

PUERTO RICO PORTS AUTHORITY

PERSONNEL MANUAL

PUERTO RICO PORTS AUTHORITY
PERSONNEL MANUAL

REGULATION CODIFICATION GUIDE

To facilitate the understanding of this regulation, a brief explanation of the codification system utilized in its preparation is hereby presented:

- (a) The codification utilized is based on digits.
- (b) The number 100 corresponds to the number that the Budget Organization and Methods Division has assigned to the Personnel Regulations under the new codification system that has been established for the preparation of manuals and regulations.
- (c) The first three digits indicate the title of each of the main themes covered in this regulation.
- (d) The fourth digit indicates the chapter.
- (e) The fifth digit corresponds to the articles of the chapter the sixth to each of the sections of the article, and the seventh to the clauses of each section.

PUERTO RICO PORTS AUTHORITY
PERSONNEL REGULATIONS
CONTENTS

	Chapters
Title Analysis	
100 Personnel Manual	
101 Classification of Positions	
102 Administration of salaries	
103 Recruitment and selection	
104 Training	
105 Personnel Affairs	
106 Working Hours and Leaves	
107 Personnel Relations and Discipline	
108 Other Dispositions	

TITLE 100 - PERSONNEL MANUAL

CHAPTER	PAGE
100-1 Preamble	
100-2 General dispositions	

TITLE 101 - PERSONNEL MANUAL

CLASSIFICATION OF POSITIONS

101-1 General Rules	
101-2 Reclassification of Positions	
101-3 Actions arising from the reclassification	
101-4 Reclassification effect on the employees whose positions are subject to reclassification	

TITLE 102 - PERSONNEL MANUAL

- 102-1 Retribution Plan
- 102-2 Bases to determine and establish Retribution rates
- 102-3 Standards that will rule retribution to employees
- 102-4 Retribution above the minimum at the entrance level
- 102-5 Retribution increases
- 102-6 Revision of retribution rates
- 102-7 Retribution by Reinstalation
- 102-8 Retribution for Partial Employment
- 102-9 Job Related Benefits

TITLE 103 - PERSONNEL MANUAL

RECRUITMENT AND SELECTION

- 103-1 Standards
- 103-2 Hiring Process
- 103-3 Appointments

TITLE 104 - PERSONNEL MANUAL

TRAINING

- 104-1 General Standard
- 104-2 Determination of Needs
- 104-3 Training Plan
- 104-4 Responsibility for the Development of Training Activities
- 104-5 Planning and Training Activities
- 104-6 Training Activities
- 104-7 Methods to be utilized in the Training Plan

104-8 Resources

104-9 Evaluation of Training Plan

TITLE 105 - PERSONNEL MANUAL

PERSONNEL AFFAIRS

105-1 Promotions

105-2 Demotions

105-3 Transfers

105-4 Lay Offs

105-5 Resignations

105-6 Dismissals

105-7 Retention of Employees
over 65 years of age

105-8 Reposition by Rehabilitation

TITLE 106 - PERSONNEL MANUAL

WORKING HOURS AND LEAVES

106-1 Working Hours

106-2 Attendance

106-3 Extra Hours

106-4 Holidays

106-5 Leaves

TITLE 107 - PERSONNEL MANUAL

PERSONNEL RELATIONS AND DISCIPLINE

107-1 General Rule

107-2 Programs

107-3 Grievances Procedure

107-4 Duties and Obligations of
Employees

107-5 Discipline

107-6 Appeals

TITLE 108 - PERSONNEL MANUAL

OTHER DISPOSITIONS

- 108-1 Amendments
- 108-2 Enforcements
- 108-3 Safety Clause
- 108-4 Publication of Regulation
- 108-5 Derogation

100 PERSONNEL MANUAL

100-1 Preamble

The Puerto Rico Ports Authority, hereinafter called "The Authority", is a Public Corporation of the Commonwealth of Puerto Rico created by Law No. 125 on May 7, 1942, as amended. Its main objective is the development and improvement of the maritime and air transportation services in Puerto Rico in harmony with the socioeconomic progress reached by the Island. The accomplishment of this responsibility requires the ideal and efficient cooperation of the Authority's personnel. With the purpose of performing efficiently the functions assigned to each employee, and to guarantee a personnel administration based on the merit system, the Authority firmly believes on the following principles:

- (a) Establish merit as the principle which will rule all personnel administration, in order to employ the most competent, and that each employee to be selected, trained, promoted and retained in his employment considering his capacity, without discriminating on the basis of race, color of skin, sex, place of birth, age, origin or social condition, neither for political or religious ideas.
- (b) The improvement of the administrative efforts by the authority will be obtained in greater sense if employees are stimulated to present suggestions and constructive criticism,

- (c) Retribution to employees will be based on the principle of equal pay for equal work, and should be in proportion to the services rendered, occupational risks and other conditions inherent to the job.
- (d) The encouragement and acknowledgement of the employee's collaboration in the attainment of the authority's objectives.
- (e) The establishment of an efficient training and supervision system of employees.
- (f) The right of employees to know their duties and responsibilities.
- (g) To maintain a climate of harmony and satisfaction in the job.
- (h) The right of each employee to be heard in his grievances, and that such grievances be resolved impartially.
- (i) The utilization of the employee's maximum capacity and diligence in the performance of his duties, a proper behavior in and out of the official spheres, and the observation of such a conduct as to reflect the better image of the Authority and of the public servant.

100-2 GENERAL DISPOSITIONS

100-2 Declaration of Purposes

The administration of personnel in the Authority will be based on the general principles formerly exposed. It is the purpose of this regulation to establish the rules that will govern the affairs regarding management personnel of the authority.

100-22 LEGAL BASE

This regulation is promulgated by virtue of the dispositions of Article 7, clause (a) of law number 125 of May 7, 1942. (23 L.P.R.A. Section 337, ab initio) as subsequently amended, regarding "appointments, separations, promotions, transfers, dismissals, repositions, suspensions, leaves, and category changes, remunerations, or title of functionaries and employees of the Authority", and in compliance with Article 10.6 of the Personnel Law regarding public service of Puerto Rico. (Law No. 5 of October 14, 1975). Personnel transaction will be permitted and made as disposed by the rules and regulations prescribed by the Secretary of Transportation and Public Works.

100-23 APPLICATION

The dispositions of this regulation are applicable to management employees of the Authority.

100-24 ADMINISTRATION

The Executive Director is responsible for the administration of this regulation. However, he could delegate such

administration, in part or whole, to the officer by him designed for such purpose, in harmony with the Corporative Statutes (By-Laws) of the Authority, which empower him to delegate on another functionary of the Authority any of the powers and authority conferred to him as Executive Director.

101 CLASSIFICATION OF POSITIONS

The administration of personnel will be ruled by the constitutional principle of equal pay for equal work. To this end a Classification Plan will be established to define the diferent positions in the organization, as well as their category, based on the following principles.

- (a) The functions assigned to the many programs of the Authority, will be defined in such a way, as to permit the identification, in the clearest way possible, in the areas or units of work of the organization in general. The positions appointed or assigned to each area or unit of work, will be identified by a relation of duties and responsibilities that should be exercised by its respective incumbents.
- (b) A relation of responsibilities for each position will be prepared in writing, copy of which will be given to each employee. The relation of responsibilities for each position will be of such a nature as to orient the employee with respect to the basic functions to be performed

and to permit the appointing authority to comply adequately its public mission.

- (c) The positions will be grouped in a systematic and rational form based on the nature of the duties and responsibilities to form classes. Each class will include those positions which contain similar duties and responsibilities as for as grade of authority and difficulty, for which in a just or reasonable manner the Authority could:
 - (1) require from employees or candidates the same requisites as far as academic preparation, experience, knowledge, abilities and skills;
 - (2) apply equal measures in the selection of candidates; and
 - (3) apply the same rate of retribution in substantially equal conditions.
- (d) The classes will be grouped based on a professional or occupational scheme, and said scheme will be integral part of the classification plan.
- (e) The classification plan should, establish a flexible mechanism for the creation, elimination, consolidation and modification of classes in such a way as to permit the up to date maintenance of such a plan according to the changes needed to conserve an efficient administration. Likewise, it will contain the necessary mechanisms for there to

exist improvement levels compatible with the necessity of the services, without the persons occupying the positions having to move to perform essentially different functions.

- (f) It will be the responsibility of the Executive Director to approve the creation, elimination, consolidation and modification of the classes of positions included in the classification plan. The Executive Director will be responsible for the issuance of standards in relation with the creation, elimination, consolidation and modification of the the position classes to guide the maintenance of the classification plans.

101.2 RECLASSIFICATION OF POSITIONS

During the reclassification of positions the following criteria will be utilized:

101.21 MODIFICATION TO THE CLASSIFICATION PLAN

Includes every action directed towards the creation of new classes, integrate, divide or suppress the existing classes.

101.22 REVISION OF THE ORIGINAL CLASSIFICATION

Includes those positions that were undully classified due to the lack of information and adequate criteria.

