

“Puerto Rico Vocational Rehabilitation Act”

Act No. 97 of June 10, 2000, as amended

(Contains amendments incorporated:

Act No. 74 of June 3, 2002

Act No. 277 of August 15, 2008)

To transfer the Vocational Rehabilitation Administration of the Department of the Family to the Department of Labor and Human Resources; to repeal subsection (e) of Section 5; and Section 9; and renumber Sections 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, and 20 as Sections 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, and 19, respectively, of Reorganization Plan No. 1 of July 28, 1995, as amended; add a subsection (e) to Section 2, add a new Section 9, renumber Sections 9, 10, 11, 12, 13, and 14 as Sections 10, 11, 12, 13, 14, and 15, respectively, of Reorganization Plan No. 2 of May 4, 1994; amend the second paragraph of subsection (A) of Section 8 of Act No. 51 of June 7, 1996, known as the “Integral Educational Services for Persons with Disabilities Act”; and to repeal Act No. 414 of May 13, 1947, as amended, known as the “Vocational Rehabilitation Act of Puerto Rico”.

STATEMENT OF MOTIVES

It is the public policy of every government to encourage and achieve that its government agencies shall provide services of quality and excellence to the citizens, especially when dealing with persons with disabilities. To achieve this purpose, Act No. 414 of May 13, 1947, as amended, known as the “Vocational Rehabilitation Act of Puerto Rico” was approved, which established a vocational rehabilitation system in Puerto Rico with the mission of evaluating, planning, developing, and providing rehabilitation services for persons with disabilities to help them prepare themselves and enter an employment activity, or achieve an independent life. Said legislation provided for cooperation with the Federal Government in order to execute the purposes and requirements of any Federal statute related to vocational rehabilitation.

Subsequent to said legislation, the “Federal Vocational Rehabilitation Act of 1973” (29 U.S.C. 720 et seq.) was amended several times, the latest of these in 1998. In 1998, the amendments to the Federal Rehabilitation Act of 1973 were became a law as part of the Workforce Investment Act (PL-105-220), establishing a close relationship between Vocational Rehabilitation and the labor laws.

Said Federal Rehabilitation Act of 1973 is a detailed and specific piece of legislation regarding everything that is related to the operation and functioning of the program, and requires said program to have programmatic and fiscal autonomy, since it requires that the activities related to the rehabilitation of persons with disabilities be the exclusive

responsibility of the designated state unit. It also designates and provides for supervision, coordination, monitoring, and auditing at the federal level to ensure that the services are provided in accordance with the law.

This vocational rehabilitation program is the government instrumentality in charge of administrating and supervising the State Plan for the vocational rehabilitation services in Puerto Rico.

With awareness of the aforementioned and that the goals and purposes of the Vocational Rehabilitation Administration are directed at achieving the employment of persons with disabilities, it is provided for the Administration to become a component of the Department of Labor and Human Resources, pursuant to the provisions of this Act.

Be it enacted by the Legislature of Puerto Rico :

Section 1. — Title of the Act. (18 L.P.R.A. § 1064 note)

This Act shall be known as the “Puerto Rico Vocational Rehabilitation Act.”

Section 2. — Statement of Public Policy. (18 L.P.R.A. § 1064 note)

It is the public policy of the Government of Puerto Rico that the “Vocational Rehabilitation Administration” shall encourage the selection and transfer of powers, as this term is defined in Public Law 93-112, as amended, known as the “Rehabilitation Act of 1973,” to persons with physical or mental disabilities, through the provision of vocational rehabilitation services that are consistent with their strengths, resources, priorities, interests, abilities, and capabilities, to help them to attain paid employment, to improve their quality of life, self-sufficiency, and self-esteem, with the purpose of integrating them to the community in accordance with the parameters of the “Rehabilitation Act of 1973.”

The Administration shall develop its programs and provide its services in harmony with the provisions of the Federal laws and the applicable regulations, harmonizing and adjusting its programs and services in keeping with this public policy.

Section 3. — Transfer of the Vocational Rehabilitation Administration to the Department of Labor and Human Resources. (18 L.P.R.A. § 1064 note)

The Vocational Rehabilitation Administration of the Department of the Family is hereby transferred to the Department of Labor and Human Resources, as an operational component of the latter. The former shall execute the public policy established in this Act. The Secretary of Labor and Human Resources shall coordinate, evaluate, monitor, and oversee the functions of the Administration. The Administrator shall be directly responsible to the Secretary for the efficient operation of the Administration, in accordance with this Act, Reorganization Plan No. 2 of May 4, 1994, the applicable federal laws, as well as compliance with the established public policy.

The Secretary of the Family shall transfer to the Administration the personnel, property, files, dossiers, documents, available and surplus funds of any origin, licenses, permits, and other authorizations, obligations, and contracts belonging to the Administration.

