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Approved: Fernando Chardón
Secretary of State
By: María L. Suárez
Acting Assistant Secretary of State

COMMONWEALTH OF PUERTO RICO
OFFICE OF PERSONNEL
San Juan, Puerto Rico

Regulations Governing the Granting of Uniform Compensation to Employees in Positions whose Compensation Schedules are Established by Act No. 12 of May 28, 1969, Uniform Compensation Act

PREAMBLE

The Government has the responsibility of compensating its employees adequately. Salaries must be as just and reasonable as possible, so that every employee may feel the wish to contribute to the utmost of his productive capacity without feeling economically inferior to his fellowmen in private employments.

The salary policy of the Government of Puerto Rico is guided by the aim to provide a just and equitable treatment in establishing the compensation of its employees within the fiscal possibilities and in harmony with the development of our economy.

The basic norm that should guide the fixing of the salaries of Government personnel is the constitutional principle of "equal pay for equal work," but providing distinction in terms of work and output. That is, the differences in responsibility between some positions and others must be recognized through the adequate compensation. Likewise, a greater quantity and better quality in production, within the same positions, must be recognized with a higher compensation. A compensation system is thus effectively maintained upon allowing the individual improvement of the employees according to their efficiency and seniority.

Temporary incumbencies in the Public Service for prolonged periods must be discouraged as far as possible. However, many occasions arise when this is inevitable. In such cases, the duration of temporary incumbencies must be limited. If the need of a temporary incumbency should continue under special conditions, the employee must be compensated adequately according to his duties.

The purpose of these Regulations is to implement the provisions of Act No. 12 of May 28, 1969, and facilitate their application, establishing clear and defined rules and procedures as concerns the compensation of employees in classified positions.

RULE 1

DEFINITIONS

The following terms or phrases appearing in these Regulations shall have the following meaning:

(a) "Uniform Compensation Act" - shall mean Act No. 12 approved on May 28, 1969.

(b) "Office" - shall mean the Office of Personnel.

(c) "Director" - shall mean the Director of Personnel.

(d) "Committee" - shall mean the Committee on Compensation of Employees of the Government of the Commonwealth of Puerto Rico.

(e) "Schedule or Compensation Schedule" - shall mean each compensation schedule included in Section 2 of the Uniform Compensation Act and consisting of a minimum, a maximum, and several intermediate compensation rates.

(f) "Position" - shall mean a group of duties and responsibilities regularly assigned or delegated by a competent authority, which require the full-time or part-time employment of one person.

(g) "Class or Class of Positions" - shall mean a group of positions so sufficiently alike in duties, authority, and responsibilities, that the same qualifications may be reasonably required for, and the same schedule of pay may be equitably applied to all positions in the group.

(h) "Allocation" - shall mean the action taken by the Director of Personnel, by virtue of the authority conferred upon him by the Uniform Compensation Act, to fix the classes of positions to the corresponding compensation schedules.

(i) "Increase of salary within the schedule (step)" - shall mean a change in the compensation of an employee to a higher rate within the schedule to which the class comprising his position has been allocated.

(j) "Classification Plan" - shall mean the classification plan adopted pursuant to Act No. 345 of May 12, 1947 (Personnel Act), as amended.

(k) "Uniform Compensation Plan" shall mean the plan adopted pursuant to the Uniform Compensation Act for positions included in the Classification Plan and the Regulations promulgated for the enforcement of said Act.

(l) "Appointing Authority" - shall mean any officer or agency with the legal power to make appointments for positions in the Public Service.

(m) "Reassignment of Position" - shall mean the official determination of the Director of Personnel, under the faculty conferred upon him by the Personnel Act, that a position assigned to a class at a given moment belongs to a different class.

(n) "Transfer" - shall mean the change within the same agency of an employee from a position in one class to another position in another class for which the same minimum rate of compensation has been provided. The change of an employee to another agency, from a position in one class to another position in the same class or in another class having the same minimum rate of compensation, shall also be considered a transfer.

(o) "Promotion" - shall mean the change of an employee from a position in one class to a position in another class for which a higher minimum rate of compensation has been provided.

(p) " Demotion" - shall mean the change of an employee from a position in one class to a position in another class for which a lower minimum rate of compensation has been provided.

(q) " Reemployment" - shall mean the reinstatement into the Service of any regular employee who had resigned his position or been separated from it for any reason other than removal from office.