101.23 SUBSTANTIAL CHANGE OF DUTIES

Covers those cases in which duties and responsibilities of a different nature have been added in such a way differing from the original classification that have virtually made the position disappear to allow a new classification.

101.24 REVISION OF THE PRESENT ASSIGNMENT

Includes those cases in which significant changes have been registered due to the logical and natural increase of the position as a consequence of the performance of the incumbent.

101.3 RECLASSIFICATION RESULTING ACTIONS

Regardless of the criteria utilized, the reclassification of positions will cause the following effects:

- (a) Assign the reclassified position to a class with a higher retribution rate than that of the class to which the position originally belong to; or
- (b) Assign the reclassified position to another class with the same retribution rate as the one to which the assigned position belonged to; or
- (c) Assign the reclassified position to a class with a lower retribution rate than that of retribution of the class to which the assigned position belonged to.

101.4 EFFECTS OF THE RECLASSIFICATION ON THE EMPLOYEES
WHOSE POSITIONS ARE SUBJECT TO RECLASSIFICATION

101.41 MODIFICATIONS TO THE CLASSIFICATION PLAN

- (a) When a position is reclassified by modification to the classification plan the employee will continue occupying said position and will receive the corresponding retribution if the rate to which is assigned is higher.
- (b) If the action has the effect of assigning the position to a lower retribution class, steps will be taken to place the employee in a position with a similar classification that his position had at the time of reclassification. If this is not possible, he will continue occupying the reclassified position without any effect on the salary and that his name will be included with preference in the register of eligible candidates corresponding to the class of the position prior to the classification.

101.42 BY REVISION TO THE ORIGINAL CLASSIFICATION

This cases will be treated in similar manner as the revision cases by modification to the classification plan.

101.43 FOR SUBSTANTIAL CHANGE ON DUTIES

- (a) When a position is reassigned by effect of a substantial change on duties to a class with a retribution rate higher than the original one, for the employee to remain in the reassigned position, he must appear in the register for eligible candidates or in an equivalent register and approve the probation period established for the class to which the position has been reassigned. In other instances steps will be taken to place the employee in a position with the same or similar classification as the one the position had at the moment of reassignment.
- (b) If the action means to assign the affected position to a lower retribution rate class, steps will be taken to place the employee in a position with the same or similar classification as the one the position had at the moment of reassignment. If not possible, he will continue occupying the reclassified one without any effect on his salary and his name will be included, with preference, on the eligible's register for the corresponding position class prior to the reclassification.

101.44 REVISION TO THE CURRENT ASSIGNMENT

- (a) When a position is reassigned by modification to the current assignment and the position is assigned to a class with a higher retribution rate, the employee will continue occupying the reassigned position and will keep the same regular employee condition he had prior to reassignment.
- (b) If the action has the effect of assigning the position to a lower retribution class, the necessary steps will be taken to place the employee in a position with an equal classification at the moment of the reclassification. Should it not be possible, he will continue occupying the reclassified position without any effect on salary, and his name will be included in the eligible candidates corresponding to the position class prior to reclassification.

**101.45 ADJUSTMENTS IN THE RETRIBUTION TO EMPLOYEES
AFFECTED BY RECLASSIFICATION OF POSITIONS**

When a position is reclassified to a class with a retribution rate higher than the one the position had priorly, the employee retribution will be adjusted as follows:

- (a) If the employee retribution is lower than the minimum rate assigned to the class corresponding to the reclassified position, his retribution will be raised to the minimum on said rate, as long as said raise is not lower than one step within said rate, in which case his salary will be raised to the first intermediate step in the rate.
- (b) If the employee retribution is the same as the minimum, or to one of the intermediate steps, or to the maximum of the rate assigned to the class corresponding to the reclassified position, or is greater than the rate corresponding to the position after the reclassification of the same, a one step raise will be allowed.
- (c) If the employee retribution is among steps in the rate assigned to the class corresponding to the reclassified position, his retribution will be raised to the step representing the amount immediately higher to the one the employee was earning at the moment of reclassification, as long as said increase is not lower than one step within said rate, in which case an increase to the next step will be awarded, even if it exceeds the maximum in the rate.

102 ADMINISTRATION OF SALARIES

102.1 Retribution Plan

The Executive Director will establish a uniform Retribution Plan in harmony with the Classification Plan aiming at a just proportion between services and retribution. The Plan will include the following:

- (a) The structure of all the needed retribution rates, with each rate containing a minimum scale, intermediate steps, and a maximum type of retribution;
- (b) A list of assignment of classes to the corresponding retribution rates; and
- (c) The necessary rules for the implementation, operation and maintenance of the Plan.

102.2 BASES TO DETERMINE AND ESTABLISH RETRIBUTION RATES

To apply equally the retribution rates, when the retribution rates are established and modified, the following criteria will be taken into consideration:

- (a) Minimum requirements to occupy positions, such as education, experience, knowledge, ability, skills and licenses required by law to exercise or practice professions of offices, in conformity with the specification of classes in the Classification Plan and the recruitment standards.

- (b) Working conditions, occupational risks, and extraordinary physical conditions necessary to perform the job.
- (c) Experience obtained in the recruitment and/or retention of personnel for determined positions.
- (d) Retribution tendencies in the job market comparative to the one at this Agency.
- (e) Fringe and other marginal benefits offered by the Authority in relation with the job market.
- (f) Relative legislation to salaries applicable to the Authority, or that could affect its salaries policy.
- (g) Economical capacity of the Authority.

102.3 STANDARDS GOVERNING EMPLOYEE'S RETRIBUTION

- (a) No employee will receive a lower salary than the minimum established in the retribution scale already assigned or to be assigned.
- (b) Every employee whose position is included in the Classification Plan will have an equal retribution as one of the retributive types provided in the scale assigned or assigned to the position.

- (c) Salary differential outside of the scale could be established when the geographic location of positions, the particular conditions of the job, or the extraordinary difficulties in the recruitment and/or retention of personnel for determined positions so justifies.
- (d) When the appointing Authority selects an employee to perform all the normal duties in a position with a higher classification substituting another employee for a period beyond thirty (30) consecutive working days, an adjustment will be made in his salary starting from that period in accordance with what is established in Article 105.11 of this regulation and for the duration of said appointment.

102.4 RETRIBUTION BEYOND THE MINIMUM AT THE ENTRANCE LEVEL

At the entrance level every person will receive as retribution for his services the minimum type fixed for the class assigned to his position. However, in cases of extreme difficulty in the recruitment or retention of personnel in determined positions, the Executive Director could authorize, a retribution type higher than the fixed minimum in the corresponding scale.

102.5 INCREASE IN RETRIBUTION

(a) Merit Principle

- (1) In recognition of the meritorious employee performance, and as an incentive to improve their services, the Executive Director

could award increases in their retribution. These increases will be awarded within the types in the retribution scales providing that the employee has served the Authority for a period not below twelve (12) consecutive months without having received a retribution increase except for a revision in the retribution. These increases will be awarded within the types in the retribution scales providing that the employee has served the Authority for a period not below twelve (12) consecutive months without having received a retribution increase except for a revision in the retribution scale, promotion or reclassification.

- (2) To grant these increases, consideration will be given to efficiency, employee's conduct and attendance, cooperation, attitude and interest displayed by employee in the performance of his job.
- (3) Increases of more than one step will be granted in those cases in which the efficiency, productivity, dedication and general attitude of the employee are exceptional, with a prior recommendation of his immediate supervisor and approval of the Executive Director.

(b) EQUITY PRINCIPLE

The Executive Director also has the faculty to grant salary adjustments to personnel aiming at the objective

of creating a public administration ruled by ample uniformity criteria, equity and justice, thus, maintaining a climate of harmony and satisfaction on the job leading to a high degree of motivation and a spirit of service among employees.

102.6 REVISION OF THE RETRIBUTION SCALES

The Executive Director could revise the retribution scales totally or partially in conformity with periodic studies conducted and could fix the manner in which increases will be granted over the established maximums.

102.7 RETRIBUTION BY REINSTALLATION

When an employee is reinstated to a position in the Authority he will receive a retribution equivalent to the minimum in the class or to one of the types or steps fixed for the scale corresponding to the position to which reinstated as long as it does not exceed the retribution earned in the position when separated, unless changes in the corresponding retribution scale have taken place. In this case, his retribution will be adjusted to the equivalent type or step.

102.8 RETRIBUTION FOR PART TIME EMPLOYMENT

The types or steps included in the retribution plan represent the monetary value for the retribution for full time employment. In the case of part time employment the retribution will be equal to the proportional type or step corresponding to full time employment.

102.9 JOB RELATED BENEFITS

When the pressing necessities require the provision of housing, meals, lodging, uniforms or any other benefit to the employee, the cost for such benefits will not be deducted from the employee retribution. The benefits will be recommended by the Department Head to the Executive Director for the latter's approval taking into consideration the better interests of the Authority.

103 RECRUITMENT AND SELECTION

103.1 STANDARDS

The Authority will develop a program to recruit and select the most ideal personnel based on the merit principle to make it possible to select every employee based in his education, experience, fitness, capability, knowledge, attitude, physical condition and other requirements that on the judgement of the Authority determine the capability of the candidate, without discrimination for reasons of race, sex, place of birth, origin or social condition, neither for political or religious ideas.

