Puerto Rico Family First Prevention Plan

September, 2021





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Introduction



Family First: National Context

The Family First Prevention Services Act (Family First) was enacted as part of Division E of the Bipartisan Budget Act of 2018 (H.R. 1892). The federal legislation establishes opportunities for states to receive federal reimbursements for prevention services that support minors from entering foster care and improve the well-being of children that are already part of the system. Family First responds to longstanding criticism that most federal child welfare funding is only available after the child has been removed from the home and entered in the system.

Family First focus the provision of prevention and treatment services in areas of mental health and substance abuse, in-home parenting skill, and kinship navigator. Furthermore, it requires a trauma-informed approach along the child welfare services continuum. Child and family care services must be trauma-informed and under a structure that allows understanding, recognition, and response to all kinds of trauma. The services must be evidence-based and should integrate "promising," "supported", or "well-supported" practices.

As of 2020, any state or eligible organization electing to provide prevention services and programs under its Title IV-E program is entitled to receive federal funding equal to at least 50% of their cost, if the services and programs meet certain evidence-based standards, and the spending is above the state's "maintenance of effort" (MOE) level. In July 2021, federal support for these services and programs will be available for up to 12 months for any minor that the state determines is at "high risk" of entering foster care, as well as the parents or kin caregivers, so long as the service would enable the child to remain safely in the parent's home or with a kin caregiver.

Family First will restrict availability of Title IV-E room and board support ("maintenance payments") for children in foster care who are placed in non-foster family care unless that placement is required to meet clinical or other treatment or service needs. Use of congregate (or group) care has been declining in U.S. jurisdictions, although there is wide variation across and within states in both the extent and causes of use. Since 2018, the jurisdiction of Puerto Rico has experienced a decline on congregate care from 74 residential settings to 54 due to different factors.

Family First represents a change in the paradigm towards care and services for children and families in the United States and its territories. This federal legislation restructures the current model of child welfare to a preventive approach aimed to support the safety of children while they remain with their families or in familial environments. Family First represents both opportunities and challenges for Puerto Rico's social and institutional context. This new legislation will impact the structure of child welfare in Puerto Rico, providing an opportunity to restructure the system.



Puerto Rico's Population and Context

According to the Annual Population Estimates made by the United States Census Bureau, between 2000 and 2019 the population of Puerto Rico decreased by 616,900 inhabitants (16.1%). As of 2010, the number of inhabitants decreased by an average of 1.7% annually. In 2020, there has been a 14.1% population reduction. It is expected that by 2023 the population of Puerto Rico will reach 3 million inhabitants, which represents a change of -21.1% since 2000 (Estudios Técnicos, 2020).

Some of the most pressing statistics of the Puerto Rico population include: 41.2% of the families are living within the poverty level, the economy is 20% smaller than 20 years ago, and there were 300,000 job losses in 2007, with another 100,000 expected due to the pandemic (Estudios Técnicos, 2020).

During the past decades, Puerto Rico has faced unprecedented challenges in the economic, environmental, health, and social ecosystems. This level of complexity has increased after the implementation of the fiscal policies associated with the Puerto Rico Oversight, Management, and Economic Stability Act (PROMESA), the historical devastation caused by Hurricanes Irma and María, the earthquakes in the southwest region of the island, and the COVID-19 pandemic. This large number of external stressors have exposed the vulnerability of institutions and their limited capacity to serve the populations in need (Estudios Técnicos, 2020).

In Puerto Rico, children and youth are greatly affected by this context. Growing evidence states that financial stressors, among many others, are significant determinants of child maltreatment and child welfare services involvement (Slack, Berger, & Noyes, 2017, as cited in Pecora et al, 2018). Maltreatment has a detrimental impact on the cognitive, emotional, and physical development of children (Pecora et al, 2018, p. 2). In 2019, in the United States, a total of 656,000 minors were victims of neglect and abuse, of which 1,840 died from abuse and neglect. 74.9% of the reported cases were due to negligence, 17.5% due to physical violence, and 9.3% due to sexual violence. In 2019, in Puerto Rico, a total of 17,474 (30.5%) referrals of child abuse were received, of which 8,365 (47.9%) were substantiated. There was a total of 4,738 victims and a total of 7,209 types of abuse; 77.5% of the perpetrators of neglect and abuse were parents.

In April 2021, in Puerto Rico, there were 4,110 active cases in the Assistant Administration for Preservation and Family and Community Strengthening and 824 active care settings in the Assistant Administration for Foster Care and Adoption of the Puerto Rico Department of the Family. It is of utmost relevance to continue the enhancement of services and preventive efforts as, according to Pecora et al (2018), more than one-third of all children will be investigated as victims of child maltreatment during their lifetime.

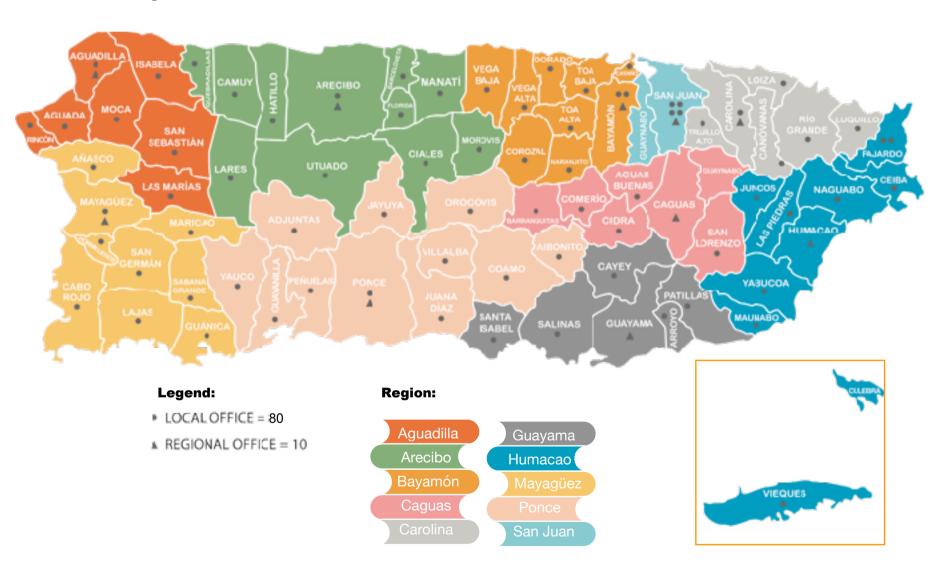


Puerto Rico Department of the Family

The Puerto Rico Department of the Family (PR-DF) is the agency of the Government of Puerto Rico responsible for the provision of social welfare services. As an umbrella agency, four Administrations operate within the PR-DF with fiscal and administrative autonomy. The Department of the Family's composition include the Office of the Secretary; Administration for Families and Children AFC (ADFAN, Spanish acronym); Administration of the Socioeconomic Development of the Family (ADSEF, Spanish acronym); Child Support Administration (ASUME, Spanish acronym); and the Administration for Integral Development of Childhood (ACUDEN, Spanish acronym).

The Administrations are dedicated to the execution of the public policy established by the Secretary in the different priority areas of services to children and families, including the elderly population. As well, to work in the development and implementation of standards, norms, and procedures to manage the services and provide the operational supervision of regional and local level including the Integrated Services Centers (ISC). The PR-DF consist of 10 regional offices that oversee the local level (See Figure 1). The regional and local levels are responsible for implementing the functions delegated by the Secretary (AFCP, 2019).

Figure 1.
ADFAN Regions and Offices



Under this structure, ADFAN is responsible for the provision of overall child welfare services and for the administration of Title IV-E Program. ADFAN consists of five Assistant Administrations (See Figure 2) including Elderly and Adults with Disabilities, Preservation and Family and Community Strengthening, Foster Care and Adoption, Prevention and Community Service, and Social Protection.

Figure 2. ADFAN Assistant Administrations

Preservation and Family and Community Strengthening

Offers preservation
and support services and develop family
Service Plans to strengthen the parents' or
caregivers' protective capacities and
prevent minor removal. Likewise, it
provides preventive services for
families that recovered the
minor's custody to prevent

Elderly and Adults with Disabilities

Provides community-based prevention services for elderly abuse and neglect, addresses their social problems, and improves the quality of life of adults over 60 years or with functional diversity over 18 years.

Social Protection

Receives and manages referrals regarding child abuse and neglect, family functioning problems, domestic violence, homelessness, adults with functional diversity abuse, adults with functional diversity, elderlty, and other social



Offers prevention services for child about and neglect and domestic violence.

Furthermore, evaluates and provide grants for service to tackle domestic violence.

Prevention and Community Service

Permanency Plan for the protection of the removed minor and provide follow up to the Service Plan. Additionally, it supervises the congregate the institutions that provide services to minors under the custody of the DF PR, certifies foster homes with up to two minors under the custody of the DF-PR, and provides adoption services to minors who have been released from parental authority by the courts.

Foster Care and Adoption

Through these administrations, ADFAN seeks to be a lead, rapid responses, and sensitive Agency facilitating the promotion and provision of high-quality services for families and communities, with human, fiscal, and technological resources aimed at social justice. Its mission is to facilitate social, educational, and prevention services for individuals, families, and communities to promote their development, participation, equity, and social justice. Additionally, Families First Puerto Rico's main goals are to reduce entry, reentry, and total census in foster care.

Considering ADFAN's and Family First's mission and vision, ADFAN's readiness to implement changes was evaluated through a multilevel policy analysis approach. These analyses (See PreImplementation section) revealed that implementing Family First changes represents a challenge if the infrastructure (i.e., human, fiscal, structural, and technological) that allows execution is not considered and attended to first.

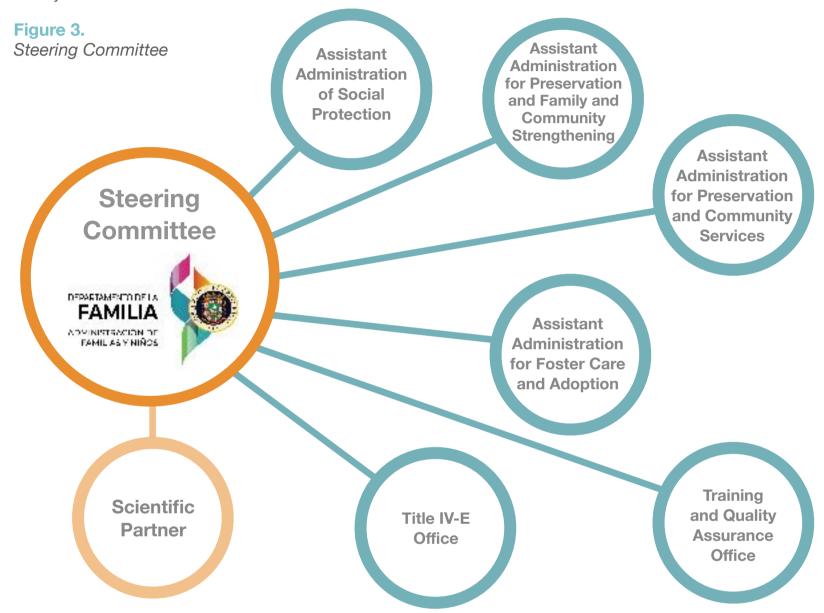
Considering the multilevel policy analysis findings and the several components and elements involved in the implementation of Family First, ADFAN determined to focus on what is feasible and sustainable in the initial implementation stage. With the implementation of Families First, ADFAN envisions a welfare system that facilitates access to resources that promote the safety and full development of families in Puerto Rico. Its commitment is to provide family-centered services, in collaboration with various sectors, through integrated plans that promote family preservation and strengthening, with a trained workforce and the necessary fiscal and technological resources.



Families First Puerto Rico's Decision-Making Model

Steering Committee

In January 2019, PR-DF began efforts to design a strategic planning process for Family First implementation. A Steering Committee was established for the oversight of the decision-making and strategic planning processes. The Steering Committee is directed and coordinated by the ADFAN central level and includes representation from the Assistant Administration of Social Protection, Assistant Administration for Preservation and Family and Community Strengthening, Assistant Administration for Prevention and Community Services, Assistant Administration for Foster Care and Adoption, and Training and Quality Assurance, and Title IV-E Offices. This Committee has been facilitating the understanding of this new paradigm in the child welfare system, the development of work plans, and the coordination of efforts to enable the implementation process required by Family First.



Families First Puerto Rico Scientific Partner, provides support in the coordination and execution of the Steering Committees activities. The integration of the ADFAN programmatic areas (e.g., assistant administrations, quality assurance, reimbursement) and the collaboration of the Scientific Partner will promote effective communication across the child welfare ecosystem in Puerto Rico during the planning process.

Subcommittees

In order to support the Steering Committee, six working subcommittees were established to discussed Families First Puerto Rico implementation strategies:

1. Policy Task Force: This subcommittee is a multisectoral group of stakeholders including: ADFAN, as represented by Social Work Specialists from the Assistant Administrations of Social Protection, Preservation and Family and Community Strengthening, Foster Care and Adoption, and the Office of Legal Affairs; the Assistant Secretary for Children's and Family of the Department of Justice; the Justice for Children program from the Puerto Rico Judicial Branch (Court Improvement Program); and former prosecutors of cases. The role and purpose of this subcommittee is to provide an analysis about the policy fields and organizational structure of the foster care system in Puerto Rico and to develop recommendations to address policy considerations and the impacts of Family First, as well as service coordination needed for further implementation. It also provides continuous follow- up and monitoring to address contextual changes and required policy actions during all stages.

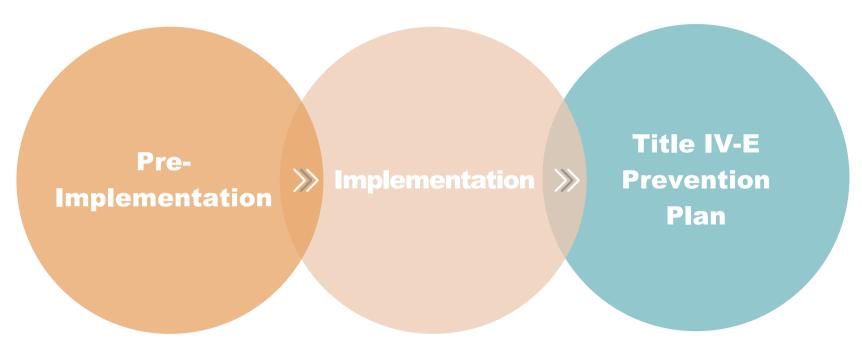
- 2. **Trauma-Informed Workgroup:** The subcommittee works to ensure compliance with Family First requirement of trauma-informed services provided within a trauma-informed organizational structure in ADFAN. This subcommittee includes representatives from ADFAN and key external stakeholders such as: (1) essential collaborators for the provision of trauma-informed services, (2) expert consultants, (3) trauma survivors, and (4) individuals who receive services from the agency (both minors and family members).
- 3. Service Workgroup: It focuses on the selection of evidence-based interventions to be implemented through Families First Puerto Rico and its integration within the case management process. For this task, the subcommittee works closely with the Puerto Rico Evidence Based Workgroup (EBW) to select interventions in compliant with the Tittle IV-E Prevention Services Clearinghouse criteria and which are culturally appropriate to Puerto Rico.
- 4. Workforce Development Workgroup: This subcommittee works towards the development of informed recommendations regarding resources for the workforce including structural and technological infrastructure, socioemotional environment, recruitment and retention, as well as secondary trauma and burnout prevention. Similarly, this group designs and implements the preservation caseload planning and management processes. Furthermore, this subcommittee is performing a review of ADFAN's training curriculum and capacity building procedures considering Family First.
- 5. Stakeholder Engagement Workgroup: This subcommittee was created to promote transparency, inclusion, and the dissemination of information regarding Family First and Families First Puerto Rico across all sectors involved in the childcare system (e.g., government, community-based and private organizations, citizens). The Families First Puerto Rico website, training videos, and technical assistance materials has been developed by this subcommittee. The subcommittee integrates four champions per region (i.e., two associate directors, a representative at the case management level, and a representative at the support staff level) and members of the Scientific Partner (See Organizational Development section).
- 6. **Sustainability Workgroup:** This subcommittee works on maximizing cost allocation procedures and determining braiding and blending of state funding and other federal funding sources to support service enhancements in the child welfare system. The subcommittee is comprised of personnel from ADFAN's Title IV-E officer and cost allocation consultants, as well as and members of the Scientific Partner.



Puerto Rico Strategic Plan

In August 2018, the PR-DF requested a 2-year waiver for the implementation of the following Family First provisions: preventing increase to in the juvenile justice population, limitations on Title IV-E foster care payments for placements that are not foster family homes, limit on number of children in a foster family home, and Qualified Residential Treatment Placements (QRTP). The main purpose of the waiver was to 1) establish and endorse Pre-Implementation strategies, 2) create and endorse the design for the Implementation, and 3) gather necessary information to complete the Title IV-E Prevention Plan required by the federal government. For the implementation of Families First Puerto Rico, the strategic planning process began in July 2019, focusing on three main areas (see Figure 4).

Figure 4.
Families First Planification Process



The strategic planning process was led by the Families First Steering Committee in collaboration with ADFAN personnel (i.e., Administrators, Social Work Specialists, Associate Directors, Regional Directors, Supervisors, and Social Workers), Families First Sub-Committees (i.e., Policy Task Force and Trauma-Informed, Service, Stakeholder Engagement, Workforce Development and Sustainability Workgroups), Community- Based Organizations, and national partners (i.e., Annie E. Casey Foundation, Casey Family Foundation, and Region II CAF). As part of the strategic planning, multiple tools were integrated (e.g., VMOSA, Logic Models, SWOT, Workplans). A multi-level meeting structure was used to facilitate the decision-making process, which resulted in over 70 committee and subcommittee and three multitudinous meetings.



Families First Puerto Rico: Pre-Implementation



Multilevel Policy Analysis

Policy implementation operates through a complex system of social and political interactions (deLeon & deLeon, 2002; Goggin, Bowman, Lester, & O'Toole, 1990; May & Jochim, 2013; O'Toole, 1986). Taking place at the intersection of public management and public policy, implementation often involves changing system operations and altering the conditions of target groups, both of which are challenging tasks (Moulton & Sandfort, 2017). Considering this complexity, implementation research required a comprehensive and holistic understanding of the policy and its socioeconomic and organizational context.

One of the theoretical frameworks that integrates this complexity and was applied throughout this project is the Policy Process Approach (Weible, 2018). The Policy Process Approach is based on the understanding that institutions and mechanisms of political organization, legislative action, executive administration, adjudication, among other factors, merge into an intricately interconnected process for seeking satisfaction of societal values. Weible (2018) defines the phenomenon of policy process as the interactions that occur over time between public policies and surrounding actors, events, context, and outcomes, as depicted in Figure 5.

Figure 5.
Policy Process Approach



At the core of the policy process, public policy is defined as the deliberate decisions – actions and nonactions – of a government or an equivalent authority toward specific objectives (Ranney, 1968; Heclo, 1972; Parson, 1995; Howlett, 2011; Cairney, 2012; Birkland, 2016; Weible & Carter, 2016), expressed through statutes, laws, regulations, executive decisions, and government programs (Birkland, 2016).

However, policies may be manifested within the commonly understood rules-in-use that structure behavioral situations in policy processes, such as sustained practices of street-level bureaucrats in delivering public services (Lipsky, 1980; Schneider & Ingram, 1997; Ostrom, 2005; Weible, 2018). Therefore, the policy analysis included both formal elements of public policy, such as laws and regulations, and public policies such as rules-in-use that govern, for example, traditional venues of government from city councils to legislatures, as well as various associations charged with the provision and production of public goods and services (Weible, 2018). This was crucial because the interactions involving public policies and implementation systems encompasses not just the formal structures of government as written down and adopted by officials and other authorities, but also the actual rules-in-use that structure the day-to-day behaviors of actors engaged in policy process situations.

The Strategic Action Fields Framework (SAF) (Sandfort & Moulton, 2015), on the other hand, was used throughout all stages, particularly during the design of the multilevel implementation system, investigating how ideas about creating change in the target population are institutionalized into a set of processes and methods of coordination purposively intended to bring about that change. This framework is concerned with how social structures shape societal outcomes and the role of human agency in moderating these structures.

From this framework, implementation actors such as policymakers, public managers, service providers, funders, or direct staff, work within bounded social settings. They employ social skill to interpret and adjust a public service intervention in ways that build common understanding and reconcile competing sources of authority to enable collective action. In this sense, both social and institutional structures as well as human agency have a significant role determining implementation processes and outcomes (Moulton & Sandfort, 2017). The SAF does not presume that social structures are known or fixed, leveraged by agents in pursuit of their individual interest; rather, rules and resources are produced, reproduced, and altered by socially skilled actors in relation to collective interests.

The SAF is based on three central components (Table 1): the public intervention with variation in processes, coordination, and results; multiple levels of strategic action that frame the scale of analysis, including the actors, resources, and roles at a particular scale; and activation of diverse sources of authority through social skill that provides the engine for change or stability in the public intervention (Moulton & Sandfort, 2017).

COMPONENT	ELEMENTS	EXAMPLES OF VARIATION
Program Intervention	Process of Change	Degree of complexity as indicated by routinization, number of steps, or predictability; targeted change (e.g., people changing vs. people processing)
	Methods of coordination	Degree of reliance on technical expertise; variation in the sequencing of tasks (e.g., sequential, pooled, interdependent); tools in use with varying coerciveness, directness, automaticity, and visibility
Scale of Analysis	Change in system operations	Alterations in processes used by agency (e.g., efficiency, accessibility), as well as degree of integration of intervention into everyday practices (normalization)
	Change in target group behavior or conditions	Alterations in target group experiences, as well as degree of change in their behavior or conditions
	Macro-Level: Policy Field	Types of structures in use, historical relationships, newness of the field, public policies, laws, practices.
	Mezzo-Level: Organization	Degree of intervention alignment with other program processes and technologies.
	Micro-Level: Frontlines	Degree of worker discretion; degree of engagement with the target population.
Drivers of Change and Stability	Sources of authority	Degree of (perceived) influence from political authority, economic authority, norms, beliefs, and values
	Social skills	Degree of use of tactics such as interpreting, framing, brokering, and bridging
	Exogenous shocks	Degree of stability or instability; changes in funding, legislation, or field actors.

However, programs are not designed or implemented on a blank slate. According to the Strategic Action Field framework (SAF), organizations are the mezzo-level of implementation systems and the institutional link between the policy field and frontlines of the implementation system (Moulton & Sandfort, 2017). The priorities and resources of the organization within which a program operates shape the contours of the program (Sandfort & Moulton, 2015). Key actors within organizations take action to authorize key aspects of the processes and coordinate the intervention. Therefore, overlapping with the macro-level, these organizational dynamics can constrain or enable the implementation of the ideals shaped in the policy field, regarding elements such as performance criteria or accountability rules to reconcile field-level parameters and operational realities (Sandfort & Moulton, 2015). Therefore, it was critical to analyze not only the policy fields at the macro-level, but also the program process flow and organizational structure at the mezzo-level of the implementation system.

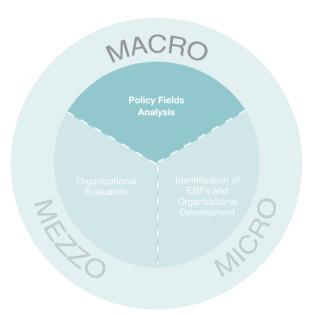
Throughout this project, emphasis was given to the interactions between policy networks and key stakeholders such as organizations, agencies, public and private programs, and their attributes (including their knowledge, values, beliefs, interests, and strategies), as well as resources related to the local Foster Care System and the Family First implementation. Four simultaneous activities took place during the Pre-Implementation efforts in Puerto Rico: 1) Policy field analysis, 2) Organizational assessment, 3) Identification of evidence-based practices, and 4) Organizational development. In The following section is contains a detailed description of each activity.

Pre-Implementation Activities



This activity consisted of a policy, practices and programs analysis related to the child welfare system, focused on developing an understanding of local and federal policy frameworks. The policy fields analysis consisted of:

Database Development: A database was developed to serve as a tool regarding the legal framework of the states and diversity of public policies relevant to the implementation of Family First. This tool includes the public policy analysis of 41 states that have started the Family First implementation process. The database is composed of elements of interest to the legal framework of our jurisdiction, which includes summaries and introductions of analyzed documents, recurring definitions between laws and documents, criteria used for the concept of candidacy, and Qualified Residential Treatment Program (QRTP) requirements, among other categories. The database was key for the analysis and implementation design of Family First in terms of public policy and the legal framework in our jurisdiction and allowed for the integration of specific recommendations into our public policy.



Comparative Analysis of Public Policy: A comparative analysis of public policy was completed between the jurisdictions that have approved a legal or regulatory framework to establish: (1) a basic idea for implementation in Puerto Rico and (2) an evaluation of which policies could not be beneficial considering the local reality. The findings revealed common elements in the development and design of the Family First implementation structure with regard to: changes in public policy, definitions of the typology of abuse and neglect, eligibility or "candidacy", prevention services and preservation, judicial reviews for placements in a Qualified Residential Treatment Program (QRTP), requirements for the case plan of youths located in QRTPs, interagency coordination, development of the concept of "fictive kin" and "kinship", among other core components for the implementation of Family First.

Comparative Analysis of Local and Federal Legal Framework: A comparative analysis of the local and federal legal framework was developed carried out regarding the compatibility of Law 246-2011 and Family First. The main purpose was identifying points of convergence and divergence to temper local public policy with the federal requirements. Through this assessment, several areas of opportunity were identified to better aligned the local and federal frameworks to Family First Prevention Services Act. Findings were discussed with stakeholders, including the Policy Task Force, and two recommendations were identified: (1) to aligned the Act 246 of 2011 (Act for the Safety and Protection of Minors) with FFPSA requirements through specific regulations and policies, or (2) to develop a new local public policy for Puerto Rico.

Monitoring of Legislative Measures: During the Pre-Implementation stage, there was a continuous monitoring of the legislative measures presented in the Senate and the House of Representatives in the 2017-2020 and 2021-2024 Legislative Sessions. A follow-up was executed to identify the public policy discussion taking place in the Legislative Branch.

Juvenile Justice System: An analysis of the Puerto Rico Juvenile Law 88-1986 resulted in the recommendation of amendments which are being prepared and consulted by groups and entities that work on the subject to achieve continuity in the provisions of the new regulation. As part of the analysis, it was identified that, for Puerto Rico to comply, a series of actions should be aimed at preventing an increase in the population in the juvenile justice system (see Consultation and Coordination section).

Licensing: Family First establishes the different settings and restrictions related to the placement of children and youth when entering into Foster Care. On the other hand, Family First also requires that states review and report on licensing standards for foster family homes to ensure compliance with the most critical standards necessary for a safe placement, and at the same time identify unnecessary barriers to licensure. The following are the different categories of settings that Family First authorizes to receive foster care reimbursement:

- Relative foster family home
- Non-relative foster family home
- Therapeutic home
- Settings specializing in providing prenatal, postpartum, or parenting supports for youth
- Supervised settings in which a child is living independently, in the case of children who have attained 18 years of age
- Settings providing high-quality residential care and supportive services to children and youth who have been found to be, or are at risk of becoming, sex trafficking victims, and
- Qualified Residential Treatment Programs

These settings and the requirements that accompany them imply changes in the licensing requirements and standards at the state level for both non-family settings and foster family homes that provide services to the population in Foster Care.

The Licensing Component held periodic meetings with both internal and external stakeholders to understand the current licensing system, address the changes and challenges that currently hinder the maximization of foster care reimbursement, as well as understand core aspects that require analysis and adaptation for the implementation of licensing requirements established by Family First. These included meetings between the Licensing Program, Assistant Administration for Foster Care and Adoption, Administration Office, Title IV-E Unit, and the Office of the Secretary.

Meetings were held with the Office of Regulatory Bodies of the Administration of Mental Health and Anti-Addiction Services (ASSMCA, for its Spanish acronym) as another key actor in the licensing, monitoring and inspection processes of non-family settings that offer mental health services to children and youth in foster care. In addition, various discussion sessions were held with organizations that currently operate residential facilities to inform them about Family First, licensing requirements, and explore inputs and needs to support policy design in Puerto Rico.

The Licensing Component also carried out an analysis of Act No. 173 of 2016, known as ""Act for the licensing of child development, care, and learning settings for children and youth in the Commonwealth of Puerto Rico," and Regulation No. 8860 of November 2016, which includes regulations under Act No. 173 of 2016. The analysis included a review of standards and policies for licensing and certification of family and non-family settings that provide services to children and youth in foster care. The review also included examining other state laws related to licensing of non-family settings that offered services to children and youth with mental health needs and/or disorders related to substance use, in order to carry out a comparative analysis between the different state regulations to specify present specific public policy recommendations regarding the implementation of Family First. As a result of this analysis, amendments to Act No. 173 of 2016 were recommended to integrate the new federal requirements.

2 Mezzo-Level: Organizational Evaluation

This activity consisted of an organizational evaluation of the PR-DF. Families First represents areas of opportunities and challenges for the childcare system structure in Puerto Rico, particularly for the ADFAN, so understanding the organizational system is essential for its strategic planning.

The purpose of the organizational evaluation was to monitor the level of readiness for change and to identify needs and resources in areas related to the organization, social and work demands, positive interactions, and personal resources in the agency's workforce. It has been demonstrated that the contextual factors of an organization (e.g., structure, culture, climate, and organizational resources, past experiences, among others) influence the perception of readiness to change. Therefore, examining the organizational environment is key in the planning and implementation of any change and innovation (Glisson, Green & Williams, 2012; Lambert, Richards, & Merrill, 2016; Lehman, Greener & Simpson, 2002; Potter et al., 2016; Weiner, 2009). The organizational climate refers to the perception that the employee has about how the work environment affects their well-being and functioning (Glisson et al., 2012). Addressing the social context and organizational climate of child welfare agencies is associated with an effective implementation of changes and innovations in the services it provides (Glisson, Green, & Williams, 2012; Glisson & Williams, 2015).



This assessment implemented a convergent parallel mixed-method design (Creswell & Plano, 2017). This high degree of integration between qualitative and quantitative approaches provides robust evidence and allows a comprehensive perspective on readiness for change in ADFAN (Hernández-Sampieri, 2010; Johnson, Onwuegbuzie & Turner, 2007). The mixed methods approach in the social services contributes to understand the complexities linked to the macrosystem (O'Cathain, Murphy & Nicholl, 2007). In terms of qualitative method, semistructured interviews and focus group techniques were carried out to explore the perception of: (1) organizational and work characteristics in ADFAN, (2) previous experiences of change; and (3) the Family First law in Puerto Rico. As part of the quantitative method, a self-administered questionnaire was carried out with the entire PR-DF workforce of ADFAN. The questionnaire explored the perception of: (1) organizational and work characteristics in ADFAN, (2) staff wellbeing and attitudes, and (3) planning and readiness for change using validated measures with high levels of reliability.

A total of 1,379 ADFANs workforce voluntarily completed the survey, representing 75% of active personnel at the time of the assessment. In addition, a total of 88% (n = 15) of the deputy administrators, assistant administrators, and associate directors participated in semi-structured interviews and 100% (n = 10) of the regional directors participated in the focus group. The mixed analysis was guided by the triangulation of qualitative and quantitative data. The objective was to cross-validate the findings that allow contextualized conclusions and recommendations to address the organizational complexities of ADFAN and readiness for change in the face of Family First. The interlocking approach (Fetters, Curry & Creswell, 2013) was used to make integrated metainferences about the factors affecting readiness for change in ADFAN. Integrated findings are presented by: (1) organizational and work characteristics, (2) staff well-being and attitudes, (3) planning about change, (4) readiness and readiness for change, (5) regional differences, and (6) regression models. Some of the results of the assessment are presented and explained throughout this document.



3 Micro-Level A: Identification of Evidence Based Practices

At the national level, the Title IV-E Prevention Services Clearinghouse (hereafter Clearinghouse) was established by the Administration for Children and Families Services within the United States Department of Health and Human Services to systematically review research on services intended to provide enhanced support to children and families and prevent foster care placement. The Clearinghouse, developed in accordance with the Family First Prevention Services Act of 2018, will rate services as promising, supported, and or well- supported practices. These practices will include mental health and substance abuse prevention and treatment services, in-home parent skillbased programs, as well as kinship navigator services.

Evidence Based Practices in Puerto Rico

The use of Evidence-Based Practices (EBP) in Puerto Rico is still a work in progress. Sánchez-Cesareo et al. (2016) conducted a study to identify interventions focused on the prevention of child maltreatment and their implementation ion the island. They found that, up to 2008, Puerto Rico was at a germinal stage regarding the development and implementation of evidence-based practices due to several socio-cultural challenges (Sánchez-Cesareo et al., 2016; Rosa et al., 2020). Firstly, most of the EBPs have been carried out abroad and are not designed for the Puerto Rican population living in the island. Secondly, the cost of these programs represents a challenge in terms of fiscal resources and maintenance once implemented. Third, there have been few public policy initiatives in in Puerto Rico (public or private) to promote the adoption of these practices and programs.



Currently, several initiatives have been carried out to promote the use of EBPs by government agencies, legislature, private foundations, municipalities, community-based organizations, universities, and other entities that provide services for children and their families. Most of these efforts have been framed within a Collective Impact approach, in which actors from different sectors with a common agenda work together to solve specific social problems through a structured process. These kind of initiatives "involve a centralized infrastructure, a dedicated staff, and a structured process that leads to a common agenda, shared measurement, continuous communication, and mutually reinforcing activities among all participants" (Kania & Kramer, 2011, p. 38).

One of these actors has been the Puerto Rico Evidence Based Workgroup (EBW), established as a permanent body in 2009 and its purpose is to promote the use of EBPs in Puerto Rico. The EBW has expertise in identifying, evaluating, implementing, and disseminating EBPs in the Puerto Rican context. Because of their expertise, the DF-PR and ADFAN tasked the EBW with the identification and assessment of programs and interventions that could comply with the Family First Prevention Services Act (Family First), which requires that the services provided must be evidence-based, trauma informed, and respond to at least one of the following services areas: in-home parent skillbased programs, mental health, substance abuse, or kinship navigator program.

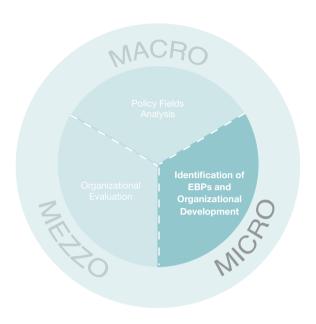
4 Micro-Level B: Organizational Development

Organizational Communication Plan

Family First implementation requirements include developing and promoting effective and efficient communication mechanisms within ADFAN. Taking into consideration that active participation enables Families First Puerto Rico to respond to the specific needs of the ADFAN regions, this plan involves a series of strategies.

As part of the organizational communication plan, written and visual informational materials were developed for ADFAN's workforce, including brochures to disseminate information through regional and local offices, a web page, and an educational video about Families First.

In July 2020, the process of identifying regional champions began through with the associate directors of each region. The aim was to identify individuals at all hierarchical levels who showed willingness, openness to change, and had basic communication skills. The objective was to identify four champions per region: two associate directors, a representative of the case management staff (supervisors, technicians, social workers, psychologists, and service assistants), and a representative of the support staff (Information Systems, administrative staff, drivers, couriers and cleaning staff). The main purpose was to have representation and participation of the agency's employees. The recruitment effort achieved a total of 49 regional champions.



The main role of the regional champions is to promote communication and facilitate the exchange of information in their respective regions. To fulfill that primary role, champions must participate in the development of printed materials for local offices, assist with the distribution of materials through local offices, provide input to the Steering Committee on local feedback and information needs, and participate in working subcommittees such as the Strategic Planning Committee, the Trauma-Informed Workgroup, and the Continuous Improvement Committee. The three main areas of collaboration of the regional champions are: communication and exchange of information about Families First Puerto Rico, supporting the development of the identification of providers' process, and supporting the recruitment of local promoters. Regional champions will be able to strengthen the identification of providers' process at the regional level, identify and develop training opportunities and specialized skills for staff, and identify areas for improvement to achieve readiness for implementation of Families First Puerto Rico for October 2021. During August 2020, an initial training session was held for those people who were identified and who voluntarily decided to participate and assume their role as regional champions.

Among the initiatives to facilitate the education process, a brochure was created to disseminate information at the office level and the regional champions provided input on information that they understood was relevant to include as part of the promotional material. Therefore, the Scientific Partner's work team in coordination with ADFAN has developed and provided the necessary tools so that these champions can support the communication process and promote the changes that the labor legislation entails.

With the help of associate directors and regional champions, local promoters were identified, representing all offices in each region. The role of local promoters is to serve as a link for the dissemination of informational material in the local offices and to explore the reaction of the workforce to that information, to be a vehicle for feedback from the local offices, to promote communication, to facilitate the information exchange, and to disseminate and promote the services and initiatives of Families First Puerto Rico. Initially, the expectation was to identify a promoter for each local office. During August 2020, a total of 123 local promoters were recruited and a total of 23 people fulfilled the role of both regional champions and local promoters.

In March 2021, an orientation was held for champions at the regional and local levels on the dissemination plan of the call that requested external providers to submit a proposal to be part of the implementation program. Their help was requested in promoting the document.



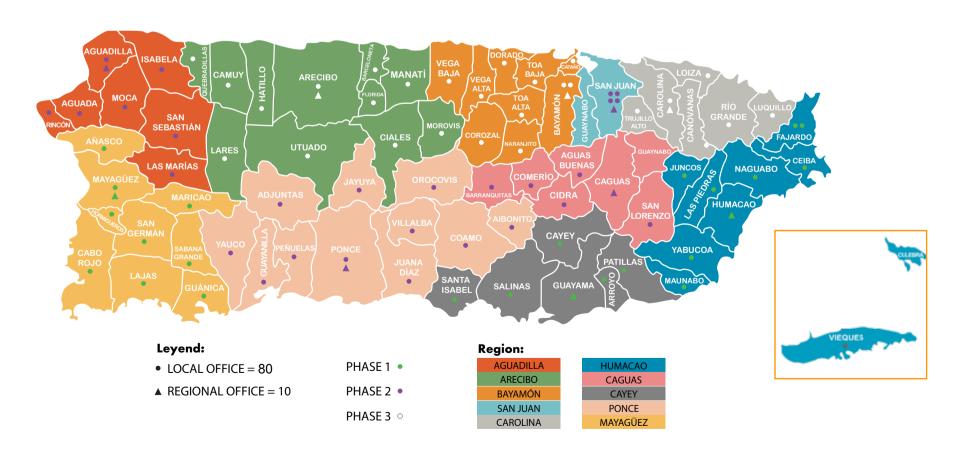
Families First Puerto Rico: Implementation



Considering Pre-Implementation findings (e.g., organizational evaluation, multilevel policy analysis), ADFAN's needs regarding the number of preservation cases, the Evidence-Based Practices (EBP) developers' capacity to train professionals in their practices, and the limited capacity of the external providers available, Puerto Rico will employ a scale-up implementation approach. The Family First scale-up approach includes a Phases Model where Bayamon, Guayama, Humacao, and Mayagüez regions are Phase 1; Aguadilla, Caguas, San Juan, and Ponce regions are Phase 2; and Arecibo and Carolina regions are Phase 3 (See Figure 6). During the first 12 months, Phase 1 will focus on Family First initiative awareness, Trauma- Informed Approach capacity building, EBP certification and multidisciplinary case management process integration, in order to provide the new services for aimed at family preservation; while simultaneously, Phases 2 and 3 will receive consist of organizational development interventions and conduct a review of cases that are currently active. After the initial 12 months, Phase 1 will integrate additional EBPs for family preservation and Phases 2 will begin efforts towards Family First initiative awareness, Trauma-Informed Approach capacity building, EBPs certification and multidisciplinary case management process integration. After the initial 24 months, Phases 1 and 2 will integrate additional EBPs for family preservation and Phase 3 will begin efforts towards Family First initiative awareness, Trauma -Informed Approach capacity building, EBPs certification and multidisciplinary case management process integration. The provision of services will be expanded according to the development of ADFAN's capacity.

Scaling-up of innovations often requires changes in policies, laws, regulations, budgets, standards, service protocols, and other childcare system components. For example, changes may be needed in procurement, financing, monitoring and information systems, supervision, training curriculum, recruitment, and communication materials to institutionalize the innovation (WHO, 2012). This scale-up and phases approach will allow to for addressing ADFAN's organizational challenges and to incorporate data- driven decisions along the implementation, while building the necessary support for the ADFAN's workforce' and external providers. Additionally, this approach will be crucial to determine the large-scale implementation process. The scale-up approach will proceed incrementally and be closely monitored. Further details regarding the evaluation are provided in the Evaluation and Continuous Quality Improvement Strategy section of this document.

FIGURE 6.
Families First Phases and Regions



The implementation of Families First Puerto Rico included the input of stakeholders across ADFAN. Consultation, ratification, and dissemination processes were completed over a 12-month period to ensure comprehensive input from overall stakeholders. The following is a detailed description of the implementation efforts:

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July

The scientific partner conducted an identification and selection process of evidence-based interventions suitable for implementation in Puerto Rico. Selection criteria included relevance, validity, and scientific evidence of interventions. A total of 9 evidenced-based interventions were reviewed (2- parenting skills, 2-substance abuse, 5-mental health) and were then discussed with the Steering Committee. After the review, the following interventions were selected for implementation: Parenting Fundamentals, Motivational

September

Interviewing, Brief Strategic Family Therapy, Functional Family Therapy,

Individual meetings were held with Associate Directors to confirm results of prioritization meeting and to coordinate additional aspects of Phase 1 implementation.

and Coping Cat.



November-February

An inventory of external providers was done in collaboration with regional champions as a precursor of the Request for Application for the implementation of Families First Puerto (Rico. Three plenary meetings were held, and 109 individuals participated. The implementation design was presented and discussed with the providers as a means of wide dissemination and discussion.



June-July

During this period, organizations were notified of the evaluation results. The contracting process started with the 4 selected external providers.



August

Training in the selected evidence-based interventions for Families First Puerto Rico began.



August



Associate Directors, Regional Staff, Social Work Specialists, and members of the Steering Committee participated in a prioritization process to determine participation across Phases. Organizational capacity and readiness (e.g., number of workers and supervisor available) and epidemiological data (e.g., number of preservation cases, maltreatment and neglect typology) were considered, resulting in a 3- Phases Model.

September-October



The Steering Committee reviewed and approved the recommendation of the phases model by the Associate Directors and the scientific partner. Additionally, the Steering Committee provided input regarding the external providers' inventory.

2021

March-May



The Families First Puerto Rico Request for Application was released. A total of 65 organizations submitted a letter of intent, 15 organizations submitted proposals, and technical assistance were was provided. A total of 99 responses were posted on Families First Puerto Rico's website (https://familiesfirst.pr.gov/blog/3). Each proposal was reviewed by a panel (see Appendix A for full report). A total of 8 organizations obtained scores that qualified them to participate in an interview. Based on the interview results, Families First Puerto Rico approved funding for 4 external providers, 2 for Brief Strategic Family Therapy and 2 for Parenting Fundamentals. Participating organizations include: Familias Capaces, Centros Sor Isolina Ferrer, Centro de Apoyo para el Desarrollo de la Unión Familiar (CADUF), and Institute for Individual, Group and Organizational Development, Inc. (AFANA).



Title IV-E Puerto Rico Prevention Plan



Child and Family Candidacy and Eligibility for the Title IV-E Prevention Program

The development of a clear scope on the candidacy and eligibility of children, youth, and families who need the Family First prevention services is a core responsibility of the ADFAN, in conjunction with its providers, collaborators, and stakeholders. Recognizing this ministerial duty, the ADFAN developed a definition of 'candidacy' considering the characteristics of families referred to the Social Protection Units, receiving services from the Agency, and meeting Family First requirements.

Candidacy

Candidate for foster care: Is Defined as a child who is identified in a service plan as being at imminent risk of entering foster care, but who can remain safely in their child's home or in a kinship placement as long as the Title IV-E prevention services that are necessary to prevent the entry of the child into foster care are provided. This may also include, as well, children whose adoption or guardianship arrangement is at risk of a disruption or dissolution by a Court, such that it might result in a foster care placement.

Based on this definition of candidacy and considering the children and families profile of ADFAN participants, Puerto Rico has established the following eligibility criteria:

- a. Families referred to preservation services to prevent the minor from entering foster care.
- b. Minors and families with a reunification plan.
- c. Minors whose placement after being removed from their home is with a family relative or kinship caregiver, and their permanency plan is not reunification.
- d. Minors in foster care who are pregnant and their permanency plan is not reunification.
- e. Minors in foster care who are raising a child and their permanency plan is not reunification.
- f. Families at risk of experiencing disruptions in the guardianship or adoption plans.

Determinations for foster care candidacy and Family First eligibility in relation to the Title IV-E Prevention Plan will be carried out by the ADFAN. Minors and families will be assessed for candidacy through ADFAN's safety and risk assessment or evidence of a court proceeding. To conduct the safety and risk assessment, ADFAN integrates the Safety Assessment Family Evaluation (SAFE) Model, adapted from the ACTION for Child Protection Model for the case management. This case management process is aligned with state and federal legislation, which establishes that the safety of a child is a paramount aspect that takes precedence over any other consideration in family matters and, particularly, in the decisions that investigators, case managers, and supervisors in child protection situations must make decisions from a family-centered perspective. To determine and document the family eligibility to the Title IV-E prevention program and interventions ADFAN has developed the "Decision-Making Form for Family First Prevention Services Act Services Referral". This form will support the ADFAN' social workers in establish (1) family's Title IV-E eligibility, (2) determine family's needs to specifics Title IV-E program and interventions, and (3) Title IV-E program and interventions inclusion and exclusion criteria.

Prevention Caseloads

The need for resources is perceived as ADFAN's greatest challenge. Over 90% of its workforce agreed that there's a need for additional human resources, while 64% indicated that there's a need for infrastructure. Additionally, 85% of ADFAN employees reported feeling exhausted with their workload and 35% disclosed having symptoms of secondary traumatic stress (Organizational Evaluation, 2019). Currently, ADFAN's social workers served preservation and foster care cases with a mixed caseload of 30. These conditions directly impact case management and warrant the need for strategies to improve their organizational conditions, such as the caseload.

ADFAN'S Strategies

Caseload research has recognized the relevance of reduced caseloads to promote engaging families and delivering quality services; achieving positive outcomes for children and families; managing organizational commitment and worker retention; and supporting worker attitudes and well-being (Children Bureau, 2016; NASW, 2013). In the child welfare scenario, the average worker caseload should not exceed 18 cases (ACF, APHSA, CWLA, 2001). Considering the cultural context and best practices, Families First Puerto Rico has established a long-term goal of reaching a caseload of 20 preservation cases per worker. To achieve this goal, ADFAN has established the following strategies:

- a. Recognizing best practices literature of caseload management, ADFAN will design and implement policies to prospectively specialize case manager workers by protection, preservation, and foster care areas. In preparation for the full implementation of the new case management policy, ADFAN has been working on several aspects, such as hiring and training new staff, and implementing 60 hours of training certification in leadership management and accountability for all administrators, directors, and supervisors.
- b. ADFAN will increase its workforce by hiring social workers and supervisors to enhance the worker:cases and worker:supervisor ratio. Despite ADFAN's efforts to recruit new staff, hiring has been challenging due largely to the measures imposed by the Puerto Rico Oversight, Management, and Economic Stability Act (PROMESA, 2016). With PROMESA, a Financial Oversight and Management Board for Puerto Rico was established by the President of the United States with the purpose of providing methods for the territory of Puerto Rico to achieve fiscal responsibility and access to capital markets (HR 5278). The Oversight Board has limited all hiring efforts by ADFAN. A meeting was held to discuss the implementation of Families First and expand on the needs of human and infrastructure resources required to be in compliance comply with the new federal requirements. As a result of pre-implementation efforts, the Board agreed to support the recruitment of additional workforce for the ADFAN, and funds have been allocated for this purpose. As of today, ADFAN is working with the Budget and Management Office (OGP) towards this goal. ADFAN will conduct feasibility studies to explore the gradual reduction of preservation cases per worker until achieving a ratio of 1 worker: 20 preservation cases. Additional studies will be conducted to establish the ideal worker:supervisor ratio. Furthermore, ADFAN will monitor the preservation caseload accounting for indicators such as leaves (e.g., maternity, vacations, sick), death, turnover, retirement, among others. Those employees who provide services over their regular daily or weekly hours will receive compensatory leave for the time and a half as stated in the Law for the Administration and Transformation of Human Resources in the Government of Puerto Rico (Act 8-2017, § 10.2) (See Appendix C).
- c. In coordination with Casey Family Programs, the Round Table Strategy is implemented to improve the quality standards and compliance of case management in some local offices (i.e., Caguas, Guayama, and San Juan regions) along with a staff management plan. ADFAN and Casey Family Programs will continue the implementation of the Team Decision-Making Strategy across the Agency to speed up the achievement of the permanency plan in cases of children in provisional custody in foster care, impacting the case management and the number of cases closed.
- d. ADFAN's Training and Quality Assurance Office is responsible for designing and executing service reviews to measure performance through service standards. With the assistance of the Casey Family Program, they will continue to perform the implementation of a Continuous Quality Improvement (CQI) process to determine, manage, and monitor the caseload of ADFAN workers. Additionally, caseload oversight will be monitored at the regional level by the Regional Directors, Associate Directors, and Supervisors.

Service Description and Oversight

ADFAN's Assistant Administration for Preservation and Family and Community Strengthening offers services for family preservation and supports and develops the family Service Plans to strengthen the parents', caregivers' or any other responsible adult's protective capacities and prevent minor removal of the minor. Additionally, they seek to provide prevention services for families that regained the custody of minors to prevent recurrence of abuse and neglect. The Family First approach implies structural changes that impact the provision of services in Puerto Rico, particularly regarding case management, interventions, and external referrals (See Figure 7).

Families First Pathway

Case Management

Level 1: Core Curriculum for Childhood Trauma

Level 2: Case Management Informed in Trauma

Level 3: Motivational Interviewing

Level 4: Foundation for OutReach through Experiential Child Advocacy Studies Training

Interventions

In-home parent skills-based programs

- Parenting Fundamentals
- Brief Strategic Family Therapy

Substance abuse treatment services

- Brief Strategic Family Therapy
- Motivational Interviewing

Mental Health

- Functional Family Therapy
- Brief Strategic Family Therapy

Kinship

Kinship Navigator Program

External Referral

Health

Mental/Physical

Social

Educational/Housing/ Nutrition and diet

Economic Development

* Work/Entrepreneurship

Safety

Legal/Court

Trauma Informed

Workforce Development

Quality Improvement

Case Management

The PR-DF, through ADFAN, and in compliance with the federal regulations (42 U.S.C. § 5106a(b)(2)(B)(iv) (2019)), conducts initial risk and safety assessment for every minor who lives in Puerto Rico and has been referred through the local emergency hotline as a potential victim of abuse and neglect. Puerto Rico risk and safety assessment are conducted using the Safety Assessment Family Evaluation (SAFE) Model, adapted from the ACTION for Child Protection Model. After the initial assessment, if a safety threat is found, the minor and their family are assigned to a Social Worker for preservation or foster care services, depending on their level of risk. Throughout the life of the case, accurate and ongoing safety and risk assessments are carried out together with the Generalist Intervention Model to ensure minors' outcomes of safety, well-being, and permanency are achieved (See Appendix B for further detail on the "Life Cycle of a Case"). The "Comparative Analysis of Local and Federal Legal Framework" showed that ADFAN's current safety and risk assessment and case management models are in compliance with the FFPSA requirements (ACYF-CB-PI-18-09) and Puerto Rico will continue their application for the Title IV-E prevention services.

Under FFPSA, the efforts will be focused on ongoing capacity building for Puerto Rico social workers to ensure compliance with the Manual on Safety Intervention in Case Management in Child Protection Services (ADFAN-PSM-PFF-CSA-2013-003) and the policy of Utilization of the Security Model (ADFAN-PS-PFF-CSA-020). In terms of case management, the efforts will be focused on reviewing and updating processes to identify Title IV-E eligible families and support documentation. For this, the Manual on Norms and Procedures for the Continuum of Services for Minors in the Welfare System (ADFAN-PFF-CSA-2006-021) will be updated to reflect the processes and documentation for the Title IV-E population

Monitoring Child Safety

The Safety Assessment Family Evaluation (SAFE) Model, adapted from the ACTION for Child Protection Model, establishes the structure to carry out a comprehensive analysis of the vulnerability of a child victim of abuse and neglect; the protective capacities of the parents, caregivers, or any responsible adult; threats of immediate harm to the safety of the child; and the underlying conditions in the home that may represent a risk. The Safety Model provides standardized criteria for assessing imminent or present danger to assess a child's safety and protection. Present Danger is defined as an immediate, significant condition that is occurring at the present time and, that endangers or is threatening to endanger a minor, and therefore requires a prompt response from child protective services. Imminent Danger is a state of danger in which the behaviors, attitudes, motives, emotions and/or situations of a family represent a danger that may not be presently active or not be noticeable at the beginning of an intervention but can be expected to have severe effects on a minor at any time. The Safety Model aims to:

- 1. Guarantee children's safety by controlling any threat, strengthening the protective capacities of the parents, caregivers, or any responsible adult, and reducing the vulnerability of the child.
- 2. Preserve the integrity of the child and the family within their community environment when it does not constitute a threat of severe harm to the child.

- 3. Recognize existing strengths within the family (including extended family) and the community to establish security plans for the protection of the child.
- 4. Control danger or threat of harm and establish a protective action plan or a safety plan to guarantee the safety, well-being, permanence, and comprehensive protection of children. In the short or long term, it can this plan aims to help preserve the family and prevent its disintegration.

Throughout the use of the Safety Model in the case management, the risk and safety assessments help to determine families' eligibility to prevention services, develop appropriate safety plans, detect the level of intensity needed for intervention with a family (e.g., frequency of services), and determine when it is suitable to close an inhome service case. Assessment tools include:

Assessment Tools



Present Danger / Imminent Danger Assessment

When the family is reported through the emergency hotline, a Present Danger/Imminent Danger Assessment will be completed by the worker. The worker will consult with the emergency hotline supervisor to corroborate the presence of present or imminent danger and establish the priority of response to the referral, following the operational difference between the definitions of Present Danger and Imminent Danger:

Imminent Danger

is a state of danger in which the behaviors, attitudes, motives, emotions and/or situations of a family represent a danger that may not presently active or not be noticeable at the beginning of an intervention but can be expected to have severe effects on a minor at any time.

Standardized criteria of imminent danger

- 1. The referral indicates that no adult in the home is assuming the basic parenting duties and responsibilities that guarantee the minor's safety.
- 2. The referral indicates that the parents, caregivers, or any responsible adult is violent and/or is acting dangerously.
- 3. The referral indicates that the parents, caregivers, or any responsible adult will not/cannot or does not want to control their behavior.
- 4. The referral indicates that the minor is perceived in extremely negative terms by the parents, caregivers, or any responsible adult.
- 5. The referral indicates that the family does not have or uses the necessary resources to ensure the protection of the minor.
- 6. The referral indicates that the parents, caregivers, or any responsible adult is threatening to do severe harm to the minor or fears that he/she will mistreat the minor and/or requests the placement elsewhere.
- 7. The referral indicates that the parents, caregivers, or any responsible adult has or had the intention of causing severe harm to the minor.
- 8. The referral indicates that the parents, caregivers, or any responsible adult lacks the parenting knowledge, skills, or motivation that are necessary to ensure the protection of the minor.
- 9. The referral indicates that the parents, caregivers, or any responsible adult openly rejects the intervention of the Social Protection Services for Minors of the Department of the Family, denies access to the minor.
- 10. The referral indicates that the minor has exceptional needs that affect their safety, which the caregivers does not, cannot or do not want to cover.
- 11. The referral indicates that the living conditions in the home seriously endanger the physical health of the minor.

- 12. The referral indicates that the minor has serious physical injuries or serious physical symptoms due to the abuse.
- 13. The referral indicates that the minor shows serious emotional symptoms and/or lacks control of their behavior, which provokes dangerous reactions in the caregivers or self-destructive behavior.
- 14. The referral indicates that the minor is fearful of the situation at home or of the people within the home.
- 15. The referral indicates that the parents, caregivers, or any responsible adult cannot, does not want, or does not explain the minor's injuries or threatening conditions in the family.

Present Danger

is an immediate, significant condition that is occurring at the present time, that and endangers or is threatening to endanger a minor, and therefore requires a prompt response from child protective services.

Standardized criteria of present danger

- 1. Abuse is Happening Currently
- 2. Multiple Types of Injuries
- 3. Face/Head
- 4. Serious Injury
- 5. Premeditation
- 6. Multiple Victims
- 7. Referral History
- 8. Threatening Living Conditions
- 9. Unexplained Injuries
- 10. Extreme Cruelty
- 11. Accessible to the Abuser
- 12. Parental view of the minor is extremely negative
- 13. Minor Is Not Supervised or Is Alone for Long Periods of Time
- 14. Minor is less than 0-6 years old
- 15. Minor is Unable to Protect Himself
- 16. Minor is Fearful and/or Anxious Minor
- 17. Minor Needs Medical Attention
- 18. Parents, caregivers, or any responsible adult cannot perform parenting Responsibilities
- 19. Parents, caregivers, or any responsible adult is behaving in an extreme or very strange way
- 20. Parents, caregivers, or any responsible adult is behaving in a dangerous manner
- 21. Parents, caregivers, or any responsible adult out of control
- 22. Parents, caregivers, or any responsible adult intoxicated
- 23. Caregivers clearly refuse intervention
- 24. Isolated Family
- 25. Abuse in the Couple's relationship in the present
- 26. Family can run away
- 27. Family hides the minor
- 28. Situation will change or may change quickly
- 29. Inaccessible or unavailable services



Family Functioning Assessment

This assessment explores six areas of family functioning including, magnitude of the abuse, circumstances surrounding the abuse, child's functioning, discipline practices used by the caregiver, parenting practices, and caregiver's functioning.



Caregiver Protective Capacities Assessment

This assessment explores the behavioral, cognitive, and emotional protective abilities of the caregivers. Protective abilities are personal qualities or characteristics that contribute to the careful protection of a child.



Safety Threshold Screening

This screening explores family conditions (i.e., behaviors, attitudes, emotions, intentions, situations, or perceptions) manifesting in such a way that go beyond everyday family problems or risk indicators and have become threats to security for a vulnerable child.

During the case management process (i.e., Engagement, Assessment, Planning, Implementation, Evaluation, and Termination), ADFAN will continuously assess minors' safety and risk. For families determined eligible for Title IV-E prevention services, Puerto Rico will use the service plan as the prevention plan to meet the requirements of the FFPSA legislation. During the evaluation step, social workers will assess the service plan goals and their progress. The service plan may be extended for another 12 months for those families whose minors' risk entering foster care remains but may safely continue to receive services. The services plan will be revised to reflect new services that may be needed and to decide which should be continued from the array of services already established.

Interventions

Family First requires that services provided must be evidence-based, trauma-informed, and respond to at least one of the following services areas:



Mental Health

Eligible programs and services include those that aim to reduce or eliminate behavioral and emotional disorders or the risk of developing such disorders. The programs and services included can address any mental health problem. Programs and services that rely on psychotropic medications or screening procedures without a counseling or behavioral therapy component are not eligible.

Substance Abuse

Eligible programs and services include those that have an explicit focus on the prevention, reduction, treatment, remediation, and/or elimination of substance use, abuse, or exposure in general. These can target any one specific type of substance, multiple substances, or aim at addressing substance use or abuse in general. Programs and services intended exclusively to reduce, treat, or remedy tobacco use (including smoking, chewing tobacco, and vaping) among adults are not eligible.

In-Home Parenting L Skills-Based

Eligible programs and services for this service area include interventions or treatments (psychological, educational, or behavioral) of direct intervention with a parent or caregiver. Direct intervention means that services are provided directly to parents or caregivers; children may be present or involved but are not required to be present for a program to be eligible.

Kinship Navigator

Services include those focused on assisting kinship caregivers in learning about, finding, and using programs and services to meet the needs of the minor they are raising and their own needs. Additionally, services will promote effective partnerships among public and private agencies to ensure kinship caregiver family's needs are addressed. Support services include any combination of financial support, training or education, support groups, referrals to other social, behavioral, or health services, and navigation of government and other types of assistance, financial or otherwise.



Selection Process of Programs and Interventions

ADFAN has provided preservation services directed to strengthening families and preventing recurrence of abuse and neglect. Through Family First, ADFAN has an opportunity to expand these services. ADFAN, in collaboration with the Scientific Partner, carried out the identification, evaluation, and selection of the programs and interventions that could better serve their population and expand the array of services. Family First requires that the services provided must be evidence-based, trauma-informed, and respond to at least one of the following services areas: inhome parent skill-based, mental health, substance abuse, and kinship navigator programs. The process was designed to identify and classify programs and interventions as promising, supported, and well-supported, in accordance with the classification categories established by the Title IV- E Prevention Services Clearinghouse (hereafter Clearinghouse). These programs and interventions were also evaluated to establish their cultural appropriateness and alignment with the characteristics and needs of the families served by ADFAN. Special attention was taken that the proposed programs and interventions were culturally sensitive to the Puerto Rican population. The literature states that the lack of cultural sensitivity can affect the delivery of any intervention and provide possible erroneous diagnoses (Bernal et al., 2009). To take this into account, not only the scientific evidence was assessed, but also as well as the conceptual, practical, and cultural fit of the programs and interventions was considered using the Evidence Based Workgroup's (EBW) Fit Assessment Model. The process for the assessment of possible services include:

- Identification of Programs and Interventions at a Local and National Level: Meetings with key staff within ADFAN (administrators, supervisors, and case manager workers) as well as community-based organizations, stakeholders, and content experts to identify possible programs and interventions that fit the needs of ADFAN and Puerto Rican families. Simultaneously, literature reviews were conducted to identify services and the best practices for their provision in the child welfare system.
- Literature Review and Gathering of Information of the Identified Programs and Interventions: An inventory of identified programs and interventions that may meet requirements for Family First service areas was created and is continuously updated. A systematic literature review was conducted for each program and intervention, and a general information profile was developed to compile the information for the assessment of Family First requirements and their cultural adequacy.
- Assessment of Conceptual Fit, Practical Fit, and Cultural Adequacy of Programs and Interventions: Programs and interventions that are under consideration must be culturally sensitive to the target population for which they will be implemented with. Puerto Rico has decided to use the EBW Fit Assessment Model as the guiding framework, which considers the conceptual fit, practical fit, and cultural fit. As shown in Figure 8, conceptual fit focuses on the relevance of the intervention or program addressing the specific problem; the target population's age, risk, and protective factors; and the desired results. The practical fit focuses on how appropriate the intervention or program is for the community, available in the language of the population, the duration and scenarios of the intervention or program, materials required, training, and opportunity for implementation training. Finally, cultural fit considers the degree to which a program or intervention considers the beliefs, customs, barriers, and language of the target population. These elements were assessed to determine whether the programs and interventions are culturally appropriate for Puerto Rico's population.

FIGURE 8.

Definitions of Fit According to EWB's Fit Assessment Model.

Conceptual fit

Degree to which the program or intervention is appropriate for the work to be carried out.

Relevance to address a specific problem.

Considers risk and protective factors for the demographic characteristics of the target population.

The intervention must have shown positive effects among the participating population.

Practical fit

Pertinence of program or intervention for the target population and for the community in general.

The intervention must have the support of the target groups; namely, the implementers and members of the community.

The intervention must be able to be adequately applied to the community, considering the latter's capacity and resources to sustain the intervention.

Finally, the intervention must complement existing prevention efforts in the community.

Cultural fit

Degree to which a program or intervention considers the beliefs, customs, barriers, and language of the target population.

The intervention must have scientific evidence which has shown its effectiveness for the population with which it will be implemented.

The content and materials to be implemented must use respectful language which responds to the linguistic and cultural needs, and which is representative of the target population.

