of Management and Budget shall consign the additional funds needed to cover the cost of this Act in the budget of fiscal year 2004-2005.

Section 4.- This Act shall take effect immediately after its approval.

## CERTIFICATION

I hereby certify to the Secretary of State that the following Act No. 298 (H.B. 4286) of the 7<sup>th</sup> Session of the 14<sup>th</sup> Legislature of Puerto Rico:

**AN ACT** to amend Section 5 of Act No. 34 of June 12, 1969, as amended, in order to include in the provisions for the receipt of the Christmas Bonus, the officials and employees covered under Act No. 45 of February 14, 1998, as amended, and who because of administrative provisions or their own collective bargaining agreement receive a Christmas Bonus of less than the established through this Act; and to provide for its effectiveness,

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

In San Juan, Puerto Rico, today 30<sup>th</sup> of August of 2004.

Elba Rosa Rodríguez-Fuentes  
Director