103.2 EMPLOYMENT PROCESS

The process of employment, oriented to guarantee equal opportunity to compete and just treatment to applicants, will include the following aspects:

- (a) Recruitment
- (b) Employment Application
- (c) Testing, Competition or Evaluation of Candidates
- (d) Investigation of Personal Data
- (e) Certification of Candidates
- (f) Selection Interviews
- (g) Appointments
- (h) Probationary Period

103.21 RECRUITMENT

To attract the most capable personnel for the job, a recruitment program will be periodically prepared, taking into consideration changes in the job market and other conditions. Said program will be based on the personnel needs, study of human resources available, and the most adequate promotional activities in each class.

103.211 RECRUITMENT STANDARDS

Recruitment standards for each class of position will be established with the participation of those supervisors having a direct relationship with the class of the position subject to recruitment. Furthermore, other functionaries of the Authority and from other

public and private organism could participate provided that because of their capacity and experience they could contribute to establish the recruitment criteria to attract the most ideal personnel for the Authority. The standards will indicate the type of recruitment, minimum requirements based on the established qualifications in the specification of classes, nature of tests to be offered, and type of competency, and the relative steps of the different parts of the test, class of register to be established manner to certify eligible candidates, duration of probationary period, and equivalent registers to be utilized should the corresponding register become exhausted.

103.212 PUBLICATION

Different means will be utilized to publish employment opportunities, such as newspaper announcements, bulleting boards, contacts with recruiting sources and other appropriate means.

103.22 EMPLOYMENT APPLICATION

Every employment candidate will be required to complete and Employment Application, accompanied by diplomas, certificates and documents necessary to evidence qualifications for the position applied. Such application will be evaluated to determine if the candidate has all the minimum requirements established for the position applied.

103.221 REFUSAL OF EMPLOYMENT APPLICATION OR TESTING

- (a) The Executive Director could refuse employment applications or deny or cancel testing to any applicant for any of the following reasons:
- (1) That the applicant does not have the minimum requirements established for the position for which the test is being offered.
 - (2) That the applicant is mentally or physically handicapped to perform the duties of the position.
 - (3) That it is determined that the applicant presented false testimony in the employment application or committed or intended to commit fraud with his application or in the test.
 - (4) That the applicant has incurred in dishonest conduct.
 - (5) That verification is obtained regarding the applicant's destitution from a public position or separation from employment for negligence in the performance of his duties or for immoral conduct.

- (6) That the applicant has a criminal record based on a felony or misdemeanor bearing moral deprecation.
- (7) That evidence is obtained regarding the applicant's addiction to drugs or excessive use of alcoholic beverages.

The last four clauses will not apply when the candidate has been rehabilitated according to the legal dispositions existing in Puerto Rico.

- (b) In the case where an application is refused or a test is denied or cancelled for any of the reasons above mentioned, the affected person will be notified in writing of the decision taken and the reason that motivated it.

103.23

TESTING, COMPETITION OR EVALUATION OF CANDIDATES

A program of free competence testing will be established with the purpose of creating registers of eligibles to satisfy the need of ideal personnel to serve in the Authority. These tests will consist of oral or written trials; performance practices; group or individual interviews, evaluation of education and experience, and any other type of test to determine the capabilities of the applicants for employment to perform in the positions. The tests could be taken personally, or if applicable a grade could be awarded by an evaluation of experience and preparation.

103.231 The tests will be prepared by competent personnel and will include the subjects indicated in the corresponding section of the announcement. When needed, specialized or technical personnel from the Authority, or from other private or public agencies will be utilized in the preparation of tests and tryouts. In the case of an evaluation of experience and preparation, a criteria will be established to evaluate the education and experience of candidates, to award them a grade to place them in the list of eligibles.

103.232 ADMINISTRATION OF TESTS

Applicants will be notified in writing about the date, hour and place where the test will be administered, and the materials and/or equipment that they should bring, if necessary. The needful measures will be taken to guarantee applicants equal conditions in the administration of tests or tryouts.

103.233 CORRECTION OF TESTS

A flexible passing grade will be established for every test, taking into consideration such factors as personnel needs, validity of test and difficulty of recruitment. The passing grade will never be less than the minimum required regarding knowledge, abilities and skills to perform the job.

103.234 NOTIFICATION TO APPLICANTS TESTED

Every applicant who has taken a test will be notified in writing notifying him if he has approved the test or not.

103.235 VERIFICATION OF GRADE

A period of no more than ten (10) days will be granted, from the date of notification, to the applicant to verify his grade, if he so desires.

103.236 WAITING PERIOD TO TAKE TESTS AGAIN

Every candidate to a position to be covered through a certification from a list of eligibles, and who has become ineligible in a test, may take the same again when it could be offered by the Authority, provided that a period greater than three (3) months has elapsed from the date in which he took the test.

103.24 ESTABLISHMENT OF LIST OF ELEGIBLES

A list of eligibles will be established in a grade descending order with the names of the persons who have approved the test.

103.241 VETERAN'S PREFERENCE

A five per cent (5%) of the general computation of the grade obtained in the test will be awarded to veterans who become eligible, in accordance with the Bill of Rights of the Puerto Rican Veteran (Law 400, dated May 15, 1947).

103.242 EFFECTIVENESS OF LIST

When a register of eligible candidates is established its effectiveness will be fixed, the same will not be less than four (4) months, nor greater than two (2) years.

103.243 TYPES OF LISTS

(a) The following type of lists will be established:

(1) Entrance List

It will include a list of candidates who through a free competition have demonstrated aptitude and capability for appointments to a determined class of positions.

(2) Promotion List

Will be a list established through tests taken by regular employees of the Authority with the purpose of promotion, if they qualify to occupy positions in a higher level than their current position.

(3) Combined List

Will be that list established as a result of a competence in which employees of the Authority and other candidates participate.

(4) Periodic Recruitment List

Will be that list established as a result of periodic recruitment in which close out dates are established to turn in applications with a determined duration time.

(5) Continious Recruitment List

Will be a list for difficult recruitment classes to which eligible names will be added continiously.

(6) Equivalent List

Each class of positions will be able to utilize equivalent registers when the corresponding list becomes depleted or does not include enough candidates to complete a certification. These registers will comprehend similar classes regarding requirements and remuneration.

103.244 CONSOLIDATION OF LISTS

When considered convenient registers for more than one determined class could be consolidated. Affected candidates included in this register will be notified about it in writing.

103.245 CANCELLATION OF LISTS

The Executive Director could cancel whenever he should consider that they no longer respond to

the service needs of the Authority. Affected persons will be notified in writing, and they will be able to take the tests for other classes, if they qualify.

103.246 ELIMINATION OF NAMES FROM THE LIST OF ELEGIBLES

An eligible candidate could be eliminated from the list for any of the following reasons:

- (a) Appointment of the eligible person to a permanent position through a register certification.
- (b) Declination of appointment under the conditions previously stipulated and accepted by the eligible person.
- (c) Petition by the candidate to have his name eliminated from the register until he request his reinstatement.
- (d) Dishonest conduct.
- (e) Habitual use of drugs and/or intoxicants.
- (f) False testimony in the application for employment, or fraud in the test.
- (g) Dismissal from public service.
- (h) Notification from the Post Office that the candidate has not been found.
- (i) Failure to respond within the allotted time in the notice of certification from the Authority or failure to show up at work within five (5) days after his appointment without justification.

(j) Any other justified cause. Items (d), (e), and (f) will not apply in cases where the applicant has undergone a process of habilitation in accordance with the current legislation.

103.247 REINSTATEMENT IN THE LIST OF ELEGIBLES

Any candidate eliminated from a list of elegibles could request his reinstatement provided that he presents evidence and just cause, in writing, and the same he accepted by the Authority.

103.248 REINSTATEMENT OF CANDIDATES TO THE ELIGIBLES LIST

(a) Those persons who had worked in the Authority for a minimum of two (2) years as regular employees could be reinstated to the position class that they were performing permanently before their separation or their inclusion in equivalent lists. Their reinstatement will be subject to the following:

- (1) That no more than one (1) year has transpired from the date of separation to the date of application for reinstatement.
- (2) That his separation was not due to dismissal, bad conduct, or violation of established standards or laws, regu-

lation or rules governing the affairs of the Authority.

- (b) Once a person is incorporated to the reinstatement register, it will become effective until the register terminates.
- (c) The order of names in the reinstatement register will be established based on the date of receipt of the reinstatement application in writing. Those persons who were separated from their positions due to lay-off should have priority over any other one.

103.25 INVESTIGATION OF PERSONAL DATA

Before a candidate is certified, all his personal data will be verified to insure that he is physically, mentally, and morally suitable for employment. The investigation will also cover past employers, and the good conduct record.

103.26 CERTIFICATION OF CANDIDATES

Every vacant position will be covered through the selection of certified candidates from the list of eligible candidates, with the exception of confidential positions.