(r) "Temporary Incumbency" - shall mean the length of time during which an employee substitutes another person to carry out the duties of a higher level position.

(s) "Uninterrupted Service" - shall mean any service related directly to the position and rendered as a competitive or noncompetitive employee, and any other previous service rendered to the Government in another nature in regular positions and in a continuous manner.

RULE 2

GENERAL PROVISIONS

(a) The Director shall be the officer responsible for the administration of the Uniform Compensation Plan.

(b) The Director shall establish and fix the compensation of employees through the assignment of the different classes of positions presently existing,

or those as may be created in the future, to the compensation schedules established in the Uniform Compensation Plan.

(c) The rates of pay are stated in terms of dollars per month and represent the standard rates of compensation for full-time employment but with the approval of the Director, an equivalent compensation may be paid on any other time-period basis. Where employment in a position is on a part-time basis, the proportionate part of the monthly rate as may be approved by the Director shall be considered as the established rate.

(d) When an employee holds two or more positions on a part-time basis, he shall receive a compensation which shall not exceed the maximum rate of the compensation schedule to which is allocated the class comprising the position having the highest compensation.

RULE 3

RECRUITMENT AND RETENTION

(a) Every person receiving an original appointment shall receive as compensation for his services the minimum rate fixed for the class to which his position has been allocated. However, in cases involving extraordinary difficulties in the recruitment and retention of personnel for certain positions, the Appointing Authority may authorize a higher compensation rate, which shall not exceed the maximum rate fixed for the class to which the position has been allocated. In cases where the recruitment or retention of personnel is not possible on the basis of one of the rates of the compensation schedule, the Appointing Authority, with the approval of the Director, may extend the compensation schedule of the positions affected as it may be necessary.

(b) The granting of a salary which exceeds the minimum rate shall be justified on basis of the following reasons:

1. There is no other reasonable alternative.
2. There is extraordinary difficulty in the recruitment or retention of the person or employee, according to the case.
3. The action taken does not affect the recruitment and retention in other positions.

(c) Every appointment or retention on the basis of a salary higher than the minimum rate shall be accompanied by a communication of the chief of the agency, indicating the following:

1. Full name of candidate.

2. Class of positions where he is to be appointed or retained.

3. Place where his services are to be rendered.

4. Minimum salary the candidate accepts.

5. Present employment of candidate (location, position, salary).

6. Names and addresses of other candidates interviewed, including minimum salary they accept.

7. Such other information as the Appointing Authority may consider justifies the action taken.

(d) The authorization for recruitment and retention above the minimum rate of compensation shall not be used for the benefit of an agency in prejudice of another.

(e) The authorization for recruitment and retention above the minimum salary rate is for determined positions in special situations. This authorization shall not remain in effect when the employee is reallocated to another position which does not present the special conditions that motivated the authorization.

(f) In such cases where an appointment is made with a compensation higher than the minimum rate fixed, the salary schedule shall be automatically extended in an equal number of rates of increase as were authorized at the date of recruitment. Further, the authorization to retain an employee with a compensation rate higher than the one he was allotted entails the automatic extension of the schedule in a number of rates of increase equal to those granted to retain his services.

RULE 4

ADJUSTMENT IN SALARIES OF EMPLOYEES AFFECTED BY AMENDMENTS TO THE COMPENSATION PLAN OR BY REALLOCATION OF POSITIONS

(a) When, as a result of an amendment to the Compensation Plan or the reallocation of any position to another class, a higher compensation schedule is fixed for the new position or class of positions, the compensation of the incumbent or incumbents thus affected shall be adjusted as follows:

1. The employee's compensation shall be increased to the minimum rate of the new schedule or to the minimum rate as may be established by law or by special minimum wage order, whichever is higher.

2. A one-step salary increase over the minimum rate of the new schedule shall be granted to employees receiving a salary higher than the minimum rate of

the preceding schedule by the equivalent of one step, and a two-step increase in salary shall be granted to employees receiving a salary equivalent to two steps or more over the preceding minimum. In cases where the salary in the new schedule under the latter situation is lower, equal or higher, but resulting less than the equivalent of two steps of the salary received by the employee within the preceding schedule, there shall be granted an increase of two steps over the salary being received at the time of the reallocation or amendment. This provision shall apply even when the salary of the employee exceeds the maximum rate of the schedule.