The people to provide the service should be trained and have the necessary abilities to provide the program in a culturally appropriate way.



Assessment of scientific evidence and quality: As aforementioned, the service areas in which the Clearinghouse looks to expand are mental health, substance abuse, in-home parent skill-based, and kinship navigator programs. The Clearinghouse evaluates and provides a rating for each intervention and program and provides criteria for the consideration of those not evaluated by them. These ratings can range from promising, supported, well-supported, or does not meet the criteria. A "Promising" rating of service requires a manual of the intervention or program and studies that demonstrate the effectiveness of the practice. A "Supported" rating of service requires an intervention or program manual and studies with substantial evidence that demonstrate the effectiveness of the service even six months after the end of the intervention. A "Well-Supported" rating of service requires an intervention or program manual and studies that demonstrate the effectiveness of the service even at least 12 months after the end of the intervention. Finally, a service that "Does not meet the criteria" means that there is not enough information about the program or intervention to satisfy the Clearinghouse's criteria of the Clearinghouse.



Classification of Programs and Interventions and Submission of Findings to ADFAN: Once the Scientific Partner made an initial selection of eligible programs and interventions, these were submitted to the ADFAN Steering Committee for approval. This Committee proceeded to decide which programs and interventions were best suited to the organizational structure and population and would be included in the array.

This array of services (See on Table 2) represents the programs and interventions that Puerto Rico will implement as part of this Prevention Plan. Five programs have been selected for the rollout; of those, four (Motivational Interviewing, Brief-Strategic Family Therapy, Functional Family Therapy, and Ohio's Kinship Supports Intervention/ ProtectOHIO) are rated by the Clearinghouse as having achieved required evidence rating. The Parenting Fundamentals program has not yet been rated. It is important to highlight that, even though this intervention has not yet received a classification by the Clearinghouse, it has been evaluated by the Scientific Partner in term of their adequacy and scientific evidence.

Table 2. *Key Components of SAF Framework For Implementation Research*

EBPs	Service Area	Titel IV-E Prevention Services Clearinghouse Rating	
Motivational interviewing (MI)	Substance Abuse	Well-Supported	
Parenting Fundamentals (PF)	In-Home Parent Skill Based	To be determined	
Brief-Strategic Family Therapy (BSFT) Substance Abuse In-Home Parent Skill-Based Mental Health Functional Family Therapy (FFT) Ohio's Kinship Supports Intervention / ProtectOHIO Substance Abuse In-Home Parent Skill-Based Mental Health Kinship Navigator		Well-Supported	
		Well-Supported	
		Promising	

The following table provides an overview of the selected programs and interventions, including Clearinghouse rating, service area, services approach, manual or book, target population, expected outcomes, fidelity measures, assurance for trauma- informed service delivery, and evaluation method. After each program and intervention table, a brief overview is provided regarding how the intervention or program will be implemented in Puerto Rico.

Motivational Interviewing (MI)

Title IV-E Prevention Services Clearinghouse Rating: Well-Supported

Service Area: Substance Abuse

Service Approach

MI is a method of counseling clients designed to promote behavior change and improve physiological, psychological, and lifestyle outcomes. MI aims to identify ambivalence for change and increase motivation by helping clients progress through five stages of change: pre-contemplation, contemplation, preparation, action, and maintenance. It aims to do this by encouraging clients to consider their personal goals and how their current behaviors may compete with attainment of those goals. MI uses clinical strategies to help clients identify reasons to change their behavior and reinforce the idea that behavior change is possible. These clinical strategies include the use of open-ended questions and reflective listening. MI can be used to promote behavior change with a range of target populations and for a variety of problem areas.

Manual or Book

Miller, W. R., & Rollnick, S. (2012). Motivational Interviewing: Helping people change (3rd ed.). Guilford Press.

Target Population

MI will be provided to families that have been identified by the ADFAN as eligible for services under title IV-E prevention program and documented as part of their service plan.

Expected Outcomes

Consistent with the outcomes identified as having a positive effect through the independent review of research conducted by the Clearinghouse for MI, ADFAN will look at outcomes regarding program participation and the progress in the stage of change, the development of the family service plan, referrals to services needed, families' adherence to the services referred, minors' permanency, and family preservation.

Fidelity Measures

For continuous quality improvement and fidelity of the program model, performance metrics will look at 100% staff with qualifications as case management worker; staff completed 100% of required model training (i.e., initial and booster); at least 12 meetings per family; case documentation (i.e., frequency and consistency); case review (i.e., thorough and adequate); case manager competence/model adherence (i.e., collaboration, evocation, autonomy, and empathy); 70% or more participants and case management workers with positive experiences with the program; coaching limit (1 facilitator:6 case managers); caseload limit (1 case manager:20 families); and a monthly home visit per family.

Assurance for Trauma informed Service Delivery

Appendix: State Assurance of Trauma-Informed Service-Delivery

Evaluation Method (Well-Designed and Rigorous Process)

ADFAN is requesting a waiver for the evaluation of Motivational Interviewing, which has been designated by the Clearinghouse as "Well-Supported." See Attachment II, State Request for Waiver of Evaluation Requirement for a Well-Supported Practice, and the Evaluation and Continuous Quality Improvement Strategy Section below for supporting documentation that the effectiveness of the practice is compelling.

Motivational Interviewing (MI) is a useful approach in the substance abuse field and other areas of service. As in other jurisdictions, getting families to participate and complete the service plans can be a challenge. MI has been identified as a useful tool to help with the service planning and through the case management in the child welfare system. MI will be implemented in conjunction with the ADFAN case management models (see Case Management: Monitoring Child section) for those families for which eligibility to Title IV -E services has been determined. This will be detailed in the family services plan. It has received a "Well-supported" rating from the Clearinghouse, making it a high-quality, evidence-based practice. The intervention fits into the Puerto Rican context when assessing its conceptual, practical, and cultural fit. Training, supervision, and materials are available in Spanish. The intervention is also compatible with the ADFAN's case management process and will be implemented as part of the Families First array of services during the first 12 months of this plan.

Parenting Fundamentals

Title IV-E Prevention Services Clearinghouse Rating: To be determined

Service Area: In-Home Parent Skill-Based

Service Approach

The intervention aims to: improve parents' knowledge of child development, non-violent discipline and positive parenting, communication skills, conflict resolution strategies, social supports, and reduce the risk of child abuse. The program has five components. The main component of the program includes weekly educational sessions. The other four components are home visits, comprehensive referral services, parent support groups, and art groups for children.

Manual or Book

Adams, M., Beyer, M. & Sánchez-Cesáreo, M. (n.d.). Currículo de Fundamentos de Crianza (0-4) Manual del Educador de Padres. Chicago: Metropolitan Family Services.

Adams, M., Beyer, M. & Sánchez-Cesáreo, M. (n.d.). *Currículo de Fundamentos de Crianza, Manual para los Padres*. Chicago: Metropolitan Family Services.

Adams, M., Beyer, M. & Sánchez-Cesáreo, M. (n.d.). *Parenting Fundamentals (0-4) Home Visit Guide*. Chicago: Metropolitan Family Services.

Adams, M., Beyer, M. & Sánchez-Cesáreo, M. (n.d.). *Currículo de Fundamentos de Crianza (0-4) Manual del Educador de Padres*. Chicago: Metropolitan Family Services.

Adams, M., Beyer, M. & Sánchez-Cesáreo, M. (n.d.). Currículo de Fundamentos de Crianza, Manual para los Padres. Chicago: Metropolitan Family Services.

Adams, M., Beyer, M. & Sánchez-Cesáreo, M. (n.d.). *Parenting Fundamentals (0-4) Home Visit Guide*. Chicago: Metropolitan Family Services.

Beyer, M., Adams, M., Ortiz-Sánchez, E., J. E., & Sánchez Cesáreao, M. (2019). *Parenting Fundamentals ages* 8-12: Parent educator manual. Metropolitan Family Services.

Bayer, M., Adams, M., Ortiz-Sánchez, E., J. E., & Sánchez Cesáreao, M. (2019). *Parenting Fundamentals ages* 8-12: Parent manual. Metropolitan Family Services.

Beyer, M., Adams, M., Ortiz-Sánchez, E., J. E., & Sánchez Cesáreao, M. (2019). *Parenting Fundamentals ages* 8-12: Home visit manual. Metropolitan Family Services.

Vega-Torres, S. O., Cruz-Ayala, & Sánchez Cesáreao, M. (2019). Fundamentos de Crianza edades 12-18 años: Manual del educador de padres. Metropolitan Family Services.

Vega-Torres, S. O., Cruz-Ayala, & Sánchez Cesáreao, M. (2019). Fundamentos de Crianza edades 12-18 años: Manual para los padres. Metropolitan Family Services.

Target Population

Parenting Fundamentals is intended for parents and caregivers of minors between 0 and 18 years old that have been identified by the ADFAN as eligible for services and documented as part of their service plan.

Expected Outcomes

To assess adults' well-being outcomes, the evaluation will look at increase of positive parenting practices; increase of family functioning; decrease of parents' and caregivers' mental or emotional health; and increase of general well-being.

Fidelity Measure

For continuous quality improvement and fidelity of the program model, performance metrics will look at staff completed 100% of required model training (i.e., initial and booster); 10 meetings per family; 70% or more participants and educators with positive experiences with the program; facilitation limit (1 group:2 educators); supervision limit (1 supervisor:6 educators); group limit (1 group:15 parents and caregivers); and between 1 to 4 home visit per family.

Assurance for Trauma informed Service Delivery

Attachment: State Assurance of Trauma-Informed Service-Delivery

Evaluation Method (Well-Designed and Rigorous Process)

See Section on Evaluation and Continuous Quality Improvement Strategy, a quasi-experimental research design (e.g., time-lag design) will be implemented to document program effectiveness.

Parenting Fundamentals (PF) seeks to improve parents' knowledge regarding their child development, promote non-violent discipline and positive parenting, communication skills, conflict resolution strategies, and social supports. ADFAN recognizes the importance of providing services that help parents develop and nurture skills in positive parenting practices. Scientific literature demonstrates that these programs can reduce substantiated child maltreatment reports and risk factors and increase protective factors. The conceptual, practical, and cultural fit of PF was assessed for Puerto Rico, and it is an ideal fit for the needs of parents served by ADFAN. This intervention has been culturally adapted for Puerto Rico and its materials are available in Spanish. The home visits component of the program is an important aspect in the engagement of parents. It has a history of successful implementation, impacting around 8,000 Puerto Rican parents in a span of ten years. The intervention will be implemented by ADFAN personnel from its Assistant Administration for Preservation and Family and Community Strengthening and external providers during the first 12 months of this plan. The state is not requesting claiming for this program under the title IV-E prevention program.

Table 2c.

Programs and Interventions

Brief Strategic Family Therapy

Title IV-E Prevention Services Clearinghouse Rating: Well-Supported

Service Area: Substance Abuse, In-Home Parent Skill-Based, and Mental Health

Service Approach

BSFT uses a structured family systems approach to treat families with children or adolescents who display or are at risk for developing problem behaviors including substance abuse, conduct problems, and delinquency. There are three intervention components. First, counselors establish relationships with family members to better understand and 'join' the family system. Second, counselors observe how family members behave with one another to identify interactional patterns that are associated with problematic youth behavior. Third, counselors work in the present, using reframes, assigning tasks and coaching family members to try new ways of relating to one another to promote more effective and adaptive family interactions.

Manual or Book

Szapocznik, J. Hervis, O., & Schwartz, S. (2003). Brief Strategic Family Therapy for adolescent drug abuse (NIH Pub. No. 03-4751). National Institute on Drug Abuse.

Target Population

BSFT is intended for children and adolescents between the ages of 6-17 years old (and their families) who are at risk of developing problematic behaviors. BSFT will be provided to families that have been identified by the ADFAN as eligible for services under title IV-E prevention program and documented as part of their service plan.

Expected Outcomes

Consistent with the outcomes identified as having a positive effect through the independent review of research conducted by the Clearinghouse for BSFT, ADFAN will look at outcomes regarding program participation and minors' and adults' well-being.

Fidelity Measure

For continuous quality improvement and fidelity of the BSFT model, performance metrics will look at 100% staff with qualifications as certified therapists; staff completed 100% of required model training (i.e., initial and booster); between 8 to 24 meetings per family; interdisciplinary case management communication; rate of meetings and progress notes; rate of staff consultations with supervisors; 70% or more participants and therapists with positive experiences with the program; supervision limit (1 supervisor:4 therapists); caseload limit (1 therapist:10 to 15 families); and one weekly meeting per family.

Assurance for Trauma informed Service Delivery

Attachment: State Assurance of Trauma-Informed Service-Delivery

Evaluation Method (Well-Designed and Rigorous Process)

ADFAN is requesting a waiver for the evaluation of BSFT, which has been designated by the Clearinghouse as "Well-Supported." See Attachment II, State Request for Waiver of Evaluation Requirement for a Well Supported Practice, and the Evaluation and Continuous Quality Improvement Strategy Section below for supporting documentation that the effectiveness of the practice is compelling.

Brief-Strategic Family Therapy (BSFT) uses a structured family systems approach to treat families with children or adolescents who display or are at risk of developing problem behaviors, including substance abuse, behavior problems, and delinquency. In 2016, it was found that 13% of minors in Puerto Rico present indicators of depression, anxiety, attention, and behavioral problems, and 17% of minors between the ages of 10 and 19 reported using illicit drugs. BSFT has a "Well-Supported" rating from the Clearinghouse, making it a high-quality and effective evidence-based practices focused on targeting these types of needs. In terms of its conceptual, practical, and cultural fit, the intervention was found to be well suited for the service needs of the Puerto Rican population. The intervention and its materials are in Spanish. This intervention was designed to treat people within the Hispanic community in the United States and has been implemented in Puerto Rico. A core strength that contributed the selection of BSFT was its specialized engagement technique which is focused on helping in the outreach of families. Furthermore, this intervention will be provided by mental health professionals in the family's home, facilitating access to the service. BSFT will be implemented by external providers during the first 12 months of this plan.

Table 2d. Programs and Interventions

Functional Family Therapy

Title IV-E Prevention Services Clearinghouse Rating: Well-Supported

Service Area: Mental Health

Service Approach

Functional Family Therapy (FFT) is a short-term prevention program for at-risk youth and their families. FFT aims to address risk and protective factors that impact the adaptive development of the youth who have been referred for behavioral or emotional problems. The program is organized in multiple phases and focuses on developing a positive relationship between therapist/program and family, increasing motivation for change, identifying specific needs of the family, supporting individual skill-building of youth and family, and generalizing changes to a broader context.

Manual or Book

Sexton, T. L. (2010). Functional Family Therapy in clinical practice: An evidence-based treatment model for at risk adolescents. Routledge.

Target Population

FFT is intended for adolescent between 11 to 18 years of age referred for behavioral or emotional problems, or family discord. FFT will be provided to families that have been identified by the ADFAN as eligible for services under title IV-E prevention program and documented as part of their service plan.

Expected Outcomes

Consistent with the outcomes identified as having a positive effect through the independent review of research conducted by the Clearinghouse for FFT, ADFAN will look at outcomes regarding program participation and minors' and adults' well-being.

Fidelity Measures

For continuous quality improvement and fidelity of the program model, performance metrics will look at 100% staff with qualifications as certified therapists; staff completed 100% of required model training (i.e., initial and booster); between 8 to 20 meetings per family; interdisciplinary case management communication; rate of meetings and progress notes; rate of staff consultations with supervisors; 70% or more participants and therapists with positive experiences with the program; supervision limit (1 supervisor:8 therapists); caseload limit (1 therapist:20 families); and one weekly meeting per family.

Assurance for Trauma informed Service Delivery

Attachment: State Assurance of Trauma-Informed Service-Delivery

Evaluation Method (Well-Designed and Rigorous Process)

ADFAN is requesting a waiver for the evaluation of FFT, which has been designated by the Clearinghouse as "Well-Supported." See Attachment II, State Request for Waiver of Evaluation Requirement for a Well Supported Practice, and the Section Evaluation and Continuous Quality Improvement Strategy below for supporting documentation that the effectiveness of the practice is compelling.

Functional Family Therapy (FFT) is a short-term prevention program for at-risk youth and their families. It aims to address risk and protective factors that impact the adaptive development of the youth who have been referred for behavioral or emotional problems. Around 10% of American minors ages 10 to 17 will go to a juvenile detention center. In 2011 the Legislative Assembly of Puerto Rico recognized the need to intervene in the lives of minors who experienced problems with the law to provide them the necessary tools to lead a productive life. They also acknowledge the importance of providing family-focused services to assist and guide them to prevent dangerous behaviors. With that objective the Legislative Assembly of Puerto Rico legislated (Law No. 66 of May 2, 2011 to create the "Law for the Pilot Program of Functional Family Therapy of the Administration of Juvenile Institutions") establishing a pilot program to treat at risk youth from becoming lawbreakers, using evidence-based practices and strategies, which have been shown to be effective in significantly reducing recidivism. They assessed over 600 juvenile violence prevention programs of which they identified 11 programs that demonstrated: a) achievement of a deterrent effect on violence; b) achievement of sustained effects; and c) the possibility of reproducing the program, with the same efficiency, in the different places where it was implemented. After consideration, FFT was selected by the Legislative Assembly of Puerto Rico as the program with the best fit to be implemented within the Puerto Rico Juvenile Penitentiary System. Consistent with this analysis, the assessment conducted by the Scientific Partner found that FFT has conceptual, practical, and cultural fit for Puerto Rico. FFT received a "Well-Supported" rating from the Clearinghouse, making it a high-quality and effective evidence-based practice for the target population. For this reason, FFT has been selected as one of the evidence-based practices to be offered after the initial 24 months of this plan.

Table 2e.

Programs and Interventions

Ohio's Kinship Supports Intervention / ProtectOHIO

Title IV-E Prevention Services Clearinghouse Rating: Promising

Service Area: Kinship Navigator

Service Approach

Intervention is designed to promote and support kinship placements, and to meet children's physical, emotional, financial, and basic needs by connecting kinship caregivers with federal, state, and local resources. The key component of the intervention is the kinship caregiver support plan. This individualized plan incorporates information from tools such as the home assessment and needs assessment, and will be reviewed and updated regularly. Monthly home visit services with a kinship coordinator will be offered to promote more effective communication, education, assessment, planning, and support for the family.

Manual or Book

ProtectOHIO. (2011). Practice manual for ProtectOHIO Kinship Supports Intervention.

Target Population

ProtectOHIO targets kinship caregivers of children involved in the child welfare system, regardless of custody status or supervision orders. Kinship caregivers may be relatives through blood, marriage, or adoption. ProtectOHIO will be provided to families that have been identified by the ADFAN as eligible for services under title IV-E prevention program and documented as part of their service plan.

Expected Outcomes

Consistent with the outcomes identified as having a positive effect through the independent review of research conducted by the Clearinghouse for ProtectOHIO, ADFAN will look at outcomes regarding permanency and family preservation.

Fidelity Measures

For continuous quality improvement and fidelity of the program model, performance metrics will look at staff completed 100% of required model training (i.e., initial and booster); at least 12 individual and group meetings per family; 70% or more participants and navigators with positive experiences with the program; supervision limit (1 supervisor:6 navigators); caseload limit (1 navigator:20 families); support group limit (1 group:10caregivers); and a monthly home visit per family. To assess minors' permanency and family preservation outcomes, the evaluation will look at child safety quarterly at 3, 6, 9, and 12 months of services referral; and child permanency, child well-being, and adult well-being will be assessed at 6 and 12 months of services referral as part of the case management process.

Assurance for Trauma informed Service Delivery

Appendix: State Assurance of Trauma-Informed Service-Delivery

Evaluation Method (Well-Designed and Rigorous Process)

Process and outcome evaluations will be performed to ensure the fidelity and effectiveness of the ProtectOHIO intervention. See Evaluation and Continuous Quality Improvement Strategy section below for supporting information.

ProtectOHIO will be implemented in Puerto Rico as the Puerto Rico's Kinship Supports Intervention (ProtectPUERTORICO) and integrated to the *Programa de Apoyo a Parientes Cuidadores* (PAPC). ProtectPUERTORICO will promote placement with kinship caregivers as the best practice, increasing care and support for placements with relatives, caregivers, and families. Will ensure that family caregivers have the support they need to meet children's social, emotional, and physical needs. To ensure that service satisfies the needs of these kinship placements, Puerto Rico held meetings with Ohio Department of Job and Family Services, Office of Families and Children and ProtectOHIO to discuss its implementation in Puerto Rico. The contextualization of ProtectOHIO to the Puerto Rican population will be funded by Title IV-B, subpart 2.

The contextualization process will translate ProtectOHIO materials to Spanish and will ensure that is aligned to the ADFAN's case management process and services provision policies. Furthermore, this intervention will be implemented by external providers selected through a Request for Proposals process. This intervention will be rolled out in phases and will be first implemented in Bayamón, Guayama, Humacao and Mayagüez regions.

External Referrals

An accessible, collaborative, and coordinated system to support sustainability in the child welfare system is crucial. Pecora et al (2018) state that a system of care is a "spectrum of effective, community-based services and supports for children and youth with or at risk for mental health or other challenges and their families, that is organized into a coordinated network, builds meaningful partnerships with families and youth, and addresses their cultural and linguistic needs, in order to help them to function better at home, in school, in the community, and throughout life" (Pecora et al, 2018 p. 368). To achieve this type of system requires a broad network of specialized service providers for external referrals. External referrals have become very challenging in Puerto Rico mostly for the economic crisis that has promoted the emigration of health care professionals on a large scale (Perreira et al, 2017). The implementation of Family First will provide mechanisms to facilitate a collaborative infrastructure for a coordinated provision of services between ADFAN and external providers. Puerto Rico is working on multiple initiatives to strengthen the referral system:

* The Steering Committee will formalize agreements with the following organizations:



Health: Department of Health and the Mental Services Administration Health and Addiction.



Social: Department of Housing, Department of Education, Administration for the Sustenance of Minors (ASUME for its Spanish acronym), Temporary Assistance for Needy Families (TANF for its Spanish acronym) and Nutrition Assistance Program (PAN for its Spanish acronym).



Economic Development: Department of Housing, ADFAN Assistant Administration of Prevention and Community Services (particularly the CDBG funds that are given to INSEC and NGOs).



Safety: Department of Justice and Courts, Department of Public Safety.

- ** According to Law 246-2011, a resources directory for referrals must be developed and maintained. The Stakeholder Engagement Workgroup will be working to improve and update the directory.
- ** The Service Workgroup is reviewing the referral process and outreach to external providers in family preservation services.
- * Additional Request for Proposals will be implemented to identify external providers by geographic area as needed.
- ** At the regional level, ADFAN champions will continue the efforts to identify external providers in their geographical areas to maintain an updated resources directory.

Trauma-Informed Approach

According to Pecora et al (2018), services and practices should be guided by principles from system of care and trauma-informed care. Furthermore, Family First establishes that Title IV-E prevention services must be provided under an organizational structure and care framework that involves understanding, recognizing, and responding to the effects of all types of traumas and in accordance with trauma-informed approach and trauma-specific interventions to address trauma's consequences and facilitate healing (section 471(e)(4)(B) of the Act). The Evidence Based Board of Puerto Rico (JPBE-PR, for its Spanish acronym) will collaborate in the efforts of transforming the ADFAN into a trauma-informed care system.

A conceptual and operational definitions of trauma informed approach was developed for Families First Puerto Rico. The conceptual definition states that a trauma-informed approach views trauma through an ecological and cultural lens, and advocates that organizations, systems and programs realize the widespread impact of trauma and understand potential paths for well-being; it recognizes the signs and symptoms of trauma in participants, families, staff, and others involved in the system; it seeks to actively resist re-traumatization; and it promotes the notion that consumers are capable of and can feel confident to actively engage the system and treatment. Systems must recognize that context plays a significant role in how individuals perceive and process traumatic events and responds by fully integrating knowledge about trauma into policies, procedures, and practices (JPBE-PR, 2020 adapted from SAMHSA, 2014; and Modi K., 2019).

The operational definition states that a trauma-informed child and family service system is one in which all parties involved recognize and respond to the impact of traumatic stress on those who have contact with the system, including parents, caregivers, minors, and service providers. Programs and agencies within such a system put in place policies, practices and procedures that promote trauma awareness, knowledge, and skills, on individuals, workforce and organizational culture through their mission, vision, and values, among others. They act in collaboration with all those who are involved with the minor, using the best available practices with scientific evidence, to maximize physical and psychological safety and support the minor and family's ability to thrive.

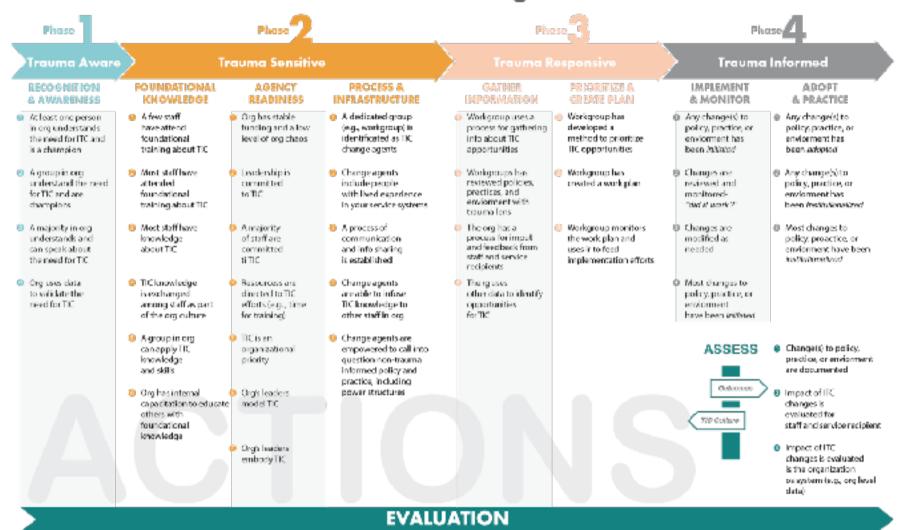
According to JPBE-PR (2020, as adapted from NCTSN, 2016) a service system with a trauma-informed perspective is one in which agencies, programs, and service providers:

- 1. Screen for trauma exposure and related symptoms.
- 2. Use evidence-based, culturally responsive assessment and treatment for traumatic stress and associated mental health symptoms.
- 3. Make resources available to parents, caregivers, minors, and service providers on trauma exposure, its impact, and treatment.
- 4. Engage in efforts to strengthen the resilience and protective factors of survivors impacted by and vulnerable to trauma.
- 5. Address parents' and caregiver's trauma and its impact on the family system.
- 6. Recognize that in some cases resistance to treatment/support is a normal emotional response.
- 7. Create opportunities for survivors to rebuild a sense of control and empowerment.
- 8. Upholds the importance of consumer participation in the development, delivery, and evaluation of services.
- 9. Emphasize continuity of care and collaboration across child-service systems.
- 10. Engage in efforts to prevent re-traumatization.
- 11. Maintains an environment of care and provides access to needed services for staff to address, minimize, and treat secondary traumatic stress and increase staff wellness.
- 12. Implement continuous programmatic evaluation focusing on process, effectiveness, and quality assurance.

The efforts of transforming the ADFAN into a trauma-informed care system will be guided by four phases:

- 1. **Trauma Aware:** In this first phase, both workforce and leadership of the agency recognize and are aware of the prevalence of trauma among our communities, participants being served and the workforce. The main aim of this phase is that most members of the workforce may be able to explain and advocate for the trauma informed approach.
- 2. **Trauma Sensitive:** This phase builds on the previous one, aiming to continue the advocacy for the trauma informed approach and transitioning into an active capacity building stage seeking to promote organizational readiness for change. During this phase process and infrastructure are reviewed to identify areas that may need enhancement or changes that respond to the trauma informed approach.
- 3. **Trauma Responsive:** During this phase, it is expected that all levels of an agency have begun making adjusting in their processes and infrastructure while simultaneously working on the prioritization and planification process for broader changes in policies and practices. It is advisable that at this phase the agency seek to identify opportunities to gather information to continue the development of the trauma informed approach, highlight current trauma informed practices, and measure progress in implementation.
- 4. **Trauma Informed:** This final phase is marked by the implementation and continuous improvement and monitoring of the trauma informed approach, supported by policies and practices to create a culture and environment that feels safe, empowering, trustworthy, and welcoming.
 - 1 **Cultural lens** is the awareness of people's contextual diversity and the impact that their background, beliefs, values, and their community's history have over the way they experience, interpret, and respond to their circumstances and life events. It implies viewing things from the perspective of **another person's** culture while also being aware of our own beliefs, values, and cultural perspectives and assumptions.
 - ² **Trauma** refers to experiences, own or vicarious*, that cause intense reactions of physical and psychological stress. A traumatic experience can refer to a single event, multiple events, or a set of circumstances that is experienced, by an individual or a group, as physically and / or emotionally damaging or threatening; and that has lasting adverse effects on the person's physical, social, emotional, or spiritual well-being (JPBE-PR, 2020).
 - *Vicarious experience: sensations and emotions that are lived through the experiences of other people

Trauma Informed Care Screening Tool



Child Welfare Workforce Support

ADFAN is committed to supporting and enhancing a competent, skilled, and professional workforce to deliver trauma-informed and evidence-based services. To support ADFAN workers' development, the Training and Quality Assurance Office has developed the Continuing Education Modules Training Plan based on continuous needs assessments. This ongoing support will be reviewed to integrate the Family First requirement of Evidence-Based Practices (EBP) delivery within an organizational Trauma-Informed Approach (TIA). Additionally, ADFAN will build upon the existing array of training and delivery methods to enhance the onboarding process, ongoing training, and continuing education. Additionally, new training modules will be developed for external providers to ensure all the workforce involved is equipped with the tools needed to effectively serve children and families (See Child Welfare Workforce Training section for training details).

ADFAN Staff

ADFAN currently employs licensed Social Workers to conduct the case management process. As a minimum requirement, prospective caseworkers will have a bachelor's degree, while prospective supervisors will have a master's degree. Overall, caseworkers (e.g., supervisors, social workers) must complete at least 12 hours of continuing education annually (ADFAN-OA-2013-018). To encourage workers' commitment to their professional development, ADFAN will coordinate with the Continuing Education Units (CEU) to adjudicate hours for qualifying training.

Considering ADFAN contextual factors, workforce recruitment and retention strategies will be incorporated. As established in Act 8, career employees with regular status will have job security if they satisfy the criteria of productivity, efficiency, order, and discipline that must prevail in public service (Act 8-2017: Act for the Administration and Transformation of Human Resources in the Government of Puerto Rico, § 6.6) (See Appendix C). Employees will also be entitled to marginal benefits corresponding to vacation, sick, maternity, paternity, special paid breastfeeding, and unpaid leave. (Act 8-2017: Act for the Administration and Transformation of Human Resources in the Government of Puerto Rico, § 9.1) (See Appendix C). The ADFAN recruitment process will be reviewed (i.e., documentation, interview process, competence assessments) to consider vacancies by assistant administrations and regional needs. This review will be carried out in accordance to Act 8-2017 and Regulation Num. 8992, governed by the Human Resources Administration and Transformation Office (OATRH, for its Spanish initial) (See Appendix D). Additionally, service-related procedures, protocol manuals, and technological and physical infrastructures will be reviewed considering the workforce, minors, and families' needs, the TIA, selected EBPs, among others.

ADFAN's Training and Quality Assurance Office promotes the application of new information, knowledge, and skills among the workforces. According to the Organic Law for the Creation of the Department of the Family, Act 171-1968, employees must be trained to develop the competencies required to execute their functions effectively (Training Office Procedures Manual, 2014) (See Appendix E). For this effort, different capacity-building strategies (e.g., training, technical assistance) will be provided by the ADFAN to facilitate the transfer of knowledge (See Child Welfare Workforce Training section for additional details). The capacity-building efforts will be offered according to the workforce's needs and agency requirements (e.g., pre-service, in-service, multilevel services, supervision, management, administration). For social workers and supervisors, training in the Motivational Interviewing method and standards will be provided. Additionally, supervisors will receive training to promote leadership and trauma-informed integration into their professional practice, emphasizing strengths, protective factors, and positive results. The supervision process will support case management practices and continuous quality improvement activities. Furthermore, training to address the workforce's needs related to their psychosocial aspects will be offered in collaboration with ADFAN external contractors (See Appendix E). Partnerships with public and private organizations will be coordinated to provide training efforts with consistency in content and implementation process.

External Providers

Collaborative agreements will be developed with external providers for the provision of EBPs. ADFAN, in collaboration with the Scientific Partner, will ensure that overall external providers fulfill the professional qualifications and training requirements by the developers and accountability will be monitored. The external providers would have to demonstrate implementation experience of service programs, disposition to be trained, be appropriately certified in the EBP intervention models, participate in the technical assistance sessions, and be committed to the fidelity of implementation. Compliance with these requirements, as well as fiscal and programmatic aspects, will be addressed through contract monitoring activities and other technical assistance and support approaches.

Trauma-Informed Service Delivery for External Providers

ADFAN, in collaboration with the Scientific Partner, will implement new training for the external providers to ensure that minors and families are served from a trauma-informed approach (See Child Welfare Workforce Training section for details). Aligned with the federal Child Abuse, Prevention & Treatment Act (CAPTA) and the Adoption and Safe Families Act of 1997 (ASFA), training will be provided to persons who offer services to minors to develop the proper knowledge and skills for greater effectiveness (Training Office Procedures Manual, 2014) (See Appendix E). Additionally, all EBPs selected for implementation already incorporate trauma-informed service delivery as part of their model design, and the developer's training curriculum will set a strong service delivery foundation.

Child Welfare Workforce Training

To continue supporting the Child Welfare Workforce with the tools needed to provide high-quality trauma-informed services for families, training aims to:

- Disseminate Family First provisions among the workforce to support family's preservation, kinship placement for foster care cases, and high-quality residential treatment.
- Promote the TIA among the child welfare system to realize the widespread impact of trauma; recognize and respond to the signs and symptoms of trauma in clients, families, staff, and others involved in the system, and seek to actively resist re-traumatization.
- Enhance workforce skills in safety and risk assessments and service plan development considering the TIA and EBPs.

Training efforts will integrate multiple delivery methods to promote participation and address worker's needs including educational videos, reading materials, online and in-person lectures, coaching and technical assistance sessions. The following section outlines the training plan for ADFAN's workforce, external providers, and collaborators as part of Families First implementation. This curriculum will be integrated into ADFAN's current training plan and additional trainings will be incorporated based on workforce needs.

ADFAN's Training Curriculum

ADFAN curriculum will integrate training efforts regarding Family First, Trauma, TIA, EBPs, Case Management, and Organizational Health and Development. The following section outlines the training structure for ADFAN's workforce, providers, and collaborators to support the effective monitoring of child safety and family needs, connect families to services, and deliver trauma-informed and evidence-based services. Training Curriculum consists of:

Families First Introductory Training: To promote understanding of Family First, a training will be provided describing its requirements and implications for prevention services, eligibility criteria, Families First prevention plan, and EBPs selected.

Trauma: This training will discuss basic concepts of trauma, children's and families' adverse experiences, understand its manifestations, and basic considerations of working with children and youth exposed to trauma. A sequence of asynchronous training videos will be presented, along with complementary reading material and a live session for discussion, cooperative learning, application exercises, and Q&A.

Trauma-Informed Approach: Consists of three asynchronous training videos that will be dedicated to the trauma-informed approach, encompassing its definition, principles, and service integration, including screening, evaluation, collaborations, vicarious trauma, or secondary stress, and self-care. Training will be accompanied by complementary reading material and a live session for discussion, cooperative learning, application exercises, and Q&A.

Evidence-Based Practices: Consists of an asynchronous video, complementary reading material and a live session to discuss the basics for the use of evidence-based interventions, their relevance, effective implementation, and fidelity assessment. This training will facilitate the necessary knowledge regarding Brief Strategic Family Therapy, Motivational Interviewing, Functional Family Therapy, and Parenting Fundamentals.

Teleservices: ADFAN will promote that families have access to services to the use of strategies as teleservices. This training will discuss the best practices, cultural competencies, documentation, use of technology, and legal, regulatory and ethical standards of practice.

Core Curriculum on Childhood Trauma (CCCT): A training for service providers that could be implemented in person, remote or hybrid formats. It has been designed to improve the level of care for youth and families who have experienced trauma by increasing the knowledge regarding basic principles of childhood traumatic stress. It has also been implemented nationally to help mental health professionals incorporate trauma-informed care knowledge in their professional, community, medical, and graduated school practice settings. The core curriculum uses a strengths-based approach that encourages participants to emphasize supporting factors and positive outcomes more than risk factors and negative outcomes in case formulation. It emphasizes critical reasoning based on strength and care, making the curriculum a useful complement to manualized interventions for trauma impact management, which commonly focus on pathology and dysfunction. CCCT uses detailed case vignettes of trauma-exposed youth and families, combined with problem-based learning methods, to promote two main learning objectives: (a) improve the development of fundamental conceptual knowledge related to trauma, and (b) accelerate the acquisition of trauma-based clinical reasoning and clinical judgment.

Integrative Approach to Trauma (IATT): Its main objective is to provide trauma-informed training to ADFAN professionals who directly supervise the agency's social workers and case managers. This training seeks to help ADFAN supervisors conduct trauma-informed supervision conferences with evidence-based strategies at all stages, from case investigation to service plan implementation. IATT Curriculum has seven content sessions, accompanied with practical exercises.

Motivational Interviewing (MI): MI is a method of counseling clients designed to promote behavior change and improve physiological, psychological, and lifestyle outcomes (See Table 2a).

Foundation for Outreach through Experiential Child Advocacy Studies Training (FORECAST): Project developed by The Children's Advocacy Services of Greater St. Louis funded by SAMHSA grant. It is based on Problem-Based Learning Simulations (PBL-S) and focused on the dissemination and application of CCCT in the child maltreatment contexts. Through Project Forecast simulations, the attendees receive training in PBL-S to develop the workforce's Trauma Informed Experiential Reasoning Skills (TIERS). Forecast will create a child-serving workforce competent at responding to child maltreatment and childhood trauma experiences to reduce further trauma and promote resiliency.

Leadership Academy: The Leadership Development Program was developed by the National Child Welfare Workforce Institute (NCWWI). This program aims to provide directors and supervisors with opportunities to become experts in leading change, fostering collaborations, implementing results-oriented decisions, and leading people. The curriculum for this program consists of a variety of learning components that work together to prepare participants to lead effectively in the field of child welfare. This program lasts approximately six months and consists of five directed sessions, one self-directed session, and seven coaching sessions. The directed sessions discuss the fundamentals of leadership, leading change, leading in context, leading to results, and leading people. The self-directed session is a pre-training session. Coaching sessions focus on supporting the transfer of learning to the workplace and facilitating the successful implementation of sustainable change.

Wellness and Mindfulness Program: The goal of the program is to cultivate an expanded awareness, a compassionate posture, and a willingness to consistently experience and engage in meaningful personal behaviors. Throughout its implementation, topics related to Post-Traumatic Growth, Mindfulness, Emotion Management, and Acceptance and Commitment will be discussed. Through the implementation of this program, it is expected to obtain several results regarding the development of skills to recognize and manage emotions, increase their knowledge about personal strengths, emotional well-being skills, and their levels of work satisfaction and commitment.

ADFAN's Training to Conduct Risk Assessments

ADFAN has implemented an adaptation of the Safety Assessment Family Evaluation (SAFE) Model, a strengths-based, family-centered, and trauma-informed model. Considering the contextual factors of the ADFAN (e.g., limited human resources, high caseloads, availability of trained supervisors) it is important to provide case management capacity building efforts for the workforce. ADFAN will provided ongoing trainings for workers and supervisors in child safety and risk assessment and monitoring, and effective documentation process to monitor child's safety. Additionally, the supervisors will provide coaching and support to promote the best practices regarding risk and safety assessment and management.

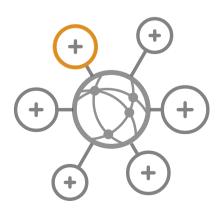
ADFAN's Training for the Development of Service Plans

The implementation of the Title IV-E Prevention Plan requires that overall case management workers guarantee a Service Plans according to the family needs to mitigate risk factors and promote safety. The ongoing trainings regarding the Generalist Intervention Model and the Safety Model will support workers understanding of the engagement, plan, intervention, and evaluation processes integrating the TIA with the families. These trainings will expand on the understanding of present danger, imminent danger, and the protective capacities of the parents, caregivers, or any responsible adults to reinforce the importance of preserving the family.

External Provider Training Curriculum

ADFAN will facilitate ongoing training opportunities for external providers regarding Families First and consistent with the information provided to the workforce. The external providers training program will be delivered across 10 trainings with a total length of 27-hour. Topics will include Family First, Trauma, TIA, EBPs, and Teleservice. Additionally, specialized training of intervention models on Brief Strategic Family Therapy, Functional Family Therapy, and Parenting Fundamentals will be offered to selected providers.

Consultation and Coordination



Large-scale social change comes from better multisectoral coordination rather than isolated interventions from individual organizations. According to Kania and Kramer (2011), Collective Impact is the commitment of a group of actors from different sectors to a common agenda for solving a complex social problem. Collective impact initiatives involve a centralized infrastructure, a dedicated staff, a structured process that leads to a common agenda, shared evaluation, continuous communication, and reinforcement of activities among all participants (Kania & Kramer, 2011). The transformation from isolated impact to collective impact is not merely a matter of fostering greater collaboration or public-private partnerships; rather, a systemic approach to social impact is required to focus on relationships between organizations and progress towards shared goals (Kania & Kramer, 2011).

Collective Impact is a very specific type of collaboration that requires five conditions to be met. According to Kania and Kramer (2011) the five conditions to collective success are:

1. Common agenda - All participants must have a shared vision for change, one that includes a common understanding of the problem and a joint approach to solving it through agreed-upon actions.

- 2. **Shared measurement** Collecting data and measuring results consistently on a short list of indicators at the community level and across all participating organizations to ensure that all efforts remain aligned and enable the participants to hold each other accountable and learn from each other's successes and failures.
- 3. **Mutually reinforcing activities** Collective impact initiatives depend on a diverse group of stakeholders working together by encouraging each participant to undertake the specific set of activities at which it excels in a way that supports and is coordinated with the actions of others.
- 4. **Continuous communication** Participants need several years of regular meetings to build up enough experience with each other to recognize and appreciate the common motivation behind their different efforts and develop a shared vocabulary, build trust, and ensure sustainable coordination of activities.
- 5. Backbone organization The backbone organization requires a dedicated staff separate from the participating organizations who can plan, manage, and support the initiative through ongoing facilitation, technology, and communications support, data collection and reporting, and handling the myriad logistical and administrative details needed for the initiative to function smoothly. Strive has simplified the initial staffing requirements for a backbone organization to three roles: project manager, data manager, and facilitator.

Using the collective impact approach as a framework, ADFAN is leading efforts focused on creating an integrated coordination of services, identification of needs and a joint approach to solving them through previously agreed-upon actions. Coordination of services refers to the centralized process by which multiple services and supports, often provided by multiple agencies, are synchronized to address the needs and strengths of each child, youth, or family. Several efforts have been established to achieve a collaboration of services:

- The PR-DF, through the coordination of the Steering Committee, ADFAN held various meetings with Agencies and Organizations that offer mental health and substance abuse services in order to generate shared knowledge about Family First and its implications in our family welfare system, identify areas of collaboration, and establish interagency agreements for its implementation in Puerto Rico.
- The Steering Committee established six sub-committees to address work areas of public policy and licensing, organizational development, evidence-based practices, trauma-informed approach, stakeholders' engagement, supervision, kinship, and evaluation. These sub-committees have a diverse membership that represents multiple components of the child welfare system in Puerto Rico, such as Directors of Regional Offices, Supervisors of Local Offices, Social Work Specialists, Attorneys of the Department of Justice, Justice Project for the Childhood of the Judicial Branch, Administration of Mental Health and Anti-Addiction Services, and Organizations that provide services to the population served by the family protection and welfare system. In addition, consultation meetings were established with other agencies, developers of evidence-based practices, and community-based organizations.
- *Services provided under the Title IV-E prevention program will be coordinated with services provided under the state Title IV-B plan. Through the integration of the Puerto Rico Prevention Plan and the Child and Family Services Plan (CFSP) programs and services will be leveraged. Integration of these funds will allow Puerto Rico to provide a continuum of services to families from low to high risk. For example, the CFSP 2020-2024 leverage funds from the Title IV-B Subpart 2 to support the provision of universal prevention services by non-profit organizations and municipalities. These services are focused on preventing child abuse, promote the safety and stability of families, facilitate educational and recreational activities, provide mentoring services, and legal intercessory. While, Title IV-E funds will be use for secondary and tertiary prevention services such as those included in the array of services for Family First. Another effort to leverage these funds includes the expansion of services for Kinship families. These families may received the Kinship Navigator Program funded by Title IV-B, and received Title IV-E services if they are found to meet the eligibility criteria.
- An initiative was carried out by using an online inventory to identify external providers and assess the availability of services for Family First areas.
- *To promote collaboration between state agencies, the PR-DF has offer orientation meetings and training efforts regarding the provision of integrated services through Family First Prevention Services Act and the public policy. A total of 1,987 participants have been impacted across the child welfare system in Puerto Rico through 51 orientation meetings. Of those:
 - 24 orientations meetings were across PR-DF overall regions with 407 participants including Title IV-E Unit, Office of Licensing, social workers specialists, associated directors, social workers supervisors, and social workers.
 - 17 orientations meetings were offered to PR-DF external service providers with 199 participants including Congregate Care and Foster Parents. Additional training was coordinated for these participants on Evidence-Based Practices, Trauma Informed Approach, Policies and Procedures, and Economic Planning.

- 10 orientations meetings were offered to Judges of the Judiciary, Juvenil Procurators of the Department of Justice, Social Workers of the Department of Education, and members of the State Advisory Group (SAG) with 1,381 participants.
- * A series of Memorandum of Understandings (MOU) are being developed:
 - ADFAN and the Advisory Committee on Juvenile Justice and Delinquency Prevention or State Advisory Group (SAG). Law 75-1986, known as the "Program of Juvenile Justice and Crime Prevention Law," allows the creation of an "Advisory Committee on Juvenile Justice and Crime Prevention in Puerto Rico" or "State Advisory Group" (SAG), in compliance with the provisions of the Juvenile Justice and Delinquency Prevention Act of 2002. Among its responsibilities is the advising of the director of the agency in the preparation of an annual work plan for the program, submitting an annual report to the Governor of Puerto Rico with recommendations for the improvement of the juvenile system, as well as providing an analysis of the problem of juvenile delinquency in Puerto Rico, among others. To this end, meetings were held focused on generating efforts towards compliance with the provisions and implications of Family First in the juvenile justice system. Some of the main aspects discussed were state certification, GAO report in 2025, data collection, and a committee's creation. A collaboration agreement is being developed between ADFAN and SAG to establish the roles that said advisory body would assume to monitor and generate reports on the intersection between the implementation of Family First and the Puerto Rico Juvenile Justice System.
 - ADFAN and Mental Services Administration Health and Addiction (ASSMCA): Family First defined a new category of placement called Quality Residential Treatment Program (QRTP), to address children with serious emotional or behavioral disorders or disturbances with assessed need. QRTPs are one of the few non-family settings that are eligible for Title IV-E reimbursement. Among other requirements, QRTPs must be licensed, accredited, and have registered or licensed nursing staff and/or licensed clinical staff onsite according to the treatment model. Family First requires a QRTP to be licensed by the Title IV-E agency. However, according to Law No. 67 of August 7, 1993, as amended known as the "Mental Health and Addiction Services Administration Law", institutions for mental health treatment purposes must be licensed by the ASSMCA. Therefore, a collaboration agreement is being developed between ADFAN and ASSMCA to establish licensing, monitoring and inspection processes of non-family settings that offer mental health services to children and youth in foster care placed in these settings.
 - ADFAN, The Justice for Children Project ascribed to the Director of Judicial Programs of the Office of Court Administration and legal assistance programs. This collaboration considers that all the programs and entities (universities, municipalities, etc.) that offer legal support to families can claim Title IV-E funds and receive reimbursement for expenses incurred to represent the families.
- **Other agreements are being developed to help with capacity building and training in the TIA. Furthermore, interagency mechanisms will be established to coordinate and provide services. A list of possible collaborators such as Agencies, Departments, and Units was developed:



1. Department of Health

- a. Auxiliary Secretariat of Family Health and Integrated Services
- b. Auxiliary Secretariat of Planning and Development
- c. Auxiliary Secretariat of Regulation Accreditation of Health Facilities (SARAFS)
- d. Controlled Substances and Investigations



2. Mental Health and Anti-Addiction Services Administration

- a. Prevention
- b. Treatment
- c. Recovery Oriented Services



3. Department of Justice

- a. Auxiliary Secretariat for Minors and Family Affairs
- b. Child Death Review Panel
- c. Citizen Assistance Office
- d. Office of Prosecutorial Development and Training
- e. Division of External Resources



4. Department of Corrections and Rehabilitation

- a. Auxiliary Secretariat of Management and Administration
- b. Auxiliary Secretariat of Programs and Services
- c. Youth Institutions Bureau
 - i. Evaluation and Classification Office



5. Department of Public Safety

- a. Firefighters Bureau
- b. Special Investigations Bureau
- c. Police Bureau
 - i. Domestic Violence Division
 - ii. Sexual Crimes and Child Abuse Division
 - iii. Citizen Interaction Committee
 - iv. Coordinator with the Office of the Citizen's Attorney
 - v. Training Coordinator
 - vi. Community Relations Bureau
 - vii.Criminal Investigation Corps
 - 1. Sex Crimes Investigations Division
 - 2. Domestic Violence Investigations Division
 - 3. Youth Affairs Division

viii. Auxiliary Superintendence of Management Services

- 1. Human Resources Bureau
 - a. Psychology and Social Work Division
 - b. Personnel Training Division
- 2. Administrative Services Bureau
 - a. Criminal Record Certificate Issuance Division
- ix. Auxiliary Superintendence of Education and Training



6. Department of Housing

- a. Housing
- b. Planification
- c. Economy
- d. Infrastructure



7. Department of Education

- a. Associated Secretary of Special Education
 - b. Secretariat for Legal Affairs and Public Policy

The PR-DF will continue developing and supporting consultation and coordination efforts to strengthen the array of services in the service areas targeted by Family First.

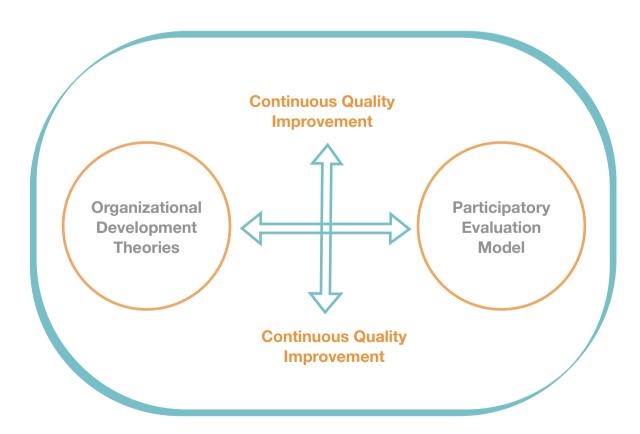
Evaluation and Continuous Quality Improvement Strategy

Context and Approach

To provide services that improve outcomes for minors and families, ADFAN has an internal Training and Quality Assurance Office. This office leads assessment efforts across the ADFAN to track quality standards of safety, permanency, and well-being among minors and provide evidence of its progress at local and federal levels. Additionally, the Training and Quality Assurance Office collaborates actively in the development and implementation of the Puerto Rico State Plan and internal improvement plans for capacity-building initiatives that address areas of need. Considering Training and Quality Assurance Office capacity and human resources, ADFAN will partner with its Scientific Partner to continue enhancing quality improvement practices. The Scientific Partner will work closely with ADFAN to design and implement a rigorous evaluation for the Prevention Plan. The Scientific Partner's evaluation team has expertise in the evaluation of health programs, applied research on human service organizations, basic research on public health issues, and the development of methods to measure program success.

The evaluation will provide the coordination, methodology, and analytical framework to assess the Family First implementation in Puerto Rico. The participatory evaluation approach, organizational development theories, and continuous quality improvement framework will be integrated to foster an evaluation culture in the ADFAN (Mertens and Wilson, 2012). The integrative evaluation approach (Figure 9) will guide the collection of useful data to drive improvements as an ongoing process; facilitate the communications between and within ADFAN, consultants, and services providers to facilitate the better use of resources; and promote evaluation capacity building among ADFAN staff and services providers. Evaluation activities will integrate formative (process) and summative (results) efforts using multiple methods (e.g., quantitative, qualitative, mixed) and data collection techniques (e.g., document analysis, individual interviews, focus groups, site visits) to assess the services. The evaluation design will primarily address the question: To what extent are the ADFAN services promoting family preservation? Additional questions are included by each service component as detailed below in the Evaluation of Family Preservation Evidence-Based Programs and Interventions section. Key evaluation questions will be periodically reviewed considering service and stakeholders' needs and will guide the discussion to prioritize efforts and resources.

FIGURE 9.
Integrative Evaluation Approach



Overall services will be continuously monitored to ensure fidelity to the services models, determine outcomes achieved, and ensure data-driven decision-making. The evaluation will include the development of the theory of change; evaluation design; logic model; data collection and analysis plans; action plans; dissemination plans; and data-sharing agreements. The theory of change and logic model tools will provide the theoretical framework to guide the prevention services planning, implementation, and assessment. This visual representation will provide a shared understanding of the relationships among the resources that the services have to operate, planned activities, and the desirable outcomes (Funnell, & Rogers, 2011). Data collection and analysis plans will standardize and structure overall data collection and quality control processes, the scales and instruments to be used, as well as procedures to assure the confidentiality and security of all data. Informed consent will be obtained from all participants before data collection. **Implementation plans** will serve to actively involve stakeholders in monitoring and tracking processes. Additionally, implementation plans will integrate the evaluation activities, as well the steps, proposed date, and responsible parties to support effective planning and management of the new services. Dissemination plans will include the purpose, timeframe, and format to share the evaluation findings by stakeholder groups. Performances and evaluation findings will be presented using traditional and innovative dissemination strategies based on audience profile, culture, language, and literacy, among other factors. For this evaluation, audiences include the ADFAN, U.S. Department of Health & Human Services, local and federal government and legislative bodies, service providers, and service users (e.g., minors, families, community). As a participatory evaluation, the ADFAN will be engaged in the selection of dissemination strategy, as well as in the development and dissemination itself in different levels to foster data-driven decision making for the overall implementation.

Data-sharing agreements will be established among ADFAN, services providers, and other stakeholders to facilitate continuous quality improvements and evaluation efforts. These agreements will promote information exchange and set standards to support stakeholders regarding their roles and responsibilities. Information systems have a crucial role to ensure the necessary data for feedback loops and reporting evidence are collected. The Integrated Case Management System (SIMCa for its initials in Spanish) was established by ADFAN to centralize the case management processes and data and to streamline child welfare services in compliance with federal information requirements (Softek, 2015). The SIMCa was designed to collect all the information about referrals, investigations, family preservation, foster care, and adoption efforts and administrative data in the Agency. Since 2015, ADFAN has encountered several challenges in the institutionalization of the SIMCa since the data migration process imported duplicated cases and workforce low readiness to electronic documentation have resulted in lack of data entry. ADFAN statewide information system will be enhanced to guarantee Puerto Rico has the technological capacity to ensure minors' safety and permanency data are systematically collected in a timely manner and in compliance with federal requirements. A review of the SIMCa will be crucial to perform cases data cleaning process, identify and integrate new data elements, and provide guidance for the workforce capacitybuilding efforts related to cases documentation. Additionally, other HIPAA compliance systems will be explored to support data collection if needed.

Evaluation of Family Preservation Evidence-Based Programs and Interventions

The Evidence-Based Programs (EBP) and interventions selected for implementation aims to promote minors' permanency and family preservation when possible. To assess minors' permanency and family preservation the evaluation will look at child safety, child permanency, child well-being, and adult well-being periodically at six and 12 months of services referral. For the evaluation of EBP, the evaluation questions will look at: Were the services implemented as planned?; What are the barriers and facilitators to the successful implementation of services?; To what extent was there service fidelity (adherence to the intended model of practice)?; and To what extent were the services achieving their outcomes? Table 3 presents ADFAN's theory of change for the array of programs and interventions for preservation services for families in Puerto Rico. Additionally, for each of the proposed interventions, a logic model has been developed (see Appendix F to L) or is under development. The theory of change for preservation services and logic models will be revisited annually to adjust the implementation strategy based on evaluation results.

Table 3.

Theory of Change for Preservation Service for Families in Puerto Rico

Target Population	Programs & Interventions	Outputs	Outcomes
Identify, assess, and provide services to families with minors at risk of entering or re-entering Foster Care including: • Families referred to preservation services to prevent the minor from entering foster care. • Minors and families with a reunification plan. • Minors whose placement after being removed from their home is with a family relative or kinship caregiver, and their permanency plan is not reunification. • Minors in foster care who are pregnant and their permanency plan is not reunification. • Minors in foster care who are raising a child and their permanency plan is not reunification. • Families at risk of experiencing disruptions in the guardianship or adoption plans.	Provide evidence-based programs and interventions that are culturally appropriate and align with the characteristics and needs of the target population: • Motivational Interviewing • Parenting Fundamentals • Brief Strategic Family Therapy • Functional Family Therapy • Ohio's Kinship Supports Intervention/ProtectOHIO	Expected results are achieved in each intervention and program and family functioning improve including: • Family adherence to the services agreed during the case management process. • Minors' well-being: Increase behavioral and emotional functioning • Minors' well-being: Decrease substance use • Minors' well-being: Decrease delinquent behavior • Minors' permanency: Out-of-home placement • Minors' permanency: Placement stability • Adults' well-being: Increase positive parenting practices. • Adults' well-being: Decrease parents' and caregivers' substance use • Adults' well-being: Decrease the parents' and caregivers' mental or emotional health. • Adults' well-being: Increase family functioning.	Decrease in minors' maltreatment through: • Reduce entry into Foster Care. • Reduce re-entry into Foster Care. • Reduce the Foster Care census.

To document and track the processes and outcomes of evidence-based programs and interventions, Puerto Rico will design detailed evaluation and action plans considering the programs developers recommendations. Assessments' timeframe will vary considering each intervention design. Additional measures may be collected, as needed, to expand knowledge for planning. For "Well supported, Supported, and Promising" practices, the initial evaluation plan will include:

Motivational Interviewing evaluation strategy (see Appendix F) will focus on outcomes regarding program participation and the progress in the stage of change, the development of the family service plan, referrals to services needed, families' adherence to the services referred, minors' permanency, and family preservation. For fidelity of the program model, we will look at 100% staff with qualifications as case management worker; staff completed 100% of required model training (i.e., initial and booster); case manager competence/model adherence (i.e., collaboration, evocation, autonomy, and empathy). To collect fidelity data Puerto Rico will use the Motivational Interview Observation Form and the Motivational Interview Assessment Form. For continuous quality improvement, performance metrics will look at case documentation (i.e., frequency and consistency); case review (i.e., thorough, and adequate); 70% or more participants and case management workers with positive experiences with the program; coaching limit (1 facilitator:6 case managers); caseload limit (1 case manager:20 families); and a monthly home visit per family.

To assess minors' permanency and family preservation outcomes, the evaluation will look at child safety quarterly at 3, 6, 9, and 12 months of services referral; and child permanency, child well-being, and adult well-being will be assessed at 6 and 12 months of services referral as part of the case management process. For the purposes of continuous monitoring ADFAN will focus on outcomes related to minors' and adults' well-being which will be collected throughout the life of the case (See Appendix B for further detail on the "Life Cycle of a Case") by ADFAN workers in collaboration with external services providers. Data will be collected as established in the Manual on Norms and Procedures for the Continuum of Services for Minors in the Welfare System (ADFAN-PFF-CSA-2006-021) using ADFAN' forms, SIMCa system, and Survey Monkey Platform. Additional tracking systems will be developed to monitor program progress and results (e.g., Survey Monkey, Excel, PDF).

Brief Strategic Family Therapy evaluation strategy (see Appendix G) will focus on outcomes regarding program participation and minors' and adults' well-being. To assess minors' and adults' well-being outcomes, the evaluation will look at increase of minors' behavioral and emotional functioning; decrease of minor's substance use; decrease of minors' delinquent behaviors; decrease of parents' and caregivers' substance use; and increase of family functioning. For fidelity of the program model, we will look at 100% staff with qualifications as certified therapists; staff completed 100% of required model training (i.e., initial and booster); between 8 to 24 meetings per family; rate of staff consultations with supervisors. To collect fidelity data Puerto Rico will use Brief Strategic Family Therapy Fidelity Ratings and Brief Strategic Family Therapy Roster. For continuous quality improvement, performance metrics will look at interdisciplinary case management communication; 70% or more participants and therapists with positive experiences with the program; supervision limit (1 supervisor:4 therapists); caseload limit (1 therapist:10 to 15 families); and one weekly meeting per family. For the purposes of continuous monitoring ADFAN will focus on outcomes related to minors' and adults' well-being which will be collected throughout the life of the case (See Appendix B for further detail on the "Life Cycle of a Case") by ADFAN workers in collaboration with external services providers. Data will be collected as established in the Manual on Norms and Procedures for the Continuum of Services for Minors in the Welfare System (ADFAN-PFF-CSA-2006-021) using ADFAN' forms, SIMCa system, and Survey Monkey Platform. Additional tracking systems will be developed to monitor program progress and results (e.g., Survey Monkey, Excel, PDF).

Functional Family Therapy evaluation strategy (see Appendix H) will focus on outcomes regarding program participation and minors' and adults' well-being. To assess minors' and adults' well-being outcomes, the evaluation will look at increase of minors' behavioral and emotional functioning; decrease of minor's substance use; decrease of minors' delinquent behaviors; increase of positive parenting practices; and increase of family functioning. For fidelity of the program model, we will look at 100% staff with qualifications as certified therapists; staff completed 100% of required model training (i.e., initial and booster); between 8 to 20 meetings per family. To collect fidelity data Puerto Rico will use instruments such as Global Therapist Checklist/Weekly Supervision Checklist. For continuous quality improvement, performance metrics will look at interdisciplinary case management communication; rate of staff consultations with supervisors; 70% or more participants and therapists with positive experiences with the program; supervision limit (1 supervisor:8 therapists); caseload limit (1 therapist:20 families); and one weekly meeting per family. For the purposes of continuous monitoring ADFAN will focus on outcomes related to minors' and adults' well-being which will be collected throughout the life of the case (See Appendix B for further detail on the "Life Cycle of a Case") by ADFAN workers in collaboration with external services providers. Data will be collected as established in the Manual on Norms and Procedures for the Continuum of Services for Minors in the Welfare System (ADFAN-PFF-CSA-2006-021) using ADFAN' forms, SIMCa system, and Survey Monkey Platform. Additional tracking systems will be developed to monitor program progress and results (e.g., Survey Monkey, Excel, PDF).

Kinship Navigator Program (Puerto Rico's Kinship Supports Intervention (ProtectPUERTORICO)) will be supported for its contextualization to the Puerto Rican population. The ProtectOHIO contextualization will include materials translation to Spanish and evaluation efforts to ensure its alignment with the cultural aspects and ADFANs' case management provision policies. A program logic model, families' needs assessment, and other data collections will be designed as part of the contextualization. For continuous quality improvement and fidelity of the program model, performance metrics will look at staff completed 100% of required model training (i.e., initial and booster); at least 12 individual and group meetings per family; 70% or more participants and navigators with positive experiences with the program; supervision limit (1 supervisor:6 navigators); caseload limit (1 navigator:20 families); support group limit (1 group:10caregivers); and a monthly home visit per family. To assess minors' permanency and family preservation outcomes, the evaluation will look at child safety quarterly at 3, 6, 9, and 12 months of services referral; and child permanency, child well-being, and adult well-being will be assessed at 6 and 12 months of services referral as part of the case management process. The program, minors' permanency, and family preservation data will be collected throughout the life of the case (See Appendix B for further detail on the

"Life Cycle of a Case") by ADFAN workers in collaboration with external services providers (e.g., Programa de Apoyo a Parientes Cuidadores, PAPC for its initials in Spanish). Data will be collected as established in the Manual on Norms and Procedures for the Continuum of Services for Minors in the Welfare System (ADFAN-PFF-CSA-2006-021) using ADFAN' forms and SIMCa system. Additional tracking systems will be developed to monitor program progress and results (e.g., Survey Monkey, Excel, PDF).

