

(H. B. 2923)

(No. 29)

(Approved March 18, 2008)

AN ACT

To amend subsection (d) of Section 14 of Act No. 103 of May 25, 2006, known as the “Commonwealth of Puerto Rico Government Fiscal Reform Act of 2006,” which provides for the creation of a Registry of Positions, attached to and administered by the Office of the Comptroller of Puerto Rico.

STATEMENT OF MOTIVES

Subsection (d) of Section 14 of Act No. 103 of May 25, 2006, known as the “Commonwealth of Puerto Rico Government Fiscal Reform Act of 2006,” which took effect on July 1, 2006, provides for the creation of a Registry of Positions in the Office of the Comptroller of Puerto Rico as of January 1, 2007. The manner in which this Registry, as approved, shall operate is that every month the heads of all the agencies and public corporations shall report to the Office of the Comptroller the existing positions in their agencies and whether the same are filled or vacant. The Registry shall also be available on the Internet to give easy access to hundreds of citizens in our Island.

This Legislature deems that in order for the Registry to contain the complete payroll information of all the government entities that are affected by the general budget, to develop probity and transparency in government undertakings, and at the same time to facilitate oversight by the Office of the Comptroller of Puerto Rico, it is necessary to amend said provision, so that it be applicable to all the government entities that constitute the Executive, Legislative and Judicial

Branches, including the public corporations and their subsidiaries, the municipalities, and the special municipal corporations and consortia.

The aforementioned Registry shall contain the following information:

1. Total of the budget of the government entities classified by funds: general, special, federal or any other funds, appropriations and revenues of the entities.
2. Total of the budget of the entity apportioned for payroll and costs related thereto classified by funds: general, special, federal or any other funds, appropriations and revenues of the entities.
3. Total actual expense of the payroll and costs related thereto of the positions filled classified by funds: general, special, federal or any other funds, appropriations and revenues of the entities.

This Act also intends to authorize the Comptroller of Puerto Rico to request additional information in accordance with the purpose of this Act and to approve the regulations necessary to enforce the Act. Likewise, it is herein expressly provided that the reports shall not include names of officers or employees, nor their Social Security numbers.

The objective of these amendments is for the Registry to include sufficient additional information to serve as an instrument of control and measuring of the public expenditures in the item for payrolls.

Furthermore, the second paragraph of Section 14 is hereby amended to clarify that the positions mentioned thereunder as exempted from the provisions of said Section are not exempted from the Registry of Positions and Related Information created by subsection (d) of said Section.

BE IT ENACTED BY THE LEGISLATURE OF PUERTO RICO:

Section 1.—Subsection (d) of Section 14 of Act No. 103 of May 25, 2006, known as the “Commonwealth of Puerto Rico Government Fiscal Reform Act of

2006,” which provides for the creation of a Registry of Positions attached to and administrated by the Office of the Comptroller of Puerto Rico is hereby amended to read as follows:

- “(d) A Registry of Positions and Related Information is hereby created as of January 1, 2008, for all government entities, without any exception whatsoever that constitute the Executive, Legislative and Judicial Branches, including public corporations and their subsidiaries, municipalities, special and municipal corporations and consortia. The heads of said government entities shall render a monthly report to the Office of the Comptroller that shall contain the following information:
- (1) Total of the budget of the entity classified by funds: general, special, federal or any other funds, appropriations and revenues of the entity.
 - (2) Total of the budget of the entity apportioned to payroll and costs related thereto classified by funds: general, special, federal or any other funds, appropriations and revenues of the entity.
 - (3) Total actual expense of the payroll and costs related thereto of the positions filled classified by funds: general, special, federal or any other funds, appropriations and revenues of the entity.
 - (4) Total amount of:
 - a. Authorized positions, filled and vacant, classified by category, whether career, transitory, irregular, of trust or of any other category within the entity.
 - b. Positions created and eliminated, classified by category.
 - c. Appointments, classified by category.

- d. Separations from employment whether due to resignation, dismissal, death, retirement or any other reason, classified by category.
 - e. Changes in classification of positions that affect the salary, classified by category.
 - f. Employees on unpaid leave of absence, reported to the State Insurance Fund and on special assignment.
- (5) Any other additional information that the Comptroller deems necessary in order to comply with the purpose of this Act.

The report shall be submitted to the Office of the Comptroller no later than thirty (30) calendar days after the end of the month and shall not contain the names of officers or employees, or their Social Security number. The Comptroller may grant an extension of fifteen (15) additional days, or less, to render the report in meritorious cases, after a duly founded request. The reports shall be certified by the head of the corresponding government entity. The government entities shall keep a record of all the information that supports each report submitted by them. The Registry of Positions and Related Information shall be published on the Web page of the Office of the Comptroller.

The Comptroller is hereby authorized to approve the regulations that are needed to put this provision in effect and to resort to the Court of First Instance, San Juan Part, to compel officers who fail to comply with the provisions set forth in this Act.

Section 2.—The second paragraph of Section 14 of Act No. 103 of May 25, 2006, known as the “Commonwealth of Puerto Rico Government Fiscal Reform Act of 2006,” is hereby amended to read as follows:

“...

Exempted from the provisions of this Section are recruitments for the following positions: (1) police officers; (2) classroom teachers; (3) health professionals; (4) firefighters; (5) correctional officers; (6) social workers; (7) national guards, if applicable, and (8) technical positions in the Institute of Forensic Science. The appointments to be made by the Governor in the Office of the Governor or in accordance with the legislation such as judges, prosecutors, children and family special prosecutors, property registrars, members of boards, among others, are also excluded. These positions, however, shall be included in the Registry of Positions and Related Information as provided for in subsection (d) above.

...”

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. 29 (H.B. 2923) of the 7th Session of the 15th Legislature of Puerto Rico:

AN ACT to amend subsection (d) of Section 14 of Act No. 103 of May 25, 2006, known as the “Commonwealth of Puerto Rico Government Fiscal Reform Act of 2006,” which provides for the creation of a Registry of Positions, attached to and administered by the Office of the Comptroller of Puerto Rico,

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

In San Juan, Puerto Rico, today 15th of August of 2008.

Francisco J. Domenech
Director