

[Christmas Bonus for the Officers or Employees of the Government of the Commonwealth of Puerto Rico]

Act No. 34 of June 12, 1969 as amended,

(Contains amendments incorporated

Act No. 12 of July 10, 1971

Act No. 192 of July 23, 1974

Act No. 92 of August 20, 1997

Act No. 116 of August 17, 2001

Act No. 173 of July 31, 2003

Act No. 293 of December 6, 2003)

To establish the right of the officers or employees of the Government of the Commonwealth of Puerto Rico, of its public corporations and its municipalities to receive a Christmas bonus; to provide as to the necessary funds for the compliance thereof ; and to render inapplicable the provisions of this act to members of the Legislature and other officers of the Commonwealth of Puerto Rico.

STATEMENT OF MOTIVES

The Government of the Commonwealth of Puerto Rico considers that its responsibility is to encourage the officers or employees and to promote efficiency in their work by the establishment of adequate conditions and reasonable benefits as a fair compensation for their work. In harmony with this responsibility it is hereby declared as a public policy the granting of a Christmas bonus to officers or employees of the Government of the Commonwealth of Puerto Rico, its public corporations and municipalities. This benefit shall serve as an incentive to attract and retain in the public service the necessary personnel.

Be it enacted by the Legislature of Puerto Rico :

Section 1. — [Creation] (3 L.P.R.A. § 757)

Every officer or employee of the Government of the Commonwealth of Puerto Rico and of the Legislature, including those of the public corporations and municipalities, who hold or have held an office, position or employment of a regular or irregular character, shall be entitled to receive a Christmas bonus each year in which he has rendered services to the Government during at least six (6) months, in the case of a regular officer or employee, and nine hundred sixty (960) hours in the case of an irregular employee, within the period of twelve (12) months comprised from December 1 of the preceding year to November 30 of

the year in which the bonus is granted. Provided that in neither of the two cases shall the services have had to be rendered consecutively. Payment shall be made not later than December 20 of each year.

Responsible for the payment of the bonus shall be the organization where the employee has rendered services as of November 30 of the year in which the bonus is granted, or, if he has been discharged from office prior to that date, the organization where he was rendering services at the time of his discharge.

For the effects of this Act, when the officer or employee is enjoying any kind of leave, with or without pay, he shall be considered as if he has been rendering services.

When an officer or employee suffers any injury or occupational disease which disables him temporarily to perform the duties inherent in his employment, the days in which he is absent by reason of his temporary disability shall be considered, for the purposes of determining the time of service required by this Act to be entitled to receive the Christmas bonus, as days of service rendered, provided said officer or employee has filed a claim with the State Insurance Fund, and this agency has determined that he may avail himself of the benefits established by the act which created the State Insurance Fund [11 L.P.R.A §§ 1 et seq.].

If an employee or officer dies after he has acquired his right to the bonus, as provided herein, said bonus shall be paid to his dependents.

Section 2. — [Amount] (3 L.P.R.A. § 757a)

The Christmas Bonus for 1997 shall be equal to four point five percent (4.5%) of the annual salary of the official or employee, and from 1998 henceforth shall be equal to six percent (6%) of the annual salary of the official or employee. From 1999 henceforth, the Christmas Bonus shall be equal to six point twenty-five percent (6.25%) of the annual salary of the official or employee. From the year 2001 henceforth, it shall be equal to seven point eighty-one twenty-five percent (7.8125) of the annual salary of the official or employee. The Christmas Bonus in 2003 and henceforth shall be equal to twelve point five percent (12.5%) of the annual salary of the official or employee. For the purposes of determining the amount of the Christmas Bonus, the annual salary shall be deemed to be the total salary earned by the official or employee up to the amount of eight thousand (8,000) dollars during the twelve (12) months preceding December 1st of the year in which the bonus is granted. Services rendered for fifteen (15) days or more during a month shall be considered as a month of service.

In the case [of] a public official or employee who holds a regular career office, who works as [a] transitory or irregular employee, and who is or has been on military leave with or without pay during the calendar year, for the purposes of the amount of the Christmas Bonus, the annual salary shall be considered to be the total salary earned by the official or employee during the twelve (12) months preceding December 1st of the year in which the bonus is granted in which he or she has worked as employee and has not been activated, up to the amount of eight thousand (8,000) dollars.

Provided, That in the case of municipalities, the increase in the amount of the Christmas Bonus shall be adjusted pursuant to the financial capability of the same and pursuant to

Section 11.016 of Act No. 81 of August 30, 1991, known as the amended "Autonomous Municipalities Act".

Section 3. — Requirements (3 L.P.R.A. § 757b)

The right granted to the officers or employees of the different municipalities in Section 1 of this Act shall be subject to the following conditions:

(1) That the municipality authorizes, by a municipal ordinance, the granting of a Christmas bonus to its officers or employees, and it so notifies with a certified copy of same to the Secretary of the Treasury on or before August 1 of the year in which the bonus will be paid. The municipality shall certify to the Secretary of the Treasury the name and the salaries earned by the officers or employees entitled to the bonus. This certificate shall be subject to revision by the Secretary of the Treasury.

(2) That from the municipal ordinance authorizing the granting of the Christmas bonus there be excluded, as beneficiary of the bonus, the Mayor of the municipality concerned.

(3) That the municipality contribute one-half of the cost of the bonus to be paid to its officers or employees each year.

(4) In the case of those municipalities with a budget of five hundred thousand (500,000) dollars or less, which show to the satisfaction of the Secretary of the Treasury that they are economically unable to contribute the corresponding 50%, the Secretary of the Treasury is hereby authorized to place at the disposal of the municipality the proportionate part determined or the totality of the amount as may be necessary for the purposes of this Act.

If the aforementioned conditions are complied with, the Secretary of the Treasury is hereby authorized to place at the disposal of the municipality concerned, from unencumbered funds in the Commonwealth Treasury, the necessary sum to match the municipal contribution without this sum exceeding one-half (1/2) of the cost of the bonus authorized by Section 2 hereof.

Section 4. — [Funds in General Budget] (3 L.P.R.A. § 757c)

The necessary funds to defray the cost of the bonuses for the officers or employees of the Legislature and such agencies whose operating expense budgets are chargeable to the General Fund shall be set aside annually in the Joint Resolution of the General Budget. The bonuses of the officers or employees of the public corporations and other public organizations, excluding the municipalities whose budgets are not financed from the General Fund, shall be paid from their own funds or from the special funds from which are defrayed the operating expenses of such organizations.

Section 5. — [Exclusions] (3 L.P.R.A. § 757d)

The provisions of this Act shall not apply in those cases in which the officials or employees receive Christmas Bonuses by virtue of collective bargaining agreements, including bargaining agreements under Act No. 45 of February 14, 1998, as amended, or administrative provisions to that effect, except in the cases in which the amount of the Bonus to which they

are entitled through such bargaining agreements or administrative provisions turns out to be less than the amount provided for by this Act, in which case they shall receive the amount needed to complete the amount of the Christmas Bonus provided for by this Act.

Section 6. — [Deductions Exempted] (3 L.P.R.A. § 757e)

The Christmas bonus shall not be subject to deductions which are regularly made by reason of retirement and savings.

Section 7. — [Exceptions] (3 L.P.R.A. § 757f)

The provisions of this Act shall not be applicable to members of the Legislature, to the Governor of Puerto Rico, to members of the Governor's Cabinet and to heads of agencies and instrumentalities of the Commonwealth of Puerto Rico.

Section 8. — 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.