Parenting Fundamentals evaluation strategy (see Appendix I) will design quasi-experimental research (e.g., time-lag design) to assess program effectiveness among parents and caregivers receiving services in the ADFAN (Salkind, 2010). To assess adults' well-being outcomes, the evaluation will look at increase of positive parenting practices; increase of family functioning; decrease of parents' and caregivers' mental or emotional health; and increase of general well-being. For continuous quality improvement and fidelity of the program model, performance metrics will look at staff completed 100% of required model training (i.e., initial and booster); 10 meetings per family; 70% or more participants and educators with positive experiences with the program; facilitation limit (1 group:2 educators); supervision limit (1 supervisor:6 educators); group limit (1 group:15 parents and caregivers); and between 1 to 4 home visit per family. The program and adults' well-being data will be collected throughout the life of the case (See Appendix B for further detail on the "Life Cycle of a Case") by ADFAN workers in collaboration with external services providers. Data will be collected as established in the Manual on Norms and Procedures for the Continuum of Services for Minors in the Welfare System (ADFAN-PFF-CSA-2006-021) using ADFAN' forms, SIMCa system, and Survey Monkey Platform. Additional tracking systems will be developed to monitor program progress and results (e.g., Survey Monkey, Excel, PDF).

Evaluation of Workforce Development Program, Case Management and Supervision Interventions

As part of the efforts to become a trauma-informed organization, ADFAN will implement several capacity-building initiatives for the workforce. These initiatives will integrate the Substance Abuse and Mental Health Services Administration's Concept of Trauma and Guidance for a Trauma-Informed Approach (SAMHSA, 2014) to enhance the quality, effectiveness, and delivery of services provided through ADFAN. The evaluation will address the question: To what extent are the workforce programs, case management and supervision strategies and interventions facilitating the organizational change toward improving the trauma-informed approach among ADFAN? The Trauma Responsive Understanding Self-Assessment Tool (Coordinated Care Services, 2019) will be used to assess the 10 implementation domains of SAMHSA's concept of a trauma-informed approach (i.e., governance and leadership; policy; physical environment; engagement and involvement; cross-sector collaboration; screening, assessment, treatment services; training and workforce; development; progress monitoring and quality assurance; financing; and evaluation). Supplementary information would be considered based on stakeholders needs. Potential indicators include observational data to gain insight regarding the services process (e.g., feedback on trauma triggers, re-traumatization, collaboration); the number of trauma-related capacity building for the workforce; the number of trauma-specific efforts (e.g., screening, assessment, services, policies) integrated withing ADFAN; among others. Furthermore, a self-administered survey (King, et al., 2019) will be used during the first and fifth vears of the Puerto Rico Family First to assess workforce progress regarding knowledge, attitudes, and practices towards the integration of trauma-informed approach. Additional measures may be collected, as needed, to expand knowledge for trauma-informed approach planning and implementation (i.e., assumptions, principles, and domains).

For each of the proposed programs and interventions for the workforce, a logic model has been developed or is under development. To document and track the implementation and outcomes of the workforce programs and interventions, the initial evaluation plan will include:

Families First Introduction, Trauma, Trauma Informed Approach, Evidence-Based Practices, and Teleservices evaluation strategy (see Appendix J) will integrate pre- and post-self-administered surveys using Survey Monkey. To assess outcomes, the evaluation will look at workforce participation and increased of knowledge regarding the trauma-informed approach, trauma, evidence-based practices, and teleservices. For continuous quality improvement and fidelity of the program model, performance metrics will look at 80% of the ADFAN workforce will participate in at least 3 interactive group discussions; 80% of the sessions will have a 7-hour length; 80% of the sessions content will be discussed; 70% or more workers with positive experiences with the program; at least 70% in trauma-informed approach, trauma, evidence-based practices, and teleservices knowledge; and facilitation limit (1 interactive group discussion:30 workers); and mean score of 2.5 or more in facilitation skills.

Core Curriculum on Childhood Trauma (CCCT) (see Appendix K) will integrate after-course self-administered surveys using Survey Monkey. To assess outcomes, the evaluation will look at workforce participation and level of satisfaction, quality of the facilitation, perceptions of changes in confidence/skills to work effectively with minors and youth, and sociodemographic information among the workforces. For continuous quality improvement and fidelity of the course model, performance metrics will look at 80% of the ADFAN case management workers will participate; 80% of the sessions content will be discussed; 80% of the sessions will have a 8-hour length; 70% or more workers with positive experiences with the course; 2 podcasts disseminated among the participants; facilitation limit (1 group session:25 case management workers); and mean score of 2.5 or more in facilitation skills.

Integrative Approach to Trauma (IATT) evaluation will develop a logic model and establish potential measures to assess process and outcomes.

Motivational Interviewing (MI) evaluation strategy (see Appendix F) will focus on outcomes regarding program participation and the progress in the stage of change, the development of the family service plan, referrals to services needed, families' adherence to the services referred, minors' permanency, and family preservation. For continuous quality improvement and fidelity of the program model, performance metrics will look at 100% staff with qualifications as case management worker; staff completed 100% of required model training (i.e., initial and booster); at least 12 meetings per family; case documentation (i.e., frequency and consistency); case review (i.e., thorough and adequate); case manager competence/model adherence (i.e., collaboration, evocation, autonomy, and empathy); 70% or more participants and case management workers with positive experiences with the program; coaching limit (1 facilitator:6 case managers); caseload limit (1 case manager:20 families); and a monthly home visit per family. To assess minors' permanency and family preservation outcomes, the evaluation will look at child safety quarterly at 3, 6, 9, and 12 months of services referral; and child permanency, child well-being, and adult well-being will be assessed at 6 and 12 months of services referral as part of the case management process. The program, minors' permanency, and family preservation data will be collected throughout the life of the case (See Appendix B for further detail on the "Life Cycle of a Case") by ADFAN workers in collaboration with external services providers. Data will be collected as established in the Manual on Norms and Procedures for the Continuum of Services for Minors in the Welfare System (ADFAN-PFF-CSA-2006-021) using ADFAN' forms and SIMCa system. Additional tracking systems will be developed to monitor program progress and results (e.g., Survey Monkey, Excel, PDF).

Foundation for Outreach through Experiential Child Advocacy Studies Training (FORECAST) evaluation strategy will develop a logic model. To assess outcomes, the evaluation will design pre- post-, and/or follow up- assessments for outcomes related to workforce participation, interpersonal skills, job skills, knowledge of child protection work, skill in designing and staging simulations, capacity to provide emotional support, and ability in coaching and modeling, the experience of simulation training, change in confidence, job satisfaction, and turn over intentions. For continuous quality improvement and fidelity of the program, performance metrics will be identified to look at the number and length of simulations; session content, activities length/ duration; workers' experiences with the program; facilitation limit; and facilitation skills.

Wellness and Mindfulness Program evaluation strategy (see Appendix L) will integrate pre-, post-, and follow up- self-administered survey using Survey Monkey. To assess outcomes, the evaluation will look at workforce participation, increase in the use of mindfulness skills; increase emotional well-being skills; and increase the levels of positive effects. For continuous quality improvement and fidelity of the program model, performance metrics will look at 80% of the ADFAN workers will participate; at least 2 session per group; 80% of the sessions content will be discussed; 80% of the sessions will have a 6-hour length; 70% or more workers with positive experiences with the program; facilitation limit (1 group session:15 workers); and mean score of 2.5 or more in facilitation skills.

Leadership Academy for Mid Management and Supervisors evaluation strategy will develop a logic model. To assess outcomes, the evaluation will design pre- post-, and/or follow up- assessments for outcomes related to workforce participation, increase in leadership skills, competencies, and behavior, support for staff, intellectual stimulation, staff recognition, communication about change, and organizational justice. For continuous quality improvement and fidelity of the program, performance metrics will be identified to look at the number and length of sessions; session content, activities length/ duration; associate directors' and supervisors' experiences with the program; facilitation limit; and facilitation skills.

Benchmarking use of Collective Impact for Families Positive Development and Well-Being

The collective impact (CI) approach will guide the integration of ADFAN workers, consultants, services providers, governmental organizations, community-based organizations, families, and other stakeholders in the common efforts of supporting the family's positive development and well-being. For the evaluation of this approach, the Guide to Evaluating Collective Impact (Preskill, et al., 2014) will be used. This framework will guide the performance measurement and evaluation efforts and promote continuous learning to ensure collective impact success. Evaluation indicators and measurements will be developed to assess the five core conditions for a CI initiative: common agenda, backbone function, mutually reinforcement activities, shared measurements system, and continuous communication. The evaluation question will assess: To what extent and in what ways is the CI initiative incorporating the five core conditions? To what extent and in what ways are the various stakeholders making efforts to promote the family's positive development and well-being? What difference has the Family First initiative made on its stakeholders and their capacity to address the family's positive development and well-being? A performance measurement system will be developed to understand the CI progress and track early performance indicators on key elements of the collaborative infrastructure. The evaluation will include developmental, formative, and summative efforts to better understand the CI context and its development.

BSFT, Motivational Interviewing and FFT Effectiveness

Puerto Rico will request an evaluation waiver for three evidence-based practices, Brief Strategic Family Therapy (BSFT), Motivational Interviewing and Functional Family Therapy. All have been classified by the Title IV-E Prevention Services Clearinghouse as well supported. Through the evaluation of the Title IV-E Prevention Services Clearinghouse, BSFT shown to be effective for minor and their families, who display or are at risk for developing problem behaviors. BSFT has demonstrated favorable effects child-wellbeing outcomes such as behavioral and emotional functioning, substance abuse and delinquent behavior. It was also favorable for adult well-being outcomes. The findings from the Title IV-E Prevention Services Clearinghouse are summarized in the table below.

Outcome	Effect Size 1 and amplified Percentile Effect 1	N of Studio (Findings)	N of Participants	Summary of Findings
Child well-being: Behavioral and emotional functioning	-0.06 -2	1 (5)	327	Favorable: 1 No effect: 3 Unfavorable: 1
Child well-being: Substance use	0.13 -5	1 (17)	420	Favorable: 0 No effect: 17 Unfavorable: 0
Child well-being: Delinquent behavior	0.31 12	1 (4)	261	Favorable: 4 No effect: 0 Unfavorable: 0
Adult well-being: Parent /caregiver substance use	Not Calculated	1 (2)	480	Favorable: 1 No effect: 1 Unfavorable: 0
Adult well-being: Family functioning	0.06 2	2 (8)	455	Favorable: 1 No effect: 7 Unfavorable: 0

At least 18.14% of minors in Puerto Rico have been diagnosed with a mental health diagnosis. It has been reported that 13% have indicators of depression, anxiety, and behavioral problems (Consulta Juvenil 2012-2013). Studies such as Horigan et. al. (2013) have found that BSFT has been effective in reducing anxiety and depressive symptoms. This intervention has also been found to be effective in significantly externalizing behaviors and substance abused reduction as show by Santisteban et. al. (2003). It has been reported that 17% of minors use illicit drugs. Of the substances consumed 44% is alcohol, 12.1% is marijuana and 8.9% is tobacco (Consulta Juvenil 2015-2017). ADFAN looks to reduce substance abuse, internalizing behaviors and improve family functioning through the provision of BSFT to ADFAN families.

Motivational Interviewing has shown evidence of being an appropriate intervention for the reduction of maladaptive behaviors and the adherence to healthy habits. It has also been found to be effective in the reduction of substance abuse (D'Amico, et al, 2018; Field et. al. 2014; Gaume et al, 2011) for adults as summarized in the Title IV-E Prevention Services Clearinghouse findings seen below:

Outcome	Effect Size 1 and amplified Percentile Effect 1	N of Studio (Findings)	N of Participants	Summary of Findings
Child well-being: Substance use	-0.01 0	5 (33)	1634	Favorable: 0 No effect: 33 Unfavorable: 0
Adult well-being: Parent/caregiver mental or emotional health	0.00	3 (5)	1464	Favorable: 0 No effect: 5 Unfavorable: 0
Adult well-being: Parent/caregiver substance use	0.16	15 (109)	6066	Favorable: 16 No effect: 91 Unfavorable: 2
Adult well-being: Parent/caregiver Criminal behavior	-0.01 0	2 (7)	1610	Favorable: 0 No effect: 7 Unfavorable: 0
Adult well-being: Family functioning	0.10	1 (1)	777	Favorable: 0 No effect: 1 Unfavorable: 0
Adult well-being: Parent/caregiver Physical health	0.00	4 (10)	2158	Favorable: 0 No effect: 10 Unfavorable: 0
Adult well-being: Economic and housing stability	-0.02 0	1 (1)	777	Favorable: 0 No effect: 1 Unfavorable: 0

ADFAN will use this versatile coaching method in collaboration with its case management strategy to better help eligible minors and families in the reduction of substance abused as well as identify ambivalence to change and increase their motivation.

Lastly Puerto Rico has chosen Functional Family Therapy (FFT) for its evidence in decreasing behavioral problems and delinquent behavior (Celinksa et.al., 2013; Humayun et. al., 2017; Sexton & Turner, 2010; Slesnick et. al., 2009). Studies done on FFT has been shown significant reductions, between 25% to 60% reduction in recidivism. The Title IV-E Prevention Services Clearinghouse findings seen below show favorable effects for child-wellbeing outcomes such as behavioral and emotional functioning, substance abuse, and delinquent behavior. Favorable effects were also identified for adult well-being regarding positive parenting practices and family functioning. ADFAN looks to reduce behavioral problems and delinquent behavior through the provision of FFT to eligible families.

Outcome	Effect Size in and amplified Percentile Effect in	N of Studio (Findings)	N of Participants	Summary of Findings
Child well-being: Behavioral and emotional functioning	0.15 6	4 (26)	390	Favorable: 1 No effect: 23 Unfavorable: 1
Child well-being: Substance use	0.49 18	1 (18)	52	Favorable: 10 No effect: 8 Unfavorable: 0
Child well-being: Delinquent behavior	0.05	5 (20)	8636	Favorable: 2 No effect: 16 Unfavorable: 2
Adult well-being: Positive parenting practices	0.11 4	2 (9)	163	Favorable: 0 No effect: 9 Unfavorable: 0
Adult well-being: Family functioning	0.30 11	1 (15)	52	Favorable: 2 No effect: 13 Unfavorable: 0

Assurance on Prevention Program Reporting

See the attachment for assurance that the Puerto Rico Department of the Family (PR-DF) will report to the Secretary such information and data as the Secretary may require with respect to the Title IV-E prevention program, including information and data necessary to determine the performance measures.

Report of Missing or Abducted Children to Law Enforcement and the National Center for Missing & Exploited Children

The Trafficking Victims Prevention and Protection Reauthorization Act of 2022 (P.L. 117-348 § 137 (a)(i – iii)(2023)) requires modifications to state plans for foster care and adoption assistance by amending Section 471(a)(35)(B) of the Social Security Act (42 U.S.C. 671(a)(35)(B)). These amendments include requiring state Title IV-E agencies to provide more communication and details when reporting missing or abducted children to law enforcement agencies and the National Center for Missing and Exploited Children (NCMEC). These efforts include maintaining regular communication with law enforcement and NCMEC to provide a safe recovery of a missing or abducted child or youth by sharing information related to the child's or youth's recovery and circumstances regarding the recovery. As mandated in program instruction (ACYF-CB-PI-23-08) and in compliance with federal regulations (P.L. 117-348 § 137 (a)(i - iii, 2023)) (42 U.S.C. 671(a)(35)(B)), PR-DF will submit a report to law enforcement agencies and NCMEC that includes the following information, when reasonably possible:

- 1. a photo of the missing or abducted child or youth,
- 2. a description of the child's or youth's physical features, such as height, weight, sex, ethnicity, race, hair color, and eye color, and
- 3. endangerment information, such as the child's or youth's pregnancy status, prescription medications, suicidal tendencies, vulnerability to being sex trafficked, and other health or risk factors.



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Families First Puerto Rico Request for Application Full Report





Appendix A: Resultados del Proceso de Evaluación de las Organizaciones Solicitantes a la Convocatoria para Acuerdo Colaborativo Implementación de Programa Piloto

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I. Introducción

1.1Trasfondo

Family First Prevention Services Act (en adelante, Family First) es una legislación federal de amplio alcance aprobada como parte de la División E de la Ley de Presupuesto Bipartidista de 2018 (H.R. 1892). Entre otros cambios e implicaciones, Family First amplía el apoyo federal a los servicios de prevención y bienestar infantil con el objetivo de evitarla separación de familias, promoviendo que los menores permanezcan siempre que sea posible en sus hogares o con familiares, a la vez que busca reducir la institucionalización de los menores.

Family First responde a que históricamente la mayoría de los fondos federales para el bienestar de los niños se hacían disponibles solo después de que un menor haya sido removido de su hogar. Por lo cual, Family First amplía el apoyo en fondos federales y modifica el programa federal de cuidado de crianza (incluido en el Título IV-E de la Leyde Seguridad Social) autorizando el apoyo federal para proveer servicios informados en trauma y basados en evidencia en áreas de salud mental, abuso de sustancias, destrezas decrianza en el hogar, y programas de apoyo y acompañamiento a parientes cuidadores.

En Puerto Rico, la agencia encargada de esta transformación es el Departamento de la Familia. El Departamento de la Familia a través de la Administración de Familias y Niños (ADFAN), ha creado un Comité Timón encargado de la coordinación y colaboraciónentre las agencias de gobierno impactadas por la legislación federal. Además, trabaja con su socio científico, el Instituto Tercera Misión de la Universidad Albizu y el insumo de diferentes sectores como organizaciones de base comunitaria y sin fines de lucro, con el fin de lograr una transición adecuada hacia los nuevos requisitos federales y una implementación exitosa.

Para poder desarrollar la infraestructura necesaria para su implementación, PuertoRico, al igual que la mayoría de los estados y territorios, entró en un periodo de prórroga, lo que significa que la implantación y cumplimiento con *Family First* entraría en vigor a partir de octubre de 2021. Es para esta fecha que los proveedores externos seleccionados por la ADFAN deben estar certificados y/o adiestrados en las Prácticas Basadas en Evidencia e Informadas en Trauma avaladas por el *Title IV-E Prevention Services Clearinghouse*.

Las metas de *Family First* son:

- 1. Proveer servicios a menores y familias fundamentados en las mejores prácticas.
- 2. Fortalecer la infraestructura de prevención y preservación.
- 3. Disminuir la necesidad de ubicación de menores en escenarios de cuidado grupal o más restrictivos.

1.2 Propósito

Families First Puerto Rico será el programa que ADFAN dirigirá para el desarrollo de la infraestructura para prevenir la separación de las familias por medio de la implementación de Resultados Proceso de Evaluación Acuerdo Colaborativo Implementación Programa Piloto Families First Puerto Rico

intervenciones basadas en evidencia e informadas en trauma. ADFAN creará alianzas, fortalecerá las existentes, certificará y/o adiestrará a proveedores externos en las intervenciones basadas en evidencias e informadas en trauma. De esta forma y en cumplimiento con la *Family First*, ADFAN brindará servicios en pro de la prevención y dela preservación de las familias que así lo necesiten.

Para comenzar el proceso de transformación se realizará una implementación piloto con los niños, jóvenes y sus cuidadores recibiendo servicios de preservación a través de ADFAN. El programa piloto incluirá 2 intervenciones en 4 de las 10 regiones de ADFAN. Estas intervenciones son: *Brief Strategic Family Therapy* y *Parenting Fundamentals*.

El propósito del piloto es comenzar una transición adecuada de los servicios que ofrecerá en el Departamento de la Familia a través de sus proveedores externos. El mismose llevará a cabo durante un periodo de hasta 12 meses comenzando en agosto 2021.

1.3 Acuerdo Colaborativo con Proveedores Externos

Mediante la convocatoria de Acuerdo Colaborativo Implementación de Programa Piloto, el Departamento de la Familia (como agencia designada para administrar los fondos del Puerto Rico FFPSA) buscó establecer acuerdos colaborativos con proveedores externos para implementar las intervenciones basadas en evidencia e informadas en trauma seleccionadas por *Family First Puerto Rico* y avaladas por *Title IV-E Prevention Services Clearinghouse*.

Las características que definen un Acuerdo Colaborativo lo diferencian del mecanismo de subvención tradicional (*Grant*). Bajo un *Grant* la entidad que otorga los fondos no anticipa involucrarse substancialmente con los proveedores externos seleccionados que llevarán a cabo las actividades propuestas. Por el contrario, un Acuerdo Colaborativo se utiliza cuando la entidad que otorga los fondos anticipa involucrarse substancialmente en las actividades que realizará el proveedor externo elegido.

Con la utilización de este modelo se espera fortalecer la infraestructura de prevención y preservación y de esta manera alcanzar las metas establecidas para *FamiliesFirst Puerto Rico*. Los proveedores seleccionados implementaran intervenciones basadas enevidencia en las áreas de **salud mental**, **abuso de sustancias y destrezas de crianza**.

La convocatoria detallaba los criterios de elegibilidad y los pasos para solicitar ser proveedor externo de ADFAN para las intervenciones basadas en evidencia e informadas en trauma que se utilizarán en la implementación. El proyecto está apto para comenzar a partir del año natural de 2021. Como criterio de elegibilidad para la participación del piloto las solicitudes debieron reflejar disposición de los proveedores externos para implementar intervenciones basadas en evidencia. La fidelidad al modelo de intervención y la adherencia al mismo es un requisito mínimo para que cada organización sea exitosa. Deben comprometerse a tomar adiestramientos necesarios sobre la intervención basada en evidencia seleccionada.

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. Además, los proveedores externos seleccionados recibirán adiestramientos mandatorios en las siguientes áreas: Ley *Family First*, trauma, prácticas basadas en evidencia, mejores prácticas en provisión de servicios virtuales.

Para una mejor comprensión sobre lo que son los programas basados en evidencia, a continuación, encontrarán un resumen sobre las definiciones de los términos que se estarán utilizando y una breve explicación de los programas que serán parte del programa piloto.

1.4 Definiciones

Families First Puerto Rico: Este programa se refiere a la implementación de intervenciones basadas en evidencia e informadas en trauma que atiendan las áreasrequeridas por la ley *Family First*. La ley busca propiciar que los menores permanezcan, siempre que sea posible, con sus familias evitando que los menores ingresen en hogares decuidado sustituto, salvo aquellos casos en que sea estrictamente necesario. Las intervenciones basadas en evidencia a ser implementadas deben incluir: Programas en el hogar basados en destrezas de crianza, tratamiento para abuso de sustancias, tratamiento en salud mental y programas de apoyo y acompañamiento familiar.

Las intervenciones basadas en evidencia e informados en trauma que se pilotearán en *Families First* Puerto Rico responden a tres áreas temáticas que son:

Salud Mental: los programas y servicios elegibles incluyen aquellos que tienen como objetivo reducir o eliminar los trastornos conductuales y emocionales o el riesgo de padecer de dichos trastornos. Los programas y servicios incluidos puedenabordar cualquier problema de salud mental. Los programas y servicios quedependen de medicamentos psicotrópicos o procedimientos de detección sin un componente de asesoramiento o terapéutico conductual no son elegibles.

Abuso de Sustancias: los programas y servicios elegibles incluyen aquellos que tienen un enfoque explícito en la prevención, reducción, tratamiento, remediación y / o eliminación del uso, abuso o exposición a sustancias en general. Estos puedendirigirse a cualquier un tipo específico de sustancia, múltiples sustancias, o tener como objetivo abordar el uso o abuso de sustancias en general. Los programas y servicios destinados exclusivamente a reducir, tratar o remediar el consumo de tabaco (incluido fumar, masticar tabaco y vapear) entre adultos no son elegibles.

Destrezas de Crianza: los programas y servicios elegibles para esta área de servicio incluyen aquellas intervenciones o tratamientos (psicológicos, educativoso conductuales) que realicen una intervención directa con un padre o cuidador. Unaintervención directa significa que los servicios de se brindan directamente a los padres o cuidadores; los niños pueden estar presentes o involucrados, pero no serequiere que lo estén para que un programa sea elegible.

Las intervenciones para las cuales se harán Acuerdos Colaborativos con proveedores externos incluyen:

Brief Strategic Family Therapy: esta intervención atiende áreas de servicio de destrezas de crianza, salud mental y uso y abuso de sustancia. BSFT utiliza un enfoque y sistémico familiar estructurado y es utilizada con familias con menores entre las edades de 6 a 17 años que muestran o corren el riesgo de desarrollar conductas problemáticas, incluyendo el uso de sustancias, conducta delictiva, entre otras.

Parenting Fundamentals: Este programa tiene el propósito de mejorar el conocimiento de los padres sobre el desarrollo de los niños, la disciplina no-violenta y la crianza positiva; promover el apoyo parental para el éxito académico de sus hijos; estimular ambientes familiares positivos y reducir el riesgo de maltrato a menores. El programa consta de cinco componentes. El componente principal del programa incluye sesiones educativas semanales. Los otros cuatro componentes son: visitas al hogar, servicios de referidos comprensivos, grupo de apoyo a los padres y grupos de arte para los niños.

1.5 Regiones participantes

La implementación de Families First ocurrirá en tres fases donde están divididas las regiones de ADFAN de la siguiente manera:

- 1. Fase 1: Bayamón, Guayama, Humacao y Mayagüez
- 2. Fase 2: Aguadilla, Caguas, Ponce y San Juan
- 3. Fase 3: Arecibo y Carolina

Fase 1 de Families First



Figura 1.1

Resultados Proceso de Evaluación Acuerdo Colaborativo Implementación Programa Piloto Families First Puerto Rico La división de regiones por fase se llevó a cabo para facilitar el proceso de implementación de las intervenciones. De este modo se puede implementar en la primera fase, evaluar la implementación y ajustar para las siguientes fases. También permite maximizar los recursos al enfocarlos en una cantidad limitada de regiones en un momento específico y luego transferirlos a las otras regiones en las siguientes fases.

Cada fase está dividida en 2 grupos. El grupo A contiene las oficinas locales identificadas para comenzar la implementación y los proveedores externos. El grupo B contiene el resto de las oficinas locales y otros proveedores externos. El proceso de selección de las oficinas locales del grupo A se describe a continuación.

En esta convocatoria se seleccionaron los proveedores externos que colaborarán con ADFAN en la implementación de la Fase 1 a llevarse a cabo en las regiones de Bayamón, Guayama, Humacao y Mayagüez en 11oficinas locales (ver Figura 1.1).

1.6 Proceso para la Delegación de Fondos

Para la delegación de fondos la ADFAN publicó una convocatoria de solicitud para Acuerdo Colaborativo a principios del mes de marzo de 2021. Se diseño un plan de medios con el objetivo de garantizar igualdad en el acceso a la información de la disponibilidad de fondos a la comunidad. Dicho plan consistió en anuncios en los periódicos de mayor circulación y menciones en radio y televisión durante el mes de marzo. Además, se difundió el anuncio a través de las redes sociales.

El proceso de delegación de fondos se llevó a cabo en nueve etapas. La Figura 1.2 resume este proceso.



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Como primera etapa en el proceso de la delegación de fondos, la ADFAN a través del personal de *Families First* Puerto Rico desarrolló una página web y tres sesiones informativas durante los días 11, 16 y 17 de marzo de 2021. El objetivo era explicar y orientar a las organizaciones respecto a los requisitos para solicitar los fondos de *Families First* Puerto Rico y asistirlos en el desarrollo de su solicitud. Las sesiones informativas fueron virtuales, se realizaron por la plataforma de *Zoom* y contó con la asistencia de 109 participantes. En las siguientes secciones se explica el propósito y los resultados de las etapas para la delegación de fondos.

II. Formulario de intención

El primer paso que las entidades u organizaciones realizaron para Solicitar el Acuerdo Colaborativo implementación de Programa Piloto *Families First* Puerto Rico fue completar un formulario de intención. El propósito del Formulario de Intención era conocer el número aproximado de solicitudes que se recibirían y ofrecer una idea de cuantos evaluadores sería necesario reclutar. Este formulario debía ser cumplimentado a través de la página web del proyecto y fue un requisito para poder solicitar el Acuerdo Colaborativo. La fecha límite para enviar el formulario de intensión fue el **17 de marzo de 2021.** Para esta fecha se recibieron un total de **65 formularios de intención**.

III. Evaluación técnica

La entrega de la solicitud se llevó a cabo el **19 de abril de 2021** de 1:00pm- 4:00pm en las instalaciones del Instituto Tercera Misión (ITM). Durante ese día **15 organizaciones entregaron la solicitud**. Estas solicitudes pasaron por un proceso de evaluación técnica. La Evaluación Técnica consistió en determinar que la solicitud cumplía con el formulario de intención, la documentación y el formato requerido. En el Apéndice A se incluye el instrumento utilizado para la Evaluación Técnica. De este proceso de evaluación las 15 organizaciones pasaron al segundo nivel de evaluación: Evaluación de propuesta por un panel de peritos. La tabla 3.1 enumera las organizaciones que pasaron al segundo nivel de evaluación. *Tabla 3.1*

Organizaciones en Orden Alfabético

- 1. Betances Professional Services and Equipment
- 2. Centro de Apoyo para el Desarrollo de la Unión Familiar Inc (CADUF)
- 3. Centro de Fortalecimiento Familiar Vicenciano
- 4. Centros Sor Isolina Ferre
- 5. Cooperativa de Servicios Integrados a la Niñez (COSIANI)
- 6. El Instituto de Orientación y Terapia Familiar de Caguas, Inc. (INOTEF)

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- 7. Familias CAPACES Inc.
- 8. Fundación Hogar Niñito Jesús
- 9. Hogar +amor Inc.
- 10. Hogar Abrazo de Amor, Inc.
- 11. Inova Build Inc.
- 12. Institute for individual, Group and Organizational Development, Inc. (AFANA)
- 13. JEA Quality Professional Home Inc
- 14. Reborn Family Center Inc.
- 15. Red por los Derechos de la Niñez y Juventud de Puerto Rico

IV. Evaluación de Solicitudes por Panel de Expertos

Las 15 solicitudes de las organizaciones que pasaron la Evaluación Técnica fueron asignadas a un panel de expertos. Inicialmente, cada solicitud fue evaluada de manera independiente por 2 expertos (uno de ADFAN y uno del ITM) utilizando guías y los parámetros de puntuación establecidos por la ADFAN a través de *Families First* Puerto Rico (ver Apéndice B). Subsecuentemente los miembros del panel que evaluaron cada propuesta se reunieron para evaluar y puntuar las solicitudes de manera colectiva utilizando un sistema de consenso (ver Apéndice C). El equipo técnico del ITM revisó cada propuesta cuando la dispersión de puntaje otorgado por los evaluadores superaba los 3 puntos.

Cabe destacar que los evaluadores de las propuestas participaron de un adiestramiento de 3 horas el día 15 de abril de 2021 o el 16 de abril de 2021. En este adiestramiento se les orientó sobre el trasfondo y objetivos del Acuerdo Colaborativo Implementación de Programa Piloto *Families First* Puerto Rico, la planilla de evaluación de las propuestas, los criterios de evaluación y las expectativas del proceso. Además, los evaluadores completaron la certificación de confidencialidad y la certificación negativa de conflicto de interés. (ver Apéndice D)

Luego de la evaluación por el panel de expertos un total de 10 organizaciones obtuvieron una puntuación que las cualificó para la participación en el Acuerdo Colaborativo en la implementación del programa piloto. Sin embargo, un total de 5 organizaciones no cualificaron para la delegación de fondos, las puntuaciones obtenidas por estas organizaciones reflejan que no cuentan con los criterios mínimos de capacidad establecidos por la convocatoria. En la *tabla 4.1* se presentan las organizaciones y los puntajes obtenidos.

Tabla 4. 1

Organizaciones	Puntuación de panel
1. Inova Build Inc.	93.5
2. Familias CAPACES Inc.	93
3. Institute for individual, Group and Organizational Development, Inc. (AFANA)	92
4. Cooperativa de Servicios Integrados a la Niñez (COSIANI)	91.5
5. Centros Sor Isolina Ferre	90
6. Centro de Apoyo para el Desarrollo de la Unión Familiar Inc (CADUF)	89.5
7. El Instituto de Orientación y Terapia Familiar de Caguas, Inc. (INOTEF)	86.5
8. Betances Professional Services and Equipment	78
9. Fundación Hogar Niñito Jesús	77
10. Centro de Fortalecimiento Familiar Vicenciano	76.5
11. Red por los Derechos de la Niñez y Juventud de Puerto Rico	65
12. Hogar Abrazo de Amor, Inc.	64.5
13. Reborn Family Center Inc.	64.5
14. JEA Quality Professional Home Inc	53
15. Hogar Cuidado Más Amor Inc.	40.5

V. Entrevista a Organizaciones Finalistas

Se realizó una entrevista informativa con las 8 organizaciones con el puntaje más alto según se desprendió en la evaluación de panel (ver tabla 4.1). Para el proceso de entrevista se utilizaron dos protocolos (ver instrumentos en Apéndice E y Apéndice F), estos variaban según la intervención a ser implementada (Bried Strategic Family Therapy o Parenting Fundamentals). La tabla 5.2 describe la puntuación que obtuvieron las organizaciones entrevistadas.

Tabla 5.2

	Organización	Puntuación Total
1.	Familias CAPACES Inc.	120
2.	Centro de Apoyo para el Desarrollo de la Unión Familiar Inc (CADUF)	112
3.	Centros Sor Isolina Ferre	106
4.	Institute for individual, Group and Organizational Development, Inc. (AFANA)	97
5.	El Instituto de Orientación y Terapia Familiar de Caguas, Inc. (INOTEF)	83

6.	Cooperativa de Servicios Integrados a la Niñez (COSIANI)	70
7.	Betances Professional Services and Equipment	59
8.	Inova Build Inc.	39

VI. Resultados Finales

Para llevar a cabo la la fase 1 de implemntacion de *Families First* Puerto Rico, a través del piloto en 4 de las 10 regiones de ADFAN, el Comité Timón de *Families First* Puerto Rico determinó subvencionar cuatro organizaciones.

La ADFAN seleccionó las organizaciones que ocupan las dos posiciones con mayor puntuaciones totales combinada, para la implementacion de cada intevencion. En el caso de Brief Strategic Family Therapy estas organizaciones son Familias Capaces y CADFU. Mientras en el caso de Parenting Fundamentals estas organizaciones son Sor Isolina y AFANA. La Tabla 6.1 describe las puntaciones totales de las las 8 organizaciones con los puntajes mas altos.. *Tabla 6.1*

Intervención para implementar	Organizaciones por orden de puntuación	evaluación	Puntuación de entrevista	Puntuación total	Región de implementación
	1. Familias Capaces	93	120	213	Guayama y Mayagüez
Brief Strategic	2. CADUF	89.5	112	201.5	Bayamón y Humacao
Family Therapy	3. Cooperativa de Servicios Integrados a la Niñez (COSIANI)	91.5	96	187.5	
	4. INOVA Build Inc	93.5	39	132.5	
	5. Sor Isolina	90	106	196	Guayama y Mayagüez
	6. AFANA	92	97	189	Bayamón y Humacao
Parenting Fundamentals	7. El Instituto de Orientación y Terapia Familiar de Caguas, Inc. (INOTEF)	86.5	83	169.5	
	8. Cooperativa de Servicios Integrados a la Niñez (COSIANI)	91.5	70	161.5	
	9. Betances Professional Service s and Equipment	78	59	137	

Apéndices

Apéndice A

Evaluación Técnica Families First Puerto Rico

	nbre de la Organización:
Día	:; Hora:;
Ent	rega
	Sometió el Formulario de Intención en o antes de la fecha límite (17 de marzo de 2021)
\Box	La solicitud fue entregada en el ITM durante el día y horas estipuladas
	1 original del paquete de solicitud
	La solicitud original está firmada e impresa en sólo una cara del papel
	5 copias del paquete de solicitud
	1 copia digital en una memoria externa (pen drive)
	Las páginas están grapadas o con sujetador de metal ("binder clip")
For	mato del Narrativo
	Tamaño de la página es 8½ x 11
	Tamaño mínimo de los márgenes: 1"
	Espacio sencillo
	Tipo de letra: Arial, Helvetica, Palatino Linotype o Georgia
_	T
Ш	Tamaño mínimo de la letra: 11
	Las páginas están enumeradas
Sec	
Seco	Las páginas están enumeradas
Seco	Las páginas están enumeradas ciones de la Solicitud
Seco	Las páginas están enumeradas ciones de la Solicitud Formulario de Solicitud
Seco	Las páginas están enumeradas ciones de la Solicitud Formulario de Solicitud Completó todas las partes del formulario de solicitud
Seco	Las páginas están enumeradas ciones de la Solicitud Formulario de Solicitud Completó todas las partes del formulario de solicitud Carta de Presentación
	Las páginas están enumeradas ciones de la Solicitud Formulario de Solicitud Completó todas las partes del formulario de solicitud Carta de Presentación Tabla de Contenido
	Las páginas están enumeradas ciones de la Solicitud Formulario de Solicitud Completó todas las partes del formulario de solicitud Carta de Presentación Tabla de Contenido Narrativo
	Las páginas están enumeradas ciones de la Solicitud Formulario de Solicitud Completó todas las partes del formulario de solicitud Carta de Presentación Tabla de Contenido Narrativo Sección A: Capacidad Organizacional
	Las páginas están enumeradas ciones de la Solicitud Formulario de Solicitud Completó todas las partes del formulario de solicitud Carta de Presentación Tabla de Contenido Narrativo Sección A: Capacidad Organizacional Trasfondo Organizacional (verificar si es más de una organización)
	Las páginas están enumeradas ciones de la Solicitud Formulario de Solicitud Completó todas las partes del formulario de solicitud Carta de Presentación Tabla de Contenido Narrativo Sección A: Capacidad Organizacional Trasfondo Organizacional (verificar si es más de una organización) Capacidad Administrativa / Fiscal
	Las páginas están enumeradas ciones de la Solicitud Formulario de Solicitud Completó todas las partes del formulario de solicitud Carta de Presentación Tabla de Contenido Narrativo Sección A: Capacidad Organizacional Trasfondo Organizacional (verificar si es más de una organización) Capacidad Administrativa / Fiscal Experiencia Programática

Resultados Proceso de Evaluación Acuerdo Colaborativo Implementación Programa Piloto *Families First* Puerto Rico

		Sección B: Selección de Intervención					
		Sección C: Población a Servir / Área Geográfica					
		Sección D: Gerencia o Plan para el Personal					
		Sección E: Presupuesto Narrativo					
	Apé	éndices					
		Apéndice A: Resumé Director/a Ejecutivo/a de la Organización y Resumé del Personal					
		Encargado de Infraestructura Fiscal Apéndice B : Resumé del Personal (Director/a, Coordinador/a, Supervisor/a, Profesional Implementador)					
		Apéndice C: Documentos Requeridos al Ente Fiscal para la Solicitud:					
		Departamento de Estado					
		Certificado de Incorporación					
		Certificado de "Good Standing", vigente a la fecha de solicitud					
		Certificación de Existencia o Certificación de Autorización para hacer negocios en PR					
		Departamento de Hacienda					
		Registro de Comerciante vigente al momento de la solicitud con el Departamento de Hacienda					
		<u>Otros</u>					
		Certificación del número de identificación del Seguro Social Patronal (<i>Internal Revenue Services</i>)					
		Licencia regular o provisional de "Prevención y Tratamiento de Condiciones de Salud Mental y Adicciones" o evidencia de trámite (ASSMCA) (si la tiene disponible) Estados financieros de los último 3 años fiscales de la organización.					
		Si su organización recibió fondos provenientes de fuentes federales, sea de forma directa o como <i>pass-through</i> , que sumen \$750,000 o más durante alguno de esos años de debe presentar el estado financiero auditado para dicho año.					
		Apéndice D: Reporte de Evaluación					
		Apéndice E: Formularios completados y firmados:					
	<u></u>	Formulario SF-424A de Presupuesto, Garantías (<i>Assurances</i>) y Certificaciones provistas por el "U.S. <i>Department of Health and Human Services</i> " firmados					
	Apéndice F: Certificaciones y Garantías Compulsorias Families First Puerto Rico						
Persona	s Enc	cargadas de la Evaluación Técnica Firma					

Apéndice B

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Evaluación de la Solicitud

A continuación, se encuentran los criterios para cada una de las secciones de la Solicitud *Families First Puerto Rico*. Ambos Evaluadores deben marcar la puntuación que ellos otorgaron individualmente en cada uno de los componentes. Luego de llegar al **consenso** marque la decisión en la columna de puntuación final.

Al final de cada sección se encuentra un espacio para colocar la suma de la puntuación de consenso obtenida en ésta.

Secciones de la Solicitud	Criterios para el Evaluador	Valor	Puntuación	Comentarios (en esta columna siempre escriba el número de la página en la propuesta a la que hace referencia)
Trasfondo Organizacional: El propósito es constatar que la organización tiene una trayectoria previa a esta oportunidad de fondos	La organización debe tener mínimo un año de existencia. Nota: Coteje con el Certificado de Incorporación, Certificación de Existencia o Certificación de Autorización para hacer Negocios en Puerto Rico (apéndice C). La organización tiene 3 años o más de existencia (otorgar 1 puntos) La organización tiene menos de 3 años, pero más de 12 meses (otorgar .5 puntos) La organización tiene menos de 12 meses de existencia (otorgar 0 punto)	1 punto	1 punto 5 punto 0 punto	
que los cualifica para implementar este	Presenta el trasfondo de la organización, incluyendo cuando fue fundada.		5 punto	

		<i>~</i> ,	0 4	
proyecto exitosamente.		.5 punto	0 punto	
La estabilidad organizacional es importante.	Tiene una misión.	.5 punto	.5 punto	
	La misión está claramente conceptualizada.	.5 punto	5 punto	
	La misión es cónsona con los servicios que provee.		0 punto	
	Tiene una visión.		.5 punto	
	La visión está claramente conceptualizada.	.5 punto	0 puntos	
	La visión es cónsona con los servicios que provee.			
	Ofrece listado de los servicios que proveen. La organización tiene experiencia en provisión de servicios en tratamiento y/o en prevención en las siguientes áreas: salud mental, uso de sustancia y destrezas de crianza (otorgar 1 punto).		1 puntos 5 punto	Si algún proveedor menciona experiencia previa en la provisión de servicios de tratamiento o prevención, indique la página donde lo describe.
Trasfondo Organizacional El propósito es	La organización demuestra experiencia en provisión de servicios en alguna de las siguientes áreas: salud mental, uso de sustancia y destrezas de crianza (otorgar .5 punto).		0 puntos	
constatar que la organización tiene una trayectoria previa a esta	La organización NO tiene experiencia en provisión de servicios en alguna de las siguientes áreas: salud mental, uso de sustancia y destrezas de crianza (otorgar 0 puntos).	1 punto		
oportunidad de fondos que los cualifica para implementar este proyecto exitosamente.	Incluye una descripción de la población a la que ofrece servicios actualmente.	.5 punto	5 punto 0 puntos	

La estabilidad organizacional es importante.	Verificar que incluye la lista de los miembros de la Junta Directiva y descripción del personal.	.5 punto	5 punto 0 puntos	
	Verificar en los Apéndices si aparece los siguientes resume: ✓ Director(a) Ejecutivo de la organización ✓ Director(a) o coordinador(a) de proyecto ✓ Supervisor(a) de personal implementador (excepto para la intervención de <i>Brief Strategic Family Therapy</i>) ✓ Profesional implementador	.5 punto	5 punto 0 puntos	
	Subtotal	5 puntos		
	Se describe la infraestructura física de la organización (cuenta con un espacio donde puedan trabajar). Cuenta con espacio físico para su personal y para proveer servicios a los participantes una vez el mismo se ofrezcan de forma presencial (otorgar 2 puntos). Cuenta con espacio físico para personal limitado, pero describió habilitar o adquirir espacios para el personal necesario (otorgar 1 punto). No tiene la infraestructura previamente ni la presupuestó para crearla (otorgar 0 puntos).	2 puntos	2 puntos 1 punto 0 puntos	

Capacidad Administrativa / Fiscal: El propósito es constatar que la organización tiene una trayectoria previa administrando fondos y la infraestructura para administrarlos	Cuenta con equipo tecnológico (tales como: sistema de comunicación, computadoras con cámara integrada o externa, internet, impresoras entre otras). Tiene la infraestructura previa a la sumisión de esta propuesta (otorgar 2 puntos) La creará, esta descrita en el presupuesto (otorgar 1 punto) No tiene la infraestructura previamente ni la presupuesto para crearla (otorgar 0 puntos)	2 puntos	2 puntos 1 punto 0 puntos	
adecuadamente.	Se describe la infraestructura fiscal de la organización: cuenta con un personal clave para llevar a cabo los procesos fiscales, por ejemplo, un contable. Tiene el personal fiscal clave previo a la sumisión de esta propuesta (otorgar 2 puntos) Contratará, al personal fiscal clave con los fondos de esta propuesta (otorgar 1 punto) No tiene personal fiscal clave previamente ni lo presupuesto para contratarlo (otorgar 0 puntos)	2 puntos	2 punto 1 punto 0 puntos	
	Los roles y responsabilidades del personal clave (ej. contable) encargado/s del monitoreo fiscal están definidos: Los roles y responsabilidades del personal clave encargado/s del monitoreo fiscal están claramente definidos (otorgar 2 puntos) Se mencionan los roles y responsabilidades, pero no se definen claramente (otorgar 1 punto) No se mencionan los roles y responsabilidades del personal clave (otorgar 0 puntos)	2 puntos	2 puntos 1 punto 0 puntos	

	Se incluyo el Resume de el/la encargado/a del monitoreo fiscal de la organización en el Apéndice A. Cuentan formalmente con una política/procedimientos para el monitoreo fiscal. Cuenta con políticas/procedimientos específicos previo a la sumisión de esta propuesta (otorgar 3 puntos) Cuenta con políticas/procedimientos limitados (otorgar 2 puntos) Creará las políticas y procedimientos para el monitoreo fiscal luego de la sumisión de esta propuesta (otorgar 1 puntos) No cuenta con políticas/procedimientos para el monitoreo fiscal (otorgar 0 puntos)	1 punto 3 puntos	1 punto 0 puntos 3 puntos 2 puntos 1 punto 0 puntos	
Capacidad Administrativa / Fiscal: El propósito es constatar que la organización tiene una trayectoria previa administrando fondos y la infraestructura para administrarlos adecuadamente.	Observar la trayectoria fiscal a través del tiempo por medio de los estados financieros de los últimos 3 años. La organización muestra estabilidad económica (que no haya estado operando en déficit presupuestario) por los últimos tres años. (otorgar 3 puntos) La organización presenta estados financieros de 2 años y muestra estabilidad económica (que no haya estado operando en déficit presupuestario) (otorgar 2 puntos) La organización solo presenta 1 año de estados financieros (que no haya estado operando en déficit presupuestario) (otorgar 1 punto) No presento estados financieros de la organización (otorgar 0 puntos)	3 puntos	3 puntos 2 puntos 1 punto 0 puntos	

	Subtotal	15 puntos		
	El escrito explica como la visión y la misión de su organización son cónsonas con las metas de <i>Families Firs</i> t El escrito NO debe ser sólo una repetición literal de las metas de <i>Families First Puerto</i> .	2 puntos	2 puntos 1 punto 0 puntos	
Experiencia Programática	El escrito contiene una descripción breve de los programas que su organización ha implementado en los últimos 3 a 5 años. Los programas descritos guardan relevancia con las metas de Families First Pueto Rico (otorgar 2 puntos) Tiene la descripción (otorgar 1 punto) No tiene la descripción (otorgar 0 puntos)	2 puntos	2 puntos 1 punto 0 puntos	
	El escrito menciona/describe la capacidad de la organización para llevar a cabo la implementación de programas basados en evidencia. Mencionar específicamente 2 o más currículos/programas basados en evidencia que la organización ha implementado (otorgar 2 puntos). Mencionar específicamente al menos 1 currículo/programa basado en evidencia que la organización ha implementado (otorgar 1 punto). No menciona específicamente algún currículo/programa basado en evidencia que la organización (otorgar 0 puntos).	2 puntos	2 puntos 1 punto 0 puntos	Si el proveedor menciona los currículos o programas basados en evidencia que ha implementado, liste los nombres e indique la página en la que lo describe.

El escrito describe experiencia implementando programas o servicios de prevención. Por ejemplo, implementación de programas o servicios enfocados en prevenir el uso de sustancias, promover la salud mental, promover la preservación familiar o promover destrezas de crianza. Describe experiencia implementado programas o servicios de prevención en las 3 áreas mencionadas (otorgar 3 puntos) Describe experiencia implementado programas o servicios de prevención en las 2 áreas mencionadas (otorgar 2 puntos) Describe experiencia implementado programas o servicios de prevención en las 1 áreas mencionadas (otorgar 1 punto) No escribe experiencia implementado programas o servicios de prevención en las 3 áreas mencionadas (otorgar 0 puntos)	3 puntos	3 puntos 2 puntos 1 punto 0 puntos	
Experiencia, capacidad y disponibilidad proveyendo servicios de forma remota y presencial. Menciona experiencia y disponibilidad proveyendo servicios de forma remota y presencial. (otorgar 3 puntos). Menciona experiencia y disponibilidad proveyendo servicios SOLO de forma remota (otorgar 2 puntos) Menciona experiencia y disponibilidad proveyendo servicios SOLO de forma presencial (otorgar 1 punto). No menciona experiencia, ni disponibilidad proveyendo servicios de forma remota o presencial. (otorgar 0 puntos).	3 puntos	3 puntos 2 puntos 1 punto 0 puntos	Si algún proveedor menciona la capacidad y/o experiencia ofreciendo visitas al hogar favor de mencionar la página donde se escribe.

d	ncia, capacidad y disponibilidad proveyendo servicio reas geográficas y / o a través de toda la isla. Impletó adecuadamente el Apéndice D y seleccionó u pciones 4 o 5 (otorgar 3 puntos) Impletó adecuadamente el Apéndice D y seleccionó la eleccionando Todas las Regiones-Aguadilla, ez, Humacao y Bayamón (otorgar 2 puntos) Impletó adecuadamente el Apéndice D (otorgar 1 completó adecuadamente el Apéndice D (otorgar 0 decuadamente)		3 puntos 2 puntos 1 punto 0 puntos		
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			ı	
Experiencia Programática				
	Subtotal	15 puntos		
	¿Descripción de cómo y desde cuándo la organización recopila información para identificar las fortalezas, áreas a mejorar y/o	•		
Experiencia	resultados del servicio que ofrecen? Describe cómo y desde cuando la organización recopila	1 munto	1 punto 0 puntos	
Evaluativa: El propósito es constatar que la organización	información para identificar las fortalezas, áreas a mejorar y/o resultados del servicio que ofrecen ha realizado evaluaciones de programa. (otorgar 1 punto)	1 punto	o puntos	
tiene una trayectoria previa en hacer	No describe cómo y desde cuando la organización recopila información para identificar las fortalezas, áreas a mejorar			

evaluaciones y/o usar	y/o resultados del servicio que ofrecen ha realizado			
datos evaluativo.	evaluaciones de programa. (otorgar 0 puntos)			
	Incluye detalles sobre el personal que participa en el proceso de evaluación, su rol, y la relación con la organización (ej., interno, externo) Menciona detalles sobre el personal que participa en el proceso de evaluación, su rol, y la relación con la organización (otorgar 1 punto) Menciona detalles sobre el personal que participa en el proceso de evaluación, pero no menciona su rol ni la relación con la organización. (otorgar .5 punto) No Menciona detalles sobre el personal que participa en el proceso de evaluación, su rol, y la relación con la organización (otorgar 0 puntos)	1 punto	1 punto 5 punto 0 puntos	
	Incluye información sobre el propósito y tipo de evaluación (ej., monitoreo; evaluación de proceso o formativa; evaluación de resultado o sumativa) de servicios que su organización lleva a cabo.	1 punto	1 punto 0 puntos	
Experiencia	Indica cuales son las áreas de evaluación que la organización observa (ej., tipos de servicio que evalúa, indicadores, satisfacción/experiencia, cambios o resultados) y con qué frecuencia las evalúan. Menciona cuales son las áreas de evaluación que la organización observa y con qué frecuencia las evalúan. (otorgar 1 punto)	1 punto	1 punto 5 punto 0 puntos	

			T	
Evaluativa: El	Menciona cuales son las áreas de evaluación que la			
propósito es constatar	organización observa, pero no menciona la frecuencia con la que			
que la organización	se evalúa (otorgar .5 punto)			
tiene una trayectoria	No menciona cuales son las áreas de evaluación que la			
previa en hacer	organización observa y con qué frecuencia las evalúan (otorgar			
evaluaciones y/o usar datos evaluativos.	0 puntos)			
datos evaluativos.	• /			
	Incluye una descripción del tipo de información que recopilan			
	(ej., demográficos del participante, tipo de servicio recibido por			
	el participante, progreso del participante, resultados de los			
	participantes)		1 punto	
	Inaluva una desarinaión dal tina da información qua	1 punto	0 puntos	
	Incluye una descripción del tipo de información que recopilan (otorgar 1 punto)			
	recopitan (otorgar i punto)			
	No incluye una descripción del tipo de información que			
	recopilan (0torgar 0 puntos)			
	Describe los sistemas de recopilación de datos que utiliza para			
	manejar la información (ej., formularios, bases de datos, récord			
	telefónico, programas estadísticos) y los procesos para asegurar		2 puntos	
	la ley HIPAA en el manejo de la información.		2 puntos	
	Describe los sistemas de recopilación de datos que utiliza para	2 puntos	1 punto	
	manejar la información y los procesos para asegurar la ley	2 puntos	0 puntos	
	HIPAA en el manejo de la información. (otorgar 2 punto)			
	D			
	Describe los procesos para asegurar la ley HIPAA en el manejo			
	de la información, pero no describe los sistemas de recopilación			
	de datos que utiliza para manejar la información. (otorgar 1			
	punto)			

Experiencia	No menciona los sistemas de recopilación de datos que utiliza para manejar la información y los procesos para asegurar la ley HIPAA en el manejo de la información. (otorgar 0 puntos) Describe como la organización utiliza la información recopilada (ej., quienes tienen acceso a la información, para que sirve y como comunican el resultado de la evaluación) Describe su experiencia intercambiando información de evaluación con otras organizaciones públicas o privadas.	1 punto	1 punto 0 puntos 1 punto 0 puntos	
Evaluativa: El propósito es constatar que la organización tiene una trayectoria previa en hacer evaluaciones y/o usar datos evaluativos.	La organización incluyo un ejemplo de reporte evaluativo en el A péndice D de su propuesta. Dicho ejemplo de reporte evaluativo evidencia que la organización ha llevado a cabo un proceso evaluativo.	1 punto	1 punto 0 puntos	
	Subtotal	10 puntos		
Experiencias en Acuerdos Colaborativos	La organización demuestra experiencia estableciendo alianzas/colaboraciones que ha propiciado el logro de las metas establecidas. 4 o más alianzas (Otorgar 2 puntos). 1-3 alianzas (Otorgar 1 punto). Ninguna alianza (Otorgar 0 puntos).	2 puntos	2 puntos 1 punto 0 puntos	

	La organización describe como fue la experiencia de colaboración.	1 punto	1 punto 0 puntos	
	El escrito identifica claramente los esfuerzos realizados mediante alianzas con otras entidades para desarrollar un bien común.	1 punto	1 punto 0 puntos	
Experiencias en Acuerdos Colaborativos	Describe los esfuerzos realizados en provisión de servicios preventivos y o tratamiento, implementación programática o una práctica de servicios basada en evidencia.	1 punto	1 punto 0 puntos	
	Subtotal	5 puntos		
Selección de intervención(es): Completaron Apéndice D	La organización selecciona la o las intervenciones que desea implementar.	5 puntos	5 puntos 0 puntos	
	Subtotal	5 puntos		
Selección de región(es): Completaron Apéndice D	Identifica la región o las regiones en la/las que desea implementar <i>Families First</i> Puerto Rico.	5 puntos	5 puntos 0 puntos	

	Subtotal	5 puntos		
	El escrito incluye el organigrama de la organización.	1 punto	1 punto 0 puntos	
Gerencia o Plan para el personal: Utilice el apéndice E de la convocatoria para evaluar este criterio.	El escrito explica claramente como se insertará el personal para el piloto de <i>Families First</i> Puerto Rico en el organigrama de la organización. (Esto se refiere a la ubicación organizacional que el proveedor externo dará al proyecto piloto con <i>Families First</i> Puerto Rico. Es decir, donde en la estructura organizacional existente pretender ubicar este nuevo proyecto. Por ejemplo: ¿quién supervisará al director/coordinador del proyecto organizacionalmente?)	2 puntos	2 puntos 0 puntos	
	El director(a)/coordinador(a) trabaja actualmente en la organización Trabajar actualmente (otorgar 2 puntos) No trabaja actualmente, pero incluyo resume (otorgar 1 punto) No trabaja actualmente y no se incluyó resume (otorgar O puntos)	2 puntos	2 puntos 1 punto 0 puntos	
	El escrito identifica quien sería el/la supervisor/a para <i>Families Fisrt</i> Puerto Rico. Nota : Para la intervención de B <i>rief Strategic Family Therapy</i> la supervisión es provista por el desarrollador, por lo que se le otorga el 1 automáticamente	1 punto	1 punto 0 puntos	
Gerencia o Plan para el personal: Utilice el	El/la supervisor(a) trabaja actualmente en la organización.	2 puntos	2 puntos	

(1: E 1 1				
apéndice E de la	Nota: Para la intervención de Brief Strategic Family Therapy la		1 punto	
convocatoria para evaluar este criterio.	supervisión es provista por el desarrollador, por lo que se le otorga el 2 automáticamente		0 puntos	
evalual este criterio.				
	Trabajar actualmente en la organización (otorgar 2 puntos)			
	No trabaja actualmente en la organización, pero incluyo resume (otorgar 1 puntos)			
	No trabaja actualmente y no se incluyó resume (otorgar O puntos)			
	El/la profesional implementador /a dedicará un 100% de su tiempo a <i>Families Fisrt</i> Puerto Rico.			
	Nota: El personal estipulado en la convocatoria de propuesta como "full-time" debe seguir las políticas y procedimientos vigentes de la organización solicitante con respecto al número de horas necesarias para que el puesto constituya un "full-time". Es decir, en algunas organizaciones esto puede ser 37.5 horas semanales mientras que en otras puede ser 40 horas semanales, por ejemplo.	1 punto	1 punto 0 puntos	
	La organización incluyó el resume del/la supervisora/a . La persona cuenta con la educación o experiencia, o una combinación de ambas que le permitirá llevar a cabo sus tareas bajo <i>Families First</i> Puerto. Nota : Para la intervención de B <i>rief Strategic Family Therapy</i> la supervisión es provista por el desarrollador, por lo que se le otorga los dos puntos automáticamente.	2 puntos	2 puntos 1 punto 0 puntos	
	Incluyó resume y la persona cuenta con la educación y la experiencia (otorgar 2 puntos) Incluyó resume y la persona cuenta con la educación, pero no con la experiencia (otorgar 1 punto)			

	Incluyó resume y la persona no cuenta con la educación y con la experiencia. (otorgar 0 punto) No incluyo el resume (otrogar 0 puntos)			
	La organización incluyó el resume del profesional implementador . La persona cuenta con la educación o experiencia, o una combinación de ambas que le permitirá llevar a cabo sus tareas bajo <i>Families First</i> Puerto			
	Incluyo dos a más resume y la persona cuenta con la educación y la experiencia (otorgar 2 puntos)	2 puntos	2 puntos 1 punto	
	Incluyo al menos un resume y la persona cuenta con la educación, pero no con la experiencia (otorgar 1 punto)		0 puntos	
	Incluyo resume y la persona no cuenta con la educación y con la experiencia. (otorgar 0 punto)			
Gerencia o Plan para el personal:	No incluyo el resume (otrogar 0 puntos)			
Utilice el apéndice E de la convocatoria para evaluar este criterio.	La organización incluyó el resume del/la director(a)/coordinador(a). La persona cuenta con la educación o experiencia, o una combinación de ambas que le permitirá llevar a cabo sus tareas bajo <i>Families First</i> Puerto			
	Incluyo resume y la persona cuenta con la educación y la experiencia (otorgar 2 puntos)	2 puntos	2 puntos 1 punto	
	Incluyo resume y la persona cuenta con la educación, pero no con la experiencia (otorgar 1 punto)		0 puntos	
	Incluyo resume y la persona no cuenta con la educación y con la experiencia. (otorgar 0 punto)			
	No incluyo el resume (otrogar 0 puntos)			

Gerencia o Plan para el personal: Utilice el apéndice E de la convocatoria para evaluar este criterio.		5 puntos	5 puntos 0 puntos	
	Subtotal	20 puntos		

	La organización presenta el presupuesto en el formato requerido (SF-424 A)	5 puntos	5 puntos 0 puntos	
Presupuesto: *DEJAR EN BLANCO ESTA SECCION. SERA EVALUADO POR EL EQUIPO DE ITM	La organización redacto el narrativo del presupuesto y este es razonable y guarda relación con los objetivos de la solicitud: -El presupuesto es totalmente razonable y guarda total relación con los objetivos de la solicitud en todas sus partidas (otorgar 5 puntos) -El presupuesto es razonable en la mayoría de sus partidas y guarda relación con los objetivos de la solicitud (otorgar 4 puntos) - El presupuesto es razonable en la mayoría de sus partidas, pero no todas guardan relación con los objetivos de la solicitud (otorgar 3 puntos) - El presupuesto es razonable en varias partidas, guardan poca relación con los objetivos de la solicitud (otorgar 2 puntos) -El presupuesto es poco razonable y guarda poca relación con los objetivos de la solicitud (otorgar 1 punto) -El presupuesto no es razonable y no guarda relación con los objetivos de la solicitud (otorgar 0 puntos)	5 punto	5 puntos 4 puntos 3 puntos 2 puntos 1 punto 0 puntos	

Presupuesto: *DEJAR EN BLANCO ESTA SECCION. SERA EVALUADO POR EL EQUIPO DE ITM	 Incluye el narrativo del presupuesto que detalla y justifica cómo la organización llegó a la cifra de gastos presentada en el formulario SF-424A en el narrativo del presupuesto cada partida se justifica detalladamente (excepción: partida de gastos indirectos) en la partida de personal se incluye el por ciento de tiempo que dedicará cada miembro del personal al proyecto en la partida de gastos indirectos se indica el porciento que éstos representan de los gastos directos. Los gastos indirectos no exceden el 8% de los gastos directos 	10 puntos	10 puntos 9 puntos 8 puntos 7 puntos 6 puntos 5 puntos 4 puntos 3 puntos 2 puntos 1 punto 0 puntos	
	Subtotal	20 puntos		
	Total	100 puntos		

Nombre del Evaluador A:	Firn	na:
Nombre del Evaluador B:	Firm	1a:



Apéndice C

Nombre de la Organización:	



Evaluación de la Solicitud Panel

A continuación, se encuentran los criterios para cada una de las secciones de la Solicitud *Families First Puerto Rico*. Ambos Evaluadores deben marcar la puntuación que ellos otorgaron individualmente en cada uno de los componentes. Luego de llegar al **consenso** marque la decisión en la columna de puntuación final.

Al final de cada sección se encuentra un espacio para colocar la suma de la puntuación de consenso obtenida en ésta.