- (b) From three (3) to five (5) candidates will be certified in the descending order that they appear in the list of eligible.
- (c) Eligible candidates from the list could be certified for temporary positions and

their names will remain active in the
list.

103.261 SELECTION INTERVIEW

Certified candidates will be interviewed by a panel of three (3) or more persons to be evaluated on those aspects not yet considered, such as personality, character and attitude toward the job. The supervisor having the greatest knowledge of the job will participate in the interview.

103.262 ADDITIONS TO THE CERTIFICATION OF ELIGIBLE CANDIDATES

The supervisor could request the addition of candidates to the certification of eligible (a) when one or more of the candidates fail to attend the interview, or (b) when the Supervisor do not select any of the certified candidates. In this last case, he should present justified reasons for such action and his request could be approved or denied by the Executive Director.

103.263 MEDICAL EXAMINATION

Every person selected for employment should submit, duly completed by an authorized member of the medical profession in Puerto Rico, the official form provided by the Office of Personnel of the Authority.

103.264 EMPLOYMENT OF RELATIVES

- (a) Unless an exemption from the Executive Director is issued, consanguineous relatives within the third grade, or affinity within the second grade such as the following will not be hired:
- (1) Consanguineous relatives
 - a. Parents and offsprings
 - b. Brothers or sisters
 - c. Uncles or nephews
 - (2) Relatives by affinity
 - a. Parents in law, son or daughter in law
 - b. Spouse
- (b) In no event the relatives above mentioned will not be employed within the same department, division, or unit of work.
- (c) In case of marriage between employees in the same office, one of the spouses will have to be transferred to another office.

103.3 APPOINTMENTS

There will be two categories of appointments: appointments of confidential employees, and appointment of career employees. Every appointment should receive the prior approval of the Executive Director. The appointed person will submit those documents required by the Office of Personnel of the Authority in order to process his appointment and to include his name in the payroll.

103.31 CONFIDENTIAL EMPLOYEES

Confidential employees will be those who intervene or collaborate substantially in the policy formulation of the Authority, directly advise or render direct services to the Executive Director. See annex A.

103.32 SELECTION AND REMOVAL

(a) Confidential employees will be of free selection and removal.

(b) When a regular employee in a career position becomes a confidential employee and afterward is removed from the confidential post, will have the right to be reinstated to an equal or similar post as the one he was occupying in the career service at the moment he became a confidential employee.

103.33 CARREER EMPLOYEES

Career employees will be all those employees not included in the confidential employees plan.

When a candidate is selected to occupy a regular career position he will be appointed subject to a probationary period before becoming a regular employee of the Authority, pursuant to Article 103.35. There could always be temporary appointments, substitutes, and of other nature to perform temporary duties. Likewise, provisional appointments could be extended to cover positions whose incumbents have

been promoted during the duration of the probationary period of the same.

103.34 OATH OF FIDELITY

Upon commencing employment, every person receiving an appointment to occupy a position at the Authority, should, as a requirement for employment, take an oath of fidelity before a functionary duly authorized to do so.

103.35 PROBATIONARY PERIOD

- (a) Will signify the probationary period in the performance of duties and responsibilities of the position to which every appointed employee is subject before he becomes a regular employee of the Authority.
- (b) A period of no less than four (4) months will be established for each class of position, nor greater than one (1) year. Said probationary period will be included in the job announcement. The same could be prorogued by the Executive Director for justified cause on the request of the immediate supervisor. This action should be undertaken at least fifteen (15) days prior to expiration of the probationary period, and the employee will be so informed. No more than one prorogue will be considered for the probationary period, and in no event will the prorogue time

will exceed the original probationary period.

- (c) During this period the supervisor will train, observe, and orient the employee and will prepare periodic reports about his progress.
- (d) Upon satisfactory completion of the probationary period the employee will become a regular employee.
- (e) Should the Supervisor determine, during the probationary period, that the employee is not complying with his duties and responsibilities in a satisfactory manner, or do not adjust to the prevailing conditions of the job, the employee must be separated from employment.

104 TRAINING

104.1 General Rule

A program for the training and preparation of personnel will be developed with the purpose of improving the services rendered, and that these service be realized in harmony with the most modern principle and techniques in their particular field of work. To this end, activities oriented toward the development of employee's potential will be developed, and to promote and improve relations between co-workers. Likewise, the employee will obtain information regarding the Authority's program policy to make him feel as part of the organization and to contribute his maximum effort toward the achievement of the Authority programs.

104.2 DETERMINATION OF NEEDS

The Personnel Office will conduct periodic interviews with supervisors, and samples (polls) regarding employee performance to identify training needs. The observations obtained will serve as base for the preparation of a training plan to develop and improve the human resources in the organization.

104.3 TRAINING PLAN

Utilizing the training needs as base, a Training Plan containing the priorities will be prepared. It will also include resources to be utilized, dates for each activity, and the responsibilities for each training.

104.4 RESPONSIBILITIES FOR THE DEVELOPMENT OF TRAINING ACTIVITIES

- (a) The Training Plan will be administered by the Executive Director through the Office of Personnel.
- (b) He will be responsible for general type of training.
- (c) Training for specific programs will be the responsibility of the concerned office or department. They will request assistance and/or coordination from the Executive Director for any training already programmed.

104.5 PROGRAMMATION OF TRAINING ACTIVITIES

Training activities could be programmed during or after working hours according to the service needs in the appropriate places or sites only duly approved by the Executive Director.

104.6 TRAINING ACTIVITIES

104.61 TRAINING, OUTSIDE THE AUTHORITY

The Authority could defray, in its totality or in part, expenses for training or academic/technical undertaken in or out of Puerto Rico.

104.611 SHORT RANGE TRAINING

It will be understood as short range training those educational or training activities which last a maximum of one year and do not lead to the attainment of a specialized or advanced degree. Short range training will be limited to practical or theoretical activities related to the functions performed or to be performed in a near future by the employee.

104.612 LONG RANGE TRAINING

Long range training will be allowed to obtain an advanced or specialized degree pursuant to the dispositions established for leaves in Section 106.55 of the "Work and Leave Hours Chapter."

104.613 TUITION PAYMENT

Tuition payment for academic and/or technical training studies in duly recognized institutions will be authorized. In higher academic studies each employee will be authorized up to a maximum of six (6) credits per regular semester or summer session. In exceptional cases the Executive Director could authorize up to a maximum of nine (9) credits. Tuition payment for higher academic studies will not exceed the cost per credit fixed by the University of Puerto Rico. It will a requirement for tuition payment that the studies undertaken be related to the subject matter for the position occupied by the employee.

104.614 SCHOLARSHIPS

Scholarships could be awarded, with equality of conditions, to Authority Personnel and potential employment candidates with the purpose of improving and recruiting personnel qualified in highly skilled areas and difficult to recruit personnel for. The Executive Director could designate a committee to evaluate the scholarship applications and make recommendations.

During awarding of scholarships, the following requirements will be complied with:

- (a) Scholarship opportunities will be announced.
- (b) Candidates will compete, in equal conditions.
- (c) Candidates will be selected among those qualified in the competitions. If after the announcement, only one qualified candidate is left, he will be entitled to the scholarship.
- (d) Scholarships will be awarded without opposition when the special and exceptional needs of the service and employee's qualifications justify so.
- (e) Selected persons to obtain scholarships or leave with pay for studies will formalize contracts promising to work for the Authority for a time equal to twice the time of studies, in the place and position determined by the Executive Director.
- (f) Every recipient of a scholarship or leave with pay not complying with the incurred obligation will reimburse the amount spent and will be ineligible for employment for a time equal to be three (3) times the times of studies.
- (g) The Executive Director could cancel the offering of a scholarship in a phase of the proceedings.

104.63 ORIENTATION TO NEW EMPLOYEES

New employees will receive orientation regarding programs, rules, activities, and other aspects of the Authority.

104.7 METHODS TO BE UTILIZED IN THE TRAINING PLAN

- (a) For the development of the Training Plan methods such as conferences, seminars, audio-visual means, courses, forums and group sessions could be utilized.
- (b) During the determination of methods to be utilized the following factors will be taken into consideration: discussion material, needed time, number of participants and resources available.

104.8 RESOURCES

To execute the training plan every available resource such as universities, colleges, governmental agencies, lecturers, and professional associations will be utilized.

105 PERSONNEL TRANSACTIONS

Personnel transactions are changes and moves of personnel. To regulate personnel transactions in the Authority the rules later stipulated in this chapter will apply.

105.1 PROMOTIONS

- (a) Promotion is the move of one employee from a position in one class to a position in another class with a superior basic retribution.
- (b) Every promotion opportunity will be announced through the communication means in the Authority, so that every qualified employee could compete.
- (c) Every career employee could be promoted through a free competition test consisting of a written or oral tryal, physical type execution, supervisor evaluation, work record analysis, training results, or others.
- (d) Promotions without opposition could be authorized when the exceptional needs of the service, and the special employee qualifications justify so, having approved the corresponding test. This type of promotion could be authorized only when there is no register of eligible candidates and no reasonable time to establish one or only one qualified candidate.
- (e) Each promoted employee should approve the corresponding probationary period. If not approved, the employee will be reinstated to the position, he occupied before the promotion or be promoted to one in the same or similar class.