(b) The salaries granted under this Rule shall be adjusted to the inmediate higher rate when they do not coincide with one of the rates of the compensation schedule, except in cases of employees affected by laws or special minimum wage orders or those receiving a salary exceeding the maximum rate of the schedule, in which cases no adjustment shall be made.

(c) In special cases or in cases of studies made of positions or classes which entail a modification to the Classification Plan, the Director may authorize compensations different than those fixed by this Rule to be applied to employees affected thereby.

(d) When, as a result of an amendment to the Compensation Plan or the reallocation of any position to another class, a lower compensation schedule is fixed for the new position or class of positions, the compensation of the incumbent or incumbents thus affected shall remain unchanged.

RULE 5

COMPENSATION IN CASES OF PROMOTIONS, DEMOTIONS, TRANSFERS, REEMPLOYMENTS AND TEMPORARY INCUMBENCIES

(a) Promotions

1. When a promotion is made, the salary of the promoted employee shall be increased to the minimum rate of the new schedule to which promotion is made, or to the minimum rate established by law or special minimum wage order, whichever is higher.

2. A one-step salary increase over the minimum rate of the new schedule shall be granted to employees receiving a salary higher than the minimum rate of the preceding schedule by the equivalent of one step, and a two-step salary increase shall be granted to employees receiving a salary equivalent to

two steps or more over the preceding minimum. In cases where the salary in the new schedule under the latter situation is lower, equal or higher, but resulting less than the equivalent of two-steps of the salary received by the employee within the preceding schedule, there shall be granted an increase of two steps over the salary being received at the time of the promotion. This provision shall apply even when the salary of the employee exceeds the maximum rate of the schedule.

(b) The salaries granted under this Rule shall be adjusted to the inmediate higher rate when they do not coincide with one of the rates of the compensation schedule, except in cases of employees affected by laws or special minimum wage orders or those receiving a salary exceeding the maximum rate of the schedule, in which cases no adjustment shall be made.

(c) Demotions

When a demotion is made, the demoted employee shall receive a compensation which shall not exceed that which he was receiving before the demotion.

(d) Transfers

The employee transferred within an agency or from one agency to another shall receive the same compensation he was receiving on the date of the transfer.

(e) Reemployments

Every employee reinstated into the Service shall receive the compensation for the class in which he is reinstated, but in such cases where the employee was receiving a compensation higher than the minimum rate of the class at the time he left the Service, the Appointing Authority shall, at his discretion, recognize up to a maximum of two steps in the position to which he is reinstated.

(f) Temporary Incumbencies

1. Temporary incumbencies in normal situations shall not extend for more than three months, at the end of which the employee shall be appointed to the position or shall be relieved from the temporary duties.

2. When the need arises to retain an employee in the temporary capacity for more than three months because of special situations such as prolonged sickness of the incumbent, military service, leave with or without pay, and by reason of litigation of the position by the incumbent, the temporary employee shall be granted the minimum salary for the class to which the position is allocated or an additional compensation as may be recommended by the

Appointing Authority to the Director of Personnel. In no case shall the compensation of the temporary employee be higher than the minimum rate fixed for the class to which said position is allocated.

3. The Appointing Authority may relieve the employee holding a temporary position whenever he may so determine. In such circumstances, the employee shall return to his previous position with the compensation he was receiving before his temporary appointment.

RULE 6

SALARY INCREASES WITHIN THE COMPENSATION SCHEDULE (STEPS)

(a) Effective July 1, 1973, and thereafter, employees shall receive a salary increase to the inmediate next rate in the compensation schedule upon completing two years of satisfactory and uninterrupted services, until reaching the maximum rate of the schedule. The Appointing Authority who denies said increase to any employee on the basis that his services during said period of two years were unsatisfactory, shall submit written justification to the Director.

(b) Services shall be considered interrupted under the following conditions:

1. Resignation of incumbent
2. Separation
3. Leave without pay exceeding 90 days during the two-year period to be considered.
4. Leave without pay for any period of time in which services are rendered in another entity.
5. Leave for studies directly related to the duties of the position for more than one year during the two-year period to be considered.
6. Leave with pay for studies not related to the duties of the position, exceeding 30 days during a natural year.
7. Unauthorized absences from work for 5 consecutive days, in which case the Appointing Authority shall give written notice to the employee of the interruption of services.