Secciones de la Solicitud	Criterios para el Evaluador	Valor	Puntuación Evaluador A	Puntuación Evaluador B	Puntuación Final	Comentarios (en esta columna siempre escriba el número de la página en la propuesta a la que hace referencia)
Trasfondo Organizacional: El propósito es constatar que la organización tiene una trayectoria previa a esta	La organización debe tener mínimo un año de existencia. Nota: Coteje con el Certificado de Incorporación, Certificación de Existencia o Certificación de Autorización para hacer Negocios en Puerto Rico (apéndice C). La organización tiene 3 años o más de existencia (otorgar 1 puntos) La organización tiene menos de 3 años, pero más de 12 meses (otorgar .5 puntos) La organización tiene menos de 12 meses de existencia (otorgar 0 punto)	1 punto	1 punto 5 punto 0 punto	1 punto5 punto 0 punto	1 punto 5 punto 0 punto	

oportunidad de fondos que los cualifica para implementar este proyecto exitosamente. La estabilidad organizacional es importante.	Presenta el trasfondo de la organización, incluyendo cuando fue fundada. Tiene una misión. La misión está claramente conceptualizada. La misión es cónsona con los servicios que provee.	.5 punto	5 punto 0 punto5 punto5 punto 0 punto	5 punto 0 punto5 punto 0 punto	5 punto 0 punto5 punto5 punto 0 punto	
	Tiene una visión. La visión está claramente conceptualizada. La visión es cónsona con los servicios que provee.	.5 punto	5 punto 0 puntos	5 punto 0 puntos	5 punto 0 puntos	
Trasfondo Organizacional El propósito es constatar que la organización tiene una trayectoria	Ofrece listado de los servicios que proveen. La organización tiene experiencia en provisión de servicios en tratamiento y/o en prevención en las siguientes áreas: salud mental, uso de sustancia y destrezas de crianza (otorgar 1 punto). La organización demuestra experiencia en provisión de servicios en alguna de las siguientes áreas: salud mental, uso de sustancia y destrezas de crianza (otorgar .5 punto). La organización NO tiene experiencia en provisión de servicios en alguna de las siguientes áreas: salud mental, uso de sustancia y destrezas de crianza (otorgar 0 puntos).	1 punto	1 puntos 5 punto 0 puntos	1 puntos5 punto 0 puntos	1 puntos 5 punto 0 puntos	Si algún proveedor menciona experiencia previa en la provisión de servicios de tratamiento o prevención, indique la página donde lo describe.
previa a esta oportunidad de fondos que los cualifica para implementar este	Incluye una descripción de la población a la que ofrece servicios actualmente.	.5 punto	5 punto 0 puntos	5 punto 0 puntos	5 punto 0 puntos	

proyecto exitosamente. La estabilidad organizacional es importante.	Verificar que incluye la lista de los miembros de la Junta Directiva y descripción del personal.	.5 punto	5 punto 0 puntos	5 punto 0 puntos	5 punto 0 puntos	
	Verificar en los Apéndices si aparece los siguientes resume: ✓ Director(a) Ejecutivo de la organización ✓ Director(a) o coordinador(a) de proyecto ✓ Supervisor(a) de personal implementador (excepto para la intervención de <i>Brief Strategic Family Therapy</i>) ✓ Profesional implementador	.5 punto	5 punto 0 puntos	5 punto 0 puntos	5 punto 0 puntos	
			Subtotal	5 puntos		
Capacidad Administrativa / Fiscal:	Se describe la infraestructura física de la organización (cuenta con un espacio donde puedan trabajar). Cuenta con espacio físico para su personal y para proveer servicios a los participantes una vez el mismo se ofrezcan de forma presencial (otorgar 2 puntos). Cuenta con espacio físico para personal limitado, pero describió habilitar o adquirir espacios para el personal necesario (otorgar 1 punto). No tiene la infraestructura previamente ni la presupuestó para crearla (otorgar 0 puntos).	2 puntos	2 puntos 1 punto 0 puntos	2 puntos 1 punto 0 puntos	2 puntos 1 punto 0 puntos	

El propósito es constatar que la organización tiene una trayectoria previa administrando fondos y la infraestructura para administrarlos adecuadamente.	Cuenta con equipo tecnológico (tales como: sistema de comunicación, computadoras con cámara integrada o externa, internet, impresoras entre otras). Tiene la infraestructura previa a la sumisión de esta propuesta (otorgar 2 puntos) La creará, esta descrita en el presupuesto (otorgar 1 punto) No tiene la infraestructura previamente ni la presupuesto para crearla (otorgar 0 puntos)	2 puntos	2 puntos 1 punto 0 puntos	2 puntos 1 punto 0 puntos	2 puntos 1 punto 0 puntos	
	Se describe la infraestructura fiscal de la organización: cuenta con un personal clave para llevar a cabo los procesos fiscales, por ejemplo, un contable. Tiene el personal fiscal clave previo a la sumisión de esta propuesta (otorgar 2 puntos) Contratará, al personal fiscal clave con los fondos de esta propuesta (otorgar 1 punto) No tiene personal fiscal clave previamente ni lo presupuesto para contratarlo (otorgar 0 puntos)	2 puntos	2 punto 1 punto 0 puntos	2 punto 1 punto 0 puntos	2 punto 1 punto 0 puntos	
	Los roles y responsabilidades del personal clave (ej. contable) encargado/s del monitoreo fiscal están definidos: Los roles y responsabilidades del personal clave encargado/s del monitoreo fiscal están claramente definidos (otorgar 2 puntos) Se mencionan los roles y responsabilidades, pero no se definen claramente (otorgar 1 punto)	2 puntos	2 puntos 1 punto 0 puntos	2 puntos 1 punto 0 puntos	2 puntos 1 punto 0 puntos	

	No se mencionan los roles y responsabilidades del personal clave (otorgar 0 puntos)					
	Se incluyo el Resume de el/la encargado/a del monitoreo fiscal de la organización en el Apéndice A.	1 punto	1 punto 0 puntos	1 punto 0 puntos	1 punto 0 puntos	
Capacidad Administrativa /	Cuentan formalmente con una política/procedimientos para el monitoreo fiscal.					
	Cuenta con políticas/procedimientos específicos previo a la sumisión de esta propuesta (otorgar 3 puntos)	3 puntos	3 puntos 2 puntos	3 puntos 2 puntos	3 puntos 2 puntos	
	Cuenta con políticas/procedimientos limitados (otorgar 2 puntos)		1 punto	1 punto	1 punto	
	Creará las políticas y procedimientos para el monitoreo fiscal luego de la sumisión de esta propuesta (otorgar 1 puntos)		0 puntos	0 puntos	0 puntos	
Fiscal: El propósito es constatar que la organización tiene una	No cuenta con políticas/procedimientos para el monitoreo fiscal (otorgar 0 puntos)					
trayectoria previa administrando fondos y	Observar la trayectoria fiscal a través del tiempo por medio de los estados financieros de los últimos 3 años.					
la infraestructura para administrarlos adecuadamente.	La organización muestra estabilidad económica (que no haya estado operando en déficit presupuestario) por los últimos tres años. (otorgar 3 puntos)		3 puntos	3 puntos	3 puntos	
	La organización presenta estados financieros de 2 años y muestra estabilidad económica (que no haya estado operando en	3 puntos	2 puntos 1 punto	2 puntos 1 punto	2 puntos 1 punto	
	déficit presupuestario) (otorgar 2 puntos) La organización solo presenta 1 año de estados financieros		0 puntos	0 puntos	0 puntos	
	(que no haya estado operando en déficit presupuestario) (otorgar 1 punto)					

	No presento estados financieros de la organización (otorgar 0 puntos)		Subtotal	15 puntos		
Experiencia Programática	El escrito explica como la visión y la misión de su organización son cónsonas con las metas de <i>Families First</i> El escrito NO debe ser sólo una repetición literal de las metas de <i>Families First Puerto</i> . El escrito contiene una descripción breve de los programas que su organización ha implementado en los últimos 3 a 5 años. Los programas descritos guardan relevancia con las metas de <i>Families First Pueto Rico</i> (otorgar 2 puntos) Tiene la descripción (otorgar 1 punto) No tiene la descripción (otorgar 0 puntos)	2 puntos 2 puntos	2 puntos 1 punto 0 puntos 2 puntos 2 puntos 1 punto 0 puntos	2 puntos 1 punto 0 puntos 2 puntos 2 puntos 1 punto 0 puntos	2 puntos 1 punto 0 puntos 2 puntos 1 punto 0 puntos	
	El escrito menciona/describe la capacidad de la organización para llevar a cabo la implementación de programas basados en evidencia. Mencionar específicamente 2 o más currículos/programas basados en evidencia que la organización ha implementado (otorgar 2 puntos). Mencionar específicamente al menos 1 currículo/programa basado en evidencia que la organización ha implementado (otorgar 1 punto). No menciona específicamente algún currículo/programa basado en evidencia que la organización (otorgar 0 puntos).	2 puntos	2 puntos 1 punto 0 puntos	2 puntos 1 punto 0 puntos	2 puntos 1 punto 0 puntos	Si el proveedor menciona los currículos o programas basados en evidencia que ha implementado, liste los nombres e indique la página en la que lo describe.

El escrito describe experiencia implementando programas o servicios de prevención. Por ejemplo, implementación de programas o servicios enfocados en prevenir el uso de sustancias, promover la salud mental, promover la preservación familiar o promover destrezas de crianza. Describe experiencia implementado programas o servicios de prevención en las 3 áreas mencionadas (otorgar 3 puntos) Describe experiencia implementado programas o servicios de prevención en las 2 áreas mencionadas (otorgar 2 puntos) Describe experiencia implementado programas o servicios de prevención en las 1 áreas mencionadas (otorgar 1 punto) No escribe experiencia implementado programas o servicios de prevención en las 3 áreas mencionadas (otorgar 0 puntos)	3 puntos	3 puntos 2 puntos 1 punto 0 puntos	3 puntos 2 puntos 1 punto 0 puntos	3 puntos 2 puntos 1 punto 0 puntos	
Experiencia, capacidad y disponibilidad proveyendo servicios de forma remota y presencial. Menciona experiencia y disponibilidad proveyendo servicios de forma remota y presencial. (otorgar 3 puntos). Menciona experiencia y disponibilidad proveyendo servicios SOLO de forma remota (otorgar 2 puntos) Menciona experiencia y disponibilidad proveyendo servicios SOLO de forma presencial (otorgar 1 punto). No menciona experiencia, ni disponibilidad proveyendo servicios de forma remota o presencial. (otorgar 0 puntos).	3 puntos	3 puntos 2 puntos 1 punto 0 puntos	3 puntos 2 puntos 1 punto 0 puntos	3 puntos 2 puntos 1 punto 0 puntos	Si algún proveedor menciona la capacidad y/o experiencia ofreciendo visitas al hogar favor de mencionar la página donde se escribe.

Experiencia Programática	Experiencia, capacidad y disponibilidad proveyendo servicio en varias áreas geográficas y / o a través de toda la isla. Se completó adecuadamente el Apéndice D y seleccionó una de las opciones 4 o 5 (otorgar 3 puntos) Se completó adecuadamente el Apéndice D y seleccionó la opción 2 seleccionando Todas las Regiones-Aguadilla, Mayagüez, Humacao y Bayamón (otorgar 2 puntos) Se completó adecuadamente el Apéndice D (otorgar 1 puntos) No se completó adecuadamente el Apéndice D (otorgar 0 puntos)	3 puntos	3 puntos 2 puntos 1 punto 0 puntos	3 puntos 2 puntos 1 punto 0 puntos	3 puntos 2 puntos 1 punto 0 puntos	

Experiencia					
Programática		Subtotal	15 Puntos		
		Subtotal	13 Tuntos		
F	¿Descripción de cómo y desde cuándo la organización recopila información para identificar las fortalezas, áreas a mejorar y/o resultados del servicio que ofrecen?	1 punto	1 punto	1 punto	
Experiencia Evaluativa: El propósito es constatar que la organización	Describe cómo y desde cuando la organización recopila información para identificar las fortalezas, áreas a mejorar y/o resultados del servicio que ofrecen ha realizado evaluaciones de programa. (otorgar 1 punto)	1 punto 0 puntos	0 puntos	0 puntos	
tiene una trayectoria previa en hacer	No describe cómo y desde cuando la organización recopila información para identificar las fortalezas, áreas a mejorar				

evaluaciones y/o usar datos evaluativos.	y/o resultados del servicio que ofrecen ha realizado evaluaciones de programa. (otorgar 0 puntos)					
	Incluye detalles sobre el personal que participa en el proceso de evaluación, su rol, y la relación con la organización (ej., interno, externo) Menciona detalles sobre el personal que participa en el proceso de evaluación, su rol, y la relación con la organización (otorgar 1 punto) Menciona detalles sobre el personal que participa en el proceso de evaluación, pero no menciona su rol ni la relación con la organización. (otorgar .5 punto) No Menciona detalles sobre el personal que participa en el proceso de evaluación, su rol, y la relación con la organización (otorgar 0 puntos)	1 punto	1 punto 5 punto 0 puntos	1 punto 5 punto 0 puntos	1 punto 5 punto 0 puntos	
	Incluye información sobre el propósito y tipo de evaluación (ej., monitoreo; evaluación de proceso o formativa; evaluación de resultado o sumativa) de servicios que su organización lleva a cabo.	1 punto	1 punto 0 puntos	1 punto 0 puntos	1 punto 0 puntos	
Experiencia	Indica cuales son las áreas de evaluación que la organización observa (ej., tipos de servicio que evalúa, indicadores, satisfacción/experiencia, cambios o resultados) y con qué frecuencia las evalúan. Menciona cuales son las áreas de evaluación que la organización observa y con qué frecuencia las evalúan. (otorgar 1 punto)	1 punto	1 punto 5 punto 0 puntos	1 punto 5 punto 0 puntos	1 punto 5 punto 0 puntos	

					T	
Evaluativa: El propósito es constatar que la organización tiene una trayectoria previa en hacer evaluaciones y/o usar datos evaluativos.	Menciona cuales son las áreas de evaluación que la organización observa, pero no menciona la frecuencia con la que se evalúa (otorgar .5 punto) No menciona cuales son las áreas de evaluación que la organización observa y con qué frecuencia las evalúan (otorgar 0 puntos)					
	Incluye una descripción del tipo de información que recopilan (ej., demográficos del participante, tipo de servicio recibido por el participante, progreso del participante, resultados de los participantes) Incluye una descripción del tipo de información que recopilan (otorgar 1 punto) No incluye una descripción del tipo de información que recopilan (Otorgar 0 puntos)	1 punto	1 punto 0 puntos	1 punto 0 puntos	1 punto 0 puntos	
	Describe los sistemas de recopilación de datos que utiliza para manejar la información (ej., formularios, bases de datos, récord telefónico, programas estadísticos) y los procesos para asegurar la ley HIPAA en el manejo de la información. Describe los sistemas de recopilación de datos que utiliza para manejar la información y los procesos para asegurar la ley HIPAA en el manejo de la información. (otorgar 2 punto) Describe los procesos para asegurar la ley HIPAA en el manejo de la información, pero no describe los sistemas de recopilación de datos que utiliza para manejar la información. (otorgar 1 punto)	2 puntos	2 puntos 1 punto 0 puntos	2 puntos 1 punto 0 puntos	2 puntos 1 punto 0 puntos	

	No menciona los sistemas de recopilación de datos que utiliza para manejar la información y los procesos para asegurar la ley HIPAA en el manejo de la información. (otorgar 0 puntos) Describe como la organización utiliza la información recopilada (ej., quienes tienen acceso a la información, para que sirve y como comunican el resultado de la evaluación)	1 punto	1 punto 0 puntos	1 punto 0 puntos	1 punto 0 puntos	
Experiencia	Describe su experiencia intercambiando información de evaluación con otras organizaciones públicas o privadas.	1 punto	1 punto 0 puntos	1 punto 0 puntos	1 punto 0 puntos	
Evaluativa: El propósito es constatar que la organización tiene una trayectoria previa en hacer evaluaciones y/o usar datos evaluativos.	La organización incluyo un ejemplo de reporte evaluativo en el A péndice D de su propuesta. Dicho ejemplo de reporte evaluativo evidencia que la organización ha llevado a cabo un proceso evaluativo.	1 punto	1 punto 0 puntos	1 punto 0 puntos	1 punto 0 puntos	
Subtotal						
Experiencias en Acuerdos Colaborativos	La organización demuestra experiencia estableciendo alianzas/colaboraciones que ha propiciado el logro de las metas establecidas. 4 o más alianzas (Otorgar 2 puntos). 1-3 alianzas (Otorgar 1 punto). Ninguna alianza (Otorgar 0 puntos).	2 puntos	2 puntos 1 punto 0 puntos	2 puntos 1 punto 0 puntos	2 puntos 1 punto 0 puntos	

	La organización describe como fue la experiencia de colaboración.	1 punto	1 punto 0 puntos	1 punto 0 puntos	1 punto 0 puntos	
	El escrito identifica claramente los esfuerzos realizados mediante alianzas con otras entidades para desarrollar un bien común.	1 punto	1 punto 0 puntos	1 punto 0 puntos	1 punto 0 puntos	
	Describe los esfuerzos realizados en provisión de servicios preventivos y o tratamiento, implementación programática o una práctica de servicios basada en evidencia.					
Experiencias en Acuerdos Colaborativos		1 punto	1 punto 0 puntos	1 punto 0 puntos	1 punto 0 puntos	
			Subtotal	5 puntos		
Selección de intervención(es): Completaron Apéndice D	La organización selecciona la o las intervenciones que desea implementar.	5 puntos	5 puntos 0 puntos	5 puntos 0 puntos	5 puntos 0 puntos	
			Subtotal	5 puntos		
Selección de región(es): Completaron Apéndice D	Identifica la región o las regiones en la/las que desea implementar <i>Families First</i> Puerto Rico.	5 puntos	5 puntos 0 puntos	5 puntos 0 puntos	5 puntos 0 puntos	

			Subtotal	5 puntos		
	El escrito incluye el organigrama de la organización.	1 punto	1 punto 0 puntos	1 punto 0 puntos	1 punto 0 puntos	
Gerencia o Plan para el personal: Utilice el apéndice E de la convocatoria para evaluar este criterio.	El escrito explica claramente como se insertará el personal para el piloto de <i>Families First</i> Puerto Rico en el organigrama de la organización. (Esto se refiere a la ubicación organizacional que el proveedor externo dará al proyecto piloto con <i>Families First</i> Puerto Rico. Es decir, donde en la estructura organizacional existente pretender ubicar este nuevo proyecto. Por ejemplo: ¿quién supervisará al director/coordinador del proyecto organizacionalmente?)	2 puntos	2 puntos 0 puntos	2 puntos 0 puntos	2 puntos 0 puntos	
	El director(a)/coordinador(a) trabaja actualmente en la organización Trabajar actualmente (otorgar 2 puntos) No trabaja actualmente, pero incluyo resume (otorgar 1 punto) No trabaja actualmente y no se incluyó resume (otorgar O puntos)	2 puntos	2 puntos 1 punto 0 puntos	2 puntos 1 punto 0 puntos	2 puntos 1 punto 0 puntos	
	El escrito identifica quien sería el/la supervisor/a para <i>Families Fisrt</i> Puerto Rico. Nota : Para la intervención de B <i>rief Strategic Family Therapy</i> la supervisión es provista por el desarrollador, por lo que se le otorga el 1 automáticamente	1 punto	1 punto 0 puntos	1 punto 0 puntos	1 punto 0 puntos	

Gerencia o Plan para el personal: Utilice el apéndice E de la convocatoria para evaluar este criterio.	El/la supervisor(a) trabaja actualmente en la organización. Nota: Para la intervención de Brief Strategic Family Therapy la supervisión es provista por el desarrollador, por lo que se le otorga el 2 automáticamente Trabajar actualmente en la organización (otorgar 2 puntos) No trabaja actualmente en la organización, pero incluyo resume (otorgar 1 puntos) No trabaja actualmente y no se incluyó resume (otorgar O puntos)	2 puntos	2 puntos 1 punto 0 puntos	2 puntos 1 punto 0 puntos	2 puntos 1 punto 0 puntos	
	El/la profesional implementador /a dedicará un 100% de su tiempo a <i>Families Fisrt</i> Puerto Rico. Nota: El personal estipulado en la convocatoria de propuesta como "full-time" debe seguir las políticas y procedimientos vigentes de la organización solicitante con respecto al número de horas necesarias para que el puesto constituya un "full-time". Es decir, en algunas organizaciones esto puede ser 37.5 horas semanales mientras que en otras puede ser 40 horas semanales, por ejemplo.	1 punto	1 punto 0 puntos	1 punto 0 puntos	1 punto 0 puntos	
	La organización incluyó el resume del/la supervisora/a . La persona cuenta con la educación o experiencia, o una combinación de ambas que le permitirá llevar a cabo sus tareas bajo <i>Families First</i> Puerto. Nota : Para la intervención de B <i>rief Strategic Family Therapy</i> la supervisión es provista por el desarrollador, por lo que se le otorga los dos puntos automáticamente. Incluyó resume y la persona cuenta con la educación y la experiencia (otorgar 2 puntos)	2 puntos	2 puntos 1 punto 0 puntos	2 puntos 1 punto 0 puntos	2 puntos 1 punto 0 puntos	

	Incluyó resume y la persona cuenta con la educación, pero no con la experiencia (otorgar 1 punto) Incluyó resume y la persona no cuenta con la educación y con la experiencia. (otorgar 0 punto) No incluyo el resume (otrogar 0 puntos)					
Gerencia o Plan para el personal:	La organización incluyó el resume del profesional implementador. La persona cuenta con la educación o experiencia, o una combinación de ambas que le permitirá llevar a cabo sus tareas bajo Families First Puerto Incluyo dos a más resume y la persona cuenta con la educación y la experiencia (otorgar 2 puntos) Incluyo al menos un resume y la persona cuenta con la educación, pero no con la experiencia (otorgar 1 punto) Incluyo resume y la persona no cuenta con la educación y con la experiencia. (otorgar 0 punto) No incluyo el resume (otrogar 0 puntos)	2 puntos	2 puntos 1 punto 0 puntos	2 puntos 1 punto 0 puntos	2 puntos 1 punto 0 puntos	
Utilice el apéndice E de la convocatoria para evaluar este criterio.	La organización incluyó el resume del/la director(a)/coordinador(a). La persona cuenta con la educación o experiencia, o una combinación de ambas que le permitirá llevar a cabo sus tareas bajo Families First Puerto Incluyo resume y la persona cuenta con la educación y la experiencia (otorgar 2 puntos) Incluyo resume y la persona cuenta con la educación, pero no con la experiencia (otorgar 1 punto) Incluyo resume y la persona no cuenta con la educación y con la experiencia. (otorgar 0 punto) No incluyo el resume (otrogar 0 puntos)	2 puntos	2 puntos 1 punto 0 puntos	2 puntos 1 punto 0 puntos	2 puntos 1 punto 0 puntos	

Resultados Proceso de Evaluación Acuerdo Colaborativo Implementación Programa Piloto *Families First* Puerto Rico

	Gerencia o Plan para el personal: Utilice el apéndice E de la convocatoria para evaluar este criterio.	el escrito muestra la habilidad de anticipar retos/issues/ áreas de ecesidad en la implementación del proyecto.	5 puntos	5 puntos 0 puntos	5 puntos 0 puntos	5 puntos 0 puntos		
--	--	---	----------	----------------------	----------------------	----------------------	--	--

	La organización presenta el presupuesto en el formato requerido (SF-424 A)	5 puntos	5 puntos 0 puntos	5 puntos 0 puntos	5 puntos 0 puntos	
Presupuesto: *DEJAR EN BLANCO ESTA SECCION. SERA EVALUADO POR EL EQUIPO DE ITM	La organización redacto el narrativo del presupuesto y este es razonable y guarda relación con los objetivos de la solicitud: -El presupuesto es totalmente razonable y guarda total relación con los objetivos de la solicitud en todas sus partidas (otorgar 5 puntos) -El presupuesto es razonable en la mayoría de sus partidas y guarda relación con los objetivos de la solicitud (otorgar 4 puntos) - El presupuesto es razonable en la mayoría de sus partidas, pero no todas guardan relación con los objetivos de la solicitud (otorgar 3 puntos) - El presupuesto es razonable en varias partidas, guardan poca relación con los objetivos de la solicitud (otorgar 2 puntos) -El presupuesto es poco razonable y guarda poca relación con los objetivos de la solicitud (otorgar 1 punto) -El presupuesto no es razonable y no guarda relación con los objetivos de la solicitud (otorgar 0 puntos)	5 punto	5 puntos 4 puntos 3 puntos 2 puntos 1 punto 0 puntos	5 puntos 4 puntos 3 puntos 2 puntos 1 punto 0 puntos	5 puntos 4 puntos 3 puntos 2 puntos 1 punto 0 puntos	

Presupuesto: *DEJAR EN BLANCO ESTA SECCION. SERA EVALUADO POR EL EQUIPO DE ITM	 Incluye el narrativo del presupuesto que detalla y justifica cómo la organización llegó a la cifra de gastos presentada en el formulario SF-424A en el narrativo del presupuesto cada partida se justifica detalladamente (excepción: partida de gastos indirectos) en la partida de personal se incluye el por ciento de tiempo que dedicará cada miembro del personal al proyecto en la partida de gastos indirectos se indica el porciento que éstos representan de los gastos directos. Los gastos indirectos no exceden el 8% de los gastos directos 	10 puntos	10 puntos 9 puntos 8 puntos 7 puntos 6 puntos 5 puntos 4 puntos 3 puntos 2 puntos 1 punto 0 puntos	10 puntos 9 puntos 8 puntos 7 puntos 6 puntos 5 puntos 4 puntos 3 puntos 2 puntos 1 punto 0 puntos	10 puntos 9 puntos 8 puntos 7 puntos 6 puntos 5 puntos 4 puntos 3 puntos 2 puntos 1 punto 0 puntos	
		<u>, </u>	Subtotal	20 puntos		
			Total	100 puntos		

Nombre del Evaluador A:	Firma:
Nombre del Evaluador B:	Firma:





Comité Evaluador de Solicitudes

Families First Puerto Rico

Certificación de Confidencialidad y Certificación Negativa de Conflicto de Interés

Yo,	, mayor de	edad,	vecino	de
	, Puerto Rico, y empleado de			
	no participante del Comité de Evaluación de Solicitudes que dirige la Administraci DFAN) con el fin de evaluar las Solicitudes de Acuerdo Colaborativo bajo la pro-		-	
•	erto Rico certificó lo siguiente.	P		
1 110,10	the theo columbs to significate.			
1.	Que se me ha delegado la encomienda de participar en el Proceso de Evaluado			
	de la Convocatoria para Acuerdo Colaborativo Implementación de Program			
	por las entidades u organizaciones que interesan participar en el acuerdo ADFAN.	o colab	orativo co	n la
2.	Que me comprometo a mantener en estricta confidencialidad y privacidad to	odos los	pormenoi	res y
	asuntos, datos operacionales, financieros y administrativos sobre los que			
	durante mi participación y desempeño en este proceso. Así como también, a			
3.	momento el carácter privado y/o privilegiado de la información suministrad			
3.	Que, a la fecha de hoy, no tengo o he tenido algún tipo de relación de traba de ninguno de los proponentes conocidos, que puedan aparentar o repres			
	interés. Así como tampoco tengo conocimiento de que algún pariente ce			
	relación de trabajo o económica con alguno de los proponentes que pueda r			
	un conflicto de interés y que me descalifique para participar como evaluado	or justo	e imparcia	ıl en
	este proceso de evaluación.			
4.	Que reconozco mi deber de abstenerme o inhibirme en participar de este pro			
	en conocimiento de que existen vínculos que representen o aparenten printerés. Además, acepto que tengo una obligación continua de informar cual			
	o del cual advenga en conocimiento y que sea motivo para descalificarn			
	proceso por impedir que actue como un evaluador justo e imparcial.	•	•	
Y para	para que así conste, firmo la presente, en San Juan, Puerto Rico, hoy de abril o	de 2021		
	Firma del Declarante			

Resultados Proceso de Evaluación Acuerdo Colaborativo Implementación Programa Piloto *Families First* Puerto Rico

Apéndice E

Apéndice E $\label{eq:protocolo} \mbox{Protocolo de Entrevista a Potenciales proveedores externos de $\textit{Brief Strategic Family Therapy} $}$

I. Preguntas enfocadas en aspectos Clínicos	Escala	Respuesta
1) ¿Por cuánto tiempo han implementado programas de tratamiento? ¿Desde cuándo? ¿Ha sido continuo?	0 = Inexistente 1 = Muy Bajo 2 = Bajo 3 = Promedio 4 = Alto 5 = Muy Alto	
2) ¿Por cuánto tiempo han implementado servicios de psicoterapia? ¿Desde cuándo? ¿Ha sido continuo?	0 = Inexistente 1 = Muy Bajo 2 = Bajo 3 = Promedio 4 = Alto 5 = Muy Alto	
3) ¿Qué programas de tratamiento han implementado?	0 = Inexistente 1 = Muy Bajo 2 = Bajo 3 = Promedio 4 = Alto 5 = Muy Alto	
4) ¿Qué modelos de psicoterapia han implementado?	0 = Inexistente 1 = Muy Bajo 2 = Bajo 3 = Promedio 4 = Alto 5 = Muy Alto	
5) ¿Han implementado modelos de terapia de familia? ¿Cuáles han implementado?	0 = Inexistente 1 = Muy Bajo 2 = Bajo 3 = Promedio 4 = Alto 5 = Muy Alto	
6) ¿Cuántas personas han impactado durante su trayectoria ofreciendo programas de tratamiento?	0 = Inexistente 1 = Muy Bajo 2 = Bajo 3 = Promedio 4 = Alto 5 = Muy Alto	
7) ¿Cuántas personas han impactado durante su trayectoria ofreciendo servicios de psicoterapia?	0 = Inexistente 1 = Muy Bajo 2 = Bajo 3 = Promedio 4 = Alto 5 = Muy Alto	
8) ¿Cuántas familias han impactado durante su trayectoria ofreciendo servicios de terapia de familia?	0 = Inexistente 1 = Muy Bajo 2 = Bajo 3 = Promedio 4 = Alto	

Resultados Proceso de Evaluación Acuerdo Colaborativo Implementación Programa Piloto *Families First* Puerto Rico

	5 = Muy Alto	
9) ¿Cuánta experiencia tienen los supervisores, supervisando terapeutas?	0 = Inexistente 1 = Muy Bajo 2 = Bajo 3 = Promedio 4 = Alto 5 = Muy Alto	
10) ¿Qué instrumentos de cernimiento y diagnóstico han sido utilizado por la agencia?	0 = Inexistente 1 = Muy Bajo 2 = Bajo 3 = Promedio 4 = Alto 5 = Muy Alto	
11) ¿Qué protocolos tienen disponible para el manejo de crisis?	0 = Inexistente 1 = Muy Bajo 2 = Bajo 3 = Promedio 4 = Alto 5 = Muy Alto	
Total	/55	
II. Preguntas enfocadas en aspectos de infraestructura,	Escala	Respuesta
administrativos y fiscales		
	0 = Inexistente 1 = Muy Bajo 2 = Bajo 3 = Promedio 4 = Alto 5 = Muy Alto	
administrativos y fiscales 1) ¿Cuántas oficinas para terapia tienen	1 = Muy Bajo 2 = Bajo 3 = Promedio 4 = Alto	
administrativos y fiscales 1) ¿Cuántas oficinas para terapia tienen disponible? 2) ¿Cuentan con protocolos para ofrecer los	1 = Muy Bajo 2 = Bajo 3 = Promedio 4 = Alto 5 = Muy Alto 0 = Inexistente 1 = Muy Bajo 2 = Bajo 3 = Promedio 4 = Alto	

5) ¿Qué capacidad tienen para supervisar y expandir en capacidad de terapeutas para ofrecer BSFT?	0 = Inexistente 1 = Muy Bajo 2 = Bajo 3 = Promedio 4 = Alto 5 = Muy Alto	
6) ¿Los terapeutas serán contratado a tiempo completo o tiempo parcial?	0 = Inexistente 1 = Muy Bajo 2 = Bajo 3 = Promedio 4 = Alto 5 = Muy Alto	
7) ¿Qué otros criterios más allá de los establecidos en la propuesta tomarán en consideración para contratar terapeutas?	0 = Inexistente 1 = Muy Bajo 2 = Bajo 3 = Promedio 4 = Alto 5 = Muy Alto	
8) ¿Cómo llevan a cabo los procesos de referido a otros servicios?	0 = Inexistente 1 = Muy Bajo 2 = Bajo 3 = Promedio 4 = Alto 5 = Muy Alto	
Total	/40	
III D		
III. Presupuesto	Escala	Respuesta
1) ¿Cómo se lleva la contabilidad de ingreso y gastos? ¿Cuál sistema de contabilidad están utilizando?	Escala 0 = Inexistente 1 = Muy Bajo 2 = Bajo 3 = Promedio 4 = Alto 5 = Muy Alto	Respuesta
1) ¿Cómo se lleva la contabilidad de ingreso y gastos? ¿Cuál sistema de	0 = Inexistente 1 = Muy Bajo 2 = Bajo 3 = Promedio 4 = Alto	Respuesta
1) ¿Cómo se lleva la contabilidad de ingreso y gastos? ¿Cuál sistema de contabilidad están utilizando? 2) ¿Cómo manejan las cuentas de los	0 = Inexistente 1 = Muy Bajo 2 = Bajo 3 = Promedio 4 = Alto 5 = Muy Alto 0 = Inexistente 1 = Muy Bajo 2 = Bajo 3 = Promedio 4 = Alto	Respuesta

funcionando? ¿Cuentan con alguna línea de crédito?		
5) Describa un reto resiente gerencial/fiscal y como lo solucionaron. (Procedimiento para la toma de decisiones / resolver problemas.)	0 = Inexistente 1 = Muy Bajo 2 = Bajo 3 = Promedio 4 = Alto 5 = Muy Alto	
6) ¿Cómo preparan las auditorias externa? (Si, Aplica)	0 = Inexistente 1 = Muy Bajo 2 = Bajo 3 = Promedio 4 = Alto 5 = Muy Alto	
Total	/30	
Puntaje Total del panel (suma de las tres partes)	/125	

Nombre de la Organización:	
Asistencia	Puesto
1.	
2.	
3.	

Entrevista realizada por:		
Nombre	Fecha	Firma
1.		
2.		
3.		
4.		

Apéndice F

Apéndice F

Protocolo de Entrevista a Potenciales proveedores externos de *Parenting Fundamentals*

IV. Preguntas enfocadas en aspectos Programático	Escala	Respuesta
1. ¿Han realizado intervenciones manualizadas?	0 = Inexistente 1 = Muy Bajo 2 = Bajo 3 = Promedio 4 = Alto 5 = Muy Alto	
2. ¿Han tenido experiencia realizando visitas al hogar?	0 = Inexistente 1 = Muy Bajo 2 = Bajo 3 = Promedio 4 = Alto 5 = Muy Alto	
3. Experiencia con intervenciones familiares	0 = Inexistente 1 = Muy Bajo 2 = Bajo 3 = Promedio 4 = Alto 5 = Muy Alto	
4. ¿Cuántas personas han impactado durante su trayectoria ofreciendo servicios de intervenciones grupales?	0 = Inexistente 1 = Muy Bajo 2 = Bajo 3 = Promedio 4 = Alto 5 = Muy Alto	
5. ¿Cuántas familias han impactado durante su trayectoria ofreciendo servicios de intervenciones grupales y familias?	0 = Inexistente 1 = Muy Bajo 2 = Bajo 3 = Promedio 4 = Alto 5 = Muy Alto	
6. ¿Cuánta experiencia tienen los supervisores, supervisando?	0 = Inexistente 1 = Muy Bajo 2 = Bajo 3 = Promedio 4 = Alto 5 = Muy Alto	
7. ¿Qué instrumentos de cernimiento han sido utilizado en la agencia?	0 = Inexistente 1 = Muy Bajo 2 = Bajo 3 = Promedio 4 = Alto 5 = Muy Alto	
8. ¿Qué protocolos tienen disponible para el manejo de crisis?	0 = Inexistente 1 = Muy Bajo 2 = Bajo 3 = Promedio 4 = Alto 5 = Muy Alto	
Total	/40	

Resultados Proceso de Evaluación Acuerdo Colaborativo Implementación Programa Piloto *Families First* Puerto Rico

V. Preguntas enfocadas en aspectos de infraestructura, administrativos y fiscales	Escala	Respuesta
1. ¿Cuántas oficinas para intervenciones grupal tienen disponible?	0 = Inexistente 1 = Muy Bajo 2 = Bajo 3 = Promedio 4 = Alto 5 = Muy Alto	
2. ¿Cuentan con protocolos para ofrecer los servicios de intervenciones grupales?	0 = Inexistente 1 = Muy Bajo 2 = Bajo 3 = Promedio 4 = Alto 5 = Muy Alto	
3. ¿Qué plataforma virtual utilizan (o utilizarán) para el manejo de caso y ofrecer los servicios de visitas al hogar?	0 = Inexistente 1 = Muy Bajo 2 = Bajo 3 = Promedio 4 = Alto 5 = Muy Alto	
4. ¿Cuánta experiencia tienen ofreciendo servicios por <i>telehealth</i> ?	0 = Inexistente 1 = Muy Bajo 2 = Bajo 3 = Promedio 4 = Alto 5 = Muy Alto	
5. ¿Qué capacidad tienen para supervisar y expandir en capacidad de educadores para ofrecer <i>Parenting Fundamentals</i> ?	0 = Inexistente 1 = Muy Bajo 2 = Bajo 3 = Promedio 4 = Alto 5 = Muy Alto	
6. ¿Los educadores serán contratado a tiempo completo o tiempo parcial?	0 = Inexistente 1 = Muy Bajo 2 = Bajo 3 = Promedio 4 = Alto 5 = Muy Alto	
7. ¿Qué otros criterios más allá de los establecidos en la propuesta tomarán en consideración para contratar Educadores?	0 = Inexistente 1 = Muy Bajo 2 = Bajo 3 = Promedio 4 = Alto 5 = Muy Alto	
8. ¿Cómo llevan a cabo los procesos de referido a otros servicios?	0 = Inexistente 1 = Muy Bajo 2 = Bajo 3 = Promedio 4 = Alto 5 = Muy Alto	

Total	/40	
VI. Presupuesto	Escala	Respuesta
1. ¿Cómo se lleva la contabilidad de ingreso y gastos? ¿Cuál sistema de contabilidad están utilizando?	0 = Inexistente 1 = Muy Bajo 2 = Bajo 3 = Promedio 4 = Alto 5 = Muy Alto	
2. ¿Cómo manejan las cuentas de los diferentes fondos?	0 = Inexistente 1 = Muy Bajo 2 = Bajo 3 = Promedio 4 = Alto 5 = Muy Alto	
3. En cuanto a las políticas y procedimientos, ¿cuáles son los procesos de compras de la organización? (Solicitan cotizaciones, tienen líneas de crédito con suplidores, etc.)	0 = Inexistente 1 = Muy Bajo 2 = Bajo 3 = Promedio 4 = Alto 5 = Muy Alto	
4. ¿En términos generales, cual ha sido su plan de contingencia cunado experimentan demoras con los desembolsos de dinero? ¿Cómo mantienen las operaciones funcionando? ¿Cuentan con alguna línea de crédito?	0 = Inexistente 1 = Muy Bajo 2 = Bajo 3 = Promedio 4 = Alto 5 = Muy Alto	
5. Describa un reto resiente gerencial/fiscal y como lo solucionaron. (Procedimiento para la toma de decisiones / resolver problemas.)	0 = Inexistente 1 = Muy Bajo 2 = Bajo 3 = Promedio 4 = Alto 5 = Muy Alto	
6. ¿Cómo preparan las auditorias externa? (Si, Aplica)	0 = Inexistente 1 = Muy Bajo 2 = Bajo 3 = Promedio 4 = Alto 5 = Muy Alto	
Total	/30	
Puntaje Total del panel	/110	

Nombre de la Organización:	
Asistencia	Puesto
1.	
2.	
3.	

Entrevista realizada por:		
Nombre	Fecha	Firma
1.		
2.		



Life Cycle of a Case



Appendix B: Life Cycle of a Case

ADFAN Case Management and Safety Monitoring

Call made to the Maltreatment and Neglect Hotline Investigation is carried out by the Special Investigation Unit

 Safety and Risk Assessment

Case Management

- Service provision based on safety and risk assessment
- Generalist Intervention Model

Case closing

Engagement

Assessment

Planning

Implementati on

Evaluation

Termination

- Must be completed within 72 hours of the case being assigned.
 It composed of two stages:
- Pre-contact (Withing 48 hours) case is assigned and reviewed by the social worker
- Contact: Initial contact and first visit to the family
- Monitoring of safety

- Must be completed within 5 days
- During this stage the social worker will conduct a minimum of 4 home visits to acquire an understanding of the problem, its causes, and how to address them.
- Monitoring of safety

- Must be completed withing 45 days.
- Social worker will develop service plan for the family. In cases where families meet eligibility criteria for Title IV-E service it will be documented.
- Service plan will be discussed during a family conference.
 Family must approve service plan.
- Monitoring of safety

- Starts withing the first 45 days from the moment the service plan is approved by the family.
- Families will be referred to services as determine on the service plan.
- Monthly home visits
- Monitoring of safety

- Every 3 months the social worker must cary out:
- Assessment of service plan goals and their progress.
- •Assessment of adequacy of services on the service plan. Including the family's achievements, participation, and satisfaction.
- Safety and Risk assessment

- Carried out withing 6 to 12 months of service provision.
- Social worker must determine if the case is ready to be closed. If the case is closed the social worker must determine the type of closing (termination, termination and referral, or transference)
- Carry out closing process and deliver appropriate reports.

Source: ADFAN. (2006). Manual on Norms and Procedures for the Continuum of Services for Minors in the Welfare System (ADFAN-PFF-CSA-2006-021). PP. 236-346.

Act 8 of 2017: Act for the Administration and Transformation of Human Resources in the Government of Puerto Rico



<español>

"Government of Puerto Rico Human Resources Administration and Transformation Act"

Act No. 8 of February 4, 2017, as amended

(Contains amendments incorporated by:

Act No. 26 of April 29, 2017 Act No. 32 of January 21, 2018

Act No. 125 of July 10, 2018

Act No. 166 of July 29, 2018

Act No. 230 of October 17, 2018

Act No. 176 of December 16, 2019 Act No. 36 of April 9, 2020)

[Amendments non-incorporated Act No. 95 of October 31, 2022 (amended Section 9.1(6))
Act No. 103 of November 8, 2022 (amended Sec. 6.5 (2)(h)(5)]
Act No. 119 of December 23, 2022 (amended Sec. 9.01)

To adopt the "Government of Puerto Rico Human Resources Administration and Transformation Act" and, in turn, designate the Government as a Sole Employer and establish the concept of Mobility; repeal Act No. 184-2004, as amended, known as the "Public Service Human Resources Administration Act of the Commonwealth of Puerto Rico"; amend Act No. 15 of April 14, 1931, as amended, known as the "Organic Act of the Department of Labor and Human Resources of Puerto Rico," in order to add a new paragraph (23) to subsection (h) of Section 3 and amend Section 10; and for other related purposes.

STATEMENT OF MOTIVES

The Government of Puerto Rico began structuring the Human Resources Administration System in 1907. The enactment of Act No. 345 on May 12, 1947, was considered, at the time, the most important effort in the historical evaluation of public administration. Act No. 5, known as the "Public Service Personnel Act," was approved on October 14, 1975, seeking to elevate the Merit System Principles to constitutional rank. The personnel Administration System adhered to Act No. 5 for approximately twenty-nine (29) years.

Act No. 184, as amended, known as the "Public Service Human Resources Administration Act of the Commonwealth of Puerto Rico" was approved on August 3, 2004, to reform the Human Resources Administration System in the Government of Puerto Rico. Ever since agencies became individual administrators, we have been witnessing the disproportional growth of the government apparatus, as well as the decentralization, excessive bureaucracy, and duplication of the services offered by the agencies to the People of Puerto Rico, thus increasing government spending and rendering it more burdensome for the people to receive such services.

We have observed the Government's excessive spending in the administration of agencies, as Well as the disparity between the wages earned by government officials and their counterparts in other agencies. At present, 118 executive agencies offer 340 services at an approximate cost of \$21,800 million. Given this situation, we must reevaluate the services being offered currently in order to determine which services may be consolidated, delegated to the private sector, or simply eliminated because they are no longer necessary. In this sense, the mobility mechanism may guarantee the rendering of services to our citizens without resorting to the dismissal of government officials.

This Legislative Assembly recognizes the efforts that have been made to structure and update the public administration system. However, the current reality and the fiscal crisis that Puerto Rico has been undergoing requires us to take action responsibly. After conducting a thorough analysis of several documents and studies made by experts in the field of Human Resources Administration within the Government of Puerto Rico, and upon studying the best practices of other jurisdictions, We have concluded that the time has come to conform the Human Resources Administration System to the historic and fiscal realities of the Island and the technological advances of the 21st century.

This requires us to consider the Public Administration System as a whole, and observe the merit system as a pillar of public officials' rights, and Act No. 45-1998, as amended, known as the "Puerto Rico Public Service Labor Relation Act," while providing the Government with the necessary flexibility to satisfy immediate needs when rendering essential services to our people.

Our Government pursues an administration system that promotes the best public administration practices, where the employees of the agencies and instrumentalities of the Central Government are considered employees of the government as a Sole Employer rather than the employees of their respective agencies, and that restores the transparency and credibility of the human resources administration system and the services offered in the eyes of government employees and the People of Puerto Rico.

In the Plan for Puerto Rico, we made a commitment to guarantee the continuity of the jobs of every government career employee. With this measure, we seek to create a new Government that is fair, sensible, efficient, effective, trustworthy, and swift in the public administration. In order to achieve the modernization of the government structure, we further committed to reformulate the current bureaucratic model and reduce spending in government structures by eliminating redundancy, facilitating employee transfers, merging several agencies, decentralizing services, and using technology to streamline processes and interconnect all agencies and public corporations.

With this measure, the Government becomes a Sole Employer and employees shall become employees thereof rather than of their different entities. This shall allow the Government to better use its human resources through mobility wherever a pressing need arises, without requiring the employee to resign from the position he holds and to start over in another government jurisdiction, and eventually even outside of the government's jurisdiction. It is necessary to foster mobility to provide continuity to the public services that the different government and non-governmental components may offer and to make internal recruitment a priority when filling vacant positions. We want to guarantee the continuity of the jobs of every government official holding a career position. Through mobility we seek to strike a balance between the workforce and the rendering of public services.

The Sole Employer takes into account the employee mobility and guarantees the full development of the human resources, ensuring their personal and professional growth within the Government, while safeguarding the jobs of our public officials. Furthermore, it honors the collective bargaining agreements and the employer-employee relations in effect. In this manner, we shall efficiently allocate the Government's human resources and create a swift government structure. We are convinced that the implementation of this initiative shall bring about a culture of change based on a continuous evaluation of needs, thus helping government officials to make adjustments and adaptations as the present fiscal crisis and future challenges warrant.

Furthermore, we must evaluate that, at present, public spending on employee training is estimated to be over \$400 million annually that are invested in training activities with questionable or inconsistent results. It is simply unsustainable for the Government of Puerto Rico to be spending this amount considering the fiscal crisis it is currently facing. Moreover, the University ofPuel1:0 Rico has stated that it lacks sufficient resources to operate and improve its services, to the extent that it has even considered the possibility of closing down campuses In View of this situation, partnerships shall be formed between the University of Puerto Rico (UPR) and other universities to provide academic and technical growth opportunities to government employees. In this manner, the Government may save millions of dollars currently used for employee training and allocate a portion thereof as well as federal funds to said university institution, thus maximizing the efforts geared toward permanently achieving the professionalization of our employees.

Moreover, according to data provided by the Department of the Treasury, Puerto Rico is suffering a 14.6%-economic contraction in the Gross State Product (actual GSP) with a forecast of an additional 3% contraction in the next two (2) years. For years, the Government has operated with a structural deficit that has been financed with bond issues and loans from the Government Development Bank. The Government has been lacking liquidity for over a year, and the tax refunds, the payments to contractors, the money of pensioners, and intra-governmental loans have been used as a substitute for sources of liquidity.

Access to the Government's financial information as well as the making of adequate predictions have been affected by a divided government structure and obsolete government systems. Revenues are constantly overestimated and continue to decrease despite the imposition of many new taxes. The Government Development Bank has failed to meet its obligations to bondholders since May Is', 2016, and is no longer fulfilling its duty to provide liquidity. Puerto Rico's obligations portfolio amounts to \$66 billion and includes 18 different issuers whose financial situation is precarious. Debt servicing amounts to an average \$3.5 billion and uses more than one-fourth of the sources of income. Retirement systems are practically insolvent with a \$50 billion debt. All of the foregoing is worsened by a decrease in population caused by the emigration wave that began in 2006 and that is becoming one of the challenges to overcome on our path to recovery.

Taking into account this dismal state of affairs, it is time to leave behind the philosophy of "me vale" [I couldn't care less], roll up our sleeves and work hard for the wellbeing of Puerto Rico. It is our duty to build a new Puerto Rico and to set in motion an administration that does not improvise on the implementation of public policy nor manages the Island's finances on a year-to-year basis, but rather strikes a balance between the Government's income and expenses with a long-term goal. Our commitment under the Plan for Puerto Rico is to address these situations responsibly and restore the Island's credibility. We must look to the future and foresee the

challenges ahead, rather than simply survive the next crisis. The leaders and officials of the Government of Puerto Rico should concentrate on balancing income and expenditures, reducing the level of government intervention in Puerto Rico's economy, and creating a competitive business environment governed by good faith, so that investors as well as local and foreign business people may lead the way towards an economic recovery.

In light of the foregoing, the three Branches of the United States Government, in an unprecedented action, have ratified the colonial status of the Commonwealth of Puerto Rico. The policies of the past led the United States Congress to adopt the <u>Puerto Rico Oversight</u>, <u>Management</u>, and <u>Economic Stability Act (PROMESA)</u>, delegating to a Financial Oversight Board (FOB) the power to work with the Government of Puerto Rico to help Puerto Rico overcome the crisis it is currently facing. Our commitment is to work hand in hand with the FOB to push Puerto Rico forward. Thus, on December 20th, 2016, the Financial Oversight Board requested that Puerto Rico's priorities include a plan and a commitment to implement significant changes directed to:

- Restoring economic growth and creating a more competitive economy. In the short-term, the labor market and social programs should be liberalized, energy costs should be lowered, taxation should be rationalized and optimized, and the permit process should be improved to promote investment.
- Restructuring the Government to achieve balanced budgets, while preserving essential services for the People of Puerto Rico.
- Restructuring the pension systems in accordance with PROMESA and reestablishing access to capital markets.

The FOB has required us to restructure the manner in which the government provides services. This compels us to achieve reductions in government spending to be able to continue providing the essential services that our people need. This statute requires us to employ innovative methods to address our current deficit. Failure to do so would be detrimental to government employees, because the Board established under PROMESA would have the freedom to act, and this could entail mass government employee layoffs.

Therefore, it is necessary to make unprecedented changes to render the government more efficient and fiscally responsible. In fact, the Plan for Puerto Rico endorsed by the People on November 8, 2016, includes measures to achieve fiscal responsibility and develop the Island's economy. Specifically, in pages 79 to 81, we made a commitment to transform the Government into a Sole Employer.

Honoring said commitment and meeting the requirements of the FOB, the purpose of this Act is to reform, transform, and render the Government more efficient in order to improve the quality of the essential services provided, at a much lower cost. Through the mobility mechanism, this legislation addresses and empowers the Government to adopt nontraditional criteria for service rendering in the government sector, as an alternative for employee retention and a better use of resources in the Government. Likewise, this statute sets forth its jurisdiction and scope, and guarantees the retention of thousands of employees who would be dismissed from public service should we persist in keeping the current form of administration.

In light of the foregoing, by virtue of the State's police power and pursuant to Article II, Sections 18-19, and Article VI, Sections 7-8 of the Constitution of Puerto Rico, a state of economic emergency and serious fiscal crisis is hereby declared in Puerto Rico, which compels us to approve this Act. Thus, we exercise said police power, which is defined by the Supreme Court of Puello

Rico as: "that power inherent to the State which is used by the Legislative Assembly to prohibit and regulate certain activities for the purpose of promoting and safeguarding the public peace, morals, health, and general welfare of the community, which power can be delegated to the municipalities." (Translation supplied) <u>Dominguez Castro v. E.L.A.</u>, 178 D.P.R. 1 (2010), p. 36.

Likewise, our Highest Court recently expressed itself regarding the use of the State's police power in times of crisis. In this regard, said Court stated that the Statement of Motives of Act No. 7-2009, as amended, known as the "Special Act to Declare a State of Fiscal Emergency and to Establish a Comprehensive Fiscal Stabilization Plan to Salvage the Credit of Puerto Rico," made clear the impending nature of the fiscal crisis declared therein. The Court expressed that the measures taken thereunder were necessary and reasonable to advance the compelling government interest sought by Act No. 7-2009, that is, to prevent said crisis. See, <u>Dominguez-Castro v. E.L.A.</u>, supra, pp. 88-89. Likewise, it recognized that "our precarious economy is a reality that of necessity carries weight on the definition of the scope of governmental actions under the police power" and that, in exercising said power, "the Legislative Assembly is fully empowered to approve economic regulations geared towards promoting the welfare of the community." (Translation supplied) Id., p. 37.

Subsequently, the Supreme Court upheld the validity of Act No. 3-2013 on the Retirement System for the Employees of the Government of the Commonwealth of Puerto Rico in Trinidad-Hernández v. E.L.A., 188 D.P.R. 828 (2013), since it understood that the Legislature had exercised the State's police power to halt the insolvency of the Retirement System for the Employees of the Government. The Supreme Court argued that, "the statement of motives [...] shows that the measures adopted are necessary and reasonable to properly address the financial crisis that threatens the System's actuarial solvency." It added that, "these measures certainly are in the public interest because they seek to preserve the financial solvency of the Judiciary Retirement System while benefiting all of its members and addressing the fiscal crisis that the Island is undergoing, thus the welfare of the People of Puerto Rico will be safeguarded." See, Trinidad-Hernández, supra, p. 837. The Court concluded that it is a constitutional rule, "because, even if it substantially impairs some of the contractual obligations of the System's participants, the measures implemented are reasonable and necessary to safeguard the actuarial solvency of the Retirement System, and there are no less burdensome measures to attain this goal." Id, p. 839.

Recently, in <u>Asociación de Maestros de Puerto Rico v. Sistema de Retiro de Maestros de Puerto Rico</u>, 190 D.P.R. 854 (2014), the Supreme Court emphasized that the measures approved shall be deemed to be constitutional; provided, that they are reasonable and necessary "to further the actuarial solvency and that there are no less burdensome measures to attain this goal." ld., p. 8. Based on this legal framework, this Legislative Assembly believes that the measures taken in this Act are reasonable and necessary to properly address the fiscal, economic, and budgetary crisis that Puerto Rico is undergoing. Designating the Government as a Sole Employer constitutes the only option, we have to allow government employees to keep their jobs. This measure is promulgated pursuant to the power of this Legislative Assembly to approve and promulgate economic legislation aimed at promoting the wellbeing of the Puerto Rican community.

Be It Enacted by the Legislative Assembly of Puerto Rico:

This Act shall be known as the "Government of Puerto Rico Human Resources Administration and Transformation Act."

Article 2. — **Declaration of Public Policy.** — (3 L.P.R.A. § 1469a)

The public policy of the Government of Puerto Rico in the Administration the Human Resources of the agencies covered under this Act, shall be the following:

- **l.** To designate the Government as a Sole Employer.
- **2.** To centralize the administration of the human resources of all agencies and instrumentalities of the Central Government.
- **3.** That government employees be employees of the Central Government rather than of the agencies.
- **4.** To unify the classification and pay plans in the central administration, Where the employees of different agencies and instrumentalities of the Government of Puerto Rico with the same or similar functions be classified under the classification system directed hereunder.
- **5.** That every employee in the Human Resources System of the Government of Puerto Rico be selected, trained, promoted, or retained in his position on the basis of merit, knowledge, and capability, without being discriminated against because of race, sex, origin, social class, political or religious beliefs, age, color, birth, sexual orientation, gender identity, for being a victim, or being perceived to be a victim of domestic violence, sexual assault, or stalking, or because of his veteran status, or any physical or mental disability.
- **6.** To reiterate that the public service demands technical and professional capabilities, as well as an ethical attitude proven by honesty, self- discipline, respect for human dignity, sensibility, and dedication to the general Welfare.
- **7.** To recognize that government employees are the most important asset of the Government of Puerto Rico.
- **8.** To reform the Government's Human Resources Administration System in order to render it compatible with the employees' self-organization and collective bargaining.
- **9.** To establish a uniform performance evaluation system for government employees.
- 10. To establish an electronic record of the results of evaluations and compliance.
- **11.** To strengthen the human capital development plans aimed at the creation of modern methods using online learning platforms.
- **12.** To broaden the offering of services for the development of training modules through collaboration agreements with public and private universities accredited in Puerto Rico or any state of the United States; for the purpose of training government employees and provide the citizens in general with service excellence in accordance with the best public administration practices.
- **13.** Designating the Central Government as a Sole Employer shall guarantee the best use of the services offered by government employees, thus allowing the continuity of services

rendered by the Government to the people through the mobility of government employees to agencies, public corporations, municipalities and Participatory Public-Private Partnerships (PPP+P), among others.

- **14.** To promote internal recruitment to fill vacancies.
- **15.** To recognize the right of government employees to self- organization and the right to bargain collectively protected under Act No. 45-1998.

Section 2.2. — **Objectives.** (3 L.P.R.A. § 1469a)

The implementation of the public policy set forth herein seeks to achieve transparency and improve productivity, efficiency, motivation, and commitment in the rendering of public services to the People of Puerto Rico. To attain these objectives, it is necessary:

- 1. To achieve better public administration practices as a main commitment.
- 2. To ensure that the development of government employees in Puerto Rico be on a par with that of the world's most developed countries, with the highest values of justice and the absolute enjoyment of the rights set forth in the Bill of Rights of the Constitution of Puerto Rico.
- **3.** To establish a position classification system geared toward reinforcing the merit system and equality among government employees, regardless of the agency in which they are employed.
- **4.** To establish and maintain centralized within the Government of Puerto Rico Human Resources Administration and Transformation Office, through the use of technology, evidence of all personnel transactions, whether appointments, promotions, transfers, demotions, mobility, and application of disciplinary measures.
- **5.** That every government employee of the Central Government and the instrumentalities thereof shall be compensated pursuant to the merit system and in accordance with the salary established for the position he holds.

Section 3. — Definitions. (3 L.P.R.A. § 1469b)

The following words and phrases shall have the meaning stated below:

- (1) **Disciplinary Action**. A sanction recommended by the supervisor of the employee and imposed by the appointing authority. A sanction thus imposed shall be filed in the employee's personnel folder. The sanctions to be imposed shall consist of written reprimands, oral admonitions, suspensions without pay, or dismissals.
- (2) **Agency**. A work unit attached to the Central Government that carries out the set of functions and includes offices and positions all of which constitute the entire jurisdiction of an appointing authority.
- (3) Salary Adjustments. Modifications made to the base salary of an employee.
- **(4) Promotion**. Constitutes the change of an employee from a position of one class to a position of another class with the functions and base salary of a higher level.
- (5) Raise within Salary Scale. A change in the wages of an employee to a higher rate Within the salary scale assigned to the class where his position belongs; provided, that the financial situation so allows.

- (6) Merit Pay. A raise in pay granted to an employee based on an evaluation of the employee's performance during the twelve (12)-month period preceding the date of the evaluation; provided, that the financial situation so allows.
- (7) **Appointing Authority**. All heads of agency with the legal authority to make appointments to positions in the Government of Puerto Rico.
- (8) Scholarship. The financial aid awarded to an employee for the purpose of pursuing higher education at a university or institution accredited in Puerto Rico or any state of the United States or other jurisdictions, for the purpose of furthering his professional or technical education and assisting the employee in performing the duties of the position to which he was appointed within the Government of Puerto Rico.
- (9) **Bonus**. A nonrecurring compensation, which has no impact on the base salary of the employee.
- (10) Certification of Eligibles. The names of the candidates who have standing on the centralized register of eligible, or by descending order according to scores and contingent upon their acceptance of the employment conditions. These candidates shall be referred for interview with the appointing authority where a vacancy arises.
- (11) Selective Certification. The special qualifications that a candidate must have to fill a position.
- (12) Position Class. A group of positions whose duties, type of work, authority, and responsibility are the same or so similar that they can be included under the same title or number; that establishes the same minimum requirements for the candidates for the position or the incumbents thereof; for which the same aptitude tests are used for selection purposes; and that are included within the same salary scale.
- (13) **Position Classification**. The grouping of positions into classes that have the same or similar functions, taking into account their duties and responsibilities.
- (14) Commission. Shall mean the Public Service Appeals Commission.
- (15) Competence. Education, knowledge or skill acquired by an employee which allows him to perform his functions more efficiently, and in compliance with the goals and objectives of his work unit.
- (16) Job Posting. An electronic advertisement to be published by the Government of Puerto Rico Human Resources Administration and Transformation Office announcing vacancies that shall be open or available for a certain period of time in public agencies or instrumentalities and that shall be filled with internal or external personnel. Said posting shall include the minimum requirements, the type of examination, as well as any necessary information to disclose and/or advertise the employment opportunity.
- (17) **Demotion**. The change of an employee from a position of one class to a position of another class with the functions and the base salary of a lower level.
- (18) Differential. A special and additional compensation, apart from the salary, that may be granted when extraordinary, nonpermanent conditions arise or when an employee is appointed to serve in an acting capacity; provided, that the financial situation so allows.
- (19) **Director**. The person in charge of the Government of Puerto Rico Human Resources Administration and Transformation Office.
- (20) Eligible. A person certified to hold public office or position.

- (21) Sole Employer. Only for purposes of this Act, it means the Government as the employer of all the government employees of the public agencies and instrumentalities, except as otherwise provided in this Act.
- (22) Salary Scale. The range of pay that provides a minimum rate, a maximum rate, and a series of midpoint levels in order to compensate the level of work entailed in a particular position class, and the adequate and progressive amount and quality of Work performed by the employees at a particular position class.
- (23) Class Specification. A general description outlining the essential characteristics of the main work of one or more positions, including the nature, level of job complexity, responsibility, and authority, if any, as Well as the minimum requirements that candidates must meet to hold such position.
- (24) Salary or Wage Structure. The compensation structure that includes the salary scales to be used when assigning positions within the Centralized Classification System of the Government of Puerto Rico Human Resources Administration and Transformation Office.
- (25) Examination. Written, oral, or physical tests, or performance exams, as well as evaluations based on experience and education, or other objective criteria used to determine whether a person shall be certified for a register of eligible.
- (26) Salary Scale Extension. The proportional extension of the range of pay from the maximum rate thereof
- (27) **Public Function.** An inherent activity carried out While holding an office or performing any job or position within the public service, whether for pay or not, permanently or temporarily, by virtue of any kind of appointment to, contract With, or designation for the Legislative, Executive, or Judicial Branch of the Government of Puerto Rico, as well as for any of its agencies, departments, subdivisions, instrumentalities, public corporations, or municipalities.
- (28) Acting Appointment. The temporary services rendered by an employee in a career or trust position Whose classification is higher than that of the position to which he was officially appointed, by virtue of a written designation from the appointing authority or its authorized representative and in fulfillment of all other applicable conditions.
- (29) **Disciplinary Measure**. An oral admonition or written warning given by the supervisor to the employee for violations or repeat violations of the rules of conduct established, but not filed in the employee's personnel folder.
- (30) Mobility. A process to flexibly implement the Government's initiatives by identifying the necessary human resources that allow for the adequate rendering and continuity of the services offered to the citizenry and that, in turn, promote the best use and retention of human resources.
- (31) Office. The Government of Puerto Rico Human Resources Administration and Transformation Office.
- (32) **Probationary Period**. A period of time during which an employee, upon being appointed to a position, undergoes a training and trial period and is subject to evaluations of the performance of his duties and functions. During said period, the employee does not acquire any right over the position.
- (33) **Position Classification or Evaluation Plan**. A centralized and standardized job classification system to be administered by the Government of Puerto Rico Human Resources Administration and Transformation Office whereby the same or similar functions are grouped under the same position.

