

(H. B. 3151)

**(No. 133-2011)**

(Approved July 12, 2011)

## **AN ACT**

To amend subsection 36 of Section 3 and Section 4.1 of Article 4 of Act No. 184 of August 3, 2004, as amended known as the “Public Service Human Resources Administration Act,” and rename the current “Human Resources Office of the Commonwealth of Puerto Rico” (ORHELA, Spanish acronym) as the “Training and Labor Affairs Advisory and Human Resources Administration Office” (OCALARH, Spanish acronym), in order to include the ministerial duties performed by such office as part of its institutional name.

### **STATEMENT OF MOTIVES**

The Human Resources Office of the Commonwealth of Puerto Rico (ORHELA, Spanish acronym), is the government body that the People, as well as the Government, trust for the proper application of the Merit Principle. The ministerial duties and powers of this agency include training, regulating, advising, and overseeing all other government agencies pursuant to this guiding principle.

The dramatic transformation and evolution of fields such as human resources management and administration, and labor relations in the public service, are well-known facts. The decentralization of personnel-related processes and transactions that were originally carried out by the Personnel Office (PO), which later became the Central Office of Personnel Administration (OCAP, Spanish acronym), are evidence of such transformation and evolution.

The new public policy that granted employees the right to organize labor unions and bargain collectively in the public service was later incorporated by virtue of Act No. 45 of February 25, 1998, as amended, known as the “Puerto Rico Public Service Labor Relations Act” (hereinafter, Act No. 45). For such reason, OCAP was then renamed as the Central Labor Advisory and Human Resources Administration Office (OCALARH, Spanish Acronym). The Office of Labor Affairs (OAL, Spanish acronym), which was part of the Office of the Governor, was subsequently attached to OCALARH through Administrative Bulletin No. OE-2000-14.

Originally, the OCAP had an operational role, which consisted of the administration of the human resources of public agencies at the central level. When it became OCALARH, its duties basically included to evaluate, regulate, advise, and provide technical assistance, thus granting greater administrative autonomy to appointing authorities (considered Individual Administrators) and leading to the creation of a personnel system consistent with the right to bargain collectively granted under Act No. 45.

Furthermore, Act No. 45, *supra*, added specific duties to OCALARH, to wit: representing the agencies of the Executive Branch that so request in labor-related matters, in all that pertains to the procedures for the election and certification of labor organizations, to the negotiation and administration of collective bargaining agreements and in all those areas related to labor affairs of the agencies concerned.

Similarly, Act No. 184 of August 3, 2004, as amended, known as the “Public Service Human Resources Administration Act” (hereinafter, Act No. 184), named and constituted ORHELA as the successor of OCALARH while extending the prevailing public policy that sought to decentralize transactions. Through said Act, ORHELA was delegated the responsibility, among others, to assume and play a regulatory, training, supervisory, and advisory role with regards to both human

resources administration and labor relations, without disregarding its authority to train persons who are ineligible for admission into the public service, conduct audits on the human resources programs of agencies and municipalities, and serve as mediator to settle labor-management disputes.

In keeping with the foregoing, especially with regards to ORHELA's training role, it is worth mentioning that said Act No. 184 renamed the "Personnel Development Institute" as the "Human Capital Development Division." This Division is essentially responsible for planning, evaluating, and administering training activities necessary for the adequate performance and productivity maximization of government employees.

Consistent with the transformation and evolution of human resources management and administration, and recognizing the importance of training in public service, this Legislative Assembly passed Act No. 6 of January 4, 2010. Said Act, in addition to renaming the "Human Capital Development Division" as the "Continuing Education School" (CES), set forth that ORHELA shall be the primary government body to offer training services to all government agencies.

Furthermore, Act No. 16 of February 17, 2010, once again empowered ORHELA to evaluate and approve any regulations, or job classification or appraisal plans, before the same are adopted by any Individual Administrator.

For all of the above, it is imperative to promulgate that ORHELA's duties have been redefined by means of legislation. Consequently, it is necessary to rename this government entity as the "Training and Labor Affairs Advisory and Human Resources Administration Office" (OCALARH, Spanish acronym), so that its name bears its new duties.

***BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF PUERTO RICO:***

Section 1. – Subsection 36 of Section 3 of Act No. 184 of August, 2004, as amended, is hereby amended to read as follows:

“DEFINITIONS. –

For all purposes, the words and phrases listed herein shall have the meaning stated below:

(1) ...

...

(36) Office – Shall mean the Training and Labor Affairs Advisory and Human Resources Administration Office (OCALARH, Spanish acronym).

...”

Section 2. – Section 4.1 of Article 4 of Act No. 184 is hereby amended to read as follows:

“The Office shall be known as the Training and Labor Affairs Advisory and Human Resources Administration Office (OCALARH, Spanish acronym).”

Section 3. – Effectiveness

This Act shall be effective immediately after its approval.

## CERTIFICATION

I hereby certify to the Secretary of State that the following **Act No. 133-2011 (H. B. 3151)** of the **5<sup>th</sup> Session of the 16<sup>th</sup> Legislature** of Puerto Rico:

**AN ACT** to amend subsection 36 of Section 3 and Section 4.1 of Article 4 of Act No. 184 of August 3, 2004, as amended known as the “Public Service Human Resources Administration Act,” and rename the current “Human Resources Office of the Commonwealth of Puerto Rico” (ORHELA, Spanish acronym) as the “Training and Labor Affairs Advisory and Human Resources Administration Office” (OCALARH, Spanish acronym), in order to include the ministerial duties performed by such office as part of its institutional name.

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

In San Juan, Puerto Rico, on the 6<sup>th</sup> day of May, 2013.

Juan Luis Martínez Martínez  
Acting Director