The Administration’s personnel shall keep all the rights or status that as of the date of approval of this Act it holds, in accordance with the effective laws, rules, and classification regulations, without impairing these rights. Likewise, if they were beneficiaries of any system of pension, retirement, or saving and loan fund system, they shall retain the rights, privileges, obligations, and status with regard thereto.

For those real estate properties subject to leave, and in which the Administration shares facilities, a plan of action and transition shall be prepared within a term of forty-five (45) days, which shall be approved by the Secretary of the Family, the Secretary, and the Administrator. Likewise, the Department of the Family shall provide support in several administrative dimensions, such as the areas of purchasing, personnel, planning, and other areas of need that are determined, until the transition to the Department of Labor is completed.

Section 4. — Definitions. (18 L.P.R.A. § 1064)

For the purposes of this act, the following terms shall have the meaning set forth below:

- a. “Administration” – means the Vocational Rehabilitation Administration, Commonwealth unit designated to operate the Vocational Rehabilitation Program in Puerto Rico, with pragmatic and fiscal autonomy.
- b. “Administrator” – means the Administrator of the Administration.
- c. “Department” – means the Department of Labor and Human Resources, the agency in charge of implementing, developing, and coordinating the public policy and the programs directed to the formation and training of the human resources that are indispensable for covering the needs of the working sector.
- d. “Federal laws” – means Public Law 93-112, as amended, known as the “Federal Rehabilitation Act of 1973,” as amended (29 U.S.C. 720 et seq.), as well as the regulations applicable to it.
- e. “Person with a Disability” – means any person with a physical or mental disability who meets the eligibility requirements in accordance with the Federal laws.
- f. “Secretary” – means the Secretary of the Department of Labor and Human Resources.

Section 5. — Objectives and Functions of the Administration. (18 L.P.R.A. § 1065)

With the purpose of implementing the stated public policy and achieving the objectives of the Administration, the latter shall have the following among its objectives and functions:

- a. Develop those programs, facilities, and services that are necessary to achieve the purposes established by law.
- b. Enter into covenants agreements, or contracts with government agencies or private entities related to vocational rehabilitation services and the administration of this Act.
- c. Take the administrative measures that are necessary for the functioning of the Commonwealth vocational rehabilitation laws or plans, and to comply with the conditions that are necessary to obtain the greatest benefits of the Federal laws.

- d. Establish the internal norms and regulations needed for its operation and functioning, and to ensure that the vocational rehabilitation services are provided in an agile and rapid manner, pursuant to the requirements of applicable Federal laws.
- e. Designate and employ personnel and hire workers, officials, agents, employees, and professional and technical services. The Administration shall adopt internal personnel regulations which shall be based on the basic principles of the merit system.
- f. Acquire in any legal way and possess, manage, sell, rent, or otherwise dispose of goods or any interest thereon, that is necessary achieve its objectives.
- g. Develop, by contract or directly, the promotion and publicity of the activities and programs of the Administration.
- h. Carry out or sponsor activities for the development of the personnel.
- i. Adopt, amend, and repeal rules and regulations to govern the norms of its activities in general, and to exercise and perform the powers and duties awarded to it by law.
- j. Receive donations, payment for rehabilitation services and/or reimbursement for services rendered in accordance with applicable legal provisions.
- k. Ensure the availability of the multidisciplinary equipment needed to provide rehabilitation services.
- l. Ensure that the Federal and Commonwealth resources assigned for the provision of vocational rehabilitation services for persons with disabilities are used in the most effective manner and in accordance with applicable laws and regulations.

Section 6. — Administrative and Fiscal Autonomy. (18 L.P.R.A. § 1066)

The Administration shall have administrative and fiscal autonomy in order to operate effectively, pursuant to the Federal laws which provide that the agency that is the designated Commonwealth unit, shall have the obligation of determining the use and disbursement of the funds destined for the program.

a. Administrative Autonomy

The Administration shall have autonomy to plan and implement the administrative processes needed to achieve effective rehabilitation services. Likewise, it shall have the faculty to make decisions and carry out actions addressed to expediting its functioning and operation.

The Administration shall function under the direction, supervision, coordination, and evaluation of the Secretary.

b. Fiscal Autonomy

The Administration shall have its own budget and fiscal autonomy, which will allow it to prepare, administer, and supervise its budget; reprogram the assigned funds or savings according to the priorities of the services; perform the purchasing of services without the intervention of the Department. Likewise, it shall prepare and approve a regulation for purchases and payments of services, equipment and supplies for the expediting of services and the contracting of the professional and related services, that are adequate for the special needs of the persons with disabilities.

Section 7. — Acquisition of Goods and Services. (18 L.P.R.A. § 1067)

The Administration shall acquire nonprofessional, professional and consulting services, specialized and technological equipment, personal property, equipment, materials, and articles that are essential and necessary for the operations thereof and to render services to consumers promptly, without being subject to the provisions of Act No. 164 of July 23, 1974, as amended, known as the “General Services Administration Act,” and Act No. 85 of June 18, 2002, which creates the Exclusive Register for Bidders. The Administrator, in compliance with the applicable Federal laws, shall establish, through regulations, the standards, criteria, and procedures that shall govern the purchase and acquisition of personal property, equipment, materials, articles, specialized and technological equipment and professional, nonprofessional, and consulting services that are necessary and essential to provide services to the consumers.