105.2 DEMOTIONS

- (a) It will be understood as the move of one employee from a position in one class to a position in another class with a lower minimum retribution type. An employee could be demoted for the following reasons:
- (1) The employee requests a demotion in writing.
 - (2) When positions are eliminated and it becomes impossible to place the employee in a similar position as he was occupying, and the employee accepts a demotion in writing.
 - (3) The employee becomes physically handicapped to perform the position, but could perform in another position approved by a previous medical evaluation.
- (b) In case of demotion, the employee will be placed in an inferior position whose retribution scale is as close as possible to the one of the position occupied at the moment of demotion, preferable within the same work area, as long as he is qualified for the position.

105.3 TRANSFERS

- (a) Transfer is the move of one employee from one position to another one in the same class or from one position in one class to another position in another class with the same level of functions

and the same type of minimum retribution, for which there will be no salary adjustment. It could be used as a resource to effectively place employees in the areas where they could perform best.

- (b) The Executive Director could transfer an employee from one position to another according to service needs or the request by the employee.
- (c) Upon the transfer of an employee the following conditions should be followed:
 - (1) That the position being transferred to will correspond to the same class in which employed, or if it corresponds to another one, that it be assigned to the same retribution rate.
 - (2) That the employee fulfills the minimum requirements of the position being transferred to.
 - (3) That the supervisors agree when possible.
- (d) Transfers could not be made arbitrarily, nor be utilized as a disciplinary measure.
- (e) When transferred to a different classification position, the employee will be subject to the probationary period required in the new position.

105.4 LAY OFFS

- (a) Lay off is the separation of an employee for causes beyond his control, not meaning suspension or destitution.

list and will be certified ahead of others, pursuant to the previous stipulation in Section 103.248 (c).

105.5 REASIGNATIONS

- (a) A resignation is produced when an employee, on his own accord, separates himself from his position.
- (b) Every employee who desires to resign from his position should present his resignation to the Executive Director at least fifteen (15) days prior to his last day of employment, unless relieved by the Executive Director from such requirement.
- (c) No employee will leave his employment position until the Executive Director accepts his resignation.
- (d) The employee will receive in cash the equivalent of his accumulated annual leave, at his discretion, under one of the following manners:
 - (1) Their salary in their regular pay period in which case the effective date of the resignation will be at the termination of their final leave, and the employee will retain all their rights up to that date. During this period no type of leave will be accumulated.
 - (2) In a lump sum, in which case his resignation will become effective on the date on which he ceases services.

105.6 DISMISSALS

- (a) The Executive Director could dismiss any career employee for just cause and previous formulation of charges, in writing, and previous administrative hearing, if requested by the employee. The dismissal notice should inform the employee about his right to appeal as established in Chapter 107.6 of this regulation.
- (b) In addition to the dismissal causes found in Article 107.52 regarding disciplinary measures, the following will be considered as causes or motives for dismissal.
- (1) Abandon of service without previous authorization or without notification of motive for being absent for over five (5) or more consecutive working days or failure to reinstate himself on the required date, unless he presents justified evidence.
 - (2) To advocate the overthrow of the government of Puerto Rico or the United States by force or violence.
 - (3) Failure to comply with the position's duties and responsibilities.

(c) Any dismissed employee will be considered ineligible for appointment to any position in the Authority unless he becomes qualified in accordance with the current legislation.

105.7 RETENTION OF EMPLOYEES OVER 65 YEARS OF AGE

The Executive Director could retain the services of an employee after the latter becomes 65 years of age, subject to:

- (a) A need for his services as long as his physical condition permit it.
- (b) That the employee and his supervisor apply two (2) months ahead of reaching the regulated age. The employee will present acceptable justification such as a medical certificate regarding his mental and physical condition prepared by a faculty member selected by the Executive Director.
- (c) That the retention be made for periods of one (1) year, and that the same does not extend beyond his sixty eighth (68) birthdate.

105.8 REINSTATEMENT BY REHABILITATION

Any employee separated from the Authority due to a handicap could be reinstated to his position or to a similar one as soon as his rehabilitation could be verified, pursuant to the retirement law, as long as there do not exist legal or regulation impediments for his reinstatement. In the absence of available positions he will be included with preference in the register for the classes he is qualified for.

105.11 RETRIBUTION ADJUSTMENTS

- (a) If the employee retribution is less than the minimum type of the scale assigned to the class corresponding to the position promoted to, retribution will be increased to the minimum type on said scale, as long as said increase will not be less than one step within said scale, in which case the salary will be increased up to the first intermediate step in the scale.
- (b) If the employee retribution is equal to the minimum, or to one of the intermediate steps, or to the maximum to the scale assigned to the class of the position promoted to, or is greater than the maximum type of the corresponding scale of the position promoted to, a one step increase will be awarded.
- (c) If the employee retribution is among steps of the scale assigned to the corresponding class of the position promoted to, retribution will be increased to the step representing the amount immediately superior to the one the employee was earning at the moment of promotion, as long as said increase is not less than one step said scale, in which case an increase to the next step will take place, although it exceeds the maximum for the scale.

106 WORKING HOURS AND LEAVE

106.1 WORKING HOURS

The Executive Director will establish the regular work week and the daily starting and ending work hours in the Authority, and could also alter said schedule according to service needs. The regular work day will not exceed five (5) days per week, nor eight (8) hours per day.

106.2 ATTENDANCE

The Executive Director will have the faculty to adopt or change the regulation he deems convenient to register employee attendance.

106.3 EXTRA HOURS (OVERTIME)

(a) Management employees will have the right to earn overtime pay, pursuant to the law. According to service needs, the supervisor could request an employee to work overtime or during holidays. All requested time worked by the employee in excess of the daily workday, or the work week, or during holidays will have the right to compensation at a double rate from the regular salary type that he is earning.

(b) Those employees who have no right to overtime pay will have the right to enjoy equal time off work in excess of the time worked over the regular workday.

(c) Supervisors should coordinate their work programs in such a way as to reduce to a minimum the need to work in excess of the regular work day.

106.4 HOLIDAYS

For the enjoyment of holidays, the Authority will follow the current dispositions and regulations. Days off will be granted, without charge or annual leave, any other days authorized by the Governor of Puerto Rico or the President of United States, as long as the latter are extended to employees of the Commonwealth of Puerto Rico. Days authorized in this manner will not have the effect of extending vacation to employees on leave.

106.5 LEAVES

The Executive Director will authorize leave of absence for determined periods of time for the enjoyment of the various leaves later on established.

106.51 ANNUAL LEAVE

To enhance the employees performance, the Authority will grant its employees the right to annual vacation with pay.

106.11 ACCUMULATION

Regular and probationary employees will accumulate annual leave at a rate of eighteen (18) hours per month up to a total of two hundred sixteen (216) hours for each work year, with the understanding that if an employee is not able to enjoy said leave within the corresponding year, he will be able to take it when the service needs allow it.

Part time employees will accumulate leave in proportion to

the work day.

106.512 VACATION ENJOYMENT

- (a) The employees with right to enjoy annual leave will be those with a regular appointment and who have served the Authority no less than one year.
- (b) Employees will have the right to enjoy annual leave for a period of no less than fifteen (15) consecutive days a year, as long as they have sufficient balance accumulated.
- (c) The Authority will prepare an annual vacation program on or before December 31, every year, fixing the dates in which each employee will take the same, in accordance with the employee applications and the service needs.

106.513 INTERRUPTION

An employee in use of his annual leave could be required to reinstate himself to his position when the service needs deem it necessary. It will be left at the discretion of the employee to continue his vacation upon termination of the situation which motivated the interruption to take them at a later date mutually agreed between him and his supervisor.

Those employees whose vacation was interrupted by the Authority will have preference in the annual vacation program.

106.514 FINAL LEAVE

- (a) Every Authority employee separated from service for any cause will have the right to receive a cash lump sum payment equivalent to the annual leave accumulated at the date of his separation. In case of employee's decease, said equivalent will be paid in cash to his beneficiaries or heirs, as disposed by the current legislation.
- (b) In the case where the employee is separated from the Authority through a transfer to other government agency, his accumulated leave balances will be transferred. In those cases where the separated employee has a balance in excess of the one accepted by the agency he is being transferred to, a cash payment will be granted for the excess.

106.52 SICK LEAVE

Sick leave is that period of absence with pay granted to an employee when he is unable to perform the functions of his position for reasons of illness, absent due to medical examination, medical, dental or optical treatment or when his exposure to a contagious disease risks the welfare of other employees. The Executive Director will authorize sick leave only on the situations hereby exposed.

106.521 ACCUMULATIONS

Every regular or probationary employee will accumulate sick leave at a rate of twelve (12) hours per month up to 144 hours (19.2 working days). The earned sick leave not used by the employee will be accumulated up to a total of 720 hours (96 working days.)

106.522 REQUEST FOR SICK LEAVE

(a) Absences due to sickness for over three (3) days will be authorized by the immediate supervisor. Should the latter not authorize them, the same will be charged to annual leave.