8. Absences resulting from work accidents exceeding six months.

9. Voluntary separation from Service.

(c) When the services are interrupted for any of the reasons mentioned in clause (b), the two-year period established as requirement so that the employee may be entitled to receive the increase stipulated in clause (a) shall begin to be counted from the date on which the employee resumes his services.

(d) Notwithstanding the provisions of clause (a), the Appointing Authority may grant salary increases within the schedules for the equivalent of not more than two steps, for highly meritorious and outstanding services, for each twelve-month period of uninterrupted services. Said increases within the schedule shall be paid from the budget appropriated to the agency.

(e) When the two steps within the schedule are not granted simultaneously because of budgetary reasons or for any other reason, one step may be granted, and the second step may be granted at any other given moment during the following twelve-month period. In such cases the twelve-month period provided for the employee to be eligible to a new increase in salary within the schedule shall begin to be counted from the date the second step takes effect.

RULE 7

EXTENSION OF THE COMPENSATION SCHEDULES

(a) The Appointing Authority may extend only once the compensation schedules established in Section 2 of the Uniform Compensation Act, adding up to two rates of increase above the maximum rate for an amount equal to the steps established in the schedules, provided that the following conditions concur:

1. The employee is receiving the maximum rate of the schedule to which his position is allocated.
2. The employee continues improving himself in carrying out his duties and shows absolute dedication, efficiency and spirit of service beyond the ordinary in carrying out the duties of his position.
3. The employee has fulfilled two years of uninterrupted services without having received an increase in salary, beginning this waiting period to be counted from the date of the last salary increase granted within the schedule for meritorious services.

(b) Special cases not covered by this Rule shall be submitted to the consideration of the Director.

RULE 8

PROVISIONS OF LAW OR SPECIAL MINIMUM WAGE ORDERS

(a) Personnel of agencies covered by laws or special minimum wage orders shall adjust to the conditions imposed by said statutes as to minimum wages and other working and compensation conditions.

(b) Employees covered by laws or special minimum wage orders shall not be permitted to work in excess of the regular hours. If the need to work overtime cannot be avoided, this excess work, previously authorized, shall be paid in cash from the budget appropriated to the agency.

RULE 9

DEDUCTIONS AND PERQUISITES

When because of the needs of the Service or the employee's convenience for the good of the Service, meals, lodging, uniforms, or any other services are provided to the employee, action shall be guided by the provisions of the Regulations Governing the Granting of Perquisites to Employees Of the Commonwealth of Puerto Rico.

RULE 10

UNFORESEEN SITUATIONS

The Chairman of the Committee, acting in his capacity as Director of Personnel, is hereby empowered to solve any situation concerning Act No. 12 of May 28, 1969, not expressly covered by these Regulations.

RULE 11

AMENDMENTS

The Committee may amend these Regulations whenever in its judgment circumstances so deserve.

RULE 12

SAVING CLAUSE

1. If any provision of these Regulations or its application to any person

or circumstance were declared null, this shall not affect the remainder of the Regulations nor the application of such provisions to persons and circumstances other than those as to which they have been declared null.

2. Any regulation or part of regulation in conflict herewith is hereby repealed.

RULE 13

EFFECTIVENESS CLAUSE

These Regulations shall have the force of law immediately after their publication and promulgation pursuant to the provisions of Act No. 112 of June 30, 1957, in the Commonwealth of Puerto Rico Register, to the effects of which they shall be previously filed in the Office of the Secretary of State, in an original and two copies, in Spanish and English.

Approved by the Committee on Compensation of Employees of the Government of the Commonwealth of Puerto Rico, in San Juan, Puerto Rico, this 7th day of August, 1972.

(Signed)

Frank Romero
Chairman

Luis S. Montañez Reyes
Director, Bureau of the Budget

Enrique Soler Cloquell
Chairman, Puerto Rico Planning Board

Gabriel Hernández Rivera
Citizens' Representative

Pedro Juan Cintrón
Employees' Representative

I hereby certify that this document is a faithful and accurate translation of the ~~o~~riginal Regulations approved by the Committee on Compensation of Employees of the Government of the Commonwealth of Puerto Rico.

Frank Romero
President

José Alexandrino Méndez
Secretary