Section 8. — Files. (18 L.P.R.A. § 1068)

The Administration shall ensure that the confidentiality of the files of the consumers is maintained pursuant to what is provided in the Federal laws.

Section 9. — Management of the Administration. (18 L.P.R.A. § 1069)

The Governor shall appoint the Administrator, with the advice and consent of the Senate, and shall fix his/her salary or remuneration pursuant to the customary norms of the Government of Puerto Rico for positions of a like or similar nature. The Administrator shall answer directly to the Secretary.

Section 10. — Depositary of Federal Funds. (18 L.P.R.A. § 1070)

The Secretary of the Treasury is hereby designated and appointed depositary of all the sums assigned to the Government of the Commonwealth of Puerto Rico originating from appropriations made in accordance with the abovementioned Federal laws, and is hereby authorized and directed to receive and provided whatever is necessary for the custody of such funds, and to make the disbursements that the Administrator orders therefrom, in the manner provided in such Federal law or laws, and for the purposes specified therein.

Section 11. — Subsection (e) of Section 5 of Reorganization Plan No. 1 of July 28, 1995 is hereby repealed.

Section 12. — Section 9 of Reorganization Plan No. 1 of July 28, 1995 is hereby repealed.

Section 13. — Sections 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, and 20 are hereby renumbered as Sections 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, and 19, respectively, of Reorganization Plan No. 1 of July 28, 1995.

Section 14. —A subsection (e) is hereby added to Section 2 of Reorganization Plan No. 2 of May 4, 1994, as amended, to read as follows:

“Section 2. — Reorganization of the Department

The Department of Labor and Human Resources is hereby reorganized, based on the following operational components:

(a) ...

(e) Vocational Rehabilitation Administration”

Section 15. — A new Section 9 is hereby added to Reorganization Plan No. 2 of May 4, 1994, as amended, to read as follows:

“Section 9. — Vocational Rehabilitation Administration

The Secretary shall appoint the Administrator, upon consulting with the Governor, whose salary or remuneration shall be established according to the customary norms of the Government of Puerto Rico for positions of a like or similar nature. The Administrator shall answer directly to the Secretary.

The Administration shall be in charge of the Physical and Vocational Rehabilitation Program.

The Administration shall develop its programs and provide its services in a comprehensive manner and under the direction of the Secretary, it shall coordinate its operations and services with the other components of the Department, the local rehabilitation centers, and through the Integral Services Centers, guaranteeing access to all the areas served up to the approval of this Act, and with the possibility of expanding them. They shall also, harmonize and adjust their programs to the public policy established in this Plan, prepare the working plans as directed by the Secretary, which shall be approved by the latter; provide advice and guidance to the Integral Services Centers. They shall decentralize their operations and administrative processes in order to expedite the services to the consumers.

In addition to developing their functions and programs pursuant to applicable Federal legislation, the Administration shall continue the public policy and the norms established by the Secretary.

This Administration shall have the mission of promoting the selection and transfer of powers to the persons with physical or mental disabilities through the provision of physical and vocational rehabilitation services that are consistent with their strengths, resources, priorities, interests, abilities, and capacities, to help them achieve remunerated employment, improve their quality of life, their capacity for self-sufficiency, and their self-esteem.”

Section 16. — Sections 9, 10, 11, 12, 13, and 14 are hereby renumbered as Sections 10, 11, 12, 13, 14, and 15, respectively, of Reorganization Plan No. 2 of May 4, 1994.

Section 17. — The second paragraph of subsection (A) of Section 8 of Act No. 51 of June 7, 1996, as amended, is hereby amended to read as follows:

“Section 8. — Consulting Committee.-

(A) ...

The following shall be designated to represent the government: two (2) teachers, one (1) special education teacher and one regular teacher; one (1) school director; one (1) regional director and one (1) supervisor, designated by the Assistant Secretary; one (1) representative of the Secretary of Health; one (1) representative of the Secretary of the Sports and Recreation Department; one (1) representative from the Department of the Family, who shall be selected from the Family and Children Administration, one (1) representative from the Vocational Rehabilitation Administration; one (1) representative from the Corrections and Rehabilitation Department; and two (2) representatives from the Department of Labor and Human Resources, who shall be appointed by the Secretary of the Department that they represent.

...”

Section 18. — Act No. 414 of May 13, 1947 is hereby repealed.

Section 19. — This Act shall take effect immediately after its approval.

Note. This compilation was prepared by Puerto Rico OMB staff who have striven to ensure it is complete and accurate. However, this is not an official compilation and may not be completely free of error. It contains all amendments incorporated for reading purposes only. For accuracy and exactitude please refer to the act original text. Compiled by the Office of Management and Budget Library.