(b) When an employee remains absent, due to sickness, for over three (3) consecutive days, he should present a medical certificate for the totality of the absent period. The medical certificate must include:

- (1) Covered period
- (2) Certification of the fact that the employee was unable to work, or exposed to a contagious disease during the shown period.
- (3) Diagnostic

(c) The Authority could request a medical certificate to every employee who has remained absent due to sickness if four (4) absences have occurred, even when they are not consecutive, during a

a period of ten (10) working days.

- (c) The employee could request, ahead of time, permission to take time off from work with the purpose of receiving medical, dental or optical treatment, or examination.
- (e) When an employee becomes ill during his enjoyment of annual leave, sick leave could be authorized for said period, thus eliminating the charge to the corresponding annual leave. For this, the employee must submit a medical certificate containing the information set forth in parragrah (b) of this section.

106.523 ABSENCES DUE TO ACCIDENTS

- (a) Occupational

When an employee is absent due to an accident suffered while on official business, after informing the case to the State Insurance Fund, the employee will have the right to:

- (1) Use his accumulated sick leave.
- (2) Take his accumulated annual leave.
- (3) Request, ahead of time, sick leave, pursuant to Section 106.524 of this regulation.
- (4) Request sick leave without pay for the established time as long as the employee submits medical evidence from the State

Insurance Fund certifying that the employee is still unable to work, this leave could be authorized after the employee have exhausted his regular annual leave and sick leave. In no event, will the leave without pay exceed thirty (30) months.

(b) Non Occupational

When the absence of an employee is due to an accident not related to his job, the employee could chose to make use of the benefits of the non Occupational Disability Insurance, or the leaves set forth in item (a) of this section.

105.524 SICK LEAVE ADVANCE

When an employee has no sick leave balance, a maximum of sixty (60) working days will be advanced. The Authority will request the necessary evidence as proof of such illness. The total of the advanced sick leave will be charged against the upcoming accumulation of said leave. The application must be submitted before the person is reinstated to work. If the employee, to whom a sick leave has been advanced, fails to reinstate himself to work, the referred sick leave will be condoned up to a maximum of forty five (45) days, provided that the person has been employed for a term of three (3) years or more. In those cases where the employee has worked for a period of less than three (3) years, said employee must make a cash restitution for the total

advanced leave.

106.53 ANNUAL AND SICK LEAVE GENERAL APPLICATION :

- (a) To compute the use of annual and sick leave Saturdays, Sundays, or Holidays will not count as working days.
- (b) Regular employees will not accumulate annual or sick leave while on leave without pay or final leave.

106.54 MATERNITY LEAVE

- (a) Maternity leave will be awarded to regular female employees during pregnancy.
- (b) Female employees will have the right to a rest period under the following alternatives:
 - (1) Six (6) weeks pre-natal rest and six (6) weeks post-natal rest at half salary.
 - (2) Five (5) weeks pre-natal rest, and seven (7) weeks post-natal rest at half salary.
 - (3) The pre-natal rest period could be reduced up to a week before the date of child birth determined by a doctor, provided that a doctor certifies that she is physically able to work.
 - (4) The employee could reduce the post-natal rest period up to two weeks, provided that a doctor certifies that she could return to her duties.

During the rest periods at half pay, the employee could charge to her accumulated leave the qualifying not paid other half of her salary.

- (c) The request for maternity leave must be made at least one (1) month before the starting date of the leave, and must be accompanied by a medical certificate stating the approximate date of birth.
- (d) If as a direct consequence of childbirth the employee remains physically unable to return to work at the end of the post-natal rest period, said rest period will be extended correspondingly at half pay; provided that the employee presents, before the end of the rest period originally awarded, a medical certificate evidencing her handicap. In no event the post-natal rest period will exceed twelve (12) weeks. The employee could earn her total salary charging the other half to the accumulated leaves in her own right. Should she have no accumulated leave, a sick leave advance could be granted if she qualifies.
- (e) In all maternity leave cases the employee must present a medical certificate indicating the date of childbirth.

106.55 Sick Leave Pay

The Executive Director will pay management employees 75% of the accumulated sick leave in excess of 720 hours at

the end of each natural year. The above percentage could be increased depending on the Authority's solvency.

105.56 Final Sick Leave Liquidation

Every employee of the Authority separated from service to receive a pension, or retirement by age, or handicap will have the right to receive in a lump sum total the cash equivalent of the accumulated sick leave.

In the event of the employee's death, the total accumulated sick leave at his decease will be paid to his heirs.

106.57 Study or Training Leave

The Executive Director could grant study leave with pay to regular employees in those cases where it could be reasonably expected that said study will benefit the services rendered by the employee to the Authority.

106.58 Military Leave

(a) The Executive Director will grant leave without pay to the employee or functionary upon request when called to serve in the military service pursuant to the law in effect.

(b) Leave with pay will be granted to employees or functionaries belonging to the National Guard of Puerto Rico or to the United States Armed Forces Reserves, called to serve temporarily by virtue of the dispositions of the laws of United States and the laws of Puerto Rico. This leave will not exceed thirty (30) calendar days a year, and will not be charged against the employee's accumulated annual leave.

- (c) In the event where the employee have utilized the total or part of his thirty (30) annual military leave days, military leave required by competent Authorities, could be authorized charged to annual leave.
- (d) When an employee is absent from work due to his submittal to a physical examination for military service, said absence will be considered as military leave with pay.

106.59 Judicial License

- (a) Any employee officialy cited to appear before a magistrate, a tribunal of justice, or an administrative organism as a witness, will receive with pay, with no effect on his leaves, the necessary time off needed. In this case the employee must include the official citation certificate in his request for leave.
- (b) In the event where the employee is cited in a civil cause promoted by him as claimant, he will not have the right to this leave.
- (c) If an employee is cited by a tribunal in a criminal cause as the accused or alleged violator of the law, he will not have the right to leave unless he shows afterward that he has been exonerated of the charges against him.

106.60 Bereavement Leave

Upon the decease of an employee's mother, father, spouse, consanguineous brothers or sisters, or offsprings, the employee will be granted three (3) consecutive working days off with pay starting on the day of decease or the day of the funeral. Said leave will not be charged against the employee's accumulated leaves.

106.61 Special Leaves

In addition, the Executive Director could grant other leaves with pay, such as:

- (a) To participate in activities in representation of Puerto Rico.
- (b) To render volunteer services to the Civil Defense in case of disaster.

106.62 Leave without Pay

- (a) The Executive Director could grant leave without pay to regular employees up to a maximum of one (1) year to participate in activities beneficial to the Agency and the employee, or for any other meritorious cause.
- (b) The employee must submit his application for leave without pay not less than thirty (30) days prior to the date applied for, unless this last requirement is waived by the Executive Director.

(c) Employees on leave without pay, upon their return to active service will enjoy all the benefits granted to the rest of employees during his leave.

107 PERSONNEL RELATIONS AND DISCIPLINE

107.1 General Rule

The Authority aims to conduct its activities based on mutual understanding, harmony and respect on all levels, considering the rights and responsibilities of each employee in the performance of their functions, as well as the interpersonal relations of its employees. With this purposes programs to permit the participation of employees, and to contribute to their satisfaction and motivation will be provided.

107.11 Participation Committee

A participation committee will be created to allow employees their participation in programs and activities of the Authority. The same will be composed of a representative from the Authority, and employee representative who will be elected through a referendum by the employees, and a third member mutually designed by representatives of all parties. In the absence of a mutual agreement, the representative will be selected among four (4) candidates, two suggested by the employees, and two by the Executive Director. The names of the four candidates will be deposited in a box, from which, following an impartial process, one will be drawn who will become the

Committee President. The remaining three (3) committee members must be part of the Authority's personnel.

The committee will be empowered to investigate, evaluate and recommend. The Executive Director will have the faculty to accept, refuse or modify the committee recommendations:

Should the Executive Director assume a position contrary to the Committee's recommendations, the latter has the right to recur before the Secretary of Transportation and Public Works.

107.2 PROGRAMS

107.21 Incentive Programs

- (a) The Authority will participate in incentive programs sponsored by the government of Puerto Rico to reward those employees who are outstanding in the performance of their job, or by suggesting ideas that contribute to the improvement of public administration.
- (b) Likewise, will establish incentive programs to stimulate and recognize those employees who have made contributions towards the benefit of the Agency.

107.22 Orientation and Advise

With the purpose of aiding employees in the solution of personal problems that could affect their total development, advise and orientation services will be offered. These services will be aimed towards the attainment of a better adjustment between the employee and the organization, with his work group, and the society in general.

107.23 Employee Activities

Employees will be stimulated to participate in cultural, civic, professional, cooperative, and sports activities, and within its economic means, the Authority will contribute towards the realization of these activities.

107.24 Recognition for Years of Service

The Authority will grant certificates and awards for years of service to its employees in recognition for services rendered to the Agency.

107.25 Other Activities

The Executive Director could authorize the celebration of other activities tending to promote good relations among employees, their supervisors and the public they serve.