- (34) Pay Plans. A salary scale system established by regulations to compensate government employees in career and trust positions.
- (35) Merit System. Means that all government employees shall be recruited, selected, trained, promoted, transferred, demoted, and retained on the basis of their capabilities and performance of the duties inherent to their position and Without being discriminated against on the basis of race, color, sex, birth, age, sexual orientation, gender identity, social condition or origin, political or religious beliefs, veteran status, actual or perceived status as a victim of domestic violence, sexual assault or stalking, or physical or mental disability.
- (36) **Reclassification**. The act of classifying or evaluating a position that has been previously classified or evaluated. Positions may be reclassified into a higher, the same, or a lower level.
- (37) Register of Eligibles. A centralized and numbered list of the names of persons who have been previously certified and who are eligible for appointment. The list shall be arranged by descending test scores.
- (38) **Rehire**. The reinstatement or return to service, through a certification, of any regular career employee, after separation from service for any of the following causes:
 - (a) A disability which no longer exists.
 - **(b)** Layoff due to the elimination of positions.
 - (c) Resignation from a career position held with a regular status.
 - (d) Separation from a position of trust without having exercised the right to reinstatement.
- (39) **Transfer**. The change of an employee from one position to another within the same class, or from one position to another having the same or similar functions and a base salary equal or similar to the position held at the time of the transfer.

Article 4. — Government of Puerto Rico Human Resources Administration and Transformation. —

The "Government of Puerto Rico Human Resources Administration and Transformation Office" is hereby created.

Section 4.2. — Appointment of the Director. (3 L.P.R.A. § 1470a)

The Office shall be directed by a Director who shall be appointed by the Governor of Puerto Rico with the advice and consent of the Senate. The person thus appointed shall have knowledge and experience in the administration of human resources and labor affairs.

Section 4.3. — Powers and Duties of the Office and the Director. (3 L.P.R.A. § 1470b)

In addition to any other powers and duties conferred under this Act, the Office and the Director shall have the following:

- **1.** *Powers and Duties of the Director:*
 - **a.** To appoint the Office's staff pursuant to the provisions of this Act and hire any and all services required for the operations thereof. b. To supervise the Human Resources

- administration and transformation in accordance with the public policy set forth in this Act.
- **c.** To approve, repeal, and promulgate rules and directives, in accordance with the provisions of Act No. 170-1988, as amended, known as the "Uniform Administrative Procedures Act," which shall govern the relations between the Office and public instrumentalities, agencies, and municipalities.
- **d.** To approve, promulgate, amend, or repeal regulations as are necessary for the administration of this Act.
- **e.** To delegate any power or duty conferred to him except for the authority to adopt, repeal, or approve regulations.
- **f.** To advise the Governor and the Legislative Assembly on all that pertains to labor relations and the administration of human resources in the government.
- **g.** To perform any other inherent duties as are necessary for the proper administration of the Government of Puerto Rico Human Resources Administration and Transformation Office.
- **h.** To implement the public policy of the Central Government as a Sole Employer in every public agency and instrumentality of the Government of Puerto Rico.
- **2.** *Powers and Duties of the Office:*
 - **a.** To centralize the duties of the Government of Puerto Rico Human Resources Administration and Transformation Office that are compatible with the provisions of this Act.
 - **b.** To ensure and guarantee transparency in the administration of the merit system, electronically publishing the recruitment, selection, promotion, transfer, demotions, position classification, and retention of the employees of public agencies and instrumentalities, as these are defined in this Act.
 - **c.** To implement the operations of the Government of Puerto Rico Human Resources Administration and Transformation System.
 - **d.** To contribute to the reengineering and strengthening of the services offered by the Government of Puerto Rico, broadening the offer of educational services for government employees through collaboration agreements with public and private universities accredited in Puerto Rico, in any state of the United States, or other jurisdictions.
 - **e.** To provide advice on labor-related matters to the agencies of the Executive Branch in all that pertains to the procedures for election and certification of labor unions; the negotiation and administration of collective bargaining agreements; and any other labor-related areas of the agencies, as provided in Act No. 45-1998. While discharging its advisory duties relating to collective bargaining pursuant to Act No. 45-1998, the Office shall coordinate and supervise the creation and operation of a Bargaining Committee, composed of its staff as Well as the staff designated by the Office of Management and Budget. The Office shall conduct comparative studies on collective bargaining agreements and shall provide training in the field of labor to those agencies that so request.
 - **f.** To establish a follow-up and audit plan for the human resources administration program, the application of the merit system and compensation methods in agencies to ensure faithful compliance with the provisions of this Act. Likewise, municipalities shall be audited pursuant to the "Autonomous Municipalities Act". In the case of agencies and instrumentalities, the audit's results and findings shall be referred to the head of agency,

- who shall file his response thereto within five (5) business days, otherwise the report shall be referred to the Office of the Comptroller of Puerto Rico, the Office of the Governor, and the Legislative Assembly. In the case of municipalities, said report shall also be referred to the Office of the Commissioner of Municipal Affairs (OCAM, Spanish acronym).
- **g.** To contract, purchase, or acquire any materials, supplies, equipment, parts, or services deemed to be necessary, subject to the regulations adopted for these purposes, and subject to the general provisions of the "General Services Administration Act". The regulations shall contain rules as appropriate to ensure that funds are used consistently with the public interest. h. To accept donations or funds on account of appropriations, as well as materials, properties or other similar benefits from any private person or institution or from the Federal Government and state governments, or from any instrumentality or agency thereof.
- **i.** To enter into compacts, agreements, or contracts as are necessary or convenient for the fulfillment of the purposes of this Act, with entities of the Federal Government, state and municipal governments, agencies of the Government of Puerto Rico, as well as individuals and institutions, whether for- profit or not, among others.
- **j.** To require all government components from the three Government Branches to provide the information needed to develop an Information System on the status of the human resources administration system and the composition of the workforce of the public sector and keep such system up to date.
- k. To administer the Public Service occupation and class directory.
- **l.** To regulate and implement provisions relating to the prohibition against personnel transactions during the electoral prohibition period.
- m. To manage the Central Job Posting Register for Recruitment, Promotion, and Training in the Government and keep it up to date. Likewise, it shall keep an online register; provided, that public agencies and instrumentalities as well as public corporations, except for the Office of the Governor proper, the Municipalities, the Supreme Court, the Office of the Chief Justice, the Office of the Court Administrator, the Legislative Assembly, and the Municipal Legislatures, carry out their duty of forwarding, on a monthly basis, any recruitment and promotion opportunities to the Government of Puerto Rico Human Resources Administration and Transformation Office. The Office shall call for interview candidates from the list maintained by said Office. All applications for training shall be forwarded to the Government of Puerto Rico Human Resources Administration and Transformation Office within at least thirty (30) days before the training date. The Office shall evaluate the need and convenience of the training and shall approve or deny the same.
- **n.** To establish and create a Register of Certified and Authorized Consultants to devise Position Classification and Pay Plans as well as draft Personnel Regulations as are necessary for the Human Resources Administration.
- **o.** To centralize the personnel administration system, eliminating all the public agencies and instrumentalities of the Government of Puerto Rico from the individual administrator's category.
- **p.** To establish a Uniform Classification System consolidating equal or similar duties.
- **q.** To enable an employee information system for the purpose of expediting and facilitating online personnel transactions.

- **r.** To create a structured interview system to be used by all Government agencies and instrumentalities, which shall be made available to be used by all other agencies, instrumentalities, and municipalities.
- s. To maintain an automated performance evaluation register and keep it up to date.
- **t.** To provide agencies with advice, so that the supervisors and the managerial staff thereof are well prepared and trained to work in an environment with union workers.
- **u.** To assist every agency in the development of its institutional policy on the Remote Work Program.
- **v.** To provide support and guidance to the Remote Work Program regarding payroll, employee classification, performance, recruitment, retention, and reasonable accommodation for employees with disabilities, among others.

Both the Director and the Office shall carry out all those duties assigned to them by special laws to the Training and Labor Affairs Advisory and Human Resources Administration Office (OCALARH, Spanish acronym) that have not been repealed by this Act. Likewise, they shall perform the specific duties assigned, as well as any inherent duties as are necessary or convenient to attain the purposes of this Act.

Article 5. — Government Human Resources Administration System. —

Section 5.1. — **Creation.** (3 L.P.R.A. § 1471)

The Government of Puerto Rico Human Resources Administration and Transformation System is hereby created entirely consistent with collective bargaining, for the main purpose of applying, reinforcing, evaluating, and upholding the merit system in the public service. This system shall be administered by the Government of Puerto Rico Human Resources Administration and Transformation Office and all public agencies and instrumentalities of the Government of Puerto Rico shall be part thereof as Sole Employer, except as otherwise provided by law.

Section 5.2. — **Exclusions.** (3 L.P.R.A. § 1471a)

The provisions of this Act shall not apply to the following government agencies and instrumentalities:

- **1.** Legislative Branch.
- 2. Judicial Branch.

In the event Act No. 45-1998, as amended, known as the "Puerto Rico Public Service Labor Relation Act," applies to the employees of the Judicial Branch, the categories of auxiliary bailiffs and court stenographers shall be excluded.

- **3.** Public or public-private corporations or instrumentalities that operate as private businesses or companies.
- 4. University of Puerto Rico.
- **5.** The Office of the Governor proper.
- **6.** Puerto Rico State Elections Commission.
- 7. Puerto Rico Government Ethics Office.
- **8.** The Municipalities.

- 9. Martin Peña Canal ENLACE Project Corporation.
- 10. Company for the Integral Development of the Cantera Peninsula
- 11. Office of the Election Comptroller.
- 12. Office of the Special Independent Prosecutor's Panel.
- 13. Municipal Revenues Collection Center

However, public corporations or public-private partnerships shall adopt personnel regulations incorporating the merit system in the administration of their human resources, as provided in this Act, and submit a copy thereof to the Office. The Office is hereby empowered to conduct compliance audits of the essential areas of the merit system.

Likewise, the concept of mobility and the mechanism established by the Office to implement the movement of government employees shall apply to public corporations or public-private partnerships, agencies that operate as private companies or businesses such as the Participatory Public-Private Partnerships (APP+P), and to the municipalities.

Article 6. — Public Service Human Resources Administration. — (3 L.P.R.A. § 1472)

The Government of Puerto Rico Human Resources Administration and Transformation Office shall ensure that all agencies and instrumentalities under the Central Government offer qualified employees an opportunity to compete in the recruitment and selection process, taking into account the following: academic, professional, and career achievements, knowledge, capability, abilities, skills, and work ethics; and without discrimination because of race, color, sex, birth, age, sexual orientation, gender identity, social origin or status, political or religious beliefs, because of his status as an actual or perceived victim of domestic violence, sexual assault, stalking, veteran status, or any physical or mental disability.

Section 6.l. — Essential Areas of the Merit System. (3 L.P.R.A. § 1472a)

The following are the Essential Areas of the Merit System, which shall apply to the Public Service Human Resources Administration and Transformation System established hereunder, except for Appointments to Positions of Trust:

- 1. Position Classification;
- 2. Recruitment and Selection:
- **3.** Promotions, Transfers, and Demotions;
- **4.** Training; and 5. Retention.

Section 6.2. — Provisions on Position Classification. (3 L.P.R.A. § 1472b)

- 1. By virtue of this Act, the Government of Puerto Rico Human Resources Administration and Transformation Office is hereby directed to begin forthwith the process of centralizing and unifying the classification plans of the public agencies and instrumentalities attached to the Central Government.
- **2.** A written description of each position with the same or similar duties shall be made. The job description shall identify basic, essential, general, and marginal functions. It shall also

include the purpose of the function inherent to the position as to allow the Government of Puerto Rico to carry out its essential functions through each agency or instrumentality.

- **3.** Positions shall be grouped into classes taking into account equal or similar elements of the position, in order to impose the same requirements and apply the same selection criteria to the incumbents thereof, so that they may receive the same pay, regardless of the agency where they work.
- 4. The Office shall maintain a written description of each class or its equivalent. Such description shall contain the basic and common elements of the positions included under said position class, such as the levels of responsibility, authority, and complexity of the group of positions; education, experience, knowledge, abilities, and minimum skills required, and the duration of the probationary period. Each class shall be assigned an official title which shall describe the nature and level of the work entailed, which shall be used for personnel and budget transactions.
 - **5.** A copy of the job description of the position held shall be given to the employee.
- **6.** The classification plans of career positions shall be kept separate from those of positions of trust.
- 7. Every position must be classified under the appropriate career or trust position classification or evaluation plan. No person may be appointed to a position other than those classified under any of the classification plans. Noncompliance with the foregoing shall render the action in question void. 8. The classes included in the classification plans shall be grouped on the basis of an occupational or professional scheme, and said scheme shall be an integral part of the position classification or evaluation plans.

Section 6.3. — Recruitment and Selection Provisions. (3 L.P.R.A. § 1472c)

When recruiting personnel, the Government as Sole Employer shall provide qualified individuals with the opportunity to compete in its recruitment and selection process, taking into account the following: academic, professional, and career achievements, knowledge, capability, abilities, skills, work ethics, and without discrimination because of race, color, sex, birth, age, sexual orientation, gender identity, social origin or status, political or religious beliefs, because of his status as an actual or perceived victim of domestic violence, sexual assault, stalking, veteran status, or any physical or mental disability. However, while the fiscal crisis in the Government of Puerto Rico continues, internal recruitment shall be encouraged to fill vacancies. If the Government lacks the human resources to carry out duties, then it shall resort to external recruitment.

- **1.** *General Conditions.* Any candidate interested in entering public service shall meet the following general conditions:
 - **a.** Be a United States citizen or a legal alien authorized to work pursuant to the applicable legislation;
 - **b.** Be physically and mentally fit to perform the essential duties of the position;
 - **c.** Comply with the applicable provisions of the "Internal Revenue Code," as amended, concerning the filing of income tax returns Within the five (5) years preceding the job application;

- **d.** Have not been found guilty of dishonorable conduct; e. Have not been convicted of a felony or of any offense involving moral turpitude; f. Not make use of controlled substances unlawfully;
- g. Not being a habitual and excessive user of alcoholic beverages;
- **h.** Have not been removed from public service or convicted of the felonies or misdemeanors listed in Section 6.8(3) of this Act Within the jurisdiction of Puerto Rico, the federal jurisdiction or any of the states of the United States of America.

The conditions identified in paragraphs (d) through (h) shall not apply when the candidate has been habilitated by the Department of Labor and Human Resources to hold a position in the public service.

- **2.** *Minimum Requirements.* Any person Who shall hold a position in the government, whether by original appointment or by any other personnel action, shall meet the minimum education and experience requirements established for the corresponding position class.
- **3.** *Job Postings, Disclosure, Probationary Period.* The following general provisions shall govern employee recruitment and selection for regular career positions:
 - **a.** Recruitment shall be carried out through a process whereby candidates compete under equal conditions.
 - **b.** *Job Postings.* Job postings shall include the recruitment rules of each position class, which shall be geared toward attracting the best available resources to the Government. Job postings shall include, but shall not be limited to, the title and number of the position class, nature of the job, salary, the requirement to pass an exam or exams, when applicable, as well as the minimum education and/or experience requirements that the candidates for the position must meet. Minimum education and/or experience requirements shall, in turn, conform to that which is established in the position classification plans or the method used to evaluate positions.

Job postings shall establish the kind of competition authorized for each class stating whether the competition shall be limited to employees of the agency in question, employees of the agencies covered under this Act, or open to the general public. Job postings shall also include the criterion or criteria to be used to sort the names of eligibles in the corresponding registers, such as: grade point average; points obtained in the licensure examination, exam, or group interview; and points awarded when evaluating education and/or experience in addition to that established as minimum requirement or a combination thereof.

Job postings shall also include, where appropriate, aspects such as: exam passing grades; evaluation criteria used in interviews and evaluations of education and/or experience; and relative values given to each criterion used to sort the names in the registers when using more than one criterion. Said job postings shall be reviewed periodically so that they may reflect the changes in the job market and other conditions.

c. *Publication.* — Job postings shall be posted on the webpage of the Government and disseminated through the most appropriate media for each case, so that they may reach the sources of resources' If the job opportunity announcement establishes a cut-off date for filing applications, it shall be published within at least ten (10) business days before such date. The different media or the medium to be used for dissemination and the cut-off date for receiving applications shall be subject to criteria such as: degree of specialization of the

position class, job market, the number of positions to be filled, the duty station, and the type of competition. Each job opportunity announcement shall indicate the title of the position class, the nature of the work, the minimum requirements, the salary scale, the cut-off date for filing applications, and any other necessary information such as the type of competition, the type of exam, and/or the criteria for evaluating or sorting names in the register of eligibles. The Office shall regulate the publication of job postings on the Webpage and shall prescribe by regulations that any recruitment which fails to comply with these provisions shall be void.

The Office, upon agreement with the agencies excluded from the personnel system, including the Office of the Governor, the Municipalities, the Supreme Court, the Office of the Chief Justice, the Office of the Court Administrator, the Legislative Assembly, the Municipal Legislatures, may create registers and manage recruitment, promotion, and/or training announcements, as Well as administer the Webpages and post the appropriate information thereon. Citizens may submit their recruitment, promotion, and/or training applications online, through the Webpages created pursuant to the regulations adopted by the Office.

- **d.** Review. In the event it is determined that recruitment is to be based on the passing of a recruitment exam, any person who has taken the exam may request a score review within a term of fifteen (15) days as of the mailing date of the score notification.
- **e.** *Certifications.* Before the Central Government resorts to external recruitment, the Office shall thoroughly verify whether the human resources that may carry out duties whenever they are needed are available in the Government.
- **f.** External Recruitment. If the internal human resources are not available in the Central Government, the recruitment of external personnel shall proceed; provided, that the financial situation so allows.
- **g.** Register of Eligibles. Registers of Eligibles shall be strictly arranged by descending test scores or points obtained for the corresponding position class. If there are tie scores, the order may be determined by taking into account one (1) or more of the following factors:
 - 1. general or specialized education;
 - 2. experience;
 - 3. grade point average in academic or specialized education;
 - **4.** submission date of the application.
- **h.** *Selection.* Vacant regular career positions shall be filled through a selection process that shall include the following stages:
 - 1. The Office shall maintain a list of persons certified as eligible for each vacant position. If the agency or instrumentality has a vacancy, the Office shall refer to the appointing authority not more than ten (10) candidates for interview and selection.
 - 2. Selection by the Appointing Authority of one of the certified candidates within a reasonable time limit which shall be determined by the Office in the regulations adopted by virtue of this Act; provided, that such eligibles may be included in other certifications even if the corresponding selection has not yet been carried out yet fifteen (15) business days after the date of issue of the certification of eligibles.

- **3.** Certified candidates who are not selected shall be notified in writing. Said notice shall state that they have not been selected and, as a result, they shall be included in the register of eligibles.
- i. Probationary Periods. Executive Branch agencies and public instrumentalities covered under this Act shall strictly comply with the established probationary period. The probationary period shall comprise an entire cycle of the duties of the position. Such period shall not be less than three (3) months nor more than twelve (12) months. Official forms designed for these purposes shall be used and the evaluations to be made shall be discussed with employees. The final action shall be notified in writing to the employee within at least ten (10) days before it takes effect. Upon satisfactorily completing the probationary period, the employee shall become a regular career employee.
- **j.** Appointments to Fixed Duration Positions. Appointments to fixed duration positions shall be used in the following cases:
 - 1. When the incumbent is out on leave Without pay.
 - **2.** When an adequate register of eligibles is not available for a position that requires some type of license and the candidate to be appointed holds a provisional license.
 - **3.** When the incumbent has been dismissed and has appealed such action before the appellate forum.
 - **4.** When the incumbent has been suspended without pay for a specific period.
 - **5.** When the incumbent is holding a career position and is subsequently appointed to a trust position.
- **k.** Provisional Appointments. Agencies and instrumentalities shall avoid, to the greatest extent possible, keeping provisional positions.
- **l.** Recruitment and Selection of Employees for Positions of Trust. Employees appointed to positions of trust as defined in this Act shall be at- will employees, and shall meet the education, experience, and other requirements that the Appointing Authority deems essential for the proper performance of the duties of the position.
- **m.** Rejection of Applications. Any applicant Who fails to meet the established requirements, or who has furnished or attempted to furnish information with the intent to deceive, defraud, or who has committed or attempted to commit an offense against public property, such as: misappropriation, theft, falsification or tampering with the exams to be administered or already administered, may have his application rejected, his exams cancelled, or his eligibility for the register nullified, or may be declared ineligible for the public service. The preceding, in the case of government employees, may be grounds for dismissal or for the imposition of any other disciplinary action.
- **n.** Cancellation of Registers. The Office shall provide by regulations for the cancellation of registers when these do not respond to public service needs. The candidates registered therein shall be notified of such cancellation through public notice and the Government's Webpage.

Section 6.4. — Provisions on Promotions, Transfers, Demotions, and Mobility. (3 L.P.R.A. § 1472d)

The Government of Puerto Rico Human Resources Administration and Transformation Office shall be responsible for ensuring that the agencies, public corporations, Government instrumentalities and Municipalities, when required, provide the appropriate mechanisms for the promotion, transfer, demotion, and mobility of employees, in order to relocate positions and employees where these may take greater satisfaction in their work and contribute their efforts to the achievement of the objectives of the organization with greater efficiency, pursuant to the following provisions:

1. Promotions

- **a.** Upon the approval of this Act, the Government of Puerto Rico Human Resources Administration and Transformation Office in conjunction with the Appointing Authority shall determine the position classes, or their equivalent in other position evaluation plans that, due to the particular needs of the agency or the nature of the duties of such position classes, are required to be filled by promoting employees.
- **b.** Employees holding career positions may be promoted by means of exams that may consist of written, oral, physical or performance test, or an evaluation of their education and experience. In addition to the foregoing, the evaluations from their supervisors, as well as an analysis of employees' personnel folder, and the trainings they have received in connection with the duties of the position to which they intend to be promoted, may be taken into account.
- **c.** Promotion opportunities shall be announced in order for all duly qualified candidates to compete, pursuant to subsection (3)(c) of Section 6.3 of this Act, through the agency, and upon publication thereof in the Central Register and the corresponding agency register. If upon announcing such opportunities, a reasonable number of persons who meet the minimum education and experience requirements established is not available, such positions shall be filled or such services shall be rendered as provided in Section 6.3(3) of this Act for regular recruitment and selection process.
- **d.** Promotions without opposition may be authorized when the special and exceptional demands of the service and the special qualifications of employees so warrant, after having passed the exam. Special and exceptional demands of the service shall mean the assignment or commission of new duties or programs; the extension of the services rendered by the agency; the need to recruit personnel capable of ensuring continuity in the rendering of services without the need for further instructions; inadequacy of a register of eligibles; urgency to fill a vacant position which renders the regular procedure unfeasible.

Furthermore, special qualifications of the employees shall be understood to be additional experience; academic education beyond minimum requirements; and the results obtained in the Evaluation System adopted by the Agencies and developed by the Office.

e. All promoted employees shall complete the probationary period established for the position class to which they have been promoted.

2. Transfers

a. If an agency proves need for a permanent position or a position for a term not to exceed twelve (12) months, the Government of Puerto Rico Human Resources Administration and

Transformation Office, depending on the circumstances, shall satisfy the need of such agency or instrumentality, using the transfer or mobility mechanism, as the case may be. Likewise, this method shall also be used when addressing needs for services, unforeseen circumstances, programs or fixed duration bona fide projects funded with federal or state funds or a combination thereof. Moreover, when the need for carrying out fixed duration works arises within positions of trust, the Office shall provide the human resources through the transfer or mobility mechanism, as the case may be.

- **b.** Transfers from one position to another Within the same class or an equivalent class in other evaluation plans, or from one position in one class to another position in another class may be made; provided, that the employee meets the minimum education and experience requirements of the position class to which he shall be transferred.
- **c.** When the transfer is to a position in another or equivalent class in other evaluation plans, employees shall be subject to the probationary period required for the new position. This requirement may be waived when the transfer arises as a result of duly justified needs for services.
- **d.** Transfer of employees within the same agency, between agencies and municipalities, between agencies and governmental bodies, between agencies and public corporations, between agencies and government instrumentalities and entities of the Executive Branch, pursuant to the rules issued by the Office.
- **e.** Transfers may not be used as a disciplinary measure or be made arbitrarily.
- **f.** In the appropriate cases where it is justified, Appointing Authorities shall be empowered to take all precautionary, provisional, and appropriate personnel transactions in order to preserve a healthy and safe work environment and an optimum rendering of services, such as the movement of personnel, without it constituting a final adjudication of any action or claim. In no case shall the transfer or the precautionary movement of personnel shall constitute a burden for the employees being subject thereto.

3. *Demotions*

- **a.** Demotions may be made when the employee so requests or when positions are eliminated and employees cannot be moved to a position similar to the position they held. Demotions shall become effective thirty (30) calendar days after the date on which written notice of such demotion is served to the affected employee. Said notice shall inform the employee of the procedure to be followed in the case the employee disagrees with the decision, as well as the effective date of the decision.
- **b.** In the case of requested demotions, employees must state in writing their agreement therewith, in which case the demotion may become effective immediately or before the expiration of the term of the notice set forth in the above paragraph.
- **c.** Demoted employees must meet the minimum requirements established for the position to be held.
- **d.** Demotions shall not be used as a disciplinary measure or made arbitrarily.

4. *Mobility*

As defined in this Act, Mobility is a process to flexibly implement the Government 's initiatives by identifying the necessary human resources that allow for the adequate rendering and continuity of the services offered to the people and that, in turn, promote the best use and retention of human resources.

- 1. The Government of Puerto Rico Human Resources Administration and Transformation Office in conjunction with the Office of Management and Budget shall have one (l) year as of the approval of this Act to devise mobility plans, which shall address the immediate needs for rendering services in the Government of Puerto Rico.
- 2. The Government of Puerto Rico Human Resources Administration and Transformation Office shall be in charge of implementing every mobility plan in connection with the rendering of services in, and the functions of, the Government of Puerto Rico. When devising the mobility plans, firstly, there shall be identified those employees who wish to participate voluntarily. Likewise, the need for services, the education and experience of the employee, years of service, place of residence of the employee, duty station, collective bargaining agreements, and the employee's availability shall be taken into account, in addition to any other requirements to be prescribed by the Office through regulations for the implementation of the mobility mechanism, which shall clearly state that every movement of personnel that fails to comply with these provisions shall be null.
- **3.** The Office of Management and Budget shall be responsible for quantifying the total number of personnel needed to comply with the established plan, thus, it shall issue the required rules pursuant to the provisions herein.
- **4.** Mobility is a necessary element for the better use and retention of the human resources of the Government of Puerto Rico.
- **5.** Mobility shall not apply to employees appointed by the Governor, whose appointments require the advice and consent of the Senate, employees in positions of trust, teachers or personnel requiring a teacher certification from the Department of Education, and law enforcement officers of the Puerto Rico Police.
- **6.** When implementing each mobility plan in connection with the rendering of services and carrying out duties, the office shall regulate the process whereby employees of other agencies may request to move voluntarily to the understaffed agency.
- 7. The agency's implementation of the Mobility Plan established by the Office shall neither constitute a violation of the collective bargaining agreements in effect nor an unlawful practice.
- **8.** The guarantees of due process as well as the fringe benefits and base salary that the employees had before making any movement of personnel shall be upheld in every personnel transaction within the mobility plan; except as otherwise agreed by the employee and/or the labor union representing him at the time the movement is made.
- **9.** In order to move a Government employee to a municipality pursuant to a mobility plan, the municipality shall consent to such movement.
- **10.** It is hereby provided that in every Participatory Public-Private Partnership (PPP+P) agreement, those Government employees who are transferred to a PPP+P through the mobility mechanism shall keep the salaries and fringe benefits they had at the time of their movement, and the PPP+P shall be responsible for assuming all the obligations relating to said personnel transaction; except as otherwise agreed by the employee and/or the labor union representing him at the time the movement is made. Unless otherwise agreed, the public employee shall become an employee of PPP+P for all legal purposes. Provided that, Act No. 4-2017, known as the "Labor Transformation and Flexibility Act," shall not be

applicable to such employees if the employees entered into public service before the effective date of Act No. 4-2017.

- 11. Mobility shall be neither employed as a disciplinary action, nor a burden for the employee, nor made arbitrarily, nor carried out as an action directed at forcing a public employee to resign in a way that constitutes grounds for a constructive or wrongful discharge.
- **12.** When moving an employee, said employee shall not be subject to serve a new probationary period, unless the personnel transaction constitutes a promotion. In this case, the employee shall be subject to serve the probationary period of the position class to which he was promoted.
- 13. The employee's mobility shall take effect within thirty (30) calendar days after the date on which written notice of such mobility was issued to the employee. Said notice shall inform the employee of the procedure to be followed in the case the employee disagrees with the decision, as well as the effective date of the decision. If the employee in disagreement is a union employee under the provisions of Act No. 45-1998, as amended, he shall file his claim with the Commission. If the decision is reverted, the employee shall return to his original place of work; provided, that the position has not been eliminated. If the position has been eliminated the employee may be assigned to an equal or a similar position in the original agency or in the successor government entity if there has been a consolidation thereof, with the guarantee of his previous salary before the mobility.

5. Other Actions

(a) Detail — The temporary assignment of a public official or employee from an agency of the Executive Branch or municipality, and vice versa, is hereby authorized in order to render mutual services at any other of said jurisdictions. Detailed employee or officials shall continue to hold the same office and shall keep all of their rights as officials or employees of said agency. Detail is an administrative action that allows for the maximization of the use of human resources in a cost-effective manner according to the Merit System. Under extraordinary circumstances, the use of this mechanism to detail officials and employees between the Executive Branch and other Government Branches shall be allowed; provided that, the Branch to which the official is detailed reimburses the compensation paid to said official, in accordance with the rules established therefor by the Office of Management and Budget. Detail may be used for a one (1)-year term, which may be extended as necessary. Notwithstanding the foregoing, and under extraordinary circumstances, the Governor of Puerto Rico or his authorized representative may authorize, at his discretion and as an exception, the use of this mechanism to detail officials and employees between the Executive Branch as well as other Government Branches the payroll of which is paid from the General Fund of the Government of Puerto Rico, without requiring reimbursement thereof as provided above. In the event that the official on detail is an employee of a public corporation or government entity whose payroll is paid from its own funds and is detailed to discharge his functions in a Government Branch or agency the payroll of which is paid from the General Fund of the Government of Puerto Rico, as well as in the event that the Governor determines that his authorization shall inure to the benefit of the Government of Puerto Rico, the Governor may authorize the detail of the official or employee without requiring such reimbursement.

(b) Administrative Designation or Assignment — Is the formal and temporary designation made by an appointing authority to an employee in order for said employee to render services of the same or similar nature in another office of the same agency."

Section 6.5. — **Provisions on Training.** (3 L.P.R.A. § 1472e) [*Note: Act No. 103-2022 hereby amended Sub-clause* (2)(h)(5), but the official translation is not available. Please consult the Spanish version]

Training constitutes an essential part of the merit system. Thus, it is necessary to adjust the public policy on training to the realities of the 21st century Public Administration.

Bearing this in mind, the Government Career Development Advisory Council is hereby created in order to professionalize the careers of public officials so that these may be prepared to face the organizational challenges and offer a better service to the people. This Council shall be responsible for guaranteeing that the employees' training be focused on the attainment of goals and commitments of each Agency. The composition and functions of the Advisory Council shall be established by means of Executive Order.

Furthermore, for the purpose of complying with the public policy on training, the Government of Puerto Rico Employee Professionalization and Training Institute (IDEA, Spanish acronym) is hereby created to be attached to the Government of Puerto Rico Human Resources Administration and Transformation Office.

1. Purpose of IDEA

Maximizing the public sector's professionalization and efficiency in Puerto Rico through the continuous training and professional growth of government employees in order to optimize their productivity, thus protecting their employment vested rights. Moreover, it shall be the duty of this office to identify and seek the human and financial resources that facilitate the attainment of this goal.

2. Duties

To achieve its purposes, IDEA shall:

- **a.** Develop, based on the determinations of the Government Career Development Advisory Council of the Government of Puerto Rico Human Resources Administration and Transformation Office, and the directions of its Director, a Five-year Master Plan divided by years for the training and professionalization of the employees of the Government of Puerto Rico (PLAN- MA); provided, that:
 - **l.** PLAN-MA shall be revised annually based on a study of programmatic needs and priorities.
 - 2. The decision shall be made concurrently with the budget process.
 - **3.** The Director may adjust the plan along the Way, as necessary, in accordance with his findings of fact based on official information.
 - **4.** Within the first six (6) months after the effective date of this Act, and While the PLAN-MA is drafted, the Director may continue the training program that was implemented by the Training and Labor Affairs Advisory and Human Resources Administration (OCALARH, Spanish acronym) or adjust it if, in his judgment, it is necessary given the circumstances.
- **b.** Establish an appropriate administrative structure and information systems to set the PLAN-MA in motion once it is approved.
- c. Operate the Professionalization and Training System directed under the PLAN-MA.

- **d.** Develop a plan to form a Partnership with the University of Puerto Rico (ALI-UPR, Spanish acronym) in order to train and retrain government employees.
- **e.** For the purpose of attracting financial and human resources to the Government, it may negotiate on behalf of the Office, as appropriate:
 - **l.** Partnerships, memoranda of understanding, or agreements with the agencies of the Federal Government or the State Government of any of the states or the municipalities thereof;
 - **2.** Agreements or Public Private Partnerships with private universities of Puerto Rico or of any of the states of the United States or the Jurisdictions thereof; or
 - **3.** Private foundations of Puerto Rico or of any of the states of the United States or the Jurisdictions thereof, or international.
- **f.** Administer the ALI-UPR and all other partnerships with entities of the public and the private sectors.
- **g.** Drafl, for the Office's approval, collaboration agreements to provide training and professionalization and, to such ends, develop interactive and distance learning modules through online learning platforms.
- **h.** Broaden the offer of services for the development of training modules through collaborative agreements entered into with public or private university institutions accredited in PLl€1't0 Rico.
 - 1. Trainings shall be aimed at strengthening interagency communications and promoting interconnectivity of public services.
 - 2. To collaborate with and assist the Office of the Ombudsman for Persons with Disabilities (OOPD) in training, awareness, information, and education campaigns launched by said Office aimed to government employees regarding the rights of persons with disabilities.
 - **3.** To collaborate with and assist the Office of the Ombudsman for the Elderly in training, awareness, information, and education campaigns launched by said Office aimed to government employees regarding the rights of the elderly.
 - **4.** To collaborate with and assist the Office of Government Ethics and the office of the Comptroller of Puerto Rico in their training programs.
 - **5.** To offer training and continuing education courses on finance and economics to the government employees of the agencies.
 - **6.** To offer training courses on Customer Service, providing employees who work directly with the public with knowledge about the newest mechanisms and skills to offer quality services and good care to the citizens.
 - **7.** Collaborate with and assist the Women's Advocate Office in training, sensitization, orientation, and education campaigns offered by said Office to public employees on matters related to the ministerial duties of said Office.

3. Beneficiaries

- **a.** The following may participate in the training programs developed by the Office:
 - **l.** Officials and employees of the Government of Puerto Rico, as well as official and employees of the municipal governments, and of the agencies and public corporations of Puerto Rico.

- **2.** Upon authorization of the Director, there may also participate the personnel from national or international public or private institutions who are funded by said institutions, which shall pay for the services to be rendered.
- **4.** The following are specific provisions that shall govern personnel training and betterment:
 - 1. Those established in the PLAN-MA
 - **2.** The needs certified by the agencies
 - 3. The personnel history and training of each employee, stating in detail:
 - **a.** Education
 - **b.** Previous training
 - **c.** Work experience
- 5. Scholarship Program: beneficiaries shall be required, upon completion of their education, to render services to the Government of Puerto Rico for a term equal to double their term funded by the Office for their education, without impairment to their constitutional right to resign from employment: Provided, that:
 - **a.** To benefit from the scholarship or paid leave a person may commit to reimburse the Office for the total cost, plus interest at the legal rate, from the time the aid were disbursed, whether through a scholarship or a paid leave, if such person resigns to his position before the term provided herein, unless the office exempts him from such obligation due to wrongful dismissal or force majeure.
 - **b.** In order to secure the reimbursement, beneficiaries must post a bond at the time of receiving the aid.
- **6.** The Scholarship Program shall meet the following requirements for the granting thereof:
 - **a.** The Office shall determine the needs for training and professionalization of the departments, agencies, and public corporations, and develop a Scholarship Program to meet such needs insofar as resources allow.
 - **b.** Once such needs are determined, scholarship opportunities shall be announced to all potentially eligible employees.
 - **c.** All eligible employees may compete on an equal footing based on their previous qualifications and a Mandatory Study Plan to which they must adhere.
 - **d.** Those best qualified and those Whose skills and professional career development is envisioned to be more beneficial for the department, agency or public corporation recommending them shall be selected as beneficiaries of the Scholarship Program.
 - **e.** Once the scholarship, paid leave or leave Without pay is granted, the Office shall freeze the position of the beneficiary; provided, that due to service needs, the position may be filled by means of the transfer or mobility mechanism, or by means of provisional appointments for the duration of the scholarship and while the beneficiary complies With the study plan to which he committed upon accepting the scholarship.
- 7. The Director may award scholarships without opposition, upon recommendation of an ad hoc committee to study the need thereof, when he determines it is warranted due to special

and extraordinary demands for services and that the special qualifications of the employees so justify.

Section 6.6. — Provisions on Retention. (3 L.P.R.A. § 1472f)

- 1. Career employees with regular status shall have a secure job; provided, that they satisfy the productivity, efficiency, order, and discipline standards that should prevail in the public service. Such standards shall be established, among other factors, on the basis of the duties of the position, the responsibilities, and the obligations set forth hereinbelow, as well as such others that are necessary for the rendering of services according to the operational duties of each agency.
- 2. The Office shall be responsible for creating and designing a system to evaluate the performance, productivity, execution, and compliance with the established criteria, using quantitative methods for the employees. Agencies and instrumentalities shall be required to evaluate their employees using the performance evaluation system developed by the Office.
- 3. When an employee's behavior does not conform to the established rules and requirements, each agency shall take the necessary and appropriate disciplinary measures or actions. Among others, they may consider oral admonitions, written warnings, suspension without pay, and dismissal.
- **4.** The Appointing Authority may suspend without pay or dismiss a career employee for just cause, upon written notice of charges and upon being advised of his right to request a hearing before action is taken, in accordance with the progressive disciplinary processes established by regulations.
- 5. The Appointing Authorities shall be required to impose the appropriate disciplinary action to any official or employee who knowingly, carelessly or recklessly fails to comply with any of the provisions of this Act.
- 6. When the behavior attributed to an employee constitutes an actual or potential hazard to the health, life, property, or morale of the agency employees or the citizenry in general, the Appointing Authorities may make summary suspensions. In such cases, they shall be required to hold an informal hearing within ten (10) days following the suspension.
- **7.** Agencies may negotiate with their labor union representatives the procedures to be followed when imposing disciplinary measures. Such procedures shall contain the necessary mechanisms to guarantee a due process of law and to protect employees from arbitrary dismissals and severances.
- **8.** The duties listed below shall constitute the essential minimum obligations required from all employees, for which disciplinary measures shall be taken upon noncompliance:
 - **a.** To attend work regularly and punctually and comply with the established work schedule.
 - **b.** To observe the rules of correct, courteous, and respectful conduct in their relations with their supervisors, coworkers, and citizens.
 - **c.** To perform efficiently and diligently the tasks and duties assigned to their position as well as others compatible therewith as they are assigned.

- **d.** To obey such orders and instructions from their supervisors that are compatible with the authority delegated to the latter and with the duties, activities, and objectives of the agency where they work.
- **e.** To maintain the confidentiality of matters related to their work, unless they are formally required or allowed by a competent authority to disclose the same.
- **f.** To perform tasks outside their work hours when the need for services so require; provided, that they have been notified reasonably in advance.
- **g.** To ward, preserve, and safeguard, including but not limited to, all public documents, property, and interests.
- **h.** To comply with the provisions of this Act as well as the rules and orders issued hereunder.
- i. To comply with the ethical and moral rules of conduct established in Act No. 1-2012, as amended, known as the "Puerto Rico Government Ethics Act of 201 1," and the regulations thereunder.
- **9.** In accordance with the foregoing, employees are hereby prohibited from engaging in the following or similar actions, to wit:
 - **a.** Accepting gifts, donations, or any other reward for the work performed as government employees, except for those authorized by law.
 - **b.** Using their official position for partisan political or other purposes that are incompatible with public service.
 - **c.** Performing duties or tasks that entail a conflict of interest with respect to their obligations as government employees.
 - **d.** Acting or failing to act in contravention of Act No. 1-2012, as amended, known as the "Puerto Rico Government Ethics Act of 2011."
 - **e.** Showing a conduct which is inappropriate or harmful to the good name of the agency or the Government of Puerto Rico.
 - **f.** Engaging in prevarication, bribery, or immoral conduct.
 - **g.** Carrying out any act that prevents the application of this Act and the rules adopted hereunder; knowingly making or accepting any false statement, certification, or report in connection with any matter covered under the law.
 - **h.** Giving, paying, offering, soliciting, or accepting, directly or indirectly, money, services, or any other asset in exchange for an eligible status, appointment, promotion or other personnel action.
 - **i.** Engaging in misconduct against the public treasury or the public faith and function, or that involves public funds or property.
- **10.** Layoffs may be implemented, without it constituting a disciplinary action or dismissal, under the following circumstances:
 - **a.** Due to the elimination of positions for a lack of work or funds. In these cases, layoffs shall be implemented within the groups of employees whose positions are classified under the same title and considering the status of each employee Within the group, as Well as their productivity, according to their evaluations, and their seniority in service. In order to determine seniority, all services rendered in positions in the agencies that compose the System shall be considered.

The Appointing Authority of each agency shall serve all employees to be laid off, with a written notice within not less than thirty (30) days prior to the effective date of the layoff. No employee layoff shall be effective unless the notice requirement is met. Each agency shall establish a written procedure for the purpose of implementing layoffs in case these are necessary, and such written procedure shall be disclosed or made available to interested employees for their information. Before implementing layoffs due to the elimination of positions for a lack of Work or funds, all other resources available shall be exhausted in order to prevent such layoffs by taking actions such as:

- 1. Reallocating personnel in positions of the same or similar classification in departments, offices, or programs Where there is a need for personnel.
- 2. Retraining employees and, through the mobility mechanism, moving them to another position Within the same agency, to another agency, municipality, Public Corporation, or Participatory Public-Private Partnership (PPP+P), among others, in order to reallocate the employee in another position prior to the deadline for implementing such layoffs.
- **3.** Use of the vacation leave accrued.
- **4.** Leave without paid until the budgetary crisis lapses, when the agency has decided based on a temporary budget deficit that eliminating the position permanently is not required. In such cases, the preferential order previously established shall be observed when implementing layoffs.
- **5.** Furlough.
- **6.** Demotion of employees as the last recourse to prevent layoffs.
- **b.** When it is determined that employees are physically and/or mentally impaired to perform the essential functions of their position, with or without reasonable accommodation. The Appointing Authority may require employees to undergo medical examination if there is evidence of problems in the performance of tasks or security problems, or when so required under other federal laws, to determine the ability to perform the duties of a position and when voluntary medical examinations are required as a part of health programs. The employee's refusal to undergo the medical examination thus required may be grounds to presume that he is impaired to perform the essential functions of the position. Such action shall be notified to the employee who shall also be advised of his right to request an administrative hearing.
- c. When the employee is disabled due to a Work-related accident and undergoing medical treatment with the State Insurance Fund for a term greater than twelve (12) months as of the date of the accident, pursuant to Section 5-A of Act No. 45 of April 18, 1935, as amended, known as the "Work-Related Accident Compensation Act." Such action shall be notified to the employee who shall also be advised of his right to request an administrative hearing. A career employee may be separated from office during or upon completion of his probationary period, when it is determined that his progress and adaptability to the rules in effect have not been satisfactory, after having been duly counseled and trained. If due to his performance and not because of habits or attitudes an employee were to be separated during the probationary period and immediately before his appointment, he has served satisfactorily as a regular employee in another position, he shall be entitled to be reinstated into a position equal or similar to that which he held with a regular status. If separation

from service Was due to habits or attitudes of the employee, severance may proceed through the removal procedure established in the agency.

- **12.** Any provisional employee may be separated from service before his term of appointment lapses, for just cause and pursuant to the due process of law.
- 13. Any employee convicted of any felony or crime involving moral turpitude, or violation of his official duties shall be separated from service pursuant to Article 208 of the Political Code of 1902, as amended. Provided, that in the cases where the convicted employee is given the benefit of serving part or all of his sentence in the community, the provisions of Act No. 70 of June 20, 1963, as amended, known as the "Lift of the Ban Preventing Persons Serving a Suspended Sentence and on Probation or a Penalty Alternative to Imprisonment from Holding Public Offices," as well as the procedure established in Section 6.8 if this Act shall apply.
- 14. Any career employee may resign from his position freely and voluntarily through Written notice given to the Appointing Authority of the agency. This notice shall be given with not less than ten (10) consecutive days prior to his last work day; however, the Authority may, at its discretion, accept the resignation of an employee when presented within a shorter term. The Appointing Authority shall, within the term in which such resignation has been submitted, give written notice to the employee of Whether it accepts or refuses the same for there being grounds which warrant an investigation of the conduct of the employee. In the case of refusal, the Appointing Authority shall conduct an investigation within the shortest term possible to determine whether it should accept the resignation or bring charges.

Section 6.7. — **Rehire.** (3 L.P.R.A. § 1472g)

The following provisions shall govern the rehire of employees into the public service:

- 1. Regular employees who resign from their positions or are laid off due to the elimination of positions, or recovering from a disability, shall be entitled to have their names included in the register of eligibles of the position class they held with a regular status or a similar class, or its equivalent in other evaluation plans. This right may be exercised in agencies that, under the provisions of this Act, are deemed to be within the Government as Sole Employer.
- 2. Persons who recover from a disability, after having enjoyed an annuity for Work-related disability or other from any of the retirement systems sponsored by the Government, shall be entitled to have their names included in the register of eligibles of the same or similar position classes, or their equivalent in other evaluation plans, as they held at the time they separated from service due to a disability, until they are selected. In these cases, they shall be certified as sole candidates. The Agency shall be required to appoint these candidates if they are available, but it may require such proof or evidence of capability as it deems pertinent.
- 3. Any person Whose rehire has been approved shall be entitled to appear in the register for a maximum period of three (3) years as of the date of separation from service or as of the official date the disability no longer exists. Persons who recover from a disability after having been enjoying an annuity, for Work-related or other disability from one of the retirement systems are exempt from this provision; in this case, they shall remain in the register until they are selected.
- **4.** Persons entitled to rehire who wish to exercise such a right, except for persons laid off due to the elimination of positions or those enjoying an annuity for work-related or other

disability, shall file a written application with the agency within of three (3) years after the effective date of the separation from the position they held.

5. The Agency shall give the employee written notice of the action taken in the case of applications for reemployment. In case of layoffs, the employee shall be likewise given written notice of reemployment. 6. When rejecting an application for reemployment, the Appointing Authority shall inform the employee, in its notice, of the cause or causes on which said action was based, and the employee may request reconsideration of the decision within a term often (10) days as of the date of the notice. If the decision is upheld, the employee may appeal before the Commission within a term of thirty (30) days after the decision was notified.

Section 6.8. — Habilitation in the Public Service. (3 L.P.R.A. § 1472h)

Persons who are part of the Public Service should not be guilty of misconduct punishable under our body of laws. However, it is a matter of great interest for the State government that any person who, at any given time, was impaired from holding a position in the public service, be able to overcome the situation that impaired him from doing so, and be employed or rehired, as the case may be, in the public service on his own merits. The following rules shall render such purposes feasible:

- 1. Any person who has engaged in dishonorable conduct, is a habitual and excessive user of controlled substances and/or alcoholic beverages, has been convicted of a felony or any crime involving moral turpitude, or has been dismissed from public service, shall be ineligible for employment in, or for entering into a professional services contract with, the government.
- 2. Any person who is ineligible for public service pursuant to the provisions of subsection (1) of this Section, shall be entitled file a request for habilitation with the Department of Labor and Human Resources one (l) year after the date on which the event occurred or from the date the circumstances that led to a determination of inability had arisen, except for the following cases:
 - **a.** In the case of habitual and excessive users of controlled substances or alcohol, the requirement of one (l) year from the date on which the inability occurred, does not apply. The factor to be considered, before the Department of Labor assumes jurisdiction, shall be the certification issued by the Mental Health and Addiction Services Administration indicating that the person is favorably recommended for habilitation.
 - **b.** Any convicted government employee who has been granted a suspended sentence or parole and is serving his sentence in the community under those limitations imposed by the entities of the Government's Corrections System, may file a request for habilitation at any time with the Department of Labor and Human Resources or, in default thereof, the Agency where he is employed, shall be required to file it. The employee shall continue to hold office until the Secretary of the Department of Labor and Human Resources determines otherwise
 - **c.** Any person who has been acquitted may submit his application for habilitation at any time.
 - **d.** Any convicted person who has been granted a suspended sentence or parole and is serving his sentence in the community, under those limitations imposed by the entities of the Government's Corrections System, may file his request at any time.

- 3. Any person who has been convicted, either as a principal or accomplice, in the jurisdiction of Puerto Rico, in the federal jurisdiction, or in any of the states of the United States of any of the crimes listed below as defined in Act No. 146-2012, as amended, known as the Penal Code of Puerto Rico," or any subsequent law, shall also be permanently ineligible for employment in, or for a professional service contract with, the public service, or for being a candidate for, or holding an elective office:
 - a. Aggravated Unlawful Taking;
 - **b.** Extortion;
 - c. Sabotage of essential public services;
 - **d.** Document Forgery;
 - e. Fraud:
 - **f.** Internet fraud:
 - **g.** Construction fraud;
 - h. Fraudulent use, possession, or transfer of magnetic stripe cards;
 - i. Illicit enrichment;
 - **j.** Illicit enrichment of public officials;
 - **k.** Unjust enrichment;
 - **l.** Defrauding public works or utilities;
 - **m.** Undue intervention in government operations;
 - **n.** Negotiations incompatible with the discharge of public office;
 - o. Defrauding public works or utilities;
 - **p.** Alteration or mutilation of property;
 - **q.** False certifications;
 - **r.** Bribery;
 - s. Offer of bribe;
 - **t.** Undue influence:
 - **u.** Embezzlement;
 - v. Money laundering.

When the conviction results from the commission of any of the crimes listed below, the prohibition provided for in this Act shall be for a term of twenty (20) years, counting from the date of conviction:

- **a.** Aggravated damages;
- **b.** Retaining property;
- **c.** Alteration or mutilation of property;
- **d.** Recordation of false documents or data:
- e. Unlawful Possession and Use of Tax Information, Receipts and Payment Vouchers;
- **f.** Unlawful Purchase and Sale of Property for Payment of Taxes; g. Submitting forged writings;
- **h.** Unlawful possession of tax receipts;
- **i.** Falsification of entries in registers;
- **j.** Forgery of seals;
- k. Misrepresentation;
- **l.** Forgery of license, certificate, and other documentation;
- **m.** Forgery in the practice of professions or trades;

- **n.** Possession or transfer of forged documents;
- **o.** Possession of forgery tools.
- **p.** Preparation of false documents

When the conviction results from the commission of any of the crimes listed below, the prohibition provided for in this Act shall be for a term of eight (8) years, counting from the date of the conviction:

- a. Nonfeasance:
- **b.** Unlawful sale of goods;
- **c.** Failure to perform duty;
- **d.** Dereliction in the performance of duty;
- e. Usurpation of public office;
- **f.** Hindering the inspection of books and documents
- **4.** When a person is convicted in the aforementioned jurisdictions of any of the misdemeanors listed above, said person shall be ineligible for public service for a term of eight (8) years as of the date of conviction.
- 5. A felony conviction, the removal and revocation of probation or parole, or noncompliance with the conditions imposed by the program by which the habilitated convict is serving his sentence in the community, shall entail the automatic cancellation of the habilitation. If the person is holding a public office or otherwise rendering services for a government entity, he shall also be immediately terminated from the job or from rendering the services, as the case may be, when a felony conviction is issued, when probation or parole is revoked, or when he fails to comply with the conditions of the program by virtue of which the habilitated convict is serving his sentence in the community.
- 6. One (1) year after the decision of the Secretary of the Department of Labor not to habilitate has become final and binding, any person who wishes to be habilitated may file a new request for habilitation; provided, that the person furnishes new evidence that has not been previously considered and said person is able to prove that he should be habilitated. This provision shall likewise apply to conditioned habilitation cases.
- 7. Any official or employee who knowingly authorizes an appointment in contravention of the provisions of this Section shall be liable for any amount of money unduly paid to the person thus appointed and said appointment shall be null.

Section 6.9. — **Prohibition.** (3 L.P.R.A. § 1472i)

In order to ensure the faithful application of the Merit System in the Public Service during preand post-electoral periods, the Appointing Authorities of the agencies, instrumentalities, and public corporations of the Government of Puerto Rico shall refrain from making any personnel transaction relating to the essential areas of the Merit System, such as appointments, promotions, demotions, or transfers; nor shall they be able to make changes to position categories, nor shall they use the employee's mobility during the election prohibition period. Provided, that during said period, no personnel actions or changes whatsoever with a retroactive effect may be processed or recorded in the employee's personnel folder. Any changes resulting from the completion of a probationary period and the imposition of disciplinary measures shall be exempt from this prohibition. Noncompliance with this provision shall render any transaction thus carried out null. This prohibition shall comprise the period of two (2) months before and two (2) months after the holding of the General Elections of Puerto Rico.

Upon the Office's approval, exceptions from this prohibition may be made in the event of urgent and unavoidable needs for service duly evinced and certified pursuant to the rules issued by the Office to such effect. For purposes of this Section, urgent or unavoidable needs shall be understood as any essential or crucial actions for which there is a pressing need to carry them out in order to discharge the functions of the agency, instrumentality, or public corporation. It shall not include actions that are deemed merely convenient or beneficial, whose solution may be extendable until the regular process therefor is concluded.

Article 7. — Compensation Provisions. —

Section 7.1. — **Public Policy.** (3 L.P.R.A. § 1473)

The Government of Puerto Rico's public policy on compensation recognizes as main values the capability shown by the employee in the performance of his tasks; the commitment shown to the goals and objectives of his organization; the adherence to order and discipline rules; and the sensible, respectful, and diligent treatment towards our citizens.

To promote these values, government compensation systems shall be geared toward attracting and retaining the most suitable personnel; recognizing group and individual achievements of workers; encouraging team work; and encouraging workers to lead decent lives. All of the foregoing, based on equity and justice, and in consideration of the financial reality of government entities.

This compensation system, in addition to recognizing and fairly compensating the contributions of employees to the achievement of organizational goals, shall allow the Office greater flexibility in the administration of the compensation system. This shall render the human resources management system more dynamic and effective.

Section 7.2. — **General Pay Rules.** (3 L.P.R.A. § 1473a)

The following guidelines shall apply to all government agencies under this Act:

- 1. The Office shall establish different pay plans for their career employees, union employees, nonunion employees, and employees in positions of trust, in accordance with their fiscal capability, economic reality, and the position classification and evaluation method selected. The pay plan selected shall promote uniformity and justice in fixing the employees' wages.
- 2. The Office shall recommend to the agencies, according to their needs and appropriated budget, the wage structure for career positions Within the classes established in accordance with the position classification plan selected. In addition, agencies shall maintain such structures up to date, in order for these to represent the economic reality, the fiscal capability, and the cost of living in Puerto Rico.
- **3.** The Office shall administer their pay plan in connection with the essential areas of the merit system. When conducting transactions relating to public service career employees, none of these[sic] shall take an action that attempts against or that is contrary to the merit system.

- **4.** The Office may authorize the use of other pay methods to retain, motivate, and recognize personnel, insofar as the financial resources allow. Some of these mechanisms are:
 - **a.** *Differentials.* A special temporary compensation, in addition to and separate from the employee's regular salary, granted to mitigate extraordinary circumstances that could otherwise be deemed to be burdensome on the employee. Differentials may be granted on:
 - 1) Extraordinary Circumstances. A temporary work situation that requires greater effort from, or entails a higher risk for, the employee while carrying out the duties of his position.
 - 2) Acting Appointment. A temporary work situation where the employee performs all the essential functions of a position higher than the one he officially holds. In this case, the following conditions shall be met: to have performed the functions uninterruptedly for thirty (30) or more days; to have been designated officially to discharge the functions in an acting capacity by the director of the department or office; and to meet the requirements of education and experience of the position whose functions he is discharging on an acting capacity. The employee working in an acting capacity may be relieved from his acting capacity at any time as determined by the director of the department or office. In such circumstances, the employee shall return to his previous position and receive the salary he earned before being appointed in an acting capacity, except when the employee has performed supervisory functions in an acting capacity for twelve (12) months or more. In this case, the employee shall be granted a pay raise equal to a pay rate in his position; provided, that the fiscal situation so allows.

No granted differential may be deemed to be an integral part of the regular salary of the employee for purposes of computing the liquidation of leaves or computing the retirement pension.

- **b.** Bonuses. A special, nonrecurring compensation separate from the salary that may be granted; provided, that the fiscal situation so allows, as a mechanism to recruit, retain, or reward employees or groups of employees who meet the requirements established before the granting thereof. The rules for granting this incentive to employees shall be evaluated and approved by the Appointing Authority.
- **5.** No amendment or modification to the position classification and evaluation plan may negatively affect the base salary of the employee.
- **6.** As a general rule, the salary to be earned by every employee appointed to a career position shall be the minimum rate in the salary scale of the position class he shall hold.
- 7. Any raises upon promotions to be granted by the agencies may be appraised in percentage terms or the equivalent thereof in midpoint rates. This determination shall depend on the wage structure to which it is assigned. However, the raise shall not be less than the difference between minimum scale rates.
- **8.** In cases of demotions due to needs for service as determined by the Appointing Authority, upon previous notice to the Office and the Office of Management and Budget, to be an urgent need for service, such an action shall not adversely affect the employee's salary, except when such action is taken to avoid layoffs due to lack of funds. When a demotion is made at the request of the employee, his salary shall be adjusted to the base salary of the position class to which he is being demoted, plus the statutory raises he had received in the position previously held.

- **9.** In case of reinstatement after failure to complete a probationary period, the employee shall receive the last salary earned in the position into which he is being reinstated, plus any raises granted to the class. In addition, he shall receive any statutory raises granted during the probationary period.
- 10. In case of reinstatement after returning from a leave without pay, the employee shall receive the last salary he earned prior to the beginning of the leave, plus any raises granted to the class or any statutory raises granted during the time the employee was on leave.
- 11. In case of reinstatement after returning from a disability leave, the employee shall receive the last salary earned prior to his separation, plus any raises granted to the class or any statutory raises granted during the period he was on leave.
- 12. Employees in positions of trust entitled to reinstatement into a career position in accordance with Section 8.2 of this Act, upon reinstatement, shall be entitled to all benefits in terms of classification and salary that have been extended to the career position they had during the term they served as employees in positions of trust. They shall also be entitled to any statutory pay raises.
- 13. In case of reclassification, the rules on promotions, transfers, demotions, and mobility shall apply as provided by the Office through regulations.
- 14. As a general rule, transfers shall not entail a pay raise. 15. In case of rehire, the new appointment rule shall apply, except in the case of reinstatement after returning from a disability leave.

Section 7.3. — **Specific Rules on Compensation.** (3 L.P.R.A. § 1473b)

The following rules shall only apply to nonunion or managerial employees or to employees excluded from Act No. 45-1998, as amended, known as the "Puerto Rico Public Service Labor Relations Act," who work in the government, and subject to the existence and availability of Government funds.

- 1. The Office shall draft regulations as are necessary to implement compensation methods in accordance with the budget status and availability, as certified by the Office of Management and Budget. These methods shall recognize the productivity, efficiency, and quality of the work performed by the employees. These alternative compensation methods may be used to: retain the most suitable personnel, recruit qualified personnel for hard-to-fill positions, and motivate employees. Some of these methods are:
 - **a.** Certificates of recognition for performance.
 - **b.** Productivity bonuses equivalent to ten percent (10%) of the salary earned semimonthly; provided, that the fiscal situation so allows.
 - **c.** Activities where employees are informed of the agency's achievements and recognized for their own.
 - **d.** Training inside and outside of Puerto Rico.
 - e. Scholarships, in accordance with the provisions of Section 6.5 of this Act.
 - **f.** Child day care.
 - **g.** Lodging, meal, and uniform benefits for all employees, as warranted due to the nature of the service they render.
 - **h.** Days or hours granted without charge to any leave.

- **2.** All employees have the possibility for professional development, whether on their own initiative or by efforts of the organization. Some compensation methods that promote this activity are:
 - **a.** When recruiting personnel, a financial incentive may be included as part of the base salary; provided, that the fiscal situation so allows. Said incentive shall be adjudicated to hard-to-fill position classes, as required, due to the high degree of education and experience warranted. b. Granting salary adjustments based on the evaluation of the employee's performance and productivity.
- 3. Merit Pay. A compensation that is part of the salary and is granted to recognize employee's outstanding performance; provided, that the final situation so allows. Such pay raise shall consist of one (1), two (2), or three (3) steps within the salary range established for the employee's position. In order to be entitled to such raise, the employee must have discharged the duties of his position for twelve (12) consecutive months before the date of the granting thereof, and the employee's performance evaluations shall be consistent with the raise amount to be granted. Any period of time worked by the employee under a provisional appointment in a position under the same classification may be credited toward completing the established eligibility period.

Pay raises shall not exceed four percent (4%) of the employee's salary. When for budgetary reasons, the full amount of the granted raise cannot be paid, a partial payment of said raise shall be made and, at any time within the twelve (12) following months, the remainder thereof may be paid; provided, that the fiscal situation so allows. In these cases, the twelve (12)-month eligibility period established for merit pay shall begin on the effective date of the first partial payment.

Article 8. — Types of Categories. —

Section 8.l. — There are two (2) types of Employee Categories within the Personnel System: (3 L.P.R.A. § 1474)

l. Employees with Career Appointments. — Those employees who have been admitted into the public service in faithful compliance with the provisions of the code of laws in effect applicable to the recruitment and selection processes for career appointments at the time of their appointment. Such employees are entitled to remain in the service pursuant to the provisions of Section 6.6 of this Act. This category includes confidential employees.

Confidential employees are those who, regardless of their career appointment, discharge duties that by their very nature affect, or who participate significantly in, the policymaking or implementation process, or who discharge duties directly or indirectly in connection with employer-employee relations that actually or potentially entail a conflict of interests, and are excluded from all the appropriate units, as provided in subsection b-l of Section 4.2 of the "Puerto Rico Public Service Labor Relations Act."