107.3 Attention to Grievances and Claims

- (a) Every grievance, controversy, dispute or misunderstanding involving one or more employees must be attended promptly by the immediate supervisor.
If not resolved at that level, the affected employee could appeal the case following the established levels of supervision.
- (b) The supervised, as well as the supervisor, will have the right to consult, through a previous appointment, the functionaries assigned for the interpretation or application of the personnel standard rules.
- (c) If a grievance is not resolved at the administrative level, the affected employee could refer it to the Secretary of Transportation and Public Works, as set

forth in Chapter 107.6 regarding appeals.

107.4 Employees Duties and Responsibilities

The Authority's management employees will have the following duties and responsibilities:

- (a) Attend work regularly and punctually, and comply with the established workday.
- (b) Observe the correct standards of behavior, be courteous and respectful in their relation with supervisors, coworkers and citizens.
- (c) Perform efficiently and diligently the functions assigned to his position, and other compatible duties assigned.
- (d) Carry out orders and instructions imparted by supervisors in compatibility with the Authority to them delegated and with the functions and objectives of the Authority.
- (e) Maintain confidentiality about those affairs related to their job, unless instructed otherwise by a competent Authority.
- (f) Perform tasks during non-work hours when the service needs call for, and previous notification with reasonable time.
- (g) Guard and conserve documents, property, or public interests under his custody.
- (h) Comply with the dispositions of this regulation and the rules and orders hereby directed.

107.5 Discipline

Every organization needs to establish definite standards of discipline to direct the conduct of its employees in their relations with the former, with their co-workers, and with the public in general. In order for the Authority to comply with its objectives, it is of utmost importance that its employees observe those standards of conduct to insure an orderly and efficient performance of services.

107.51 Supervisors Responsibilities

- (a) It is the responsibility of the supervisor to maintain discipline in his unit. Accordingly, he should know clearly the organization's discipline standards and measures, in order to duly orient his employees regarding the same, and about his right to appeal.
- (b) It is the duty of the supervisor, within means, to adopt preventive measures before imposing any disciplinary actions. He should investigate the circumstances that motivated the violation of the established standards in order for him to take or recommend the disciplinary action considered most just, since the purpose is not to punish the employee, but to correct his faults and behavior with the object of creating a better employee.

- (c) When the action of the employee could be considered as a violation of the law according to the laws of Puerto Rico, in addition to the corresponding disciplinary action imposed, the supervisor must notify immediately the pertinent authorities, or the corresponding Authority officer in accordance with the established proceedings.
- (d) The specific responsibilities to recommend and/or take disciplinary action are established as follows:
- (1) Supervisors, besides admonishing orally and in writing, could recommend the imposition of work and salary suspension or destitution to the Executive Director.
 - (2) The Executive Director could admonish or impose, disciplinary measures and will be the only one authorized to suspend salary and employment and to dismiss any employee definitely.

107.52 Disciplinary Measures

- (a) A violation to the Authority's Standard of Conduct will be construed as every act or omission related to the violations stated on the table that follows, and will be subject to a disciplinary measure according to the fault committed. Upon the recommendation and/or the imposition of a disciplinary measure, the seriousness of the violation, the employee's service history, if it is a recurring violation, or other extenuating or aggravating circumstances will be taken into account.

D I S C I P L I N A R Y M E A S U R E

1st. Offense

2nd. Offense

3rd. Offense

1. Idleness, or waste of time during working hours, or non compliance with instructions or negligence in the performance of his work.

Oral or written admonishment

Written admonishment, or suspension from 1 to 15 days. 15 to 30 days suspension, suspension or dismissal.

2. Failure to inform about his or his family's illness or about physical handicaps that may endanger the health and safety of other coworkers.

Oral admonishment

Written admonishment or suspension from 1 to 15 days. Suspension of 15 to 30 days.

3. To purchase, sell, or lend money for profit during working hours in the Authority's property.

Oral Admonishment

Written admonishment or suspension from 1 to 15 days. 15 to 30 days suspension.

D I S C I P L I N A R Y M E A S U R E

VIOLATION	1st. Offense	2nd. Offense	3rd. Offense
4. Realize an act, or use threatening, indecent or obscene language	Written admonishment, or 1 to 15 days suspension	15 to 30 days suspension or dismissal.	Dismissal
5. Disorderly conduct in the Authority's property such as horse play, pranks, practical jokes, intimidation or abuse of other employees.	Oral or written admonishment	Written admonishment, or 1 to 15 days suspension	15 to 30 days suspension or dismissal
6. Absent from work during the workday without previous permission.	Oral or written admonishment	Written admonishment, or 1 to 15 days suspension	15 to 30 days suspension or dismissal
7. To fall asleep, or groggy behavior at the job the amount of danger involved for the safety of others and property will be considered.	Written admonishment, or 1 to 30 days suspension or dismissal	1 to 30 days suspension or dismissal.	15 to 30 days suspension or dismissal

D I S C I P L I N A R Y M E A S U R E

VIOLATION

1st. Offense

2nd. Offense

3rd. Offense

3. Violation of the established safety rules and practices (the seriousness of the violation will be considered)

Oral written admonishment	Written admonishment or 1 to 30 days suspension or dismissal	30 days suspension or dismissal
---------------------------	--	---------------------------------

1. To commit or provoke aggression, fight or disorder within the Authority (it will be considered whether it took place during working hours, and how the morale productivity or discipline is affected).

Written admonishment, or 1 to 15 days suspension or dismissal.	15 to 30 days suspension or dismissal.	Dismissal
--	--	-----------

0. To come to work under the influence of alcoholic beverages or narcotics or introduce or use them at work.

Written admonishment, or 1 to 15 days suspension or dismissal.	15 to 30 days suspension or dismissal	Dismissal
--	---------------------------------------	-----------

D I S C I P L I N A R Y M E A S U R E

VIOLATION

	1st. Offense	2nd. Offense	3rd. Offense
11. Improper conduct in or out of work in such a nature as to effect the good name, discredit or create difficulties for the Authority or any Government Agency or dependency.	Written admonishment, or 1 to 15 days suspension or dismissal.	15 to 30 days suspension or dismissal	Dismissal
12. Participation in games prohibited by law in the Authority's property.	Written admonishment, or 1 to 30 days suspension or dismissal.	1 to 30 days suspension or dismissal.	15 to 30 days suspension or dismissal.
13. To render services or maintain economic relations with persons or entities, when these services pose a conflict to the best interests of the Authority or the Government of Puerto Rico	Written admonishment, or 1 to 30 days suspension or dismissal.	1 to 30 days suspension or dismissal.	15 to 30 days suspension or dismissal.

D I S C I P L I N A R Y M E A S U R E

VIOLATION

1st. Offense

2nd. Offense

3rd. Offense

14. Omit information in, or falsify, alter, or withdraw maliciously Authority's documents related with his job, or that affect his condition as employee. Written admonishment, or 1 to 30 days suspension or dismissal. 15 to 30 days suspension or dismissal.

15. Non authorized use of equipment or property or permit that this property become lost, destroyed or damaged. Written admonishment, or 1 to 30 days suspension or dismissal. 1 to 30 days suspension, 15 to 30 days suspension or dismissal.

16. Unjustified non-compliance of orders to work out of the regular workday (the seriousness of the effect to public service and to the Authority will be considered. Written admonishment, or 1 to 30 days suspension or dismissal. 1 to 30 days suspension. 15 to 30 days suspension

VIOLATION

DISCIPLINARY MEASURES

VIOLATION	1st. Offense	2nd. Offense	3rd. Offense
17. To utilize his official position for partisan political ends, or other objectives not compatible with public service.	Written admonishment, or 1 to 30 days suspension or dismissal.	1 to 30 days suspension	15 to 30 days suspension or dismissal.
18. Realize acts against the application of the public service personnel law of Puerto Rico and this regulations or make or knowingly accept declaration, certification or false information in relation with any subject covered by this standards.	Written admonishment, or 1 to 30 days suspension or dismissal.	1 to 30 days suspension	15 to 30 days suspension or dismissal.
19. To give, offer, pay solicit or accept money directly or indirectly, services or any other value for or in return of eligibility, appointment, promotion or other personnel action.	Written admonishment, or 1 to 30 days suspension or dismissal	1 to 30 days suspension	15 to 30 days suspension or dismissal

D I S C I P L I N A R Y M E A S U R E

VIOLATION	1st. Offense	2nd. Offense	3rd. Offense
20. To withdraw property belonging to the Authority or to another employee.	Written admonishment, or 1 to 30 days suspension or dismissal.	1 to 30 days suspension	15 to 30 days suspension
21. To make false, vicious, or malicious declaration about the Authority or any of its employee.	Written admonishment, or 1 to 30 days suspension or dismissal.	1 to 30 days suspension	15 to 30 days suspension or dismissal.
22. Accept bribes, gifts, donations or any other reward for work performed as a public employee except for those authorized by the law.	Written admonishment, or 1 to 30 days suspension or dismissal.	1 to 30 days suspension	15 to 30 days suspension or dismissal.
23. Attendance record irregularities:	Oral admonishment	Written admonishment	1 to 15 days suspension
a) Stop recording attendance			