2. Employees in Positions of Trust. — Are those included in the Classification Plan and that, in accordance with their duties, substantially participate in policymaking, or who advise or render services directly to the head of the agency, such as:

- **a.** Officials or employees appointed by the Governor, their personal secretaries and chauffeurs, as well as executive and administrative assistants who answer to them directly;
- **b.** Heads of agencies, their personal secretaries and chauffeurs, as well as executive and administrative assistants who answer to them directly;
- c. Deputy heads of agencies, their personal secretaries and chauffeurs, if any;
- **d.** Regional agency directors;
- **e.** Board or standing commission members appointed by the Governor, and their respective personal secretaries;
- **f.** Members and staff of boards and commissions appointed by the Governor with a specific effective period;
- **g.** The staff of the Office of Former Governor's Service Office. Employees in positions of trust are presumed to be at-will employees. Those employees who, despite being presumed to be at-will employees, may only be dismissed for just cause, or whose appointment is for a specific term as provided by law, shall be likewise deemed to be employees in positions of trust.

Section 8.2. — Reinstatement of Employees in Trust Positions. (3 L.P.R.A. § 1474b)

- **l.** All career employees with regular status who transfer to a position of trust shall be fully entitled to be reinstated to a position equal or similar to the last career position they held, unless dismissed from their position of trust upon charges brought. Provided, that they shall be entitled to all benefits regarding classification and salary that have been extended to the career position they held during the term they served in a position of trust.
- 2. All career employees with regular status who are elected or designated as substitutes for holding elective public offices within the Executive or Legislative Branch, shall be fully entitled to be reinstated to a position equal or similar to the last career position they held, unless dismissed from said elective office due to misconduct or impeachment, or unless they have resigned from office due to malfeasance or misconduct that would have led to their dismissal or impeachment. Provided, that they shall be entitled to all benefits regarding classification and salary that have been extended to the career position they held during the term they sewed in an elective public office.
- **3.** Regular career employees who are recruited to hold a position of trust, or who are elected by the people or designated as substitutes for holding an elective public office, as provided above, shall retain the fringe benefits and leave rights established in this Act.

Once their assignment as employees in positions of trust or elective office ceases, the years of service and seniority accrued shall be credited to the last position they held.

Section 8.3. — Approval of Positions of Trust. (3 L.P.R.A. § 1474b)

The approved position classification plans shall provide for a maximum of fifteen (15) positions of trust. When the organizational structure, operational complexity, or size of the agency requires a higher or lower number of positions of trust, the approval of the Office of Management and Budget shall be required.

Section 8.4. — Change of Appointment and Category. (3 L.P.R.A. § 1474c)

- **I.** The appointing authority may recommend the change from a career position to a position of trust and vice versa, when so warranted in the event of an official change in the functions or the organizational structure of the agency, subject to the following:
 - **a.** If the position is vacant;
 - **b.** If the position is filled and the change is from a career position to a position of trust, the incumbent shall expressly consent thereto in writing. If the employee does not consent to the change, such employee shall be reassigned forthwith to a career position with the same salary for which he meets the minimum requirements; c. If the position is filled and the change is from a position of trust to a career position, the incumbent shall remain therein, subject to the following conditions:
 - 1. That he meets the education and experience requirements established for the position class or the equivalent thereof in other position classification plans;
 - **2.** That he has held the position for a period that is not less than the probationary period established for the position class or the equivalent thereof in other position classification plans; and that his services are excellent as ascertained through an evaluation;
 - **3.** That he passes or has passed the exam or has met the selection criteria established for the position class or the equivalent thereof in other position classification plans;
 - **4.** Upon certification, that his services have been satisfactory.

If the incumbent fails to meet all of the aforementioned conditions, he may not remain in the position, unless covered under the right to reinstatement provided for in Section 8.2 of this Act. Changes in appointment categories may not be used as a subterfuge to grant permanent employee benefits to employees who did not compete for a career position. These shall only be pertinent upon a thorough analysis of the duties of the position or the organizational structure of the agency, and shall require the evaluation of the Government of Puerto Rico Human Resources Administration and Transformation Office, and the authorization of the Office of Management and Budget.

Article 9. — **Fringe Benefits.** — [Note: Act No. 95-2022 hereby amended Sub-clause 6; Act No. 119-2022 hereby amended Subclause 1(a), but the official translation is not available. Please consult the Spanish version]

Employees whose benefits, as of the effective date of this Act, are other than those provided for herein shall remain entitled thereto in accordance with the regulations, rules, or collective bargaining agreements providing therefor, as well as any emergency laws to be promulgated. The benefits established herein shall apply prospectively only to newly-hired Government employees, except for the paternity leave, and the special breastfeeding leave with pay, which shall apply to all government employees.

Since fringe benefits constitute an area of utmost need and significant effects for government employees, in order to maintain a uniform and fair human resources administration, the following rules are hereby established:

Fringe benefits shall be:

1. Vacation Leave.

- **a.** All employees shall be entitled to accrue two and a half (2.5) days of vacation leave for each month of service, up to a maximum of sixty (60) workdays at the close of each calendar year. Vacation leave shall begin to accrue upon completion of a three (3)-month work period and said leave shall be retroactive to the employment commencement date. Part-time employees or those with reduced work hours shall accrue vacation leave proportionately to the number of hours regularly worked.
- **b.** Vacation leave is granted to employees in order to allow them a reasonable annual rest period. As a general rule, said leave shall be used during the calendar year in which it was accrued. Each Agency is required to devise a vacation plan for every calendar year, in collaboration with the supervisors and employees, whereby it shall be established the period during which employees shall enjoy their vacation time in the manner that is more compatible with the needs for service. Said plan shall be established as soon as possible, so that it takes effect on January 1st of each following year. The agencies and all the employees shall be responsible for the enforcement of said plan. Exceptions shall only be made in the event of a clear, unavoidable, and duly certified need for service.
- **c.** The agency shall devise and implement the vacation plan in order to prevent employees from forfeiting their vacation leave at the close of the calendar year and allow then to use it. d. All employees shall be entitled to enjoy their vacation leave for a period of twenty-four (24) workdays during each calendar year, of which not less than twelve (12) shall be enjoyed consecutively.
- **e.** Employees who are unable to enjoy their vacation leave during a specific calendar year due to a need for service evidenced in writing and as required by the Agency shall be exempt from the provisions of the preceding paragraph (d). In this case, the employer Agency is required to make the necessary adjustments so that the employee is able to enjoy at least any license accrued in excess of the sixty (60)-day limit at the earliest date possible within the first six (6) months of the following calendar year.
- **f.** When due to extraordinary circumstances in connection with the service which are beyond the employee's control, an employee has been unable to enjoy the excess accrued within the statutory term, the agency shall pay such excess on or before July 315' of each year; provided, that the fiscal situation so allows.
- **g.** Employees may opt to authorize the agency to transfer to the Department of the Treasury any amount of vacation leave accrued in excess, in order to be credited toward the full or partial payment of any outstanding income tax debt at the time the transfer is authorized.
- **h.** The agency shall provide for the granting of the accrued vacation leave prior to a definite and permanent separation from service, and a transfer to render services at a different public agency or instrumentality.
- i. Typically, no vacation leave shall be granted for a period longer than twenty-four (24) workdays per calendar year. However, the agency may grant vacation leave in excess of twenty-four (24) workdays, up to a maximum of forty- eight (48) days, during any calendar year, to those employees who have accrued said leave. When granting said leave, the following factors shall be considered together with the need for service:

- 1. The use of said leave for activities geared to the employee's self-betterment, such as travel, and education, etc.;
- 2. Long-term illness of an employee after having exhausted the sick leave balance;
- 3. Personal issues of the employee requiring his attention;
- **4.** If a leave of absence has been cancelled due to a need for service and as required by the agency;
- **5.** The total leave accrued by the employee.
- **j.** Due to extraordinary circumstances, advanced vacation leave may be granted to regular employees who have rendered services in the Government for over one (1) year, if there is certainty that the employee shall return to duty. The advanced vacation leave shall not exceed twenty-four (24) workdays. The granting of advanced vacation leave shall require in all cases the previous written approval of the Appointing Authority. Any employee who has been granted advanced vacation leave and separates from service, voluntarily or involuntarily, before rendering services for the period needed in order to accrue the full amount of unearned leave that was granted in advance shall be required to reimburse the Government of Puerto Rico any sum that has been paid on account of said advanced leave.
- **k.** In the event that an employee is granted a leave without pay, said employee shall not be required to exhaust the accrued vacation leave in order to use the leave without pay.
- **l.** If vacation leave or advanced vacation leave is authorized, the advanced payment of the wages pertaining to said leave period may be also authorized, insofar as it is requested sufficiently in advance. Such authorization shall be made upon the leave's approval.
- **m.** One or more employees may donate, as an exception, up to a maximum of five (5) days of accrued vacation leave to another government employee who works in the same government entity, as provided in Act No. 44-1996, as amended, known as the "Act for the Ceding of Vacation Leave," when:
 - 1. The leave recipient has worked uninterruptedly for at least one (l) year in any government agency;
 - **2.** The leave recipient has not shown a pattern of unscheduled absences, which constitutes noncompliance with the rules of the government entity;
 - **3.** The leave recipient has exhausted all the leave to which he is entitled due to an emergency;
 - **4.** The leave recipient or his representative has shown attesting evidence of the emergency and the need to be absent in excess of the leave accrued and already exhausted:
 - **5.** The leave donor has accrued at least fifteen (15) days of vacation leave in excess of the amount of leave to be donated;
 - **6.** The leave donor has submitted to the government entity where he is employed a written authorization consenting to the leave donation, including the name of the leave recipient;
 - **7.** The leave recipient or his representative has accepted the proposed donation in writing.

2. Sick Leave

a. Every employee shall be entitled to accrue one and a half (1.5) days of sick leave for every month of service. Part-time employees or those with reduced work hours shall accrue

sick leave proportionately to the number of hours regularly worked. Said sick leave shall be used when the employee is sick, has a disability, or has been exposed to a contagious disease which requires him to be absent from Work in order to protect his health or the health of others. Furthermore, all employees shall use up to a maximum of five (5) days per year of the accrued sick leave, insofar as they maintain a balance of at least twelve (12) days, for the purpose of requesting a special leave to be used:

- **l.** To care and tend to their sick children.
- 2. To conduct any transactions relating to or to care for sick elderly persons or persons with disabilities within their family circle, that is, up to the fourth degree of consanguinity, second degree of affinity, persons living under the same roof, or persons of whom an employee is the legal guardian or has legal custody. Provided, that the transactions to be conducted are consistent with the purposes for which the sick leave was granted, that is to say, that are related to the health care and attention of the persons mentioned herein.
 - **a**) "Elderly persons" shall mean any person who is sixty (60) years of age or older;
 - **b**) "Persons with disabilities" shall mean any person who has a physical, mental, or sensory disability that substantially limits one or more essential activities in his life
- **3.** For the first appearance of any petitioner, victim, or claimant in any administrative and/or judicial proceedings before any Department, Agency, Public Corporation, or Instrumentality of the Government of Puerto Rico in any actions related to child support, domestic abuse, sexual harassment in the workplace, or gender discrimination. The employee shall furnish attesting evidence of said appearance as issued by the concerned authority.
- **b.** The sick leave shall be accrued up to a maximum of ninety (90) workdays at the close of any calendar year. The sick leave shall begin to accrue upon completion of a three (3)-month period and said leave shall be retroactive to the employment commencement date. The employer Agency is required to make all the necessary adjustments in order to allow employees to use all the sick leave accrued during any calendar year. The employee may exhaust the sick leave accrued during any calendar year. Moreover, the employee shall be entitled to the annual payment of such excess at least by March 31st of each year; provided, that the fiscal situation so allows. Employees may opt to authorize the agency to transfer to the Department of the Treasury any amount on account of sick leave accrued in excess, in order to be credited toward the full or partial payment of any outstanding income tax debt.
- **c.** If an employee were absent for over three (3) days due to an illness, a medical certificate may be required to attest to:
 - i. The employee actually being ill, suffering from a contagious disease, or being unable to work during the period he was absent;
 - ii. The illness of the employee's children;
 - **iii.** The illness of elderly persons or persons with disability within his family circle, that is, up to the fourth degree of consanguinity, second degree of affinity, persons living under the same roof, or persons of whom the employee is the legal guardian

- or has legal custody In addition to the medical certificate, the inability of the employee to attend work due to an illness may be ascertained by any other appropriate means. The foregoing shall not be applied or construed in violation of the provisions of ADA nor of the "Family and Medical Leave Act of 1993" (FMLA).
- **d.** In the event that an employee is sick and has no sick leave accrued, up to a maximum of eighteen (18) workdays of advanced sick leave may be granted to any employee who has served in the Government of Puerto Rico for not less than one (l) year, if there is certainty that the employee shall return to duty. Any employee who has been granted advanced sick leave and separates from service, voluntarily or involuntarily, before rendering services for the period needed in order to accrue the full amount of unearned leave that was granted in advance shall be required to reimburse the Government of Puerto Rico any sum that has been paid on account of said advanced leave.
- **e.** In the event of a long-term illness, once the sick leave is exhausted, an employee may exhaust his accrued vacation leave upon authorization from his immediate supervisor. Should the employee exhaust both leaves and he were still sick, a leave without pay may be authorized.
- **f.** One or more employees may donate, as an exception, up to a maximum of five (5) days a month of accrued sick leave to another government employee who works in any Government Entity, as provided in Act No. 44-1996, known as the 'Act for the Ceding of Vacation Leave,' when:
 - **1.** The leave recipient has worked uninterruptedly for at least one (1) year in any government entity;
 - **2.** The leave recipient has not shown a pattern of unscheduled absences, which constitutes noncompliance with the rules of the government entity;
 - **3.** The leave recipient has exhausted all the leave to which he is entitled due to an emergency;
 - **4.**The leave recipient or his representative has shown attesting evidence of the emergency and the need to be absent in excess of the leave accrued and already exhausted:
 - **5.** The leave donor has accrued at least twelve (12) days of sick leave in excess of the amount of leave to be donated; and
 - **6.** The leave donor has submitted to the government entity where he is employed a written authorization consenting to the leave donation, including the name of the leave recipient.
- **3.** *Maternity leave.*
 - **a.** The maternity leave shall comprise the prenatal and postpartum rest period to which expectant employees are entitled. Likewise, it shall comprise the period to which an employee who has adopted a child is entitled, in accordance with the applicable legislation.
 - **b.** Every expectant employee shall be entitled to a four (4)-week rest period before childbirth, and a four (4)-week rest period after childbirth. Provided, that the employee may enjoy four (4) additional weeks to care and tend to the child. Childbirth shall mean the act of giving birth to a child whether naturally or through lawful surgical obstetrics procedures.

It shall likewise include any premature childbirth or miscarriage, even if the latter was legally induced by a medical specialist and takes place at any time during the pregnancy.

- **c.** The employee may choose to enjoy only one (1) week of prenatal rest, and extend up to seven (7) Weeks the postpartum rest period to which she is entitled, or up to eleven (11) weeks if the four (4) additional Weeks to care and tend to the child are included. In these cases, the employee may submit to the agency a medical certificate attesting to the fact that she is able to work up to one Week before childbirth.
- **d.** During the maternity leave, the employee shall earn her full Wages.
- **e.** In the case of an employee with a provisional appointment, the maternity leave of said employee shall not exceed the appointment period.
- **f.** If childbirth occurs before the four (4)-week prenatal rest period elapses or before the employee began to enjoy her prenatal rest period, said employee may choose to extend the postpartum rest period for a period of time equivalent to that which she did not enjoy before childbirth.
- **g.** The employee may request to return to her duties before the postpartum rest period elapses, insofar as the employee submits to the agency a medical certificate attesting to her ability to return to her duties. In this case, it shall be understood that the employee is relinquishing the balance of unused maternity leave to which she is entitled.
- **h.** When the estimated date of delivery was wrongly calculated and the employee has enjoyed her four (4) weeks of prenatal rest period without going into labor, said employee shall be entitled to an extension of the prenatal rest period with full pay until childbirth. In this case, the employee shall be entitled still to enjoy the four (4)-week postpartum rest period from the date of delivery as well as the four (4) additional weeks to care and tend to the child.
- i. In the event of premature birth, the employee shall be entitled to enjoy the eight (8) Weeks of maternity leave from the date of premature birth as well as the four (4) additional weeks to care and tend to the child.
- **j.** Any employee who suffers a miscarriage may claim up to a maximum of four (4) Weeks of maternity leave. However, in order to avail herself of said benefit, the miscarriage shall produce the same physiological effects that usually arise as a result of childbirth, according to the determination and certification of the attending physician during the miscarriage.
- **k.** In the event that an employee suffers any postpartum complications that prevents her from returning to work once the rest period after childbirth (postpartum) and the four (4) additional Weeks to care and tend to the child have elapsed, the agency shall grant a sick leave to said employee. In these cases, a medical certificate shall be required stating the condition of the employee and the estimated duration thereof. If the employee has exhausted her sick leave, vacation leave shall be granted. In the event that the employee has exhausted both the sick and the vacation leaves, leave Without pay may be authorized for the period recommended by the physician.
- **l.** Any employee who adopts a preschooler, that is, a minor who is five (5) years of age or younger, who is not enrolled in any school, in accordance With the legislation and legal procedures in effect in Puerto Rico or any U.S. jurisdiction shall be entitled to the same benefits of maternity leave with full pay of an employee who gives birth. In the event that

an employee adopts a minor who is six (6) years of age or older, said employee shall be granted maternity leave with full pay for a term of fifteen (15) days. This leave shall begin to elapse from the date on which the employee officially receives the minor, which shall be certified in Writing.

- **m.** The maternity leave shall not be granted to employees who are enjoying any other leave with or Without pay. Any employees who are enjoying sick or vacation leave, or leave without pay due to pregnancy complications shall be exempt from this provision.
- **n.** Any expectant employee or employee who has adopted a minor is required to notify the agency in advance of her plan to enjoy maternity leave and to return to her duties.
- **o.** The agency may authorize the advanced payment of any Wages corresponding to the maternity leave period, insofar as the employee so requests in advance, as appropriate. If the employee returns to her duties before the postpartum rest period elapses, the employee shall be required to reimburse the balance pertaining to the unused maternity leave.
- **p.** In the event that the newborn dies before the maternity leave period elapses, the employee shall be entitled to claim only the portion of the postpartum rest period up to the first eight (8) weeks of unused maternity leave. Provided, that the four (4)-Week additional period benefit to care for and tend to the child shall cease as of the date on which the child died. In this case, the employee may avail herself of any other leave to which she is entitled.

4. *Paternity Leave.*

- **a.** The paternity leave shall comprise a period of fifteen (15) workdays from the date of birth of a child.
- **b.** When claiming this right, the employee shall certify that he is legally married or cohabitates with the mother of the child and that he has not committed domestic abuse. Said certification shall be made by submitting the form required by the agency for such purposes, which shall also include the signature of the mother of the child.
- **c.** The employee shall request the paternity leave and submit the birth certificate as soon as possible.
- **d.** The employee shall earn his full Wages during the paternity leave period.
- **e.** In the case of an employee with a provisional appointment, the paternity leave shall not exceed the appointment period.
- **f.** The paternity leave shall not be granted to employees who are enjoying any other type of leave with or without pay. The employees who have been granted vacation or sick leave shall be exempt from this provision.
- g. Any employee who, together with his spouse or domestic partner, adopts a preschooler, that is, a minor who is five (5) years of age or younger, who is not enrolled in any school, in accordance with the legislation and legal procedures in effect in Puerto Rico or any U.S. jurisdiction shall be entitled to a paternity leave that shall comprise a fifteen (15)-day period to be counted from the date on which he officially receives the minor, which shall be certified in writing. In the event that an employee adopts a minor who is six (6) years of age or older, said employee shall be entitled to paternity leave with full pay for a term of fifteen (15) days. When claiming this right, the employee shall certify that he is legally married, if applicable, and that he has not committed domestic abuse, or a sexual- or child abuse-related offense. Said certification shall be made by submitting the form required by the agency for such purposes, which shall also include the signature of his spouse.

Any employee who individually adopts a preschooler, that is, a minor who is five (5) years of age or younger, who is not enrolled in any school, in accordance with the legislation and legal procedures in effect in Puerto Rico or any U.S. jurisdiction shall be entitled to eight (8) weeks of paternity leave which shall begin to count from the date on which he officially receives the minor, which shall be certified in writing. In the event that an employee adopts a minor Who is six (6) years of age or older, said employee shall be entitled to paternity leave with full pay for a term of fifteen (15) days.

When claiming this right, the employee shall certify that he has not committed domestic abuse, nor a sexual- or child abuse-related offense.

Paragraphs (d), (e), and (f) of this subsection shall apply equally in the event that an employee requests the leave benefits set forth in previous paragraphs.

- **5.** *Special Breastfeeding Leave with Pay*
 - **a.** Breastfeeding mothers who return to work after enjoying maternity leave shall be granted the opportunity to nurse their children for a period of one (l) hour during each full-time work day, which may be divided into two (2) thirty (30)-minute sessions or three (3) twenty (20)-minute sessions, to go where the child to be breastfed is being cared for, should the company or employer have a child care center in its facilities, or to express breast milk at the place provided for such purposes in the workplace. Said places shall guarantee nursing mothers privacy, safety, and hygiene. Said place must have electrical outlets and ventilation. If the employee is working on a part-time basis and the work day exceeds four (4) hours, the period granted shall be thirty (30) minutes for every consecutive four (4)-hour working period.
 - **b.** Within the workplace, the breastfeeding period shall have a maximum duration of twelve (12) months, to be counted as of the date the employee returns to her duty.
 - c. Employees who wish to avail themselves of this benefit shall submit to the agency a medical certificate, during the period corresponding to the fourth (4'h) and the eighth (8'h) months of age of the infant, attesting to the fact and certifying that she is breastfeeding her baby. Said certificate shall be submitted not later than five (5) days before each period. Provided, that the employer shall designate an area or physical space that guarantees the privacy of the breastfeeding mother, as well as her safety and hygiene, without this entailing the creation or construction of physical or organizational structures, contingent upon the availability of resources of the government entities. Agencies shall adopt regulations on the operation of said breastfeeding areas.
- **6.** Leave Without Pay
 - **a.** If the cause for which the leave was granted ceases, the employee shall report for duty immediately or notify the Agency of the reasons why he is unavailable, or of his decision not to return to work.
 - **b.** In addition to the leaves without pay that each Agency may grant by regulations, the following shall be granted:
 - **l.** To career employees with regular status, to render services in other agencies of the Government of Puello Rico or in a private entity, if it is determined that the experience to be acquired by the employee shall satisfy a proven need for training of the Agency or the Public Service.

- 2. To career employees with regular status, to protect their status or the rights to which they may be entitled in cases of:
 - a) A disability claim before the Retirement System of the Government of Puerto Rico or other entity, and the employee has exhausted his sick and vacation leaves.
 - **b**) Having suffered a work-related accident and undergoing medical treatment with the State Insurance Fund Corporation or pending a final determination concerning the employee's accident, and the employee has exhausted his sick and vacation leaves.
- **3.** To employees who so request after the birth of their child. Provided, that this type of leave without pay may be granted for a period of time which shall not exceed six (6) months as of the date on which it is authorized.
- **4.** To employees with regular status who are transferred to positions of trust in the Office of the Governor or in the Legislative Assembly, while rendering said services.
- **5.** To employees with a regular status who have been elected in the general elections or have been selected to fill a vacancy of an elective public office within the Executive or Legislative Branch, including the offices of Resident Commissioner in the United States and Mayor, while rendering said services.
- **6.** Furthermore, special leaves for a justified cause shall be granted, with or without pay, as the case may be, such as but not limited to: court leave; leave with pay to participate in activities where the employee is representing the country; military leave; two (2) work-hour parental involvement leave at the beginning and the end of each school semester; leave of absence for child immunization; leave for volunteer services to the Civil Defense Corps in cases of disaster; leave of absence for volunteer services with the American Red Cross; leave to participate in sports; and blood donation leave. Provided, that the aforementioned leaves shall be governed by the special laws that grant them through regulations.

Article 10. — Work Schedules. —

Section 10.1. — (3 L.P.R.A. § 1476)

The rules on the work day for government employees are the following:

- 1. The regular work week for regular career employees shall not exceed forty (40) hours nor be less than thirty seven and a half (37'/2) hours, on the basis of five (5) workdays, except as otherwise provided by special laws. The workday shall not exceed eight (8) hours. Employees shall be granted two (2) rest days for each regular workweek.
- 2. The regular work week for employees shall consist of the number of hours that, within a period of seven (7) consecutive days, the employee is under the obligation to render services, pursuant to his regular work schedule. Typically, the regular workweek shall be from Monday through Friday, and Saturday and Sunday shall be rest days. To address needs for service, however, agencies may establish a regular workweek, for all or part of its personnel, beginning and ending on any day of the week, insofar as said week includes two (2) rest days.

- **3.** The regular workday or workweek of employees may be furloughed as an action to prevent layoffs. When a furlough has been established as a measure to prevent layoffs, said furlough may be established on a basis of less than five (5) workdays.
- **4.** Within the aforementioned limits, each agency shall establish the workweek and workday that shall apply to the employees thereof, taking into account the needs for service.
- 5. As a general rule, the workday schedule shall be fixed on the basis of a fixed starting time and a fixed finishing time. However, agencies may adopt through their bylaws a flexible, tiered, extended, or rotating-shift work schedule.
- 6. Each agency shall grant all employees a meal break ranging from half (1/2) an hour to one (1)-hour during their regular daily work schedule, while guaranteeing the continuous rendering of services. Through a written agreement between the employee and the appointing authority, the meal-break hour may be reduced to half (1/2) an hour due to needs for service or at the convenience of the employee. The employee shall enjoy said period after having completed the first three and a half (3 1/2) hours but before completing the fifth (5th) consecutive hour of work. In the case of union employees, the agreement shall be approved by the union representative.
- 7. Agencies shall program their work schedule so that the employee is able to take his meal break. However, in emergency situations, the employee may be required to render services during his meal break or part thereof.
- **8.** Hours Worked shall comprise all the time during which an employee is required to render services or to remain in the premises or in a specific workplace and all the time during which he is directed and expressly authorized to work.
- **9.** Any interested employee shall have the option to a voluntarily furlough, upon previous agreement with the employer, by a period equivalent to one workday of his workweek.

The agreement may provide that the employee may be furloughed by one (l) whole workday or the number of hours equivalent to one workday, proportionately allotted between five (5) days; said adjustment may entail a change on either the starting time or the finishing time.

Said agreement may never be for a term of less than two (2) payroll periods and it may be rendered void by the employee, in his discretion, or by the employer, due to the need for service, through a written notice served to the other party within not less than thirty (30) days in advance. The employer may not prevent the employee from returning to his regular work schedule, if so, requested by the employee. The option provided for herein may be claimed by the employees as many times as they warrant.

Employees who avail themselves of the furlough option of a four (4)-day workweek shall earn eighty percent (80%) of their gross income. However, these employees shall continue to contribute to the Retirement System as if they were on their regular work schedule.

The Appointing Authority may authorize any work schedule options requested by the employee, without impairment to the rendering of services, insofar as the daily work schedule is uniform and the required total workweek hours are adjusted accordingly to comply therewith.

Section 10.2. — Work in Excess of the Regular Work Schedule. (3 L.P.R.A. § 1476a)

1. The work schedule of each agency shall be formulated so that the need to work beyond the regular work schedule established for employees by the agency is reduced to a minimum. However, the Appointing Authorities may require employees to render services beyond their daily

or weekly work schedule due to the special nature of the services or any emergency situation, or on any other day when services are suspended by the Governor without charge to any leave. In these cases, the supervisor of the employee shall issue a previous authorization therefor, to be approved by the appointing authority or by the official to whom the appointing authority delegates. The supervisors shall take measures to ensure that when an employee remains working, the employee is doing so by virtue of an express authorization.

- 2. The employees shall be entitled to receive compensatory time off, at a ratio of one and a half time, for services rendered beyond their regular daily or weekly work schedule, or during their meal break, and for services rendered during holidays, rest days, or days on which the Governor suspends services without charge to any leave. The compensatory time off leave shall be enjoyed by the employee within a period of thirty (30) days as of the date on which the employee has worked overtime. If due to the need for service, this were not possible, compensatory time off may be accrued for up to a maximum of two hundred and forty (240) hours. In the case of employees who hold security- or health-related positions, said employees may accrue up to four hundred and eighty (480) hours. The compensation of overtime through compensatory time off shall not be allowed for hours accrued by the employee in excess of the aforementioned limits.
- **3.** Any employee who discharges administrative, executive, or professional duties, as these terms are defined in the Fair Labor Standards Act shall be exempt from the provisions of subsection (2) above.

Article 11. — Personnel Records. (3 L.P.R.A. § 1477)

- 1. All agencies shall maintain the following records for each of their employees:
 - **a.** A folder of the employee's complete history from his original start date in the public service to the date of his definitive separation from service.
 - **b.** A separate confidential folder including medical instructions, determinations, and certificates, in accordance with the *Americans with Disabilities Act (ADA)*.
 - **c.** A folder including a copy of all Change Reports and all other documents and information required for retirement purposes.
- 2. Said folders shall be confidential. However, these may be examined for official purposes by authorized employees or officials. All employees shall have the right to examine their personnel folders, upon submitting a Written request and in the presence of a Human Resources official or employee authorized therefor. The aforementioned request shall be submitted to the Human Resources office in reasonable advance to the date on which the employee intends to perform the examination. The employee may authorize another person in Writing to examine the folder. All employees shall be entitled to obtain a copy of any or all documents filed in their folder upon payment of printing fees.
- 3. All matters pertaining to the conservation and disposal of the records of employees who separate from service shall be governed by the provisions of Act No. 5 of December 8, 1955, as amended, known as the "Puerto Rico Public Document Administration Act," and the regulations thereunder, administered by the General Services Administration, or any statutory provision that may substitute it.

4. In the event of transfer or mobility of an employee from one agency to another, the originating agency shall transfer the records to the agency Where the employee is being transferred not later than thirty (30) days from the effective date of the transfer.

Article 12. — Employee Status as of the Effective Date of this Act. — (3 L.P.R.A. § 1477a)

- **l.** Employees who, as of the effective date of this Act, were holding career positions in accordance with the provisions of Act No. 184-2004, as amended, known as the "Public Service Human Resources Administration Act of the Commonwealth of Puerto Rico" or of special laws, who pursuant to the provisions of this Act are classified as career employees shall have the status stated below:
 - **a.** employees with a regular status shall be regular career employees;
 - **b.** employees with a probationary status shall be career- conditional employees;
 - **c.** employees who, as of the effective date of this Act, are holding positions under a provisional appointment shall continue to hold their positions until their appointment expires, which shall never exceed twelve (12) months.
- **2.** Employees who as of the effective date of this Act are rendering services in agencies that constitute Individual Administrators holding career positions or positions of trust, in accordance with the provisions of Act No. 184-2004, as amended, or of special laws, shall keep all their vested rights, including fringe benefits, pursuant to the laws, rules, and regulations applicable thereto; provided, that said rights are compatible with the provisions of this Act and Act No. 26-2017, known as the "Fiscal Plan Compliance Act." In addition, such employees shall be subject to the same duties and prohibitions.
- **Article 13. Omitted.** [Paragraph (23) is hereby added to subsection (h) of Section 3 of Act No. 15 of April 14, 1931, as amended]
- **Article 14. Omitted.** [Section 10 of Act No. 15 of April 14, 1931, as amended, is hereby amended]

Article 15. — **Transitory Provisions.** — (3 L.P.R.A. § 1477b)

- **l.** The current Training and Labor Affairs Advisory and Human Resources Administration Office (OCALARH, Spanish acronym) shall become the Government of Puerto Rico Human Resources Transformation and Administration Office; such office shall keep the authorities and responsibilities assigned to OCALARH by virtue of Act No. 184-2004.
- 2. The Government of Puerto Rico Human Resources Transformation and Administration Office shall have one and a half (11/2) years as of the effective date of this Act to devise and complete the Uniform Position Classification and Evaluation Plan as applicable.
- 3. All agencies deemed to be Individual Administrators as well as the rest of the Executive Branch, as defined in Act No. 184-2004, shall be required to submit to the Office within a term not to exceed thirty (30) days as of the effective date of this Act a copy of every Position Classification and Evaluation Plan as well as any amendments thereto.

4. Any regulations and memoranda of understanding of the Training and Labor Affairs Advisory and Human Resources Administration Office (OCALARH, Spanish acronym) that are in effect as if the date of approval of this Act shall remain in effect until the Office adopts its regulations and issues its memoranda of understanding in accordance with this Act.

Article 16. — Fund Appropriations and Transfer. — (3 L.P.R.A. § 1477c)

- 1. Any unencumbered balance from statutory appropriations made to the Central Labor Advisory and Human Resources Administration Office (OCALARH, Spanish acronym) are hereby kept in the Government of Puerto Rico Human Resources Transformation and Administration Office
- 2. Any documents, supplies, equipment, rights, existing funds, and obligations of the Central Labor Advisory and Human Resources Administration Office (OCALARH, Spanish acronym) are hereby transferred to the Government of Puerto Rico Human Resources Transformation and Administration Office. Likewise, any programs, services, units, divisions, agencies, and persons are hereby transferred not later than thirty (30) days following the date of approval of this Act in order to allow the Government of Puerto Rico Human Resources Transformation and Administration Office to continue directing and administering them without affecting or interrupting the services.
- **3.** Any documents, supplies, equipment, rights, existing funds, and obligations of the current Government Career Development Advisory Council are hereby transferred to the new Advisory Council created herein. Likewise, any programs, services, units, divisions, agencies, and persons are hereby transferred not later than thirty (30) days following the date of approval of this Act.
- **4.** Any documents, supplies, equipment, rights, existing funds, and obligations of the current Continuing Education School (ECC[sic], Spanish acronym) are hereby transferred to the new Government of Puerto Rico Employee Professionalization and Training Institute (IDEA, Spanish acronym). Likewise, any programs, services, units, divisions, agencies, and persons are hereby transferred not later than thirty (30) days following the date of approval of this Act.

Article 17. — Repeal. —

Act No. 184-2004, as amended, known as the "Public Service Human Resources Administration Act of the Commonwealth of Puerto Rico," is hereby repealed.

Article 18. — Relation with Other Laws. — (3 L.P.R.A. § 1477d)

- **a.** Concerning the administration of human resources in the municipalities, the provisions of Act No. 81-1991, as amended, known as the "Autonomous Municipalities Act of the Commonwealth of Puerto Rico of 1991," shall remain in full force and effect and without any impairment thereto.
- **b.** Concerning the administration, conservation, and disposal of official documents and records of employees who have separated from the service, the provisions of Act No. 5 of December 8, 1955, as amended, and the regulations thereunder shall remain in full force and effect.

- **c.** None of the provisions of this Act shall be construed as to limit the collective bargaining on any matter open to negotiation in accordance with Act No. 45-1998, as amended.
- **d.** Pertaining to the Government as a Sole Employer and the concept of Mobility created under this Act, should there be any discrepancies or inconsistencies between the provisions of any previous law, whether an enabling act, or general or special law, the provisions of this Act shall prevail.

Article 19. — Semiannual Reports to the Legislative Assembly. (3 L.P.R.A. § 1477e)

The Office and the Office of Management and Budget shall be required to file semiannual reports with the Legislative Assembly, on or before June 30 and on or before December 31 of every year, indicating the savings, employee mobilization, job retention, savings achieved, and any other information of said period, that enables the evaluation of the implementation of this Act in order to fulfill the purposes established herein. Provided that, the first report shall be filed on or before June 30, 2018.

Article 20. — **Severability Clause.** — (3 L.P.R.A. § 1469 note)

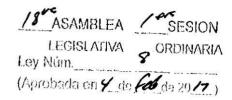
If any clause, paragraph, subparagraph, sentence, word, letter, article, provision, section, subsection, title, chapter, subchapter, heading, or part of this Act were held to be null or unconstitutional, the ruling, holding, or judgment to such effect shall not affect, impair, or invalidate the remainder of this Act. The effect of said holding shall be limited to the clause, paragraph, subparagraph, sentence, Word, letter, article, provision, section, subsection, title, chapter, subchapter, heading, or part of this Act thus held to be null or unconstitutional. If the application to a person or a circumstance of any clause, paragraph, subparagraph, sentence, Word, letter, article, provision, section, subsection, title, chapter, subchapter, heading, or part of this Act were held to be null or unconstitutional, the ruling, holding, or judgment to such effect shall not affect or invalidate the application of the remainder of this Act to such persons or circumstances Where it may be validly applied. It is the express and unequivocal will of this Legislative Assembly that the courts enforce the provisions and application thereof to the greatest extent possible, even if it renders ineffective, invalidates, or holds to be unconstitutional any part thereof, or even if it renders ineffective, nullifies, invalidates, impairs, or holds to be unconstitutional the application thereof to any person or circumstance. This Legislative Assembly would have approved this Act regardless of any determination of severability that the Court may make.

Article 21. — **Effectiveness.** — This Act shall take effect upon its approval.

Note. This compilation was prepared by the <u>Puerto Rico Office of Management and Budget</u> 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 and the collection of Laws of Puerto Rico Annotated LPRA. The state links acts are property of <u>Legislative Services Office</u> of Puerto Rico. The federal links acts are property of <u>US Government Publishing Office GPO.</u> Compiled by the Office of Management and Budget Library.

See also the Original version Act, as approved by the Legislature of Puerto Rico.

(P. de la C. 454)



LEY

Para adoptar la "Ley para la Administración y Transformación de los Recursos Humanos en el Gobierno de Puerto Rico", y a su vez instituir al Gobierno como Empleador Único y establecer el concepto de Movilidad. Derogar la Ley 184-2004, según enmendada, conocida como "Ley para la Administración de los Recursos Humanos en el Servicio Público del Estado Libre Asociado de Puerto Rico"; enmendar la Ley Núm. 15 de 14 de abril de 1931, según enmendada, conocida como "Ley Orgánica del Departamento del Trabajo y Recursos Humanos de Puerto Rico", a los fines de añadir un nuevo subinciso (23) al inciso (h) de la Sección 3 y enmendar la Sección 10; y para otros fines relacionados.

EXPOSICIÓN DE MOTIVOS

Desde el 1907, el Gobierno de Puerto Rico comenzó un proceso de estructuración del Sistema de Administración de Recursos Humanos. El 12 de mayo de 1947, se aprobó la Ley Núm. 345, legislación que fue considerada en aquel entonces como el esfuerzo más importante en la evaluación histórica de la administración pública. El 14 de octubre de 1975, se aprobó la Ley Núm. 5, "Ley de Personal del Servicio Público", la cual comenzó a allanar el camino para elevar a rango constitucional el principio de mérito. Esta Ley Núm. 5 sirvió en el Sistema de Administración de Personal por espacio de veintinueve (29) años.

El 3 de agosto de 2004, se aprueba la Ley Núm. 184, según enmendada, conocida como la "Ley para la Administración de los Recursos Humanos en el Servicio Público del Estado Libre Asociado de Puerto Rico", con el propósito de reformar el Sistema de Administración de Recursos Humanos en el Gobierno de Puerto Rico. A través de los años y al convertir las agencias en administradores individuales, hemos visto un crecimiento desproporcional del aparato gubernamental, descentralización, burocracia excesiva y duplicidad en los servicios que ofrecen las agencias al Pueblo de Puerto Rico, lo que eleva el gasto gubernamental y hace cada vez más difícil la obtención de los servicios públicos por parte de la ciudadanía.

Se ha observado un gasto excesivo del Gobierno en la administración de las agencias, una desproporción en los salarios que perciben los servidores públicos realizando las mismas funciones en otras agencias. Al presente, tenemos 118 agencias ejecutivas a un costo aproximado de \$21,800 millones para proveer 340 servicios. Ante esta situación, debemos reevaluar los servicios que se están ofreciendo actualmente para determinar cuáles pueden ser consolidados, delegados al sector privado o simplemente eliminados porque ya no son necesarios. En ese sentido, a través de la

movilidad, se puede garantizar el ofrecimiento de servicios a nuestros ciudadanos, sin que esto conlleve despidos de empleados públicos.

Esta Asamblea Legislativa reconoce los esfuerzos realizados para estructurar y atemperar el sistema de administración pública. No obstante, la realidad de los tiempos y la crisis fiscal que hoy atraviesa Puerto Rico requiere de nuestro más amplio sentido de responsabilidad. Luego de un análisis exhaustivo de diversos escritos y estudios realizados por especialistas en el tema de Administración de los Recursos Humanos dentro del Gobierno de Puerto Rico y estudiado las mejores prácticas en otras jurisdicciones, entendemos que ha llegado el momento de enmarcar el Sistema de Administración de los Recursos Humanos dentro de la realidad histórica y fiscal del país y a tono con los avances tecnológicos del Siglo XXI.

Ello requiere que miremos el Sistema de Administración Pública como un todo, respetando el principio de mérito como eje fundamental en los derechos de los servidores públicos y la Ley 45-1998, según enmendada, conocida como "Ley de Relaciones del Trabajo para el Servicio Público de Puerto Rico", pero a su vez que podamos ofrecerle al Gobierno la flexibilidad necesaria para atender las necesidades inmediatas en la prestación de servicios esenciales a nuestra ciudadanía.

Nuestro Gobierno aspira a un sistema de administración que fomente las mejores prácticas en la administración pública, que los empleados de las agencias e instrumentalidades del Gobierno Central sean considerados empleados del estado como Empleador Único y no empleados de sus respectivas agencias y devolverle a los empleados públicos y al pueblo de Puerto Rico la transparencia y credibilidad en el sistema de administración de los recursos humanos y los servicios que se ofrecen al pueblo.

A través del Plan para Puerto Rico, nos comprometimos con garantizar la continuidad de los empleos de cada servidor público en el servicio de carrera. Con la presente medida, buscamos crear un nuevo Gobierno que sea justo, sensible, eficiente, efectivo, íntegro y ágil en la administración pública. Para lograr la modernización de la estructura gubernamental, nos comprometimos a reformular el actual modelo burocrático y reducir el gasto en estructuras gubernamentales eliminando la redundancia, facilitando la transferencia de empleados y fusionando algunas dependencias, descentralizando servicios, utilizando la tecnología para simplificar procesos e interconectar todas las agencias y corporaciones públicas.

Esta medida convierte al Gobierno en un Empleador Único para que así los empleados pasen a ser empleados del Gobierno y no de sus diferentes entidades. Esto le permitirá al Gobierno la mejor utilización de los recursos humanos donde exista una necesidad apremiante mediante la movilidad, sin que el empleado tenga que renunciar al puesto que ocupa y comenzar de nuevo en otra jurisdicción gubernamental en

principio y eventualmente hasta en otras jurisdicciones no gubernamentales. Es necesario fomentar la movilidad para la continuidad de los servicios públicos que los distintos componentes gubernamentales y no gubernamentales puedan ofrecer y que el reclutamiento interno para cumplir con las plazas vacantes sea la prioridad. Queremos garantizar la continuidad de los empleos de cada servidor público en el servicio de carrera. Mediante la movilidad se pretende reforzar el entendimiento de lo que significa el equilibrio entre la fuerza laboral y la prestación de servicios públicos.

El Empleador Único contempla la movilidad de empleados y garantiza el desarrollo pleno del recurso humano, velando por su crecimiento personal y profesional dentro de los servicios que rinde en el Gobierno, a la vez que garantiza el empleo de nuestro servidor público. Igualmente, salvaguarda los convenios colectivos vigentes y la relación obrero-patronal vigente. De esta manera, tendremos una distribución eficiente del recurso humano del Gobierno y crearemos una estructura gubernamental ágil. Implementando esta iniciativa estamos convencidos que lograremos una cultura de cambio, basada en la evaluación continua de necesidades y ayudando a los servidores públicos a realizar los ajustes y adaptaciones requeridas por la actual crisis fiscal y los retos futuros.

De igual forma, debemos evaluar que actualmente el gasto público en adiestramiento para los servidores se estima que sobrepasa los \$400 millones al año que se invierten en actividades de capacitación con resultados cuestionables o inconsistentes. Frente a la crisis fiscal que hoy atraviesa el Gobierno de Puerto Rico, este gasto es simplemente insostenible. De igual forma, la Universidad de Puerto Rico ha indicado que no tiene recursos suficientes para operar y mejorar sus servicios, inclusive se ha considerado la posibilidad de cerrar recintos. Ante esta situación, se establecerán alianzas con la Universidad de Puerto Rico (UPR) y otras universidades para brindar oportunidades de crecimiento académico y técnico a nuestros servidores. De esta forma, el Gobierno se podrá ahorrar millones de dólares que se utilizan actualmente en capacitación de empleados, podrá allegar parte de los mismos y fondos federales para la institución universitaria y a su vez se logra maximizar los esfuerzos de profesionalización de nuestros empleados de manera permanente.

Por otro lado, según datos provistos por el Departamento del Tesoro, Puerto Rico sufre una contracción económica de 14.6% en el Producto Estatal Bruto (PEB real) con una predicción de una contracción adicional de 3% para los próximos 2 años. Por años, el Gobierno ha operado con un déficit estructural el cual ha sido financiado con emisiones de bonos y préstamos al Banco Gubernamental de Fomento. Hace más de 1 año que el Gobierno carece de liquidez y se han estado utilizando los reintegros, pagos de los contratistas, el dinero de los pensionados y préstamos intragubernamentales para sustituir las fuentes de liquidez.

El acceso a la información financiera del Gobierno, así como la preparación de predicciones adecuadas, se han visto afectadas por una estructura gubernamental fraccionada y sistemas gubernamentales obsoletos. Los recaudos son consistentemente sobreestimados y continúan disminuyendo a pesar de la imposición de múltiples nuevos impuestos. El Banco Gubernamental de Fomento incumplió sus obligaciones con los bonistas desde el 1 de mayo de 2016 y ya no cumple su rol de proveer liquidez. La cartera de obligaciones de Puerto Rico asciende a \$66,000 millones e incluye 18 emisores distintos los cuales están en precario estado financiero. El servicio de la deuda asciende a un promedio de \$3,500 millones y consume más de una cuarta parte de las fuentes de ingresos. Los sistemas de retiro están prácticamente insolventes con una deuda de \$50,000 millones de dólares. La anterior se agrava por la reducción poblacional ocasionada por la ola migratoria que comenzó en el 2006 y que se convierte en uno de los retos para encaminarnos hacia la recuperación.

Ante este tétrico cuadro, es hora de dejar atrás la filosofía del "me vale", enrollarnos las mangas y trabajar arduamente por el bienestar de Puerto Rico. Nos corresponde construir un nuevo Puerto Rico e implementar una administración y política pública que deje de improvisar y administrar las finanzas de año en año y empezar a abordar el desequilibrio a largo plazo entre el gasto y los ingresos. Nuestro compromiso en el Plan para Puerto Rico es atender de manera responsable estas situaciones y devolverle la credibilidad a nuestra Isla. Tenemos que mirar hacia el futuro y anticipar estos desafíos en lugar de simplemente sobrevivir de una crisis a la siguiente. Los líderes y funcionarios de los componentes gubernamentales de Puerto Rico deben concentrarse en equilibrar los gastos y los ingresos, reducir el nivel de intervención gubernamental en la economía de Puerto Rico y proporcionar un ambiente de negocios competitivo, donde impere la buena fe, para que los inversionistas y empresarios locales y externos lideren el camino hacia la recuperación económica.

Ante todo lo anterior, las tres Ramas de Gobierno de los EEUU, en una acción concertada sin precedentes, ha ratificado el estatus colonial del Estado Libre Asociado de Puerto Rico. Las políticas del pasado llevaron al Congreso de los Estados Unidos a promulgar la Ley "Puerto Rico Oversight, Management, and Economic Stability Act" PROMESA, delegando en una Junta de Supervisión Fiscal (JSF) la facultad de trabajar con el Gobierno de Puerto Rico para sacarnos de la crisis por la que atravesamos. Nuestro compromiso es trabajar mano a mano con ella para echar a Puerto Rico hacia adelante. A esos efectos, el 20 de diciembre de 2016, la Junta de Supervisión Fiscal ha solicitado como prioridades de Puerto Rico el incluir un plan y compromiso para implementar cambios significativos dirigidos a:

 Restaurar el crecimiento económico y crear una economía más competitiva. A corto plazo, se debe liberalizar el mercado laboral y los programas de ayuda social, reducir el costo energético, racionalizar y optimizar los impuestos y mejorar el proceso de permisos para promover la inversión.

- Restructurar el Gobierno para obtener presupuestos balanceados mientras se mantienen los servicios esenciales para los puertorriqueños.
- Restructurar el sistema de pensiones conforme a PROMESA y restablecer el acceso a los mercados capitales.

La JSF nos ha requerido que tenemos que restructurar la manera en que el Gobierno provee sus servicios. Lo anterior nos obliga a lograr un balance entre la reducción del gasto público y que podamos seguir ofreciendo los servicios esenciales que merece nuestra ciudadanía. Este estatuto nos requerirá ser innovadores en la consecución de métodos para conjurar la situación deficitaria que atravesamos. No hacerlo iría en detrimento de los servidores públicos, pues la Junta establecida por PROMESA tendría la libertad de actuar, lo que podría redundar en el despido masivo de empleados públicos.

Así pues, es preciso hacer cambios sin precedentes que hagan un gobierno más eficiente y fiscalmente responsable. Precisamente, el Plan para Puerto Rico que el Pueblo avaló el 8 de noviembre de 2016 recoge medidas para lograr responsabilidad fiscal y desarrollar la economía de la Isla. Específicamente en las páginas 79 a la 81 nos comprometimos con establecer al Gobierno como Empleador Único.

Cumpliendo dicho compromiso y los requerimientos de la JSF, la presente Ley tiene como propósito reformar, transformar y hacer más eficiente el Gobierno para mejorar la calidad de los servicios esenciales que se proveen, a un costo mucho menor. Esta legislación atiende y faculta al Gobierno para la adopción de criterios no tradicionales en la prestación de servicios en el sector de gobierno como alternativa a la retención de empleados, a través de la movilidad y una mejor utilización de los recursos en el Gobierno. Igualmente el estatuto establecerá el marco de su jurisdicción y alcance y garantiza la retención de miles de empleados que de continuar administrando el país como hasta el presente, estarían prestos para ser cesanteados del servicio público.

En atención a lo anterior, en virtud del poder de razón de Estado y de conformidad con el Artículo II, Secciones 18-19, y el Artículo VI, Secciones 7-8, de la Constitución de Puerto Rico, se declara la existencia de una situación de urgencia económica y fiscal grave en Puerto Rico que hace necesaria la aprobación de esta Ley. Ante esta situación, ejercemos nuestro poder de razón de Estado, según definido por el Tribunal Supremo de Puerto Rico como "aquel poder inherente al Estado que es utilizado por la Legislatura para prohibir o reglamentar ciertas actividades con el propósito de fomentar o proteger la paz pública, moral, salud y bienestar general de la

comunidad, el cual puede delegarse a los municipios". <u>Domínguez Castro v. E.L.A.</u>, 178, D.P.R. 1, (2010), a la pág. 36.

De igual forma, nuestro más Alto Foro se ha expresado recientemente sobre el uso del poder de razón de Estado en momentos de crisis. En este sentido, dicho Foro expresó que la inminencia de la crisis fiscal decretada por la Ley 7-2009, conocida como "Ley Especial Declarando Estado de Emergencia Fiscal y Estableciendo Plan Integral de Estabilización Fiscal para Salvar el Crédito de Puerto Rico", quedó evidenciada en su Exposición de Motivos. El Tribunal dispuso que las medidas tomadas eran necesarias y razonables para adelantar el interés gubernamental importante que perseguía la Ley 7-2009 de frenar dicha crisis. Véase, Domínguez Castro v. E.L.A., supra, págs. 88-89. De igual forma, reconoció "la precariedad de la economía como una realidad que necesariamente pesa en la definición del ámbito de la acción gubernamental bajo el poder de razón de Estado" y que en el ejercicio de dicho poder, "la Legislatura goza de amplia facultad para aprobar reglamentación económica dirigida a promover el bienestar de la comunidad". Íd., pág. 37.

Posteriormente, el Tribunal Supremo validó la Ley 3-2013 sobre el Sistema de Retiro de los Empleados Públicos en el caso <u>Trinidad Hernández v. E.L.A.</u>, 188 D.P.R. 828 (2013), entendiendo que la Legislatura había ejercido el poder de razón de Estado para detener la insolvencia del Sistema de Retiro de Empleados Públicos. El Tribunal Supremo razonó que "de la exposición de motivos... se desprende que las medidas adoptadas son necesarias y razonables para atender de forma adecuada la crisis financiera que atenta contra la solvencia actuarial de este sistema". Añadió que, "ello ciertamente constituye un interés público importante pues, al garantizar la solvencia económica del sistema, se beneficia a todos sus participantes y se atiende, en parte, la crisis fiscal que enfrenta el País en protección del bienestar de todos los puertorriqueños". Trinidad Hernández, *supra*, pág. 837. Concluyó que la norma es constitucional "porque, a pesar de que existe un menoscabo sustancial de las obligaciones contractuales en controversia, las medidas implantadas son razonables y necesarias para salvaguardar la solvencia actuarial del Sistema de Retiro, y no existen medidas menos onerosas para lograr ese fin". Íd., pág. 839.

Del mismo modo, recientemente, en el caso <u>Asociación de Maestros de Puerto Rico v. Sistema de Retiro de Maestros de Puerto Rico</u>, 190 D.P.R. 854 (2014), el Tribunal Supremo fue enfático al destacar que las medidas aprobadas serán constitucionales si son razonables y necesarias "para adelantar su solvencia actuarial y no existen medidas menos onerosas para lograr ese fin". Íd., pág. 8.

Usando como base este marco legal, esta Asamblea Legislativa entiende que las medidas que se toman en esta Ley son necesarias y razonables para atender de forma adecuada la crisis fiscal, económica y presupuestaria por la que atraviesa Puerto Rico. Establecer al Gobierno como Empleador Único constituye la única opción que tenemos

para lograr que nuestros empleados públicos puedan conservar su empleo. Esta medida se promulga al amparo de la facultad de esta Asamblea Legislativa para aprobar y promulgar legislación económica dirigida a promover el bienestar de la comunidad puertorriqueña.

DECRÉTASE POR LA ASAMBLEA LEGISLATIVA DE PUERTO RICO:

Artículo 1.-Título

Esta Ley se conocerá como "Ley para la Administración y Transformación de los Recursos Humanos en el Gobierno de Puerto Rico".

Artículo 2.-Declaración de Política Pública

Sección 2.1.-Contenido

La política pública del Gobierno de Puerto Rico en la Administración de los Recursos Humanos de las agencias cubiertas por esta Ley, es la que a continuación se expresa:

- 1. Establecer al Gobierno de Puerto Rico como Empleador Único.
- 2. Centralizar la administración de los recursos humanos de todas las agencias e instrumentalidades bajo el Gobierno Central.
- 3. Que los empleados públicos sean empleados del Gobierno Central y no de las agencias.
- 4. Unificar los planes de clasificación y retribución en la administración central donde los empleados en distintas agencias e instrumentalidades del Gobierno de Puerto Rico con funciones iguales o similares estén clasificados bajo el sistema de clasificación que hoy ordenamos con la presente legislación.
- 5. Que todo empleado dentro del Sistema de Recursos Humanos del Gobierno de Puerto Rico sea seleccionado, adiestrado, ascendido, retenido en su empleo en consideración al mérito, conocimiento y capacidad sin discrimen por razón de raza, sexo, origen, condición social, ideas políticas o religiosas, edad, color, nacimiento, orientación sexual, identidad de género, por ser víctima o percibido como víctima de violencia doméstica, agresión sexual, acecho, por ser veterano o por algún impedimento físico o mental.

- Reiterar que el servicio público demanda capacidad técnica y profesional, así como actitud ética evidenciada en honradez, autodisciplina, respeto a la dignidad humana, sensibilidad y dedicación al bienestar general.
- 7. Reconocer que los servidores públicos son el recurso más importante para el Gobierno de Puerto Rico.
- 8. Reformar el Sistema de Administración de los Recursos Humanos en el Servicio Público para que sea compatible con la sindicación de los empleados y la negociación colectiva.
- 9. Establecer un sistema de evaluación de personal uniforme para los empleados públicos.
- 10. Establecer un registro electrónico sobre los resultados de las evaluaciones y cumplimiento.
- 11. Fortalecer los planes de desarrollo de capital humano dirigidos hacia la creación de métodos modernos utilizando plataformas de educación virtual.
- 12. Ampliar la oferta de servicios para el desarrollo de módulos de adiestramientos mediante acuerdos colaborativos con universidades públicas y privadas acreditadas en Puerto Rico o cualquiera de los estados de los Estados Unidos. Con el propósito de capacitar a los empleados del servicio público y lograr un servicio de excelencia a la ciudadanía en general a tono con las mejores prácticas en la administración pública.
- 13. Con el establecimiento del Gobierno Central como Empleador Único se garantiza la mejor utilización de los servicios que ofrecen los empleados públicos, permitiendo así al Gobierno la continuidad de los servicios a la ciudadanía a través de la movilidad de empleados públicos a las agencias, corporaciones públicas, municipios, y Alianzas Público Privadas Participativas (APP+P), entre otros.
- 14. Fomentar el reclutamiento interno para llenar las plazas vacantes.
- Reconocer el derecho a la sindicación de los empleados públicos y el derecho a la negociación colectiva que les cobija conforme a la Ley 45-1998.

Sección 2.2.-Objetivos

Con la aplicación de la política pública que hoy establecemos, se pretende lograr transparencia, mejorar la productividad, eficiencia, motivación y compromiso en la prestación de los servicios públicos que se ofrecen al Pueblo de Puerto Rico. Para ello se hace necesario:

- 1. Lograr las mejores prácticas en la administración pública como compromiso principal.
- 2. Asegurar que el desarrollo de los empleados en el servicio público en Puerto Rico esté a la vanguardia con el de los países más desarrollados del mundo, con los más altos valores de justicia y el disfrute absoluto de los derechos consagrados en la Carta de Dérechos de la Constitución de Puerto Rico.
- Lograr un sistema de clasificación de puestos orientado a reforzar el principio de mérito y la igualdad entre empleados en el servicio público, independientemente de la agencia para la que trabajen.
- 4. Establecer y mantener centralizado dentro de la Oficina de Administración y Transformación de los Recursos Humanos del Gobierno de Puerto Rico, mediante el uso de tecnología la evidencia de todas las transacciones de personal, ya sean nombramientos, ascensos, traslados, descensos, movilidad y aplicación de medidas disciplinarias.
- Cada empleado público del Gobierno Central e instrumentalidades será retribuido respetando el principio de mérito y de conformidad con el salario establecido para el puesto que ocupa.

Artículo 3.-Definiciones

Las siguientes palabras y frases tendrán el significado que se expresa a continuación:

(1) Acción Disciplinaria - sanción recomendada por el supervisor del empleado e impuesta por la autoridad nominadora. La sanción así impuesta formará parte del expediente de personal del empleado. Las sanciones a aplicarse consistirán en reprimendas escritas, amonestaciones orales, suspensión de empleo y sueldo o destitución.

- (2) Agencia es una unidad de trabajo adscrita al Gobierno Central que lleva a cabo el conjunto de funciones, cargos y puestos que constituyen toda la jurisdicción de una autoridad nominadora.
- (3) Ajustes Salariales modificaciones que se realizan sobre el salario base de un empleado.
- (4) Ascenso constituye el cambio de un empleado de un puesto de una clase a un puesto de otra clase con funciones y salario básico superior.
- (5) Aumento de sueldo dentro de la escala cambio en la retribución del empleado a un tipo mayor dentro de la escala a la cual está asignada la clase a la que pertenezca su puesto, siempre que la situación fiscal lo permita.
- (6) Aumento de sueldo por mérito incremento en la retribución que se le concede al empleado en virtud de una evaluación por el desempeño demostrado durante doce (12) meses con anterioridad a la fecha de la evaluación, siempre que la situación fiscal lo permita.
- (7) Autoridad nominadora todo jefe de agencia con autoridad legal para hacer nombramientos para puestos en el Gobierno de Puerto Rico.
- (8) Beca ayuda económica que se le brinda a un empleado para que continúe estudios superiores en una universidad o institución acreditada en Puerto Rico o cualquiera de los estados de Estados Unidos o de otras jurisdicciones, con el propósito de ampliar su preparación profesional o técnica y que ayude al empleado en las ejecutorias de las funciones del puesto al que fue nombrado dentro del Gobierno de Puerto Rico.
- (9) Bonificación compensación no recurrente y que no impacta la base salarial del empleado.
- (10) Certificación de elegibles nombres de los candidatos que estén en turno de certificación dentro del registro de elegibles centralizado o en orden descendente de notas y que acepten las condiciones de empleo. Estos candidatos van a ser referidos para entrevista con la autoridad nominadora donde exista la vacante.
- (11) Certificación selectiva cualidades especiales del puesto a ser ocupado y que serán necesarias que el candidato posea.

- (12) Clase de puesto grupo de puestos donde los deberes, tipo de trabajo, autoridad y responsabilidad son iguales o semejantes de forma tal que puedan incluirse bajo un mismo título o número, donde se exija a los aspirantes u ocupantes iguales requisitos mínimos, que se le ofrezcan las mismas pruebas de aptitud para su selección y que estén incluidos bajo la misma escala de retribución.
- (13) Clasificación de Puestos agrupación de puestos en clases con funciones iguales o similares, tomando en consideración sus deberes y responsabilidades.
- (14) Comisión significará la Comisión Apelativa del Servicio Público.
- (15) Competencia preparación académica, conocimiento o destreza adquirida por el empleado que le permite el cumplimiento con sus funciones de manera eficiente y en cumplimiento con las metas y objetivos de su unidad de trabajo.
- (16) Convocatoria publicación electrónica que hará la Oficina de Administración y Transformación de los Recursos Humanos del Gobierno de Puerto Rico anunciando los puestos vacantes vigentes o aplicables por determinado período para ser ocupados por personal interno o personas externas para todas las agencias e instrumentalidades públicas. La publicación contendrá los requisitos mínimos, el tipo de examen y el resto de la información necesaria para divulgar y/o anunciar la oportunidad para ocupar el puesto.
- (17) Descenso cambio de un empleado de un puesto en una clase a un puesto en otra clase con funciones y salario básico de un nivel inferior.
- (18) Diferencial compensación especial y adicional, separada del sueldo, que se podrá conceder cuando existan condiciones extraordinarias no permanentes o cuando un empleado desempeñe interinamente un puesto, siempre que la situación fiscal lo permita.
- (19) Director(a) persona a cargo de la Oficina de Administración y Transformación de los Recursos Humanos del Gobierno de Puerto Rico.
- (20) Elegible persona certificada para ocupar un puesto o cargo público.
- (21) Empleador Único únicamente para fines de esta Ley, se refiere al Gobierno como patrono de todos los empleados de las agencias e

- instrumentalidades públicas, salvo las excepciones mencionadas en la presente Ley.
- (22) Escala de Retribución margen retributivo que provee un tipo mínimo, uno máximo y varios niveles intermedios a fin de retribuir el nivel de trabajo que envuelve determinada clase de puestos y la adecuada y progresiva cantidad y calidad de trabajo que rindan los empleados en determinada clase de puestos.
- (23) Especificación de la clase descripción de forma genérica que expone las características más importantes del trabajo principal de uno o más puestos, que incluya naturaleza del trabajo, grado de complejidad, responsabilidad y autoridad, si alguna, y los requisitos mínimos que deben poseer los candidatos a ocupar el puesto.
- (24) Estructura salarial o sueldos esquema retributivo que incluya las escalas a utilizarse en la asignación de puestos en el Sistema de Clasificación Centralizado de la Oficina de Administración y Transformación de los Recursos Humanos del Gobierno de Puerto Rico.
- (25) Examen prueba escrita, oral, física o de ejecución. Incluye, además, la evaluación sobre la experiencia y la preparación académica entre otros criterios objetivos, el conjunto de los cuales determinará su certificación para un registro de elegibles.
- (26) Extensión de Escalas ampliación de una escala de sueldo partiendo proporcionalmente del tipo máximo de la misma.
- (27) Función Pública actividad inherente realizada en el ejercicio o en el desempeño de cualquier cargo, empleo, puesto o posición en el servicio público, ya sea en forma retribuida o gratuita, permanente o temporera, en virtud de cualquier tipo de nombramiento, contrato o designación para la Rama Legislativa, Ejecutiva o Judicial del Gobierno de Puerto Rico, así como cualquiera de sus agencias, departamentos, subdivisiones, instrumentalidades, corporaciones públicas o municipios.
- (28) Interinatos son los servicios temporeros que rinde un empleado de carrera o confianza en un puesto cuya clasificación es superior a la del puesto para el cual tiene nombramiento oficial, en virtud de una designación escrita de parte de la autoridad nominadora o su representante autorizado y en cumplimiento de las demás condiciones aplicables.