D I S C I P L I N A R Y M E A S U R E

VIOLATION	1st. Offense	2nd. Offense	3rd. Offense
b) Record someone else's attendance or request someone to do it for him.	Written admonishment	1 to 15 days admonishment	15 to 30 days suspension or dismissal.
c) Falsify attendance record	Written admonishment or 1 to 30 days suspension or dismissal.	15 to 30 days suspension, or dismissal.	Dismissal
24. Insubordination (refusal to obey orders, insolence, or similar behavior).	15 to 30 days suspension, or dismissal.	Dismissal	
25. Violations to administrative orders or directives.	Oral or written admonishment, or 1 to 30 days suspension.	15 to 30 days suspension or dismissal.	
26. Carrying and possession of weapons and handling of explosives in the Authority's property or on the job unless expressly authorized to do so by the Executive Director.	Written admonishment or 1 to 30 days suspension or dismissal.	Dismissal	

- (b) The commission of any other fault, violation of law or other prejudicial act to the interests affecting the public image of the Authority and/or its employees not shown on the previous table, and which call for disciplinary measures in accordance with its importance and seriousness and according to the ones established previously.
- (c) When an employee is accused of a felony, or moral depravation, the same could he dismissed or suspended by the Executive Director from employment and pay until the case is heard in its proper forum. Upon making this determination the seriousness of the violation the employee is accused of, and/or the risk to the property, and/or safety to the Authority or its employees, will be taken into account.

107.53 Absences and Tardiness

An absence will be considered as the period of time an employee remains off his job without performing his assigned duties. The following rules will regulate absence cases:

- (a) If an employee foresee the need to be absent from work for any reason, he should notify his immediate supervisor before leaving his work area. It will be up to the supervisor to authorize said

absence or not.

- (b) In the event where an employee is absent from work without authorization, upon his return to work should explain the cause for his absence, and why he did not request authorization for being absent. If his reason is not accepted, his absence will be considered not authorized and will be subject to the disciplinary action set forth on item 107.5312 of this section.
- (c) When an employee is unable to come to work, he should notify (or have someone do it) his immediate supervisor the same day of the absence, if possible, specifying the reason and expected time of duration. Failure to notify absence will lead to disciplinary action.
- (d) When an employee is frequently absent from work, due to illness or non occupational injury, the Authority could request the employee to submit himself to physical examination by a doctor selected by the Authority. This doctor will certify whether the employee is physically and mentally fit to perform his duties.
- (e) When an employee remains absent over three (3) days, he should turn in an application for leave, he it before the absence takes place, or within the next ten (10) working days from the date the

employee returns to work, whichever case.

Failure to comply with this requirement will cause the absence to be charged against his accumulated annual leave, independently of whether the absence was due to illness or personal reason.

- (f) In cases of absences of three (3) or less day, the employee have to complete an application for leave. In its place, he will supply the information through the form utilized to report work attendance; indicating the amount of hours absent and if such absence was due to personal reasons or illness.

107.5311 Justified Absences

- (a) A justified absence will be that one whose reason is accepted by the supervisor, after being previously notified, unless there exist just cause.
- (b) Justified absences not creditable to sick leave, will be charged to the employee's accumulated annual leave. If none is available, the absence will then be considered as leave without pay.

107.5312 Unjustified Absences

- (a) Unjustified absences will be construed as the absence for which the reason offered by the employee is not accepted by the supervisor, and/or has not been previously notified.
- (b) Unjustified absences will be charged against the employee annual leave, and in the case of no accumulation will be deducted from his salary.

107.5313 Absenteeism

- (a) The term "absenteeism" will be construed as the recurrent absence of an employee. Disciplinary measures, later on enumerated, will be taken when during a determined period an employee remains absent from work for an equivalent term of 2.5 days for any available month.
- (1) First occasion - Written admonishment by the Department Head or Office where he works.
 - (2) Second occasion - Written admonishment by the Head of the authority's Personnel Office.
 - (3) Third occasion - Suspension from employment and pay by the Executive Director for a period of five (5) to thirty (30) working days, at the discretion of the Executive Director.
 - (4) Fourth occasion - Dismissal
- (b) When an employee establishes a pattern of absences, the same disciplinary measures above described will apply.
- (c) When an employee establishes a pattern of absences due to illness, the Executive Director could impose the disciplinary action he deems pertinent.

107.532 Tardiness

Tardiness will be construed as the arrival of an employee to his worksite after the official starting hour. However, the arrival to work within the ten (10) minutes period past said hour will not be considered for the employee's leave record, understanding that said grace

period will not be construed as a right of the employee, who will avoid turning said concession into a habit.

107.5321 Justified Tardiness

- (a) Justified tardiness will be that one whose excuse will be accepted by the supervisor.
- (b) When an employee arrives to work ten (10) minutes after the official starting hour, the time transpired from the starting hour to his arrival hour will be charged to his annual leave, if any available, or in the absence of it, will be considered as leave without pay.
- (c) If an employee arrives after the fixed hour in the work program, due to previous performance of services for the authority, said transpired time will not be deducted from his accumulated leave.

107.5322 Unjustified Tardiness

- (a) Unjustified tardiness will be construed as that one for which the excuse presented is not accepted by the supervisor.
- (b) Unjustified tardiness will be deducted from the employee's annual leave, if any, or it will be deducted from his salary.
- (c) In addition to the preceding, disciplinary measures will be imposed in cases of tardiness when the following situations occur:
 - (1) First fault: five (5) tardiness in one month
Written admonishment by the immediate supervisor.
 - (2) Second fault: Fifteen (15) tardiness in a three (3) month period
Written admonishment by the Department or Office Head.
 - (3) Third fault: fifteen (15) tardiness in a next three (3) month period
Written admonishment by the Head of the Authority's Personnel Office.
 - (4) Fourth fault: fifteen tardiness in a next three (3) month period
Suspension from work and salary for a period of five (5) to fifteen (15) days.

107.54 Recurrence

- (a) The imposition of various disciplinary measures to an employee within the prescribed time, to be established

ahead, will be considered as evidence that the employee is unable to adapt himself to the authority's standards of discipline and should be separated from employment.

(b) Therefore, employees could be dismissed from their employment if they have received:

- (1) Five (5) disciplinary measures, including written admonishments, or
- (2) Three (3) suspensions from employment and pay.

107.541 Prescription Period

The constancy of the disciplinary measures imposed to an employee will always remain in his record. However, for the effect of determining recurrence, the following prescription period is hereby established:

- (a) One (1) year for unjustified absences and tardiness.
- (b) Four (4) years for other faults

In admonishment cases, said period will start counting from the date of admonishment, and in suspensions from the date in which the employee returns to work.

107.6 Appeals

Employees could apply for revision of decisions leading to disciplinary actions before the Secretary of Transportation and Public Works.

107.61 Term for appeals

The term to appeal any case before the Secretary of Transportation and Public Works will be thirty (30) working days from the of notification of the action taken. This term will be final and cannot be prorogued.

The Secretary of Transportation and Public Works will lack jurisdiction to intercede in any case for which the appeal is made out of such term.

108 OTHER DISPOSITIONS

108.1 Amendments

This regulation could be amended by the Secretary of Transportation and Public Works by recommendation of the Executive Director and/or the Participation Committee as set forth in Article 107.11.

108.2 Effectiveness

This Regulation will become effective on March 17, 1977.

108.3 Safety Clause

If any disposition is this Regulation is declared null or unconstitutional, it will not affect the rest of this Regulation or its application. In cases of conflict between this regulation and the dispositions established by the Collective Bargaining Contract in effect in the authority, the last will prevail.

108.4 Publication of this Regulation

This regulation will receive all the necessary publicity in order for all covered employees to get to know it by its dispositions, including the distribution to each and every employee of the authority.

108.5 Derogation

Any other Regulation, Standards, Proceedings or Resolutions currently in effect, and in conflict with this regulation,

is hereby derogated.

Submitted by
Executive Director

APPROVED:

Secretary of Transportation
and Public Works

1. Executive Director
2. Special Assistant
3. Legal Counsellour and Secretary
4. Executive Assistant
5. General Auditor
6. Chief, Administration Office
7. Chief, Industrial Relations Office
8. Chief, Information Office
9. Rate Affairs Analist
10. Assistant Executive Director for Administration
11. Assistant Executive Director for Operations
and Development
12. Administration Auxiliary Sub Executive Director
13. Finances Auxiliary Sub Executive Director
14. Development Auxiliary Sub Executive Director
15. Operations Auxiliary Sub Executive Director
16. Chief, Personnel Office
17. Manager, General Services
18. Chief, Finances
19. Chief, Engineering Office
20. Chief, Planning Office
21. Chief, Maritime Department
22. Chief, Aviation Department
23. Real Property Officer
24. Port Operations Superintendent, Southwest
25. Chief, Port Operations Division

26. Chief, Maritime Transportation Division
27. Sub Chief, Aviation Department
28. Manager, International Airport
29. Regional Airports Superintendent

P U E R T O R I C O P O R T S A U T H O R I T Y
O R G A N I Z A T I O N A L C H A R T