- (29) Medida Correctiva advertencia oral o escrita que hace el supervisor al empleado cuando este incurre o reincide en alguna infracción a las normas de conducta establecidas y no forma parte del expediente del empleado.
- (30) Movilidad proceso para atender con flexibilidad las iniciativas del Gobierno, identificando los recursos humanos necesarios que permitan la adecuada prestación y continuidad de los servicios que se le ofrecen a la ciudadanía y que a su vez propicien la mejor utilización y retención de los recursos humanos.
- (31) Oficina se refiere a la Oficina de Administración y Transformación de los Recursos Humanos del Gobierno de Puerto Rico.
- (32) Período Probatorio término de tiempo durante el cual un empleado, al ser nombrado en un puesto está en período de adiestramiento y prueba, y sujeto a evaluaciones del desempeño de sus deberes y funciones. Durante dicho período el empleado no adquiere ningún derecho propietario sobre el puesto.
- (33) Plan de Clasificación o de Valoración de Puestos sistema de clasificación de puestos centralizado y uniforme donde se agrupen todas aquellas funciones iguales o similares bajo un mismo puesto y que será administrado por la Oficina de Administración y Transformación de los Recursos Humanos del Gobierno de Puerto Rico.
- (34) Planes de Retribución sistema de escalas salariales establecidas mediante reglamento para retribuir los servicios de carrera y de confianza en el servicio público.
- (35) Principio de Mérito significa que todos los empleados públicos serán reclutados, seleccionados, adiestrados, ascendidos, trasladados, descendidos y retenidos en consideración a su capacidad y desempeño de las funciones inherentes al puesto y sin discrimen por razón de raza, color, nacimiento, sexo, edad, orientación sexual, identidad de género, origen, condición social, ni por sus ideales políticos, religiosos, condición de veterano, por ser víctima o ser percibida como víctima de violencia doméstica, agresión sexual, acecho, impedimento físico o mental.
- (36) Reclasificación acción de clasificar o valorar un puesto que había sido clasificado o valorado previamente. La reclasificación puede ser a un nivel superior, igual o inferior.

- (37) Registro de Elegibles lista centralizada y enumerada con los nombres de personas que han sido previamente certificadas y que son elegibles para nombramiento. El orden de la lista estará de manera descendente, conforme a la calificación obtenida.
- (38) Reingreso reintegración o retorno al servicio mediante certificación de cualquier empleado regular de carrera, después de haberse separado del mismo por cualquiera de las siguientes causas:
 - a. incapacidad que ha cesado
 - b. cesantía por eliminación de puesto
 - c. renuncia de un puesto de carrera que se ocupaba con status regular
 - d. separación de un puesto de confianza sin haber ejercido el derecho a la reinstalación.
- (39) Traslado cambio de un empleado de un puesto a otro dentro de su misma clase, o de un puesto a otro cuyas funciones son iguales o similares y con un salario básico igual o similar al puesto que ocupaba al momento del traslado.

Artículo 4.-Administración y Transformación de los Recursos Humanos en el Gobierno de Puerto Rico

Sección 4.1.-Oficina

Se crea mediante esta Ley la "Oficina de Administración y Transformación de los Recursos Humanos en el Gobierno de Puerto Rico".

Sección 4.2.-Nombramiento del(de la) Director(a)

La Oficina será dirigida por un(a) Director(a) quien será nombrado(a) por el Gobernador de Puerto Rico con el consejo y consentimiento del Senado. La persona así nombrada deberá tener conocimiento y experiencia en administración de recursos humanos y asuntos laborales.

Sección 4.3.-Funciones y Facultades de la Oficina y del(de la) Director(a)

Además de las funciones y facultades que se confieren en otras disposiciones de esta Ley, la Oficina y el(la) Director(a) tendrán las siguientes:

1. Funciones y facultades del(de la) Director(a):

- a. Nombrar el personal de la Oficina de acuerdo con las disposiciones de esta Ley y contratar todos aquellos servicios que se requieran para el funcionamiento de la misma.
- b. Supervisar la administración y transformación de los Recursos Humanos guiado por la política pública enunciada en esta Ley.
- c. Aprobar, derogar y promulgar normas y directrices de conformidad con lo establecido en la Ley 170-1988, según enmendada, conocida como "Ley de Procedimiento Administrativo Uniforme", las cuales regirán las relaciones entre la Oficina, instrumentalidades públicas, agencias y los municipios.
- d. Aprobar, promulgar, enmendar o derogar los reglamentos que sean necesarios para la adecuada administración de esta Ley.
- e. Delegar cualquier función o facultad que le haya sido conferida, excepto la de adoptar, derogar o aprobar reglamentos.
- f. Asesorar al Gobernador y a la Asamblea Legislativa en todo lo relativo a las relaciones laborales y a la administración de los recursos humanos en el servicio público.
- g. Realizar todas aquellas otras funciones inherentes y necesarias para la adecuada administración de la Oficina de Administración y Transformación de los Recursos Humanos del Gobierno de Puerto Rico.
- h. Implementar la política pública del Gobierno Central como Empleador Único en todas aquellas agencias e instrumentalidades públicas del Gobierno de Puerto Rico.

Funciones y facultades de la Oficina:

- Centralizar aquellas funciones del Sistema de Administración de Recursos Humanos del Gobierno de Puerto Rico que sean compatibles con lo que se ordena en la presente Ley.
- b. Asegurar y garantizar la transparencia en la administración del principio de mérito, publicando de forma electrónica el

reclutamiento, selección, ascensos, traslados, descensos, clasificación de puestos y retención de los empleados de las agencias e instrumentalidades públicas, conforme han sido definidos en la presente Ley.

- Implantar el funcionamiento del Sistema de Administración y Transformación de los Recursos Humanos del Gobierno de Puerto Rico.
- d. Contribuir a la reingeniería y el fortalecimiento de los servicios que ofrece el Gobierno de Puerto Rico, ampliando la oferta de servicios educativos a los empleados públicos, mediante acuerdos colaborativos con universidades públicas y privadas acreditadas en Puerto Rico o en cualquiera de los estados de los Estados Unidos o de otras jurisdicciones.
- Asesorar en el área laboral a las agencias de la Rama Ejecutiva e. regidas por el "Plan de Reorganización de la Administración de Servicios Generales de Puerto Rico de 2011", en todo lo relacionado procedimientos de elección y certificación organizaciones sindicales, en cuanto a la negociación administración de convenios colectivos y en todas aquellas áreas relacionadas con los asuntos laborales de las agencias. En el descargo de las funciones de asesoramiento en torno a la negociación colectiva conforme a la Ley 45-1998, la Oficina coordinará y supervisará la creación y funcionamiento de un Comité de Negociación compuesto por su personal y aquel que designe la Oficina de Gerencia y Presupuesto. La Oficina realizará estudios comparativos de convenios colectivos y ofrecerá adiestramientos en el área laboral a aquellas agencias que lo soliciten.
- f. Establecer un plan de seguimiento y auditorías al programa de administración de recursos humanos, aplicación del principio de mérito y los métodos de retribución en las agencias para asegurar el fiel cumplimiento con las disposiciones de la presente Ley. De igual forma se auditará a los municipios de conformidad con lo dispuesto en la "Ley de Municipios Autónomos". Los resultados y hallazgos de la auditoría, en el caso de las agencias e instrumentalidades, se referirán al jefe de la agencia, quien tendrá cinco (5) días laborables para responder, luego de los cuales el informe será referido a la Oficina del Contralor de Puerto Rico, a la Oficina del Gobernador y a la Asamblea Legislativa. En los casos de

los municipios, el informe será referido además a la Oficina del Comisionado de Asuntos Municipales (OCAM).

- g. Contratar, comprar o adquirir todos los materiales, suministros, equipos, piezas o servicios que estime necesario sujeto al reglamento que a estos fines adopten, con sujeción a las disposiciones generales de la "Ley de la Administración de Servicios Generales". El reglamento deberá contener normas adecuadas para proteger el aprovechamiento de los fondos en la forma más compatible con el interés público.
- h. Aceptar donaciones o fondos por concepto de asignaciones, materiales, propiedades u otros beneficios análogos cuando provengan de cualquier persona o institución privada o del Gobierno Federal y con los gobiernos estatales o de cualquier instrumentalidad o agencias de dichos gobiernos.
- Celebrar los convenios, acuerdos o contratos que sean necesarios o convenientes para la realización de los propósitos de la presente Ley, entre otros con organismos del Gobierno Federal y con los gobiernos estatales, municipales, las agencias del Gobierno de Puerto Rico y con individuos e instituciones con o sin fines de lucro.
- j. Requerir a todos los componentes gubernamentales de las tres Ramas de Gobierno la información necesaria para desarrollar y mantener actualizado un Sistema de Información sobre el estado del sistema de administración de recursos humanos y la composición de la fuerza laboral del sector público.
- k. Administrar el directorio de ocupaciones y clases del Servicio Público.
- Reglamentar e implantar las disposiciones relacionadas con la prohibición de acciones de recursos humanos durante la veda electoral.
- m. Administrar y mantener actualizado el Registro Central de Convocatorias para Reclutamiento, Ascenso y Adiestramiento en el Servicio Público. De igual manera, se mantendrá un registro en línea; disponiéndose que las agencias, instrumentalidades públicas, así como las corporaciones públicas, con excepción de la Oficina del Gobernador, de los Municipios, del Tribunal Supremo, de las

Oficinas del Juez Presidente y del Administrador de los Tribunales, de las Cámaras Legislativas, y de las Legislaturas Municipales, deberán cumplir con la obligación de remitir mensualmente a la Oficina de Administración y Transformación de los Recursos los Humanos del Gobierno de Puerto Rico las oportunidades de reclutamiento y ascenso. La Oficina remitirá para entrevista candidatos del listado que mantendrá dicha Oficina. Todas las solicitudes para adiestramiento serán referidas a la Oficina de Administración y Transformación de los Recursos Humanos del Gobierno de Puerto Rico, con por lo menos treinta (30) días de anticipación a la fecha del adiestramiento. La Oficina evaluará la necesidad y conveniencia del adiestramiento y procederá a aprobar o rechazar el mismo.

- n. Establecer y crear el Registro de Consultores Certificados y Autorizados a elaborar Planes de Clasificación y Retribución de Puestos y los Reglamentos de Personal necesarios para la Administración de los Recursos Humanos.
- Centralizar el sistema de administración de personal, eliminando de la categoría de administradores individuales a todas aquellas agencias e instrumentalidades públicas del Gobierno de Puerto Rico.
- p. Establecer un Sistema de Clasificación Uniforme, consolidando aquellas funciones iguales o similares.
- q. Habilitar los sistemas de acopio de información de los empleados con el propósito de agilizar y facilitar las transacciones de personal en línea.
- r. Crear un sistema de entrevistas estructuradas que será utilizado por todas las agencias e instrumentalidades del Gobierno y que se hará disponible para que sea utilizado por el restante de las agencias, instrumentalidades y municipios.
- s. Mantener un registro mecanizado y actualizado de evaluaciones sobre desempeño.
- t. Ofrecer asesoramiento a las agencias, de modo que los supervisores y el personal directivo de las mismas estén preparados y adiestrados para trabajar en un ambiente donde los trabajadores estén organizados en sindicatos.

Tanto el Director como la Oficina realizarán todas aquellas funciones que le hubiesen sido asignadas por leyes especiales a la Oficina de Capacitación y Asesoramiento en Asuntos Laborales y de Administración de Recursos Humanos (OCALARH) y que no hayan sido derogadas por esta Ley. Asimismo, realizarán las funciones especiales asignadas, y todas aquellas funciones inherentes, necesarias o convenientes para lograr los propósitos de esta Ley.

Artículo 5.-Sistema de Administración de los Recursos Humanos del Servicio Público

Sección 5.1.-Creación

Se crea un Sistema de Administración y Transformación de los Recursos Humanos del Gobierno de Puerto Rico enteramente armónica con la negociación colectiva, cuyo propósito principal será aplicar, reforzar, evaluar y proteger el principio de mérito en el servicio público.

Este sistema será administrado por la Oficina de Administración y Transformación de los Recursos Humanos del Gobierno de Puerto Rico y formarán parte del mismo todas las agencias e instrumentalidades públicas del Gobierno como Empleador Único, salvo las excepciones que se dispongan por ley.

Sección 5.2.-Exclusiones

Las disposiciones de esta Ley no serán aplicables a las siguientes agencias del Gobierno e instrumentalidades gubernamentales:

- Rama Legislativa.
- 2. Rama Judicial

En el caso de aplicar la Ley 45-1998, según enmendada, conocida como "Ley de Relaciones del Trabajo para el Servicio Público de Puerto Rico", a los empleados de la Rama Judicial, quedarán excluidas las categorías de los alguaciles auxiliares y secretarias de sala.

- Corporaciones o instrumentalidades públicas o público privadas que funcionan como empresas o negocios privados.
- Universidad de Puerto Rico.
- Oficina del Gobernador.

- 6. Comisión Estatal de Elecciones de Puerto Rico.
- 7. Oficina de Ética Gubernamental de Puerto Rico.

8. Los Municipios

En el caso de las corporaciones públicas o público privadas, agencias que funcionan como empresas o negocios privados como las Alianzas Público Privadas Participativas (APP+P), les aplicará el mecanismo de la movilidad y los municipios, deberán adoptar Reglamentos de personal que incorporen el principio de mérito para la administración de sus recursos humanos, conforme lo dispone esta Ley, y someterán copia de los mismos a la Oficina. La Oficina queda facultada para realizar auditorías de cumplimiento en cuanto a las áreas esenciales al principio de mérito.

Artículo 6.-Administración de los Recursos Humanos del Servicio Público

La Oficina de Administración y Transformación de los Recursos Humanos del Gobierno de Puerto Rico se asegurará que todas aquellas agencias e instrumentalidades bajo el Gobierno Central ofrezcan a los empleados la oportunidad de competir en los procesos de reclutamiento y selección a toda persona cualificada, en atención a aspectos tales como: logros académicos, profesionales y laborales, conocimientos, capacidad, habilidades, destrezas, ética del trabajo; y sin discrimen por razones de raza, color, sexo, nacimiento, edad, orientación sexual, identidad de género, origen o condición social, por ideas políticas o religiosas, por ser víctima o percibido como víctima de violencia doméstica, agresión sexual, acecho, condición de veterano, ni por impedimento físico o mental.

Sección 6.1.-Áreas Esenciales al Principio de Mérito

Las siguientes son las Áreas Esenciales al Principio de Mérito, las cuales serán aplicables al Sistema de Administración y Transformación de los Recursos Humanos del Servicio Público que se establece en virtud de esta Ley, con excepción del Servicio de Confianza:

- Clasificación de Puestos
- Reclutamiento y Selección
- 3. Ascensos, Traslados y Descensos
- 4. Adiestramiento; y

5. Retención

Sección 6.2.-Disposiciones sobre Clasificación de Puesto

- 1. En virtud de la presente Ley se ordena a la Oficina de Administración y Transformación de los Recursos Humanos del Gobierno de Puerto Rico a comenzar con carácter inmediato el proceso de centralización y unificación de los planes de clasificación de las agencias e instrumentalidades públicas adscritas al Gobierno Central.
- Se hará una descripción por escrito de cada puesto con funciones iguales o similares. La descripción del puesto contendrá las funciones básicas, esenciales, generales y marginales. Debe contener además el propósito de la función inherente al puesto, de forma tal que permita al Gobierno de Puerto Rico cumplir con sus funciones esenciales a través de cada agencia o instrumentalidad.
- 3. Los puestos se agruparán en clases de puestos tomando en consideración aquellos elementos del puesto iguales o similares, de forma tal que pueda exigirse a sus ocupantes los mismos requisitos, así como los mismos criterios para su selección y puedan recibir sus ocupantes la misma retribución, independientemente de la agencia para la que trabajen.
- 4. La Oficina mantendrá por escrito la descripción de cada clase o su equivalente. La descripción deberá contener los elementos básicos y comunes a los puestos incluidos en la clase, tales como los niveles de responsabilidad, autoridad y grado de complejidad del grupo de puestos; preparación, experiencia, conocimientos, habilidades, destrezas mínimas y el término de duración del período probatorio. Cada clase será designada con un título oficial descriptivo de la naturaleza y el nivel de trabajo que conlleva, el que será utilizado para las transacciones de personal y de presupuesto.
- 5. Se le entregará al empleado copia de la descripción del puesto que ocupa.
- Se mantendrán de forma separada los planes de clasificación de puestos de carrera y puestos de confianza.
- 7. Todo puesto debe estar clasificado dentro del plan de clasificación o de valoración correspondiente de carrera o de confianza. No se podrá nombrar persona alguna a un puesto que no esté clasificado dentro de uno de los planes de clasificación. El incumplimiento con lo anterior dará base para la declaración de la nulidad de la acción en cuestión.

8. Las clases en los planes de clasificación se agruparán a base de un esquema ocupacional o profesional y dicho esquema formará parte integral de los planes de clasificación o valoración de puestos.

Sección 6.3.-Disposiciones sobre Reclutamiento y Selección

Al momento de reclutar personal, el Gobierno como Empleador Único ofrecerá la oportunidad de competir en sus procesos de reclutamiento y selección a toda persona cualificada, en atención a aspectos tales como: logros académicos, profesionales y laborales, conocimientos, capacidades, habilidades, destrezas, ética del trabajo; y sin discrimen por razones de raza, color, sexo, nacimiento, edad, origen o condición social, por ideas políticas o religiosas, por ser víctima o percibido como víctima de violencia doméstica, agresión sexual, acecho, condición de veterano, ni por impedimento físico o mental. No obstante, mientras exista una situación de crisis fiscal en el Gobierno de Puerto Rico, el reclutamiento interno deberá ser fomentado para llenar las plazas vacantes. De no existir dentro del Gobierno el recurso humano que pueda llevar a cabo las funciones, se procederá al reclutamiento externo.

- Condiciones Generales Todo candidato que interese ingresar al servicio público deberá cumplir las siguientes condiciones generales:
 - a. ser ciudadano americano o extranjero legalmente autorizado a trabajar conforme la legislación aplicable;
 - estar física y mentalmente capacitado para desempeñar las funciones esenciales del puesto;
 - c. cumplir con las disposiciones aplicables de la "Ley de Contribución sobre Ingresos", según enmendada, sobre la radicación de la planilla de contribución sobre ingresos los cinco (5) años previos a la solicitud;
 - d. no haber incurrido en conducta deshonrosa;
 - e. no haber sido convicto por delito grave o por cualquier delito que implique depravación moral;
 - f. no hacer uso ilegal de sustancias controladas;
 - g. no ser adicto al uso habitual y excesivo de bebidas alcohólicas;

no haber sido destituido del servicio público, ni convicto por los delitos graves o menos graves que se enumeran en la Sección 6.8
(3) de esta Ley, en la jurisdicción de Puerto Rico, en la jurisdicción federal o en cualquiera de los demás estados de los Estados Unidos de América.

Las condiciones identificadas de la (d) a la (h) no aplicarán cuando el candidato haya sido habilitado por el Departamento del Trabajo y Recursos Humanos para ocupar puestos en el servicio público.

- Requisitos Mínimos Toda persona que vaya a ocupar un puesto en el servicio público, sea mediante nombramiento original o cualquier otra acción de personal, deberá reunir los requisitos mínimos de preparación académica y de experiencia que se establezcan para la clase de puesto correspondiente.
- Convocatorias, divulgación, periodos probatorios Las siguientes serán las disposiciones generales que regirán el reclutamiento y selección para puestos regulares del servicio de carrera:
 - El reclutamiento deberá llevarse a cabo mediante un proceso en virtud del cual los aspirantes compitan en igualdad de condiciones.
 - b. Convocatorias - Las convocatorias incluirán las normas de reclutamiento para cada clase de puesto encaminadas a atraer al Servicio Público los mejores recursos disponibles. convocatorias, sin limitarse, incluirán título y número de la clase de puesto, naturaleza del trabajo, sueldo, los requisitos de aprobación de examen o exámenes, cuando aplique, y los de preparación académica y/o experiencia que como mínimo habrán de poseer los aspirantes a empleo. Los requisitos mínimos de preparación y/o experiencia deberán estar a su vez orientados por lo establecido en los planes de clasificación o método de valoración de puestos. Las convocatorias establecerán el tipo de competencia autorizada para cada clase indicando si la competencia habrá de estar limitada a empleados de la propia agencia, a empleados de las agencias cubiertas por esta Ley o abierta al público en general.

También se incluirá el criterio o criterios que habrán de utilizarse para ordenar los nombres de los elegibles en los registros correspondientes, tales como: índices académicos, puntuación de reválidas, exámenes o entrevistas grupales; y puntuación en evaluaciones de preparación y/o experiencia adicional a la establecida en los requisitos mínimos o una combinación.

Las convocatorias también incluirán en los casos apropiados aspectos tales como: notas de pase de exámenes; factores de evaluación en entrevistas y evaluaciones de preparación y experiencia; y valores relativos adjudicados a cada criterio utilizado para ordenar los nombres en los registros cuando se utilice más de un criterio. Dichas convocatorias deberán revisarse periódicamente de modo que reflejen los cambios en el mercado de empleos y otras condiciones.

C. Publicación - Las convocatorias de empleo se publicarán en el portal electrónico del Gobierno y por los medios de comunicación más apropiados en cada caso, de modo que puedan llegar a las fuentes de recursos. Cuando el anuncio de oportunidades de empleo establezca un término para la presentación de solicitudes, se publicará por lo menos con diez (10) días laborables de antelación a la fecha de cierre. La diversidad de medios o el medio a utilizar en la divulgación, y el plazo para recibir solicitudes estará sujeto a criterios tales como: grado de especialización de la clase, mercado de empleo, cantidad de puestos a cubrir, área geográfica de la oportunidad y el tipo de competencia. Cada anuncio de oportunidades indicará el título de la clase de puesto, naturaleza del trabajo, requisitos mínimos, escala de sueldo, plazo para radicar solicitudes y cualquier otra información necesaria como el tipo de competencia, tipo de examen y/o criterios de evaluación u ordenación de nombres en el registro de elegibles. La Oficina reglamentará la publicación de convocatorias en la página electrónica y dispondrá en el reglamento que todo reclutamiento hecho en incumplimiento de estas disposiciones será nulo.

La Oficina, previo acuerdo con las agencias excluidas del sistema de personal, incluyendo la Oficina del Gobernador, los Municipios, el Tribunal Supremo, las Oficinas del Juez Presidente y del Administrador de los Tribunales, las Cámaras Legislativas, y las Legislaturas Municipales, podrá crear los registros y la administración de convocatorias para reclutamiento, ascenso y/o adiestramiento y administrar sus páginas electrónicas y divulgar a través de éstas la información correspondiente. Los ciudadanos podrán someter sus solicitudes para reclutamiento, ascenso y/o adiestramiento a través de la propia Red de Internet mediante

portales electrónicos creados conforme a la reglamentación que adopte la Oficina.

- d. Revisión En los casos en que se determine que el reclutamiento se llevará a cabo mediante un proceso de aprobación de examen, cualquier persona examinada podrá solicitar la revisión del resultado de su examen dentro del término de quince (15) días a partir de la fecha de envío por correo de la notificación del resultado.
- e. Certificaciones Antes de que se recurra al reclutamiento externo en el Gobierno Central, la Oficina deberá verificar detalladamente si dentro del Gobierno existe el recurso humano que pueda llevar a cabo las funciones donde exista la necesidad.
- f. Reclutamiento externo De no existir el recurso humano interno dentro del Gobierno Central se procederá con el reclutamiento externo, sujeto a que las circunstancias económicas lo permitan.
- g. Registro de Elegibles Los registros de elegibles serán colocados en estricto orden descendente utilizando las calificaciones o puntuación obtenida para la clase de puesto correspondiente. En casos de puntuaciones iguales el orden podrá determinarse tomando en consideración uno o más de los siguientes factores:
 - 1. preparación académica general o especial;
 - experiencia;
 - índice o promedio en los estudios académicos o especiales;
 - 4. fecha de presentación de la solicitud.
- h Selección Los puestos regulares de carrera vacantes se cubrirán mediante un proceso de selección que incluirá las siguientes etapas:
 - 1. La Oficina mantendrá un listado de personas certificadas como elegibles por cada puesto vacante. Si la agencia o instrumentalidad cuenta con una vacante, la Oficina le remitirá a la autoridad nominadora un número no mayor de diez (10) candidatos para entrevista y selección.

- 2. Selección por la Autoridad Nominadora de uno de los candidatos certificados dentro de un límite razonable de tiempo que será determinado por la Oficina en el reglamento que adopte en virtud de esta Ley, estableciéndose que luego de quince (15) días laborables a partir de la fecha de expedición de la certificación de elegibles, tales elegibles podrán incluirse en otras certificaciones aun cuando no se haya efectuado la selección correspondiente.
- 3. A los candidatos certificados que no resultaren seleccionados se les notificará por escrito. En dicha comunicación se le informará que no han sido seleccionados y la consecuente inclusión en el registro de elegibles.
- i. Periodos Probatorios Las agencias de la Rama Ejecutiva e instrumentalidades públicas cubiertas por esta Ley, darán estricto cumplimiento del período probatorio establecido. El período probatorio abarcará un ciclo completo de las funciones del puesto. Este no será menor de tres (3) meses ni mayor de doce (12) meses. Se utilizarán formularios oficiales diseñados para este fin y las evaluaciones que se hagan serán discutidas con los empleados. La acción final se notificará por escrito al empleado por lo menos diez (10) días antes de su efectividad. Al completar satisfactoriamente el período probatorio, el empleado adquirirá estatus de empleado regular de carrera.
- j. Nombramientos en puestos de duración fija Los nombramientos en puestos de duración fija se utilizarán en las siguientes circunstancias:
 - Cuando el ocupante del puesto se encuentre disfrutando de licencia sin sueldo.
 - 2. Cuando no exista un registro de elegibles adecuado para algún puesto que requiera algún tipo de licencia y el candidato a nombrarse posea licencia provisional.
 - 3. Cuando el ocupante del puesto haya sido destituido y haya apelado esta acción ante el foro apelativo.

- 4. Cuando el ocupante del puesto haya sido suspendido de empleo y sueldo por determinado tiempo.
- 5. Cuando el ocupante del puesto regular de carrera pase a ocupar un puesto en el servicio de confianza.
- k. Nombramientos transitorios Las agencias e instrumentalidades evitarán al máximo mantener puestos transitorios.
- Reclutamiento y Selección de Empleados de Confianza El personal comprendido en el servicio de confianza según se define en esta Ley será de libre selección, libre remoción y deberá reunir aquellos requisitos de preparación, experiencia y de otra naturaleza que la Autoridad Nominadora considere imprescindibles para el adecuado desempeño de las funciones asignadas al puesto.
- m. Rechazo de solicitudes Se podrán rechazar solicitudes, cancelar exámenes, anular la elegibilidad en el registro, o declarar inelegible para el servicio público a cualquier solicitante que no reúna los requisitos exigidos o que haya realizado o intentado realizar engaño o fraude en la información sometida o que haya realizado o intentado cometer cualquier delito contra la propiedad pública, tales como: apropiación ilegal, robo, falsificación o mutilación de los exámenes a ofrecerse u ofrecidos. Lo anterior, en el caso de empleados públicos, podrá dar motivo a la destitución o a la imposición de cualquier otra medida disciplinaria.
- n. Cancelación de Registros Mediante Reglamento, la Oficina dispondrá sobre la cancelación de registros cuando éstos no respondan a las necesidades del servicio público y se requerirá que la cancelación sea notificada por aviso público y en la página electrónica gubernamental a los candidatos que figuren en los mismos.

Sección 6.4.-Disposiciones sobre Ascensos, Traslados, Descensos y Movilidad

La Oficina de Administración y Transformación de los Recursos Humanos del Gobierno de Puerto Rico será la responsable de asegurar que las agencias, las corporaciones públicas, instrumentalidades del Gobierno y Municipios, cuando así se requiera, provean los mecanismos apropiados de ascensos, traslados, descensos y movilidad de los empleados, para la ubicación de puestos y empleados donde deriven

la mayor satisfacción de su trabajo y contribuyan con sus esfuerzos a obtener los objetivos de la organización con mayor eficacia, conforme a las siguientes disposiciones:

1. Ascensos

- a. Una vez aprobada esta Ley, la Oficina de Administración y Transformación de los Recursos Humanos del Gobierno de Puerto Rico en conjunto con la Autoridad Nominadora determinará las clases de puestos, o su equivalente en otros planes de valoración de puestos, que debido a las necesidades particulares de la agencia o a la naturaleza de las funciones de dichas clases de puestos, requieren que se cubran mediante el ascenso de empleados.
- b. Los empleados en puestos de carrera podrán ascender mediante exámenes que podrán consistir de pruebas escritas, orales, físicas, o de ejecución o evaluación de preparación y experiencia. Además de éstos, se podrán tomar en consideración las evaluaciones del supervisor, análisis del expediente del empleado y los adiestramientos que hayan tomado relacionados con las funciones del puesto al cual se le propone ascender.
- c. Se anunciarán las oportunidades de ascenso de manera que todos los candidatos debidamente cualificados puedan competir, de conformidad con lo dispuesto en el subinciso (c) del inciso (3) de la Sección 6.3 de esta Ley, a través de su divulgación en la agencia y de su publicación en el Registro Central y en el registro correspondiente de la agencia. Luego de anunciadas las oportunidades, si no existiese una cantidad razonable de personas que reúnan los requisitos mínimos de preparación académica y experiencia establecidos, la forma de cubrir los puestos o prestar los servicios será la establecida en la Sección 6.3 (3) de esta Ley para los procedimientos ordinarios de reclutamiento y selección.
- d. Se podrá autorizar ascensos sin oposición cuando las exigencias especiales y excepcionales del servicio, y las cualificaciones especiales de los empleados así lo justifiquen, previa la aprobación del examen. Por exigencias especiales y excepcionales del servicio se entenderá la asignación o atención de nuevas funciones o programas; la ampliación de los servicios que presta la agencia; la necesidad de reclutar personal que logre mantener

la continuidad en la prestación de los servicios sin necesidad de mayor orientación; inadecuacidad de un registro de elegibles; urgencia por cubrir un puesto vacante que hace impracticable el procedimiento ordinario.

Por otro lado, por las cualificaciones especiales de los empleados se entenderá la experiencia adicional; los estudios académicos adicionales a los requisitos mínimos y los resultados obtenidos del Sistema de Evaluación adoptado por las Agencias.

e. Todo empleado ascendido deberá cumplir con el período probatorio asignado a la clase de puesto a la cual haya sido ascendido.

Traslados

- a. Si una agencia demuestra la necesidad de contar con un puesto con carácter permanente o por un término no mayor de doce (12) meses, la Oficina de Administración y Trasformación de Recursos Humanos del Gobierno de Puerto Rico, dependiendo de las circunstancias, suplirá la necesidad de la instrumentalidad, utilizando el mecanismo de traslado movilidad, según sea el caso. Igualmente operará cuando surjan necesidades del servicio, circunstancias imprevistas, programas o proyectos bona fide de duración determinada financiados con fondos federales, estatales o combinados. De igual forma, cuando surja la necesidad de realizar trabajos de duración fija en el servicio de confianza, la Oficina ofrecerá el recurso humano, mediante el mecanismo de traslado o movilidad, según sea el caso.
- b. Se podrán hacer traslados de un puesto a otro en la misma clase, o su equivalente en otros planes de valoración, o de un puesto en una clase a un puesto en otra clase, siempre que el empleado reúna los requisitos mínimos de preparación académica y experiencia establecidos para la clase de puesto al cual sea trasladado.
- c. Cuando el traslado sea a un puesto en otra clase, o su equivalente en otros planes de valoración, el empleado estará sujeto al período probatorio requerido para el nuevo puesto. Se podrá obviar este requisito cuando el traslado responda a necesidades del servicio debidamente justificadas.

- d. Se permitirá efectuar traslados de empleados entre la misma agencia, entre agencia y municipios, entre agencias y organismos, entre agencia y corporaciones públicas, entre agencia e instrumentalidades gubernamentales y dependencias de la Rama Ejecutiva, conforme a las normas que a tales fines emita la Oficina.
- e. Los traslados no podrán ser utilizados como medida disciplinaria ni podrán hacerse arbitrariamente.
- f. En los casos apropiados en que se justifique, las Autoridades Nominadoras tendrán facultad para tomar todas aquellas medidas de movimientos cautelares, provisionales y adecuadas, con el fin de preservar un clima de trabajo saludable y seguro para los empleados y la óptima prestación de los servicios, tales como el movimiento de personal, sin que ello constituya una adjudicación final de ninguna acción o reclamo. En ningún caso, el traslado ni el movimiento cautelar de personal podrán resultar oneroso para el empleado(a) objeto del mismo.

Descensos

- a. Se podrá efectuar descensos cuando el empleado lo solicite o cuando se eliminen puestos y no se le pueda ubicar en un puesto similar al que ocupaba. Ningún descenso tendrá efecto sino hasta que hayan transcurrido treinta (30) días calendario contados desde la fecha de notificación por escrito del mismo al empleado afectado. Dicha notificación debe informar al empleado sobre el procedimiento a seguir en caso de no estar de acuerdo con la decisión, así como la fecha en que surtirá efecto la decisión.
- b. En los casos de descensos solicitados, el empleado deberá expresar por escrito su conformidad con el mismo, en cuyo caso el descenso podrá tener efecto inmediato o antes de transcurrir el término de la notificación establecido en el inciso anterior.
- c. Los empleados descendidos deberán cumplir con los requisitos mínimos del puesto que van a ocupar.
- d. Los descensos no podrán ser utilizados como medida disciplinaria ni podrán hacerse arbitrariamente.

4. Movilidad

La movilidad como ha sido definida en la presente Ley es un proceso para atender con flexibilidad las iniciativas del Gobierno, identificando los recursos humanos necesarios que permitan la adecuada prestación y continuidad de los servicios que se le ofrecen a la ciudadanía y que a su vez propicien la mejor utilización y retención de los recursos humanos.

- La Oficina de Administración y Transformación de los Recursos Humanos del Gobierno de Puerto Rico, en conjunto con la Oficina de Gerencia y Presupuesto tendrán un (1) año a partir de la aprobación de la presente Ley para crear los planes de movilidad, los cuales deben corresponder a las necesidades inmediatas en la prestación de servicios esenciales en el Gobierno de Puerto Rico.
- 2. La Oficina de Administración y Transformación de los Recursos Humanos del Gobierno de Puerto Rico será la encargada de poner en función cada plan de movilidad en la prestación de servicios y funciones en el Gobierno de Puerto Rico. Al momento de realizarse los planes de movilidad en primera instancia, se deberá identificar qué empleados desean participar de forma voluntaria. Igualmente, se deberá tomar en consideración la necesidad de servicio, la preparación y experiencia del empleado, los años de servicio, el domicilio del empleado, el lugar geográfico de prestación de servicios y los convenios colectivos, disponibilidad del empleado, entre otros requisitos a establecerse mediante reglamento por la Oficina para la implementación del mecanismo de movilidad el cual dejará claro que todo movimiento de personal que se realice en incumplimiento con estas disposiciones será nulo.
- La Oficina de Gerencia y Presupuesto será responsable de cuantificar finalmente la cantidad de personal necesaria para cumplir con el plan establecido, para lo que emitirá la normativa de rigor cónsono con lo aquí dispuesto.
- 4. La movilidad es un elemento necesario para la mejor utilización y retención de los recursos humanos en el Gobierno de Puerto Rico.
- 5. La movilidad no aplicará a empleados nombrados por el Gobernador, cuyos nombramientos requieran el consejo y consentimiento del Senado, a empleados de Confianza, a los maestros ni personal que requiera la certificación de maestro del Departamento de Educación y a los agentes del orden público de la Policía de Puerto Rico.

- 6. La oficina al momento de poner en función cada plan de movilidad en la prestación de servicios y funciones deberá reglamentar un proceso en el cual empleados de otras agencias puedan solicitar moverse de forma voluntaria a la agencia que necesita más personal.
- 7. La implementación por parte de la agencia del Plan de Movilidad establecido por la Oficina, no constituirá una violación a los convenios colectivos existentes ni constituirá una práctica ilícita.
- 8. Para cada transacción de personal dentro del plan de movilidad se respetará las garantías del debido proceso de ley, los beneficios marginales y el sueldo base que los empleados ostentaban antes de realizarse los movimientos de personal; salvo que el empleado y/o el sindicato que lo represente, llegue a otros acuerdos al momento de realizarse la movilidad.
- 9. Para que un empleado del Gobierno pase mediante un plan de movilidad a un municipio, el municipio deberá consentir a dicha movilidad.
- 10. Se dispone que en todo contrato de Alianzas Público Privadas Participativas (APP+P), aquellos empleados del Gobierno que sean transferidos a la (APP+P) mediante el mecanismo de movilidad, conservarán su salario y los beneficios marginales que tuvieran al momento de producirse la movilidad, siendo la (APP+P) responsable de asumir las obligaciones correspondientes a dicha transacción de personal; esto salvo que el empleado y/o el sindicato que lo represente, llegue a otros acuerdos al momento de realizarse la movilidad. Disponiéndose que, si al momento de la movilidad ya estuviera en vigor la "Ley de Transformación y Flexibilidad Laboral", se exceptuará su aplicación a dichos empleados.
- 11. La movilidad no podrá ser utilizada como medida disciplinaria, no podrá ser onerosa para el empleado, ni podrá hacerse arbitrariamente.
- 12. Al realizarse la movilidad del empleado, el mismo no estará sujeto a un nuevo periodo probatorio, excepto cuando la transacción de personal represente un ascenso. En cuyo caso, el empleado estará sujeto al período probatorio correspondiente a la clase a la cual fue ascendido.
- 13. La movilidad del empleado surtirá efecto una vez hayan transcurrido treinta (30) días calendario contados desde la fecha de notificación por escrito del mismo al empleado. Dicha notificación debe informar al empleado sobre el procedimiento a seguir en caso de no estar de acuerdo

con la decisión, así como la fecha en que surtirá efecto la misma. De revertirse la decisión el empleado volverá a su lugar de trabajo original siempre y cuando no se haya eliminado el puesto, se le pueda ubicar en un puesto similar y que la agencia en cuestión esté en función. De no darse ninguna de las anteriores se comenzará un proceso de diálogo con el empleado y/o con el sindicato que lo representa para poder buscar opciones de trabajo para el mismo.

Sección 6.5.-Disposiciones sobre Adiestramiento

El adiestramiento constituye parte esencial del principio de mérito. Es indispensable atemperar la política pública en materia de adiestramientos a las realidades de la Administración Pública del Siglo XXI.

Con esto en mente, se crea el Consejo Asesor para el Desarrollo de la Carrera Pública con el propósito de profesionalizar la carrera del servidor público, de manera que éstos estén preparados para enfrentar los retos organizacionales y ofrecer un mejor servicio a la ciudadanía. Este Consejo será responsable de garantizar que la capacitación de los empleados esté orientada al logro de las metas y compromisos de cada Agencia. La composición y funciones del Consejo Asesor serán establecidas mediante Orden Ejecutiva.

De igual forma, con el propósito de cumplir con la política pública en materia de adiestramiento, se crea el Instituto de Adiestramiento y Profesionalización de los Empleados del Gobierno de Puerto Rico (IDEA) adscrito a la Oficina de Administración y Transformación de los Recursos Humanos del Gobierno de Puerto Rico.

Propósito de IDEA

Maximizar la profesionalización y eficiencia del servicio público en Puerto Rico mediante el adiestramiento continuo y la superación profesional de los empleados del Gobierno de forma que se optimice su productividad y así se le protejan sus derechos propietarios al empleo. Igualmente, será función de esta oficina identificar y conseguir recursos humanos y financieros que faciliten esa meta.

2. Funciones

Para lograr sus propósitos, IDEA deberá:

a. Desarrollar, a base de las determinaciones del Consejo Asesor para el Desarrollo de la Carrera Pública de la Oficina de Administración y Transformación de los Recursos Humanos del Gobierno de Puerto Rico y las instrucciones de su Director(a), un Plan Maestro Quinquenal divido por años para el adiestramiento y profesionalización de los empleados del Gobierno de Puerto Rico (PLAN-MA) disponiéndose que:

- 1. El PLAN-MA deberá revisarse anualmente basado en un estudio de necesidades y prioridades programáticas.
- 2. La decisión debe hacerse concomitantemente con el proceso presupuestario.
- El Director podrá hacer los ajustes al plan sobre la marcha, cuando sea necesario de acuerdo a sus determinaciones de hechos basadas en información oficial.
- 4. En los primeros seis (6) meses luego de la vigencia de esta Ley, mientras se prepara el PLAN-MA el Director podrá continuar el programa de adiestramiento que haya programado la Oficina de Capacitación y Asesoramiento en Asuntos Laborales y de Administración de Recursos Humanos (OCALARH) o variarlo si a su juicio es necesario por las circunstancias.
- Establecer una estructura administrativa y los sistemas de información adecuados para poner en operaciones el PLAN-MA una vez sea aprobado.
- c. Operar el Sistema de Adiestramiento y Profesionalización ordenado por el PLAN-MA.
- d. Desarrollar un plan para crear una Alianza con la Universidad de Puerto Rico (ALI-UPR) para adiestrar y re-adiestrar a los empleados públicos.
- e. Con la meta de atraer recursos financieros y humanos el Gobierno podrá negociar para la Oficina, según convenga:
 - Alianzas, memorandos de entendimiento o contratos con agencias del Gobierno Federal o el Gobierno Estatal de cualquiera de los estados o sus municipios;

- Contratos o Alianzas Público Privadas con las universidades privadas de Puerto Rico o cualquiera de los estados de Estados Unidos o sus Jurisdicciones; o
- 3. Fundaciones privadas de Puerto Rico o cualquiera de los estados de Estados Unidos o sus jurisdicciones o internacionales.
- f. Administrar la ALI-UPR y las demás alianzas con organismos del sector público y del sector privado.
- g. Elaborar para la aprobación de la Oficina acuerdos colaborativos para ofrecer adiestramiento y profesionalización y a tales fines desarrollar módulos de enseñanza interactiva y a distancia mediante el uso de plataformas de educación virtual.
- Ampliar la oferta de servicios para el desarrollo de módulos de adiestramiento, mediante acuerdos colaborativos con instituciones universitarias públicas y privadas acreditadas en Puerto Rico.
 - 1. Se deberán dirigir los adiestramientos a lograr fortalecer la comunicación interagencial y promover la interconectividad de los servicios públicos.
 - Colaborar y asistir a la Oficina del Procurador para las Personas con Impedimentos (OPPI) en las campañas de capacitación, sensibilización, orientación y educación que dicha Oficina ofrezca a los empleados públicos sobre los derechos que asisten a las personas con impedimentos.
 - 3. Colaborar y asistir a la Oficina del Procurador de las Personas de Edad Avanzada en las campañas de capacitación, sensibilización, orientación y educación que dicha Oficina ofrezca a los empleados públicos sobre los derechos que asisten a las personas de edad avanzada.
 - Colaborar y asistir a la Oficina de Ética Gubernamental y Oficina del Contralor de Puerto Rico en sus programas de adiestramiento.
 - Ofrecer cursos de capacitación y estudios continuados en materias financieras económicas a los empleados públicos de las agencias.

6. Ofrecer cursos de capacitación en el área de Servicio al Cliente, proveyéndole a los empleados que trabajan directamente con el público el conocimiento de nuevos mecanismos y destrezas para ofrecer un servicio de calidad y buen trato a la ciudadanía.

Beneficiarios

- a. Podrán participar de los programas de adiestramiento que desarrolle la Oficina:
 - Funcionarios y empleados del Gobierno de Puerto Rico, así como funcionarios y empleados de los gobiernos municipales, de las agencias y corporaciones públicas de Puerto Rico.
 - También podrán participar, previa autorización del Director, personal de instituciones públicas o privadas nacionales o internacionales becados por esos organismos que deberá pagar por los servicios a prestarse.
- 4. Las disposiciones específicas que regirán el adiestramiento y la capacitación de personal serán las siguientes:
 - 1. Las establecidas en el PLAN-MA
 - Las necesidades certificadas por las agencias
 - El historial de personal y adiestramiento de cada empleado que detalle:
 - a. Preparación académica
 - b. Adiestramientos previos
 - c Experiencia en el empleo
- 5. Programa de Becas: los beneficiarios vendrán obligados, una vez terminados sus estudios, a prestar servicios al Gobierno de Puerto Rico por un tiempo igual al doble del tiempo de estudio subsidiado por la Oficina sin menoscabo de su derecho constitucional a renunciar al empleo. Disponiéndose que:

- a. Para beneficiarse del programa de becas o licencia con sueldo una persona deberá comprometerse a reembolsar a la Oficina el costo total de su adiestramiento, más el interés al tipo legal desde el momento en que le fueron desembolsadas las ayudas, ya fuera a través de beca o licencia con sueldo, si renuncia a su posición antes del tiempo aquí dispuesto, a menos que la Oficina le exima de dicha obligación por razón de despido injustificado o causas de fuerza mayor.
- b. A los efectos de asegurar el reembolso, los beneficiados deberán prestar fianza al momento de recibir la ayuda.
- 6. El Programa de Becas cumplirá con los siguientes requisitos para la concesión de las mismas:
 - a. La Oficina determinará las necesidades de adiestramiento y profesionalización de los departamentos, agencias y corporaciones públicas y desarrollará un Plan de Becas para satisfacerlas sujeto a los recursos disponibles.
 - Determinadas esas necesidades, se anunciarán las oportunidades para el otorgamiento de becas a todos los empleados potencialmente elegibles.
 - c. Todos los empleados elegibles podrán competir en igualdad de condiciones a base de sus calificaciones previas y un Plan Obligatorio de Estudios al que debe comprometerse.
 - d. Se seleccionarán para ser beneficiados los mejor calificados y aquellos cuyas destrezas y ruta de desarrollo profesional se proyecte de mayor beneficio para el departamento, agencia o corporación pública que lo recomienda.
 - e. Una vez otorgada la beca o licencia con o sin sueldo, la Oficina congelará el puesto del becario; disponiéndose que por necesidades del servicio se podrá cubrir la posición mediante utilización de los mecanismos de traslado o movilidad, o por nombramientos transitorios por el tiempo que dure la beca y mientras el becario cumpla con el plan de estudios al que se comprometió al aceptarla.
- 7. El Director podrá conceder becas sin oposición, a recomendación de un comité *ad hoc* para estudiar su necesidad, cuando determine que existen

exigencias especiales y excepcionales del servicio y que las cualidades especiales de los empleados lo justifiquen.

Sección 6.6.-Disposiciones sobre Retención

- 1. Los empleados de carrera con estatus regular tendrán seguridad en el empleo siempre que satisfagan los criterios de productividad, eficiencia, orden y la disciplina que debe prevalecer en el servicio público. Dichos criterios se establecerán a base, entre otros factores, de las funciones de los puestos, los deberes y obligaciones que se disponen más adelante en esta Ley, y aquellos otros que conforme a la función operacional de cada agencia resultaren necesarios para la prestación de servicios.
- 2. La Oficina tendrá la obligación de crear y diseñar el sistema de evaluación de desempeño, productividad, ejecutorias y cumplimiento eficaz con los criterios establecidos, utilizando métricas cuantificables para los empleados. Las agencias e instrumentalidades vendrán obligadas a evaluar a sus empleados utilizando el sistema de evaluación sobre desempeño que establezca la Oficina.
- 3. Cuando la conducta de un empleado no se ajuste a las normas y requerimientos establecidos, cada agencia deberá tomar las medidas correctivas o acciones disciplinarias necesarias y adecuadas. Entre otros, se podrá considerar la amonestación verbal, reprimenda escrita, la suspensión de empleo y sueldo o la destitución.
- 4. La Autoridad Nominadora sólo podrá suspender de empleo y sueldo o destituir a cualquier empleado de carrera por justa causa, previa notificación de formulación de cargos por escrito y apercibimiento de su derecho a solicitar vista previa conforme a los procesos de disciplina progresiva como se establece en el reglamento.
- 5. Las Autoridades Nominadoras tendrán la obligación de imponer la acción disciplinaria que proceda a cualquier funcionario o empleado que intencionalmente, por descuido o negligencia incumpla cualquiera de las disposiciones de esta Ley.
- 6. Cuando la conducta imputada al empleado configure una situación real o potencial de peligro para la salud, vida, propiedad o moral de los empleados de la agencia o de la ciudadanía en general, las Autoridades Nominadoras podrán efectuar suspensiones sumarias. En tales casos, estarán obligados a celebrar la vista informal dentro del término de diez (10) días siguientes a la acción de suspensión.

- 7. Las agencias podrán negociar con sus representantes sindicales los procedimientos a utilizarse en la imposición de medidas disciplinarias. Dichos procedimientos contendrán los mecanismos necesarios para garantizar un debido proceso de ley y proteger a los empleados contra despidos y separaciones arbitrarias.
- 8. Los deberes que a continuación se detallan constituirán obligaciones mínimas esenciales requeridas a todo empleado, por cuyo incumplimiento se deberán tomar acciones disciplinarias:
 - a. Asistir al trabajo con regularidad, puntualidad y cumplir la jornada de trabajo establecida.
 - b. Observar normas de comportamiento correcto, cortés y respetuoso en sus relaciones con sus supervisores, compañeros de trabajo y ciudadanos.
 - c Realizar eficientemente y con diligencia las tareas y funciones asignadas a su puesto y otras compatibles con éstas que se le asignen.
 - d. Acatar aquellas órdenes e instrucciones de sus supervisores compatibles con la autoridad delegada en éstos y con las funciones, actividades y objetivos de la agencia en donde trabaja.
 - e. Mantener la confidencialidad de aquellos asuntos relacionados con su trabajo a menos que reciba un requerimiento formal o permiso de una autoridad competente que le requiere la divulgación de los mismos.
 - f. Realizar tareas durante horas no laborables cuando la necesidad del servicio así lo exija y se le haya notificado con tiempo razonable.
 - g Vigilar, conservar y salvaguardar, incluyendo pero sin limitarse a, todos los documentos, bienes e intereses públicos.
 - h Cumplir las disposiciones de esta Ley, las reglas y órdenes dictadas en virtud de la misma.
 - i Cumplir con las normas de conducta de ética y moral establecidas en la Ley 1-2012, según enmendada, conocida como "Ley de Ética Gubernamental de Puerto Rico de 2011", y sus reglamentos.

- 9. A tenor con lo antes expresado, se dispone que los empleados no podrán realizar, entre otras acciones similares, las siguientes:
 - a Aceptar regalos, donativos o cualquier otra recompensa por la labor realizada como empleado público a excepción de aquellas autorizadas por ley.
 - Utilizar su posición oficial para fines político partidistas o para otros fines no compatibles con el servicio público.
 - c Realizar funciones o tareas que conlleven conflictos de intereses con sus obligaciones como empleado público.
 - d. Realizar u omitir cualquier acción prohibida por la Ley 1-2012, según enmendada, conocida como "Ley de Ética Gubernamental de Puerto Rico de 2011".
 - e Observar conducta incorrecta o lesiva al buen nombre de la agencia o al Gobierno de Puerto Rico.
 - f. Incurrir en prevaricación, soborno o conducta inmoral.
 - g. Realizar acto alguno que impida la aplicación de esta Ley y las reglas adoptadas de conformidad con la misma; hacer o aceptar a sabiendas, declaración, certificación o informe falso en relación con cualquier materia cubierta por la Ley.
 - h Dar, pagar, ofrecer, solicitar o aceptar directa o indirectamente dinero, servicios o cualquier otro valor a cambio de una elegibilidad, nombramiento, ascenso u otra acción de personal.
 - i Incurrir en conducta relacionada con delitos contra el erario público, la fe y función pública o que envuelvan fondos o propiedad pública.
- 10. Se podrán decretar cesantías en el servicio, sin que constituya acción disciplinaria o destitución, en las siguientes circunstancias:
 - a Debido a la eliminación de puestos por falta de trabajo o de fondos. En estos casos, las cesantías se decretarán dentro de los grupos de empleados cuyos puestos tengan el mismo título de clasificación y considerando dentro de cada grupo el status de los empleados, su productividad reflejada en sus evaluaciones y su

antigüedad en el servicio. A los fines de determinar antigüedad, se considerará todo servicio prestado en puestos de las agencias comprendidas en el Sistema.

La Autoridad Nominadora de cada agencia notificará por escrito a todo empleado a quien haya de cesantear con no menos de treinta (30) días de antelación a la fecha en que habrá de quedar cesante. Ninguna cesantía de empleados será efectiva a menos que se cumpla con el requisito de notificación. Cada agencia procederá a establecer un procedimiento escrito a los efectos de decretar cesantías en caso de éstas ser necesarias, el mismo será divulgado o estará disponible para conocimiento de cualquier empleado interesado.

Antes de decretar las cesantías debido a la eliminación de puestos por falta de trabajo o fondos, se agotarán todos los recursos al alcance para evitar dichas cesantías con acciones tales como:

- Reubicación de personal en puestos de igual o similar clasificación en departamentos, oficinas o programas en que haya necesidad de personal.
- 2 Readiestramiento del empleado y mediante el mecanismo de movilidad pasarlo a otro puesto dentro de la misma agencia, otra agencia, municipio, Corporación Pública o Alianza Público Privada Participativas (APP+P), entre otros, para reubicarlo en otro puesto, antes de la fecha límite para decretar tales cesantías.
- Disfrute de vacaciones acumuladas.
- 4. Licencia sin sueldo hasta tanto cese la crisis presupuestaria, cuando la agencia tome la decisión por la insuficiencia presupuestaria temporera que no requiera la eliminación permanente del puesto. En tales casos, deberá observarse el orden de prelación previamente establecido en el método de decretar cesantías.
- 5. Reducción en la jornada de trabajo.
- 6. Descenso de los empleados como último recurso para evitar cesantías.

- b. Cuando se determine que dicho empleado está física y/o mentalmente impedido para desempeñar las funciones esenciales de su puesto con o sin acomodo razonable. La Autoridad Nominadora podrá requerir someterse a examen médico a empleados cuando exista evidencia de problemas en la ejecución de las tareas o de seguridad o cuando lo requieran otras leyes federales; para determinar aptitud para realizar las funciones de un puesto y cuando se requieran exámenes médicos voluntarios como parte de programas de salud. La negativa del empleado a someterse al examen médico requerido podrá servir de base a una presunción de que está impedido para desempeñar las funciones esenciales de su puesto. Esta acción se notificará al empleado apercibiéndole de su derecho a solicitar vista administrativa.
- Cuando el empleado esté inhabilitado por accidente del trabajo y en tratamiento médico bajo el Fondo del Seguro del Estado por un período mayor de doce (12) meses desde la fecha del accidente, conforme al Artículo 5-A de la Ley Núm. 45 de 18 de abril de 1935, según enmendada, conocida como "Ley del Sistema de Compensaciones por Accidentes del Trabajo". De esta acción se notificará al empleado apercibiéndole de su derecho a solicitar vista administrativa.
- 11. Se podrá separar de puesto a un empleado de carrera durante o al final de su período probatorio, cuando se determine que su progreso y adaptabilidad a las normas vigentes no han sido satisfactorios, luego de haber sido debidamente orientado y adiestrado. Si por su ejecución en el servicio y no por hábitos y actitudes, el empleado fuere separado del período probatorio e inmediatamente antes de ese nombramiento hubiere servido satisfactoriamente como empleado regular en otro puesto, tendrá derecho a que se le reinstale en un puesto igual o similar al que ocupó con estatus regular. Si la separación del servicio fuera debido a hábitos o actitudes del empleado, se podrá proceder a su separación mediante el procedimiento de destitución establecido en la agencia.
- 12. Se podrá separar del servicio a cualquier empleado transitorio, antes de expirar el plazo de duración de su nombramiento por justa causa y conforme al debido proceso de ley.
- 13. Se separará del servicio a tenor con el Artículo 208 del Código Político de 1902, según enmendado, a todo empleado convicto por cualquier delito grave o que implique depravación moral o infracción de sus deberes

oficiales. Disponiéndose que en los casos que al empleado convicto se le extienda el beneficio de cumplir su sentencia o parte de ella en la libre comunidad, operará lo dispuesto en la Ley Núm. 70 de 20 de junio de 1963, según enmendada, conocida como "Relevo de la Inhabilidad Establecida por Ley para Ocupar Puestos Públicos a Personas con Sentencia Suspendida y Libertad a Prueba o Pena Alternativa a la Reclusión", y el procedimiento establecido en la Sección 6.8 de la presente Ley.

14. Todo empleado de carrera podrá renunciar a su puesto libre y voluntariamente mediante notificación escrita a la Autoridad Nominadora de la agencia. Esta comunicación se hará con no menos de diez (10) días consecutivos de antelación a su último día de trabajo, sin embargo la Autoridad podrá discrecionalmente aceptar la renuncia de un empleado presentada en un término menor. La Autoridad Nominadora deberá dentro del término de haber sido sometida dicha renuncia, notificar por escrito al empleado si acepta o si rechaza la misma por existir razones que justifiquen investigar la conducta del empleado. En caso de rechazo, la Autoridad Nominadora deberá realizar la investigación en el término más corto posible para determinar si procede aceptar la renuncia o la formulación de cargos.

Sección 6.7.-Reingresos

Las siguientes disposiciones regirán el reingreso de los empleados al servicio público:

- 1. Los empleados regulares que renuncien a sus puestos o sean cesanteados por eliminación de puestos, o por incapacidad al recuperar de la misma, tendrán derecho a que sus nombres se incluyan en el registro de elegibles correspondientes a las clases de puestos que ocupaban con carácter regular u otras similares o su equivalente en otros planes de valoración. Este derecho se podrá ejercer en las agencias que por disposición de la presente Ley sean consideradas dentro del Gobierno como Empleador Único.
- 2. Las personas que se recuperen de su incapacidad, luego de haber estado disfrutando de una anualidad por incapacidad ocupacional o no ocupacional de alguno de los sistemas de retiro auspiciados por el Gobierno, tendrán derecho a que sus nombres se incluyan en los registros de elegibles correspondientes a las clases de puestos iguales o similares o equivalentes en otros planes de valoración a los que ocupaban al momento de cesar en su empleo por razón de incapacidad

hasta tanto sean seleccionados. En estos casos se certificarán como únicos candidatos. La Agencia vendrá obligada a nombrarlos si el candidato está disponible, pero podrá requerirle aquella prueba o evidencia de capacidad que estime apropiada.

- 3. Toda persona a quien se le apruebe un reingreso tendrá derecho a figurar en el registro por un período máximo de tres (3) años a partir de la fecha de su separación del servicio o de la fecha en que oficialmente haya terminado su incapacidad. Se exceptúa de esta disposición a las personas que recobren de su incapacidad luego de haber estado disfrutando de una anualidad por incapacidad ocupacional o no ocupacional de alguno de los sistemas de retiro, en estos casos permanecerán en el registro hasta tanto sean seleccionados.
- 4. Las personas con derecho a reingreso, y que deseen ejercerlo, a excepción de las cesanteadas por eliminación de puestos o las acogidas a una anualidad por incapacidad ocupacional o no ocupacional, deberán radicar una solicitud por escrito ante la agencia dentro del período de tres (3) años siguientes a la fecha, de ser efectiva la separación del puesto que ocupaban.
- 5. La Agencia deberá notificar por escrito al empleado la acción tomada en el caso de su solicitud de reingreso. En el caso de cesantías, igualmente se informará por escrito al empleado sobre el reingreso efectuado.
- 6. Al rechazar una solicitud de reingreso, la Autoridad Nominadora deberá informar al empleado, en su notificación, la causa o causas en que fundamenta su acción y el empleado podrá solicitar una reconsideración de la decisión dentro del término de diez (10) días a partir de la fecha de la notificación. Si la decisión es confirmada, el empleado podrá apelar ante la Comisión dentro del término de treinta (30) días a partir de la notificación de la decisión.

Sección 6.8.-Habilitación en el Servicio Público

Es necesario que las personas que formen parte del Servicio Público no hayan incurrido en conducta impropia sancionada por el ordenamiento jurídico. No obstante, el Estado tiene un gran interés gubernamental de que todas aquellas personas que en determinado tiempo quedaron inhabilitadas para ocupar puestos en el servicio público puedan, por sus propios méritos, superar la situación que los inhabilitó e integrarse o reintegrarse, según sea el caso, al servicio. A continuación se disponen las normas que harán viable ese propósito.

- Es inelegible para empleo o contrato de servicios profesionales en el servicio público toda persona que haya incurrido en conducta deshonrosa, adictos por uso habitual y excesivo de sustancias controladas y/o bebidas alcohólicas, haya sido convicto por delito grave o por cualquier delito que implique depravación moral o haya sido destituido del servicio público.
- 2. La persona que sea inelegible para el servicio público a tenor con lo dispuesto en el inciso 1 de la presente Sección, tendrá derecho a solicitar ante el Departamento del Trabajo y Recursos Humanos su habilitación luego de transcurrido un (1) año desde la fecha en que ocurrió el hecho o se determinaron las circunstancias que causaron su inhabilidad, excepto en los siguientes casos:
 - a En los casos de adictos al uso habitual y excesivo de sustancias controladas o de alcohol, no es aplicable el requisito del año desde la fecha en que surgió la inhabilidad. El factor a considerarse, antes de que el Departamento del Trabajo asuma jurisdicción, será la certificación expedida por la Administración de Servicios de Salud Mental y Contra la Adicción indicando que la persona está recomendada favorablemente para habilitación.
 - b. Todo empleado público convicto a quien se le conceda una sentencia suspendida o el beneficio de libertad bajo palabra que cumpla su sentencia en la libre comunidad bajo aquellas limitaciones impuestas por los organismos del Sistema Correccional Gubernamental, podrá someter su solicitud de habilitación en cualquier momento al Departamento del Trabajo y Recursos Humanos o en su defecto, la Agencia para la cual presta servicios vendrá obligada a someterla. El empleado continuará desempeñándose en su puesto hasta tanto el Director(a) determine lo contrario, conforme lo dispone la Ley 481-2004, según enmendada.
 - c. Toda persona indultada, podrá someter su solicitud de habilitación en cualquier momento.
 - d. Toda persona convicta a quién se le conceda una sentencia suspendida o el beneficio de la libertad bajo palabra, que cumpla sentencia en la libre comunidad bajo aquellas limitaciones impuestas por los organismos del Sistema Correccional Gubernamental podrá someter su solicitud de habilitación en cualquier momento.

- 3. También serán inelegibles de forma permanente para empleo, contrato de servicios profesionales en el servicio público, o aspirar u ocupar cargo electivo alguno toda persona que haya sido convicta, ya sea como autor o cooperador, en la jurisdicción de Puerto Rico, en la jurisdicción federal o en cualquiera de los estados de los Estados Unidos por cualquiera de los delitos que se mencionan a continuación según se define en la Ley 146-2012, según enmendada, conocida como "Código Penal de Puerto Rico", o en cualquier ley que le sustituya:
 - a Apropiación ilegal agravada;
 - b. Extorsión;
 - c. Sabotaje de servicios públicos esenciales;
 - d. Falsificación de documentos;
 - e. Fraude;
 - f. Fraude por medio informático;
 - g. Fraude en las construcciones;
 - h. Uso, posesión o traspaso fraudulento de tarjetas con bandas electrónicas;
 - i. Enriquecimiento ilícito;
 - j. Enriquecimiento ilícito de funcionario público;
 - k Enriquecimiento injustificado;
 - Aprovechamiento ilícito de trabajos o servicios públicos;
 - m. Intervención indebida en las operaciones gubernamentales;
 - n Negociación incompatible con el ejercicio del cargo público;
 - Aprovechamiento ilícito de trabajos o servicios públicos;
 - p. Alteración o mutilación de propiedad;
 - q. Certificaciones falsas;

- r. Soborno;
- s. Oferta de soborno;
- t. Influencia indebida;
- u. Malversación de fondos públicos;
- v. Lavado de dinero.

Cuando la convicción resulte por la comisión de cualquiera de los delitos que aparecen a continuación, la prohibición dispuesta en esta Ley, será por el término de veinte (20) años, contados a partir de la fecha de la convicción:

- a. Daño agravado;
- b. Retención de propiedad;
- c. Alteración o mutilación de propiedad;
- d. Archivo de documentos o datos falsos;
- e. Posesión y uso ilegal de información, recibos y comprobantes de pago de contribuciones;
- f. Compra y venta ilegal de bienes en pago de contribuciones;
- g. Presentación de escritos falsos;
- h. Posesión ilegal de recibos de contribuciones;
- i. Falsificación de asientos en registros;
- j. Falsificación de sellos;
- k. Falsedad ideológica;
- 1. Falsificación de licencia, certificado y otra documentación;
- m. Falsificación en el ejercicio de profesiones u ocupaciones;
- n. Posesión y traspaso de documentos falsificados;

o. Posesión de instrumentos para falsificación.

Cuando la convicción resulte por la comisión de cualquiera de los delitos que aparecen a continuación, la prohibición dispuesta en esta Ley, será por el término de ocho (8) años, contados a partir de la fecha de la convicción.

- a. Omisión en el cumplimiento del deber;
- b. Venta ilegal de bienes;
- Incumplimiento del deber;
- d. Negligencia en el cumplimiento del deber;
- Usurpación de cargo público;
- f. Impedir la inspección de libros y documentos.
- 4. Cuando la persona resulte convicta en las jurisdicciones antes mencionadas por cualquiera de los delitos menos grave antes enumerados, estas serán inelegibles para el servicio público por el término de ocho (8) años, a partir de la convicción.
- 5. La convicción por un delito grave, la destitución y la revocación de libertad a prueba o bajo palabra o el incumplimiento de las condiciones impuestas por el programa por el cual convicto habilitado cumple su sentencia en la libre comunidad, conllevará automáticamente la cancelación de la habilitación. De estar ocupando un puesto público o prestando servicios para una entidad gubernamental en cualquier otra forma, cesará también automáticamente en el puesto o terminarán los servicios, según sea el caso, cuando recaiga una convicción por un delito grave, se le revoque el privilegio de libertad a prueba o bajo palabra o incumpla con las condiciones del programa por el cual el convicto habilitado cumple su sentencia en la libre comunidad.
- 6. Transcurrido un (1) año desde que advenga final y firme la decisión del Secretario del Departamento del Trabajo de no habilitar, la persona que desee ser habilitada podrá radicar una nueva solicitud de habilitación, siempre y cuando someta nueva evidencia que no haya sido considerada previamente y que pueda demostrar que se debe habilitar a dicha persona. Esta disposición será igualmente aplicable a los casos de habilitación condicionada.

 Todo funcionario o empleado que a sabiendas autorice un nombramiento en contravención a las disposiciones de este Artículo será responsable por cualquier suma de dinero indebidamente pagada a la persona nombrada.

Sección 6.9.-Prohibición

A los fines de asegurar la fiel aplicación del Principio de Mérito en el Servicio Público durante períodos pre y post eleccionarios, las Autoridades Nominadoras se abstendrán de efectuar cualquier transacción de personal que incluya las áreas esenciales al Principio de Mérito, tales como nombramientos, ascensos, descensos, traslados; tampoco podrán efectuar cambios o acciones de retribución, ni cambios de categoría de puestos, ni se utilizará la movilidad de empleado durante la veda electoral. Disponiéndose que durante dicho período tampoco pueda tramitarse ni registrarse en los expedientes de personal cambios o acciones de personal de ninguna índole con efecto retroactivo. Se exceptúan de la veda los cambios como resultado de la terminación del periodo probatorio y la imposición de medidas disciplinarias. El incumplimiento de esta disposición conllevará la nulidad de la transacción efectuada. Esta prohibición comprenderá el período de dos (2) meses antes y dos (2) meses después de la celebración de las Elecciones Generales de Puerto Rico.

Previa aprobación de la Oficina, se podrá hacer excepción de esta prohibición por necesidades urgentes e inaplazables del servicio debidamente evidenciado y certificado conforme a las normas que sobre este particular emita la Oficina.

Artículo 7.-Disposiciones sobre retribución

Sección 7.1.-Política Pública

La política pública de retribución del Gobierno de Puerto Rico reconoce como valores principales la capacidad demostrada por el empleado en el desempeño de sus tareas; el compromiso demostrado con las metas y objetivos de su organización; la adhesión a las normas de orden y disciplina; y el trato sensible, respetuoso y diligente hacia nuestros ciudadanos.

Para alcanzar estos valores, los sistemas de retribución gubernamentales estarán orientados a atraer y retener el personal idóneo; a reconocer los logros grupales e individuales de los trabajadores, a fomentar el trabajo en equipo y a propiciar que los trabajadores tengan una vida digna. Todo lo anterior, sobre bases de equidad y justicia, y en consideración a la realidad económica de los organismos gubernamentales.

Este sistema retributivo, además de reconocer y retribuir justamente las

aportaciones de los empleados al logro de las metas organizacionales, le permitirá a la Oficina mayor flexibilidad en la administración del sistema de retribución. Esto resultará en un sistema de gerencia de recursos humanos más dinámico y efectivo.

Sección 7.2.-Normas Generales de Retribución

Las siguientes guías son aplicables a todas las agencias gubernamentales bajo esta Ley:

- 1. La Oficina establecerá planes de retribución para los empleados de carrera, otro plan de retribución para los empleados sindicados, otro para los empleados excluidos de la sindicación y otro para los de confianza, conforme a su capacidad fiscal, realidad económica y con el método de análisis y evaluación de puestos seleccionados. El sistema retributivo seleccionado deberá promover la uniformidad y justicia en la fijación de los sueldos de los empleados.
- 2. La Oficina recomendará a las agencias, de acuerdo a sus necesidades y a su presupuesto asignado, las estructuras de salarios de los puestos de carrera de clases que sean cónsonas con el sistema de valoración de puestos. Además, deberán mantener al día las estructuras, de manera que éstas sean representativas de la realidad económica, capacidad fiscal y costo de vida en el país.
- 3. Las agencias administrarán el plan de retribución en relación con las áreas esenciales al principio de mérito. Estas no podrán efectuar ninguna acción que atente o sea contraria al principio de mérito en las transacciones de personal en el servicio público de carrera.
- 4. La Oficina podrá autorizar la utilización de otros métodos de compensación para retener, motivar, y reconocer al personal, siempre sujeto a la disponibilidad de recursos económicos. Algunos de estos mecanismos son:
 - a Diferenciales es una compensación temporera especial, adicional y separada del sueldo regular del empleado, que se concede para mitigar circunstancias extraordinarias que de otro modo podrían considerarse onerosas para el empleado. Los diferenciales se podrán conceder por:
 - Condiciones extraordinarias situación de trabajo temporera que requiere un mayor esfuerzo o riesgo para el empleado, mientras lleva a cabo las funciones de su puesto.

2) Interinato - situación de trabajo temporera en la que el empleado desempeña todas las funciones esenciales de un puesto superior al que ocupa en propiedad. En este caso, requisito las siguientes condiciones: desempeñado las funciones sin interrupción por treinta (30) días o más; haber sido designado oficialmente a ejercer las funciones interinas por el director del departamento u oficina y cumplir los requisitos de preparación académica y experiencia del puesto cuyas funciones desempeña interinamente. El empleado interino podrá ser relevado del interinato en cualquier momento que así lo determine el director de departamento u oficina. En tales circunstancias el empleado regresará a su puesto anterior y recibirá el sueldo que devengaba antes del interinato, excepto cuando el empleado haya desempeñado funciones interinas de supervisión por doce (12) meses o más. En este caso, se le concederá un aumento salarial equivalente a un tipo retributivo en su puesto, siempre que la situación fiscal así lo permita.

Ningún diferencial concedido podrá ser considerado como parte integral del sueldo regular del empleado para fines del cómputo para la liquidación de licencias, ni para el cómputo de la pensión de retiro.

- b. Bonificaciones compensación especial, no recurrente y separada del sueldo que puede concederse, siempre que la situación fiscal así lo permita, como mecanismo para reclutar, retener o premiar a empleados o grupos de empleados que cumplan con los requisitos que se establezcan previo a su concesión. Las normas para la concesión de este incentivo a empleados deben ser evaluadas y aprobadas por la Autoridad Nominadora.
- 5. Ninguna enmienda o modificación al sistema de evaluación o valoración de puestos seleccionados por la agencia, podrá afectar negativamente el salario base del empleado.
- 6. Como regla general, toda persona que se nombre en el servicio de carrera, recibirá como sueldo el tipo mínimo de la escala salarial correspondiente a la clase de puesto que vaya a ocupar.
- 7. Los aumentos por ascenso a ser otorgados por las agencias podrán

valorarse en términos porcentuales o en el equivalente en tipos intermedios. Esta determinación dependerá de la estructura salarial a la que esté asignada. Sin embargo, el aumento no deberá ser menor que la diferencia entre tipos mínimos de las escalas.

- 8. En casos de descenso por necesidades del servicio determinados por la Autoridad Nominadora previamente informado a la Oficina y a la Oficina de Gerencia y Presupuesto como una necesidad urgente del servicio, tal acción no deberá afectar negativamente el salario del empleado, salvo en los casos en que el mismo se efectúe para evitar cesantías por falta de fondos. Cuando el descenso se realice a petición del empleado, su salario se ajustará al sueldo básico de la clase de puesto al cual sea descendido, más los aumentos legislativos que haya recibido en el puesto anterior.
- 9. Cuando la reinstalación es el resultado de no haber aprobado un período probatorio, el empleado recibirá el último sueldo devengado en el puesto al cual se reinstale, más cualquier aumento que haya recibido la clase. Además, recibirá aquellos aumentos legislativos concedidos durante el tiempo que estuvo en período probatorio.
- 10. Cuando la reinstalación es el resultado de haber concluido una licencia sin sueldo, el empleado recibirá el último sueldo que devengó previo al inicio de la licencia más cualquier aumento que haya recibido la clase o aumentos legislativos concedidos durante el tiempo que estuvo en dicha licencia.
- 11. Cuando la reinstalación es el resultado de un reingreso por incapacidad, el empleado recibirá el último salario devengado previo a su separación más aumento que haya recibido la clase o aumentos legislativos concedidos durante el período en que estuvo fuera del puesto.
- 12. Los empleados de confianza con derecho a reinstalación a puestos de carrera conforme la Sección 8.2 de esta Ley, al ser reinstalados tendrán derecho a todos los beneficios en términos de clasificación y sueldo que se hayan extendido al puesto de carrera que ocupaba durante el término que sirvió en el servicio de confianza. También tendrá derecho a los aumentos de sueldo otorgados vía legislativa.
- 13. En los casos de reclasificación aplicarán las normas de ascensos, traslados, descensos y movilidad que determine la Oficina en su reglamentación.

- 14. Como norma general los traslados no conllevarán aumentos de sueldo.
- 15. En los casos de reingreso aplicará la norma de nuevo nombramiento, excepto cuando éste ocurra como resultado de una reinstalación por recuperación de incapacidad.

Sección 7.3.-Normas Específicas sobre Retribución

Las siguientes normas solo serán aplicables a los empleados no sindicados, gerenciales o empleados excluidos de la Ley 45-1998, según enmendada, conocida como "Ley de Relaciones del Trabajo para el Servicio Público de Puerto Rico", que laboran en el servicio público y sujeto a la existencia y disponibilidad de fondos en el Gobierno.

- 1. La Oficina desarrollará la reglamentación necesaria para implementar métodos de retribución conforme a la condición y disponibilidad presupuestaria, según certificada por la Oficina de Gerencia y Presupuesto. Estos métodos reconocerán la productividad, eficacia y calidad de los trabajos realizados por los empleados. Estos métodos alternos de retribución podrán ser utilizados para: retener al personal idóneo, obtener personal cualificado para puestos de difícil reclutamiento y motivar al empleado. Algunos de estos métodos, son:
 - a. Certificados de reconocimiento por la labor realizada.
 - b. Bonificación por productividad, representativo del diez (10) por ciento de una quincena, siempre que la situación fiscal así lo permita.
 - c. Actividades en las cuales el empleado sea informado de los éxitos obtenidos por la agencia y actividades de reconocimiento a empleados.
 - d. Adiestramientos en y fuera de Puerto Rico.
 - e. Becas para estudios, conforme a lo establecido en la Sección 6.5 de esta Ley.
 - f. Cuido de niños.
 - g. Beneficios de hospedaje, comida, uniformes a todo empleado que se le requiera por la naturaleza del servicio que realiza.

- h. Días u horas concedidos sin cargo a licencia.
- 2. Todo empleado tiene la posibilidad de desarrollarse profesionalmente, ya sea por su propia iniciativa o por gestión de la organización. Algunos métodos retributivos que promueven estas consideraciones son:
 - a. Al momento de reclutar personal, se puede incorporar, siempre que la situación fiscal lo permita, un incentivo económico como parte del salario base. El mismo será adjudicado en las clases de difícil reclutamiento donde se requiera por su alto nivel de educación y experiencia.
 - b. Conceder ajustes en salarios sujetos a evaluaciones de desempeño y productividad.
- 3. Aumentos por servicios meritorios compensación que forma parte del sueldo y se concede, siempre que la situación fiscal lo permita, para reconocer el desempeño sobresaliente del empleado. Este aumento será de uno, dos o tres tipos retributivos en la escala en la cual está asignado el puesto del empleado. Para ser acreedor a este aumento, el empleado deberá haber desempeñado las funciones del puesto por doce (12) meses consecutivos en el servicio previo a la fecha de concesión del mismo y sus evaluaciones deberán ser cónsonas con la cantidad del aumento a otorgarse. Cualquier lapso de tiempo trabajado por el empleado mediante nombramiento transitorio en un puesto de igual clasificación, podrá ser acreditado para completar el periodo establecido para la elegibilidad.

Los aumentos no excederán de un cuatro (4) por ciento del salario del empleado. Cuando por razones presupuestarias no se pueda conceder la totalidad del aumento otorgado, se podrá conceder un aumento parcial y en cualquier momento dentro de los doce (12) meses siguientes, conceder el remanente, que la situación presupuestaria lo permita. En estos casos, el periodo de doce (12) meses dispuesto para ser elegible a un nuevo aumento de sueldo por mérito, comenzará a contar a partir de la fecha en que fue efectivo el primer aumento parcial.

Artículo 8.-Categorías de empleados

Sección 8.1.-En el Sistema de Personal Existen Dos (2) Categorías de Empleados:

1. Empleados de Carrera - son aquéllos que han ingresado al servicio

público en cumplimiento cabal de lo establecido por el ordenamiento jurídico vigente y aplicable a los procesos de reclutamiento y selección del servicio de carrera al momento de su nombramiento. Tales empleados tienen derecho a permanecer en el servicio conforme se dispone en la Sección 6.6 de esta Ley. Esta categoría incluye empleados confidenciales.

Los empleados confidenciales son aquellos que aunque ocupan puestos en el servicio de carrera, realizan funciones que por su propia naturaleza inciden o participan significativamente en la formulación o implantación de política pública o que realizan funciones directa o indirectamente concernientes a las relaciones obrero patronales que conlleven, real o potencialmente, conflicto de interés y que están excluidos de todas las unidades apropiadas, según dispuesto en la Sección 4.2, inciso b-1, de la "Ley de Relaciones del Trabajo para el Servicio Público".

- 2. Empleados de Confianza son aquellos que están comprendidos en el Plan de Clasificación y conforme a sus funciones participan sustancialmente en la formulación de la política pública, los que asesoran directamente o los que prestan servicios directos al jefe de la agencia, tales como:
 - a los funcionarios o empleados nombrados por el Gobernador, sus secretarias personales y conductores de vehículos, así como ayudantes ejecutivos y administrativos que les responden directamente;
 - los jefes de agencias, sus secretarias personales, conductores de vehículos, así como ayudantes ejecutivos y administrativos que les respondan directamente;
 - c los subjefes de agencias, sus secretarias personales y conductores de vehículos, de tener alguno;
 - d los directores regionales de agencias;
 - e los miembros de juntas o comisiones permanentes nombrados por el Gobernador y sus respectivos secretarios personales;
 - f. los miembros y el personal de juntas o comisiones nombrados por Gobernador que tengan un período determinado de vigencia;
 - g el personal de la Oficina de Servicios a los Ex-Gobernadores.

Los empleados de confianza son de libre selección y remoción. Serán igualmente de confianza aquellos que, aunque siendo de libre selección, sólo pueden ser removidos por justa causa por disposición de ley o aquellos cuyo nombramiento sea por un término prefijado por ley.

Sección 8.2.-Reinstalación de Empleados de Confianza

- 1. El empleado que tenga status regular en el servicio de carrera y pase al servicio de confianza tendrá derecho absoluto a ser reinstalado en un puesto igual o similar al último que ocupó en el servicio de carrera, a menos que su remoción del puesto de confianza se haya efectuado mediante formulación de cargos. Disponiéndose que será acreedor a todos los beneficios en términos de clasificación y sueldo que se hayan extendido al puesto de carrera que ocupaba, durante el término en que sirvió en el servicio de confianza.
- 2. El empleado que tenga status regular en el servicio de carrera y resulte electo, o sea designado sustituto para ocupar un cargo público electivo en la Rama Ejecutiva o Legislativa, tendrá derecho absoluto a ser reinstalado en un puesto igual o similar al último que ocupó en el servicio de carrera, a menos que haya sido removido del cargo electivo por conducta impropia o residenciamiento, o haya renunciado a su puesto debido a conducta ilegal o impropia que hubiese conducido a la remoción o el residenciamiento. Disponiéndose que será acreedor a todos los beneficios en términos de clasificación y sueldo que se hayan extendido al puesto de carrera que ocupaba, durante el término en que sirvió en el cargo público electivo.
- Los empleados regulares en el servicio de carrera, que sean reclutados para ocupar un cargo en el servicio de confianza, o que resulten electos por el pueblo, o designados sustitutos para ocupar un cargo público electivo, según se establece anteriormente, conservarán los beneficios marginales y los derechos de licencia, establecidos en esta Ley.

Una vez cese su encomienda en el servicio de confianza o cargo electivo, al empleado se le acumulará el crédito por años de servicio y la antigüedad en el último puesto que ocupaba.

Sección 8.3.-Aprobación de Puestos de Confianza

Los planes de clasificación aprobados contarán con un número máximo de

quince (15) puestos de confianza. Cuando la estructura organizativa, complejidad funcional o tamaño de la Agencia requiera el ocuparlos, bien sea un número mayor o menor, será necesaria la aprobación previa de la Oficina de Gerencia y Presupuesto.

Sección 8.4.-Cambio de Servicio y Categoría

- 1. La autoridad nominadora podrá recomendar el cambio de un puesto del servicio de carrera al servicio de confianza o viceversa, cuando ocurra un cambio oficial de funciones o en su estructura organizativa que así lo justifique sujeto a lo siguiente:
 - a. si el puesto está vacante;
 - b. si el puesto está ocupado y el cambio es del servicio de carrera al servicio de confianza, su ocupante deberá consentir expresamente por escrito. En caso de que el empleado no consienta, deberá ser reubicado simultáneamente en un puesto en el servicio de carrera con igual sueldo y para el cual reúna los requisitos mínimos;
 - c. si el puesto está ocupado y el cambio es del servicio de confianza al servicio de carrera su ocupante permanecerá en el mismo, sujeto a las siguientes condiciones:
 - 1. que reúna los requisitos de preparación académica y experiencia establecidos para la clase de puesto o su equivalente en otros planes de valoración de puestos;
 - 2. que haya ocupado el puesto por un período de tiempo no menor que el correspondiente al período probatorio para la clase de puesto, o su equivalente en otros planes de valoración de puestos; y sus servicios excelentes estén validados en una evaluación;
 - 3. que apruebe o haya aprobado el examen o criterios de selección establecidos para la clase de puesto o su equivalente en otros planes de valoración de puestos;
 - 4. que se certifique que sus servicios han sido satisfactorios.

En caso de que el ocupante no cumpla con todas las condiciones antes indicadas, éste no podrá permanecer en el puesto, salvo que le asista el derecho de reinstalación según se dispone en la Sección 8.2 de esta Ley.

Los cambios de categoría no pueden usarse como subterfugio para conceder beneficios de permanencia a empleados que no compitieron para un puesto de carrera. Sólo procederán luego de un análisis riguroso de las funciones del puesto o de la estructura organizacional de la Agencia y requerirán la evaluación de la Oficina de Administración y Transformación de los Recursos Humanos del Gobierno de Puerto Rico y la autorización de la Oficina de Gerencia y Presupuesto.

Artículo 9.-Beneficios marginales

Sección 9.1

Los empleados que a la vigencia de esta Ley disfruten beneficios diferentes a los aquí estatuidos, continuarán así haciéndolo conforme a los reglamentos, normativas o convenios que así los honren, así como a aquellas leyes de emergencia que sean promulgadas. Los beneficios que aquí se establecen serán de aplicación prospectiva sólo para los empleados de nuevo ingreso al Gobierno, salvo el beneficio de licencia de paternidad y licencia especial con paga para la lactancia, los cuales serán de aplicación a todo empleado público.

Por constituir el área de beneficios marginales una de tanta necesidad y efectos trascendentales para el servidor público, a fin de mantener una administración de recursos humanos uniforme y justa, se establecen las siguientes normas:

Los beneficios marginales serán:

Licencia de vacaciones

- a El empleado tendrá derecho a acumular licencia de vacaciones, a razón de dos (2) días por cada mes de servicio, hasta un máximo de sesenta (60) días laborales al finalizar cada año natural. La licencia por vacaciones se comenzará a acumular una vez cumpla los tres (3) meses en el empleo y será retroactiva a la fecha de comienzo del empleo. Los empleados a jornada regular reducida o a jornada parcial acumularán licencia de vacaciones de forma proporcional al número de horas en que presten servicios regularmente.
- b. La licencia de vacaciones se concede al empleado para proporcionarle un período razonable de descanso anual. Como norma general, deberá ser disfrutada durante el año natural en que fue acumulada. Cada Agencia formulará un plan de vacaciones, por cada año natural, en coordinación con los

supervisores y los empleados, que establezca el período dentro del cual cada empleado disfrutará de sus vacaciones, en la forma más compatible con las necesidades del servicio. Dicho plan deberá establecerse con la antelación necesaria para que entre en vigor el primero de enero de cada año. Será responsabilidad de las agencias y de los empleados dar cumplimiento al referido plan. Sólo podrá hacerse excepción por necesidad clara e inaplazable del servicio.

- c. La agencia formulará y administrará el plan de vacaciones de modo que los empleados no pierdan licencia de vacaciones al finalizar el año natural y disfruten de su licencia regular de vacaciones.
- d Todo empleado tendrá derecho a disfrutar de su licencia de vacaciones por un período de veinticuatro (24) días laborables durante cada año natural de los cuales no menos de doce (12) deberán ser disfrutados de manera consecutiva.
- e. Los empleados que no puedan disfrutar de licencia de vacaciones durante determinado año natural por necesidades del servicio, evidenciada de forma escrita y a requerimiento de la Agencia, están exceptuados de las disposiciones del inciso (d) precedente. En este caso, la Agencia empleadora viene obligada a realizar los ajustes necesarios para que el empleado disfrute de por lo menos, el exceso de licencia acumulada sobre el límite de sesenta (60) días, en la fecha más próxima posible, dentro del término de los primeros seis (6) meses del siguiente año natural.
- f. Cuando por circunstancias extraordinarias del servicio ajenas a su voluntad, el empleado no haya podido disfrutar del exceso acumulado dentro del término reglamentario, la agencia deberá pagar el mismo en o antes del 31 de julio de cada año, siempre que la situación fiscal lo permita.
- g. El empleado podrá optar por autorizar a la agencia a transferir al Departamento de Hacienda cualquier cantidad por concepto del balance de la licencia de vacaciones acumuladas en exceso, a fin de que se acredite la misma como pago completo o parcial de cualquier deuda por concepto de contribuciones sobre ingresos que tuviese al momento de autorizar la transferencia.
- h La agencia proveerá para el disfrute de todo exceso de licencia de

vacaciones acumulado, previo al trámite de cualquier separación que constituya una desvinculación total y absoluta del servicio y al trámite de un cambio para pasar a prestar servicios en otra agencia.

- i Normalmente, no se concederá licencia de vacaciones por un período mayor de veinticuatro (24) días laborables por cada año natural. No obstante, la Agencia podrá conceder licencia de vacaciones en exceso de veinticuatro (24) días laborables, hasta un máximo de cuarenta y ocho (48) días, en cualquier año natural, a aquellos empleados que tengan licencia acumulada. Al conceder dicha licencia se tomará en consideración las necesidades del servicio y otros factores tales como los siguientes:
 - la utilización de dicha licencia para actividades de mejoramiento personal del empleado, tales como viajes, estudios, etc.;
 - 2. enfermedad prolongada del empleado después de haber agotado el balance de licencia de enfermedad;
 - problemas personales del empleado que requieran su atención personal;
 - si ha existido cancelación del disfrute de licencia por necesidades del servicio y a requerimiento de la agencia;
 - 5. total de licencia acumulado que tiene el empleado.
- j. Por circunstancias especiales, se podrá anticipar licencia de vacaciones a los empleados regulares que hayan prestado servicios al Gobierno por más de un (1) año, cuando se tenga la certeza de que el empleado se reintegrará al servicio. La licencia de vacaciones así anticipada no excederá de veinticuatro (24) días laborables. La concesión de licencia de vacaciones anticipada requerirá en todo caso aprobación previa por escrito de la Autoridad Nominadora. Todo empleado a quien se le hubiere anticipado licencia de vacaciones y se separe del servicio, voluntaria o involuntariamente, antes de prestar servicios por el período necesario requerido para acumular la totalidad de la licencia que le sea anticipada, vendrá obligado a reembolsar al Gobierno de Puerto Rico cualquier suma de dinero que le haya sido pagada por concepto del tal licencia anticipada.

- k En el caso en que a un empleado se le conceda una licencia sin sueldo, no será menester que éste agote la licencia de vacaciones que tenga acumulada antes de comenzar a utilizar la licencia sin sueldo.
- Cuando se autorice el disfrute de licencia de vacaciones acumulada o anticipada a un empleado, se podrá autorizar el pago por adelantado de los sueldos correspondientes al período de licencia, siempre que el empleado lo solicite con suficiente anticipación. Tal autorización deberá hacerse inmediatamente después de la aprobación de la licencia.
- m. Uno o más empleados públicos podrán ceder, excepcionalmente, a otro empleado público que trabaje en la misma entidad gubernamental días acumulados de vacaciones, hasta un máximo de cinco (5) días, según lo dispuesto en la Ley 44-1996, según enmendada, conocida como "Ley de Cesión de Licencia por Vacaciones", cuando:
 - 1. El empleado cesionario haya trabajado continuamente, el mínimo de un año, con cualquier entidad gubernamental;
 - 2. El empleado cesionario no haya incurrido en un patrón de ausencias injustificadas, faltando a las normas de la entidad gubernamental;
 - 3. El empleado cesionario hubiere agotado la totalidad de las licencias a que tiene derecho, como consecuencia de una emergencia;
 - 4. El empleado cesionario o su representante evidencie, fehacientemente, la emergencia y la necesidad de ausentarse por días en exceso a las licencias ya agotadas;
 - 5. El empleado cedente haya acumulado un mínimo de quince (15) días de licencias por vacaciones en exceso de la cantidad de días de licencia a cederse;
 - El empleado cedente haya sometido por escrito a la entidad gubernamental, en la cual trabaja, una autorización accediendo a la cesión, especificando el nombre del cesionario;

7. El empleado cesionario o su representante acepte, por escrito, la cesión propuesta

2. Licencia por enfermedad

- a Todo empleado tendrá derecho a acumular por enfermedad a razón de un (1) día por cada mes de servicio. Los empleados a jornada regular reducida o a jornada parcial acumularán licencia por enfermedad en forma proporcional al número de horas que presten servicios regularmente. Dicha licencia se utilizará cuando el empleado se encuentre enfermo, incapacitado o expuesto a una enfermedad contagiosa que requiera su ausencia del trabajo para la protección de su salud o la de otras personas. Además, todo empleado podrá disponer de hasta un máximo de cinco (5) días al año de los días acumulados por enfermedad, siempre y cuando mantenga un balance mínimo de doce (12) días, para solicitar una licencia especial con el fin de utilizar la misma en:
 - El cuidado y atención por razón de enfermedad de sus hijos o hijas.
 - Enfermedad o gestiones de personas de edad avanzada o con impedimentos dentro del núcleo familiar, entiéndase cuarto grado de consanguinidad, segundo de afinidad, o personas que vivan bajo el mismo techo o personas sobre las que se tenga custodia o tutela legal.

Disponiéndose que las gestiones a realizarse deberán ser cónsonas con el propósito de la licencia de enfermedad; es decir, al cuidado y la atención relacionada a la salud de las personas aquí comprendidas.

- a) "Persona de edad avanzada" significará toda aquella persona que tenga sesenta (60) años o más;
- b) "Personas con impedimentos" significará toda persona que tiene un impedimento físico, mental o sensorial que limita sustancialmente una o más actividades esenciales de su vida.
- 3. Primera comparecencia de toda parte peticionaria, víctima o querellante en procedimientos administrativos y/o

judiciales ante todo Departamento, Agencia, Corporación o Instrumentalidad Pública del Gobierno de Puerto Rico, en casos de peticiones de pensiones alimentarias, violencia doméstica, hostigamiento sexual en el empleo o discrimen por razón de género. El empleado presentará evidencia expedida por la autoridad competente acreditativa de tal comparecencia.

- b La licencia por enfermedad se podrá acumular hasta un máximo de noventa (90) días laborables al finalizar cualquier año natural. La licencia por enfermedad se comenzará a acumular una vez cumplan los tres (3) meses en el empleo y será retroactiva a la fecha de comienzo del empleo. La Agencia empleadora viene obligada a realizar los ajustes necesarios para que el empleado disfrute de la totalidad de la licencia por enfermedad que tenga acumulada durante cualquier año natural. El empleado podrá hacer uso de toda la licencia por enfermedad que tenga acumulada durante cualquier año natural. Además, el empleado tendrá derecho a que se le pague anualmente dicho exceso como mínimo antes del 31 de marzo de cada año, siempre que la situación fiscal lo permita, u optar por autorizar a la agencia a realizar una transferencia monetaria al Departamento de Hacienda de dicho exceso o parte del mismo con el objetivo de acreditar como pago completo o parcial de cualquier deuda por concepto de contribuciones sobre ingresos que tuviere.
- c. Cuando un empleado se ausente del trabajo por enfermedad por más de tres (3) días, se le podrá exigir un certificado médico, acreditativo:
 - i. que estaba realmente enfermo, expuesto a una enfermedad contagiosa o impedido para trabajar durante el periodo de ausencia.
 - ii. sobre la enfermedad de sus hijos o hijas.
 - iii. sobre la enfermedad de personas de edad avanzada o con impedimentos dentro del núcleo familiar, entiéndase cuarto grado de consanguinidad, segundo de afinidad, o personas que vivan bajo el mismo techo o personas sobre las que se tenga custodia o tutela legal.

Además, del certificado médico se podrá corroborar la

inhabilidad del empleado para asistir al trabajo por razones de enfermedad, por cualquier otro medio apropiado. Lo anterior no se aplicará o interpretará de forma que se vulnere la Ley ADA ni la "Ley de Licencia Familiar y Médica de 1993" (LLFM).

- d. En casos de enfermedad en que el empleado no tenga licencia por enfermedad acumulada, se le podrá anticipar un máximo de dieciocho (18) días laborables a cualquier empleado regular que hubiere prestado servicios al Gobierno de Puerto Rico por un periodo no menor de un (1) año, cuando exista certeza razonable de que éste se reintegrará al servicio. Cualquier empleado a quien se le hubiera anticipando licencia por enfermedad y se separe del servicio, voluntaria o involuntariamente, antes de haber prestado servicios por el periodo necesario requerido para acumular la totalidad de la licencia que le fue anticipada, vendrá obligado a reembolsar al Gobierno de Puerto Rico cualquier suma de dinero que quedare al descubierto que le haya sido pagada por concepto de dicha licencia.
- e. En casos de enfermedad prolongada, una vez agotada la licencia por enfermedad, los empleados podrán hacer uso de toda licencia de vacaciones que tuvieren acumulada, previa autorización del supervisor inmediato. Si el empleado agotase ambas licencias y continuare enfermo, se le podrá conceder licencia sin sueldo.

Licencia de maternidad

- a. La licencia de maternidad comprenderá el periodo de descanso prenatal y post-partum a que tiene derecho toda empleada embarazada. Igualmente comprenderá el periodo a que tiene derecho una empleada que adopte un menor, de conformidad con la legislación aplicable.
- Toda empleada en estado grávido tendrá derecho a un periodo de descanso de cuatro (4) semanas antes del alumbramiento y cuatro (4) semanas después. Disponiéndose que la empleada podrá disfrutar consecutivamente de cuatro (4) semanas adicionales para la atención y el cuido del menor.

Alumbramiento significará el acto mediante el cual la criatura concebida es expelida del cuerpo materno por vía natural, o extraída legalmente de éste mediante procedimientos quirúrgicosobstétricos. Comprenderá asimismo, cualquier alumbramiento prematuro, el malparto o aborto involuntario, inclusive en este último caso, aquellos inducidos legalmente por facultativos médicos, que sufriere la madre en cualquier momento durante el embarazo.

- La empleada podrá optar por tomar hasta sólo una (1) semana de descanso prenatal y extender hasta siete (7) semanas de descanso post-partum a que tiene derecho o hasta once (11) semanas, de incluirse las cuatro (4) semanas adicionales para el cuido y atención del menor. En estos casos, la empleada deberá someter a la agencia una certificación médica acreditativa de que está en condiciones de prestar servicios hasta una semana antes del alumbramiento.
- d. Durante el periodo de la licencia de maternidad la empleada devengará la totalidad de su sueldo.
- e. En el caso de una empleada con status transitorio, la licencia de maternidad no excederá del periodo de nombramiento.
- f. De producirse el alumbramiento antes de transcurrir las cuatro (4) semanas de haber comenzado la empleada embarazada a disfrutar de su descanso prenatal, o sin que hubiere comenzado a disfrutar éste, la empleada podrá optar por extender el descanso posterior al parto por un periodo de tiempo equivalente al que dejó de disfrutar de descanso prenatal.
- g La empleada podrá solicitar que se le reintegre a su trabajo antes de expirar el periodo de descanso post-partum, siempre y cuando presente a la agencia certificación médica acreditativa de que está en condiciones de ejercer sus funciones. En este caso se entenderá que la empleada renuncia al balance correspondiente de licencia de maternidad sin disfrutar al que tendría derecho.
- h Cuando se estime erróneamente la fecha probable del alumbramiento y la mujer haya disfrutado de las cuatro (4) semanas de descanso prenatal, sin sobrevenirle el alumbramiento, tendrá derecho a que se extienda el periodo de descanso prenatal, a sueldo completo, hasta que sobrevenga el parto. En este caso, la empleada conservará su derecho a disfrutar de las cuatro (4) semanas de descanso posterior al parto a partir de la fecha del alumbramiento y las cuatro (4) semanas adicionales para el cuido y atención del menor.

- i En casos de parto prematuro, la empleada tendrá derecho a disfrutar de las ocho (8) semanas de licencia de maternidad a partir de la fecha del parto prematuro y las cuatro (4) semanas adicionales para el cuido y atención del menor.
- j. La empleada que sufra un aborto podrá reclamar hasta un máximo de cuatro (4) semanas de licencia de maternidad. Sin embargo, para ser acreedora a tales beneficios, el aborto debe ser de tal naturaleza que le produzca los mismos efectos fisiológicos que regularmente surgen como consecuencia del parto, de acuerdo al dictamen y certificación del médico que la atiende durante el aborto.
- k En el caso que a la empleada le sobrevenga alguna complicación posterior al parto (post-partum) que le impida regresar al trabajo al terminar el disfrute del periodo de descanso post-partum y las cuatro (4) semanas adicionales para el cuido y la atención del menor, la agencia deberá concederle licencia por enfermedad.

En estos casos se requerirá certificación médica indicativa de la condición de la empleada y del tiempo que se estime durará dicha condición. De ésta no tener licencia por enfermedad acumulada, se le concederá licencia de vacaciones. En el caso de que no tenga acumulada la licencia por enfermedad o de vacaciones, se le podrá conceder licencia sin sueldo por el término que recomiende su médico.

- La empleada que adopte a un menor de edad preescolar, entiéndase un menor de cinco (5) años o menos, que no esté matriculado en una institución escolar, a tenor con la legislación y procedimientos legales vigentes en Puerto Rico o cualquier jurisdicción de los Estados Unidos, tendrá derecho a los mismos beneficios de licencia de maternidad a sueldo completo de que goza la empleada que tiene un alumbramiento. En el caso que adopte a un menor de seis (6) años en adelante, tendrá derecho a la licencia de maternidad a sueldo completo por el término de quince (15) días. Esta licencia comenzará a contar a partir de la fecha en que se reciba al menor en el núcleo familiar, lo cual deberá acreditarse por escrito.
- m. La licencia de maternidad no se concederá a empleadas que estén en disfrute de cualquier otro tipo de licencia, con o sin sueldo. Se

exceptúa de esta disposición a las empleadas a quienes se les haya autorizado licencia de vacaciones o licencias por enfermedad y a las empleadas que estén en licencia sin sueldo por efecto de complicaciones previas al alumbramiento.

- n. La empleada embarazada o que adopte un menor tiene la obligación de notificar con anticipación a la agencia sobre sus planes para el disfrute de su licencia de maternidad y sus planes de reintegrarse al trabajo.
- o. La agencia podrá autorizar el pago por adelantado de los sueldos correspondientes al periodo de licencia de maternidad, siempre que la empleada lo solicite con anticipación correspondiente. De la empleada reintegrarse al trabajo antes de expirar el período de descanso posterior al parto, vendrá obligada a efectuar el reembolso del balance correspondiente a la licencia de maternidad no disfrutada.
- p. En caso de muerte del recién nacido previo a finalizar el periodo de licencia de maternidad, la empleada tendrá derecho a reclamar exclusivamente aquella parte del periodo post-partum que complete las primeras ocho (8) semanas de licencia de maternidad no utilizada. Disponiéndose que el beneficio de las cuatro (4) semanas adicionales para el cuido del menor, cesará a la fecha de ocurrencia del fallecimiento del(de la) niño(a). En estos casos, la empleada podrá acogerse a cualquier otra licencia a la cual tenga derecho.

Licencia de paternidad

- a. La licencia por paternidad comprenderá el periodo de quince (15) días laborables a partir de la fecha del nacimiento del hijo o hija.
- b. Al reclamar este derecho, el empleado certificará que está legalmente casado o que cohabita con la madre del menor, y que no ha incurrido en violencia doméstica. Dicha certificación se realizará mediante la presentación del formulario requerido por la agencia a tales fines, el cual contendrá además, la firma de la madre del menor.
- c El empleado solicitará la licencia por paternidad y a la mayor brevedad posible someterá el certificado de nacimiento.

- d. Durante el periodo de la licencia por paternidad, el empleado devengará la totalidad de su sueldo.
- e. En el caso de un empleado con status transitorio, la licencia por paternidad no excederá del periodo de nombramiento.
- f. La licencia por paternidad no se concederá a empleados que estén en disfrute de cualquier otro tipo de licencia, con o sin sueldo. Se exceptúa de esta disposición a los empleados a quienes se les haya autorizado licencia de vacaciones o licencia por enfermedad.
- El empleado que, junto a su cónyuge o persona con quien g cohabita, adopte a un menor de edad preescolar, entiéndase un menor de cinco (5) años o menos, que no esté matriculado en una institución escolar, a tenor con la legislación y procedimientos legales vigentes en Puerto Rico o cualquier jurisdicción de los Estados Unidos, tendrá derecho a una licencia de paternidad que comprenderá el periodo de quince (15) días, a contar a partir de la fecha en que reciba al menor en el núcleo familiar, lo cual debe acreditarse por escrito. En el caso que adopte a un menor de seis (6) años en adelante, tendrá derecho a la licencia de paternidad a sueldo completo por el término de quince (15) días. Al reclamar este derecho, el empleado certificará que está legalmente casado, en los casos en que aplique, y que no ha incurrido en violencia doméstica, delito de naturaleza sexual y maltrato de menores. Dicha certificación se realizará mediante la presentación del formulario requerido por la agencia a tales fines, el cual contendrá, además, la firma de su cónyuge.

Aquel empleado que, individualmente adopte a un menor de edad preescolar, entiéndase un menor de cinco (5) años o menos que no esté matriculado en una institución escolar, a tenor con la legislación y procedimientos legales vigentes en Puerto Rico o cualquier jurisdicción de los Estados Unidos, tendrá derecho a una licencia de paternidad que comprenderá el periodo de ocho (8) semanas, a contar a partir de la fecha en que se reciba al menor en el núcleo familiar, lo cual debe acreditarse por escrito. En el caso que adopte a un menor de seis (6) años en adelante, tendrá derecho a la licencia de paternidad a sueldo completo por el término de quince (15) días.

Al reclamar este derecho el empleado certificará que no ha incurrido en violencia doméstica, ni delito de naturaleza sexual, ni maltrato de menores.

Los sub incisos (d), (e) y (f) del presente inciso serán de igual aplicación en los casos en que el empleado solicite los beneficios de la licencia establecida en los párrafos anteriores.

5. Licencia especial con paga para la lactancia

- a Se concederá tiempo a las madres lactantes para que después de disfrutar su licencia de maternidad tengan oportunidad para lactar a sus criaturas, durante una (1) hora dentro de cada jornada de tiempo completo, que podrá ser distribuida en dos (2) periodos de treinta (30) minutos cada uno o en tres periodos de veinte (20), para acudir al lugar en donde se encuentra la criatura a lactarla, en aquellos casos en que la empresa o el patrono tenga un centro de cuido en sus facilidades o para extraerse la leche materna en el lugar habilitado a estos efectos en su taller de trabajo. Dichos lugares deberán garantizar a la madre lactante privacidad, seguridad e higiene. El lugar debe contar con tomas de energía eléctrica y ventilación. Si la empleada está trabajando una jornada de tiempo parcial y la jornada diaria sobrepasa las cuatro (4) horas, el periodo concedido será de treinta (30) minutos por cada periodo de cuatro (4) horas consecutivas de trabajo.
- b. Dentro del taller de trabajo, el periodo de lactancia tendrá una duración máxima de doce (12) meses, contados a partir de la reincorporación de la empleada a sus funciones.
- Las empleadas que deseen hacer uso de este beneficio deberán presentar a la agencia una certificación médica, durante el periodo correspondiente al cuarto (4to.) y octavo (8vo.) mes de edad del infante, donde se acredite y certifique que está lactando a su bebé. Dicha certificación deberá presentarse no más tarde de cinco (5) días antes de cada periodo. Disponiéndose que la agencia designará un área o espacio físico que garantice a la madre lactante privacidad, seguridad e higiene, sin que ello conlleve la creación o construcción de estructuras físicas u organizacionales, supeditado a la disponibilidad de recursos de las entidades gubernamentales. Las agencias deberán establecer un reglamento sobre la operación de estos espacios para la lactancia.

6. Licencias sin paga

- a. En el caso que cese la causa por la cual se concedió la licencia, el empleado deberá reintegrarse inmediatamente a su empleo o notificar a la Agencia sobre las razones por las que no está disponible, o su decisión de no reintegrarse al empleo que ocupaba.
- b. Además de las licencias sin paga que puedan otorgarse por cada Agencia mediante reglamento, se concederán las siguientes:
 - 1. A empleados de carrera con status regular, para prestar servicios en otras agencias del Gobierno de Puerto Rico o entidad privada, de determinarse que la experiencia que derive el empleado le resolverá una necesidad comprobada de adiestramiento a la Agencia o al Servicio Público.
 - 2. A empleados de carrera con status regular, para proteger el status o los derechos a que pueden ser acreedores en casos de:
 - a) Una reclamación de incapacidad ante el Sistema de Retiro del Gobierno de Puerto Rico u otra entidad, y el empleado hubiere agotado su licencia por enfermedad y de vacaciones.
 - b) Haber sufrido el empleado un accidente de trabajo y estar bajo tratamiento médico con la Corporación del Fondo del Seguro del Estado o pendiente de cualquier determinación final respecto a su accidente, y éste hubiere agotado su licencia por enfermedad y licencia de vacaciones.
- 3. A empleados que así lo soliciten luego del nacimiento de un(a) hijo(a). Disponiéndose que ese tipo de licencia sin paga podrá concederse por un periodo de tiempo que no excederá de seis (6) meses, a partir de que ésta sea autorizada.
- 4. A empleados con status regular que pasen a prestar servicios como empleado de confianza en la Oficina del Gobernador o en la Asamblea Legislativa, mientras estuviese prestando dichos servicios.

- 5. A empleados con status regular que han sido electos en las elecciones generales o sean seleccionados para cubrir las vacantes de un cargo público electivo en la Rama Ejecutiva o Legislativa, incluyendo los cargos de Comisionado Residente en los Estados Unidos y Alcalde, mientras estuviere prestando dichos servicios.
- 6. Además se concederán licencias especiales por causa justificada, con o sin paga, según fuera el caso, tales como, pero sin limitarse a: licencia para fines judiciales; licencia con sueldo para participar en actividades en donde se ostente la representación del país; licencia militar; licencia de dos (2) horas laborables al principio y al final de cada semestre escolar para asistir a la escuela de sus hijos y conocer del aprovechamiento escolar; licencia para vacunar a sus hijos; licencia por servicios voluntarios a los Cuerpos de la Defensa Civil en casos de desastre; licencia para prestar servicios voluntarios a la Cruz Roja Americana; licencia deportiva y licencia para donar sangre. Disponiéndose que las referidas licencias se regirán por la leyes especiales que las otorgan mediante reglamentación.

Artículo 10.-Jornada de trabajo

Sección 10.1

Las normas sobre jornada de trabajo para los empleados públicos son las siguientes:

- 1. La jornada regular semanal para los empleados regulares de carrera no excederá de cuarenta (40) horas ni será menor de treinta y siete horas y media (37 ½), sobre la base de cinco (5) días laborables, salvo disposiciones en contrario de leyes especiales. La jornada diaria no excederá de ocho (8) horas. Se concederá a los empleados dos (2) días de descanso, por cada jornada regular semanal de trabajo.
- 2. La jornada regular semanal del empleado consistirá del número de horas que dentro de un período de siete (7) días consecutivos, el empleado está obligado a rendir servicios, conforme a su horario regular de trabajo. Normalmente la jornada regular semanal comprenderá los días de lunes a viernes, constituyéndose el sábado y domingo, los días de descanso. Sin embargo, por necesidades del servicio, las agencias podrán establecer una jornada semanal regular, para todo o parte de su personal, comenzando y terminando en cualquier día de la semana, siempre y

- cuando dicha jornada comprenda dos (2) días de descanso.
- 3. Se podrá reducir la jornada regular diaria o semanal de los empleados como acción para evitar cesantías. Cuando se haya establecido una jornada regular reducida como medida para evitar cesantías, dicha jornada podrá establecerse sobre la base de menos de cinco días laborables.
- Cada agencia, dentro de los límites anteriores indicados, establecerá la jornada de trabajo, semanal y diaria, aplicable a sus empleados, tomando en consideración las necesidades de servicio.
- 5. Como norma general, el horario regular diario de trabajo se fijará sobre la base de una hora fija de entrada y una de salida. No obstante, las agencias podrán adoptar mediante su reglamentación interna un sistema de horario flexible, escalonado, extendido o turnos rotativos.
- 6. Cada agencia concederá a todo empleado entre media (1/2) a una (1) hora para tomar alimentos durante su jornada regular diaria asegurándose la continua prestación de servicios. Mediante acuerdo escrito entre el empleado y la agencia nominadora, la hora de tomar alimento podrá reducirse a media (1/2) hora por necesidades del servicio o conveniencia del empleado. Dicho período deberá comenzarse a disfrutar por el empleado no antes de concluida la tercera (3ra.) hora y media (1/2), ni después de terminar la quinta (5ta.) hora de trabajo consecutiva. En caso de empleados sindicados, el acuerdo debe ser aprobado por el representante sindical.
- 7. Las agencias deben programar su trabajo en forma tal que el empleado pueda disfrutar del tiempo establecido para tomar alimentos. No obstante, en situaciones de emergencia se podrá requerir al empleado que preste servicios durante su hora de tomar alimentos o parte de ésta.
- 8. Las horas trabajadas comprenderán todo el tiempo durante el cual se le requiere a un empleado prestar servicios o permanecer en el recinto o en un determinado lugar de trabajo y todo el tiempo durante el cual se le ordene o autorice expresamente a realizar el mismo.
- Cualquier empleado interesado tendrá la opción de solicitar reducir voluntariamente, mediante acuerdo previo con su patrono, su jornada de trabajo por un periodo equivalente a un día de su jornada laboral semanal.

El acuerdo podría disponer que la reducción se verifique por un (1) día completo a la semana o mediante la reducción de las horas correspondientes a un día de trabajo a distribuirse proporcionalmente en cinco (5) días, ya sea en la hora de entrada, la de salida o ambas.

Ese acuerdo nunca será por un término menor de dos (2) periodos de pago de su nómina y podrá dejarse sin efecto por el empleado, a su discreción, o por el patrono, por necesidades del servicio, mediante notificación escrita a la otra parte con no menos de treinta (30) días de anticipación. El patrono no podrá impedir que el empleado regrese a su jornada regular de trabajo, de éste así solicitarlo. La opción aquí reconocida podrá invocarse cuantas veces los empleados lo requieran.

Aquellos empleados que se acojan a la jornada laboral semanal de cuatro (4) días, devengarán un ochenta por ciento (80%) de su retribución bruta. Sin embargo, continuarán haciendo sus aportaciones al Sistema de Retiro como si trabajaran la jornada regular.

La Autoridad Nominadora podrá, sin afectar el servicio, autorizar cualquier opción de jornada de trabajo solicitada por el empleado, siempre y cuando la jornada diaria sea uniforme y se ajuste al total de horas semanales requeridas para cumplir con ésta.

Sección 10.2.-Trabajo en Exceso de la Jornada Regular

- 1. El programa de trabajo de cada agencia se formulará de tal manera que se reduzca al mínimo la necesidad de trabajo en exceso de jornada regular establecida en la Agencia para los empleados. No obstante, las Autoridades Nominadoras, por razón de la naturaleza especial de los servicios a prestarse o por cualquier situación de emergencia, podrán requerir a sus empleados que presten servicios en exceso de su jornada de trabajo, diaria o semanal, o en cualquier día en que se suspendan los servicios sin cargo a licencia por el Gobernador. En estos casos deberá mediar una autorización previa del supervisor del empleado, la cual deberá ser aprobada por la autoridad nominadora o por aquel funcionario en quien éste delegue. Los supervisores deberán tomar medidas para que cuando un empleado permanezca trabajando sea siempre a virtud de una autorización expresa.
- 2. Los empleados tendrán derecho a recibir licencia compensatoria, a razón

de tiempo y medio, por los servicios prestados en exceso de su jornada regular, diaria o semanal, hora de tomar alimentos y por los servicios prestados en los días feriados, en los días de descanso, o en los días en que se suspendan los servicios sin cargo a licencia por el Gobernador. Esta licencia deberá disfrutarla el empleado dentro del período de treinta (30) días a partir de la fecha en que haya realizado el trabajo extra. Si por necesidad del servicio esto no fuera posible, se le podrá acumular dicha licencia hasta un máximo de doscientas cuarenta (240) horas. En los casos de empleados en puestos de seguridad o salud se podían acumular hasta cuatrocientas ochenta (480) horas. La compensación de tiempo extra en tiempo compensatorio no procede para las horas que el empleado acumule en exceso de los límites mencionados.

 Está excluido de las disposiciones del apartado (2) precedente cualquier empleado que realice funciones de naturaleza administrativa, ejecutiva o profesional, conforme estos términos se definen en la Ley Federal de Normas Razonables del Trabajo.

Artículo 11.-Expedientes de los empleados

- 1. Todas las agencias mantendrán los siguientes expedientes para cada uno de sus empleados:
 - a. Uno que refleje el historial completo del empleado desde la fecha de su ingreso original al servicio público hasta la fecha de su separación definitiva del servicio.
 - b. Uno confidencial y separado que contenga las instrucciones, determinaciones y certificaciones de índole médica, a tenor con lo establecido por la Ley Federal para Americanos con Impedimentos (ADA).
 - c. Uno que contenga copia de todos los Informes de Cambio y demás documentos e información requerida para fines de retiro.
- 2. Dichos expedientes tendrán carácter confidencial, no obstante, estos podrán ser examinados para fines oficiales por empleados o funcionarios autorizados. Todo empleado tendrá derecho a examinar su expediente de personal, previa solicitud escrita y en presencia de un funcionario o empleado de la división de Recursos Humanos autorizado para ello. La referida solicitud será sometida a dicha oficina con antelación razonable a la fecha en que se interesa efectuar el examen. El empleado podrá autorizar por escrito a otra persona para que examine el expediente.

Todo empleado tendrá derecho a obtener una copia de todo o cualquier documento contenido en su expediente mediante el pago del costo de reproducción.

- 3. Todo lo relativo a la conservación y disposición de los expedientes de los empleados que se separen del servicio se regirá por lo dispuesto en la Ley Núm. 5 de 8 de diciembre de 1955, según enmendada, conocida como "Ley de Administración de Documentos Públicos de Puerto Rico" y su reglamentación, administrada por la Administración de Servicios Generales o cualquier disposición estatutaria que la sustituya.
- 4. Cuando ocurra el traslado o la movilidad de un empleado de una agencia a otra, la agencia de origen transferirá los expedientes a la agencia a la cual se traslada el empleado, no más tarde de treinta (30) días, contados a partir de la efectividad del traslado.

Artículo 12.-Status de los empleados a la vigencia de esta Ley

- 1. Los empleados que a la vigencia de esta Ley estuvieren ocupando puestos en el servicio de carrera conforme a las disposiciones de la Ley 184-2004, según enmendada, conocida como "Ley para la Administración de los Recursos Humanos en el Servicio Público del Estado Libre Asociado de Puerto Rico" o de leyes especiales, que conforme las disposiciones de esta Ley estuvieren comprendidos dentro de la categoría de empleados de carrera, tendrán el status que a continuación se indica:
 - a los empleados que tuvieren status regular, serán empleados de carrera con status regular;
 - b los que tuvieren status probatorio, serán empleados de carrera con status probatorio.
 - c. Los empleados que a la vigencia de esta Ley estuvieran ocupando puestos mediante nombramiento transitorio, permanecerán en sus puestos hasta la terminación del período de nombramiento, que nunca podrá ser mayor de doce (12) meses.
- 2. Los empleados que a la vigencia de esta Ley estén prestando servicios en agencias que constituyen Administradores Individuales en puestos comprendidos en el servicio de carrera o en el servicio de confianza,

conforme a las disposiciones de la Ley 184-2004, según enmendada, o de leyes especiales, conservarán todos los derechos adquiridos, conforme a las leyes, normas y reglamentos que les sean aplicables siempre que los mismos no sean incompatibles con las disposiciones de esta Ley, y estarán sujetos a los mismos deberes y prohibiciones.

Artículo 13.-Se añade un nuevo subinciso (23) al inciso (h) de la Sección 3 de la Ley Núm. 15 de 14 de abril de 1931, según enmendada, para que lea como sigue:

"Sección 3.-Facultades del Secretario.

- (a) ...
- (h) El Secretario del Trabajo y Recursos Humanos, además de los poderes, facultades y funciones antes mencionadas y aquéllas conferidas por otras leyes, tendrá las siguientes, sin que ello constituya una limitación:
 - (1)
 - (23) Tendrá a su cargo la dirección, administración y supervisión de la Junta Consultiva de Habilitación de Empleados."

Artículo 14.-Se enmienda la Sección 10 de la Ley Núm. 15 de 14 de abril de 1931, según enmendada, para que lea como sigue:

"Sección 10.-Estadísticas del Trabajo.

El Departamento del Trabajo y Recursos Humanos tendrá a su cargo la compilación, análisis e interpretación de los datos estadísticos referentes al trabajo en las diversas agencias e instrumentalidades del Gobierno, industrias, negocios y ocupaciones. Preparará y mantendrá al día los índices de precios y de coste de vida; y llevará a cabo estudios de carácter económico social sobre las condiciones de vida y de trabajo de los obreros industriales y agrícolas, indicadores laborales de empleo y desempleo, salarios, distribución de ingresos, lesiones, enfermedades y muertes en el trabajo, ocupaciones, despidos significativos, empleo y salario cubierto por el Seguro de Desempleo e información estadística de tendencias y perspectivas relacionadas al mercado laboral de Puerto Rico. El Secretario del Trabajo y Recursos Humanos publicará en la página de Internet del Departamento y otros medios de difusión

institucionales, las estadísticas e índices oficiales que se produzcan de conformidad con lo dispuesto en esta Sección."

Artículo 15.-Disposiciones Transitorias

- 1. La actual Oficina de Capacitación y Asesoramiento en Asuntos Laborales de Administración y de Recursos Humanos (OCALARH) pasará a ser la Oficina de Administración y Transformación de los Recursos Humanos del Gobierno de Puerto Rico, dicha oficina mantendrá las facultades y responsabilidades que le habían sido asignadas a la OCALARH en virtud de la Ley 184-2004, según enmendada.
- 2. La Oficina de Transformación y Administración de los Recursos Humanos en el Gobierno de Puerto Rico tendrá un año y medio (1 ½) a partir de la vigencia de la presente Ley para preparar y culminar el Plan de Clasificación y de Retribución Uniforme en lo que a cada cual le competa.
- 3. Todas las agencias consideradas administradores individuales, así como el resto de las agencias de la Rama Ejecutiva, según definidas en la Ley 184-2004, vienen obligadas a remitir a la Oficina en un término no mayor de treinta (30) días a partir de la vigencia de esta Ley, copia de todo Plan de Clasificación y Valoración de puestos, así como todas las enmiendas a los mismos.
- 4. Hasta que la Oficina apruebe sus reglamentos y emita sus memorandos de entendimiento al amparo de la presente Ley, se mantienen en vigor aquellos reglamentos y memorandos de entendimiento de la Oficina de Capacitación y Asesoramiento en Asuntos Laborales y de Administración de los Recursos Humanos (OCALARH) que estén vigentes a la fecha de aprobación de la presente Ley, en todo aquello que no sea incompatible con esta Ley.

Artículo 16.-Asignación y transferencia de fondos

- 1. Por la presente se retienen en la Oficina de Administración y Transformación de los Recursos Humanos del Gobierno de Puerto Rico todos los balances no obligados de asignaciones provistas por ley a la Oficina Central de Asesoramiento Laboral de Administración de los Recursos Humanos (OCALARH).
- 2 Los documentos, suministros, equipos, derechos, fondos existentes y obligaciones de la Oficina Central de Asesoramiento Laboral de Administración y de Recursos Humanos (OCALARH) se transfieren a la

Oficina de Administración y Transformación de los Recursos Humanos del Gobierno de Puerto Rico. De igual forma se transfieren los programas, servicios, unidades, divisiones, dependencias y personas, no más tarde de los treinta (30) días siguientes a la fecha de aprobación de la presente Ley, de manera que la Oficina de Administración y Transformación de los Recursos Humanos del Gobierno de Puerto Rico pueda continuar su dirección y administración sin que los servicios se afecten o interrumpan.

- 3. Los documentos, suministros, equipos, derechos, fondos existentes y obligaciones del actual Consejo Asesor para el Desarrollo de la Carrera Pública se transfieren al nuevo Consejo Asesor creado en virtud de la presente Ley. De igual forma se transfieren los programas, servicios, unidades, divisiones, dependencias y personas, no más tarde de los treinta (30) días siguientes a la fecha de aprobación de la presente Ley.
- Los documentos, suministros, equipos, derechos, fondos existentes y obligaciones de la actual Escuela de Educación Continua (ECC) se transfieren al nuevo Instituto de Adiestramiento y Profesionalización de los Empleados del Gobierno de Puerto Rico (IDEA). De igual forma se transfieren los programas, servicios, unidades, divisiones, dependencias y personas, no más tarde de los treinta (30) días siguientes a la fecha de aprobación de la presente Ley.

Artículo 17.-Derogación

Se deroga la Ley 184-2004, según enmendada, conocida como "Ley para la Administración de los Recursos Humanos en el Servicio Público del Estado Libre Asociado de Puerto Rico".

Artículo 18.-Relación con otras leyes

- a. En lo relativo a la administración de los recursos humanos de los municipios, continúa en pleno vigor y sin menoscabo alguno las disposiciones de la Ley 81-1991, según enmendada, conocida como "Ley de Municipios Autónomos de Puerto Rico".
- b. En lo concerniente a la administración, conservación y disposición de documentos oficiales y expedientes de empleados que se separen del servicio, continuará en pleno vigor lo dispuesto en la Ley Núm. 5 de 8 de diciembre de 1955, según enmendada, y el reglamento que la instrumenta.

- c. Nada de lo dispuesto en esta Ley debe interpretarse como limitación a la negociación colectiva de todo asunto susceptible de negociación conforme a la Ley 45-1998, según enmendada.
- d. Referente al Gobierno como Empleador Único y al concepto de Movilidad creado por esta Ley, de existir discrepancia o incompatibilidad entre lo dispuesto en cualquier ley anterior a ésta, sea una ley orgánica, general o especial, prevalecerá lo dispuesto en la presente Ley.

Artículo 19.-Cláusula de Separabilidad

Si cualquier cláusula, párrafo, subpárrafo, oración, palabra, letra, artículo, disposición, sección, subsección, título, capítulo, subcapítulo, acápite o parte de esta Ley fuera anulada o declarada inconstitucional, la resolución, dictamen o sentencia a tal efecto dictada no afectará, perjudicará, ni invalidará el remanente de esta Ley. El efecto de dicha sentencia quedará limitado a la cláusula, párrafo, subpárrafo, oración, palabra, letra, artículo, disposición, sección, subsección, título, capítulo, subcapítulo, acápite o parte de la misma que así hubiere sido anulada o declarada inconstitucional. Si la aplicación a una persona o a una circunstancia de cualquier cláusula, párrafo, subpárrafo, oración palabra, letra, artículo, disposición, sección, subsección, título, capítulo, subcapítulo, acápite o parte de esta Ley fuera invalidada o declarada inconstitucional, la resolución, dictamen o sentencia a tal efecto dictada no afectará ni invalidará la aplicación del remanente de esta Ley a aquellas personas o circunstancias en que se pueda aplicar válidamente. Es la voluntad expresa e inequívoca de esta Asamblea Legislativa que los tribunales hagan cumplir las disposiciones y la aplicación de esta Ley en la mayor medida posible, aunque se deje sin efecto, anule, invalide, perjudique o declare inconstitucional alguna de sus partes, o aunque se deje sin efecto, invalide o declare inconstitucional su aplicación a alguna persona o circunstancia. Esta Asamblea Legislativa hubiera aprobado esta Ley sin importar la determinación de separabilidad que el Tribunal pueda hacer.

Artículo 20.-Vigencia

Esta Ley entrará en vigor inmediatamente después de su aprobación.

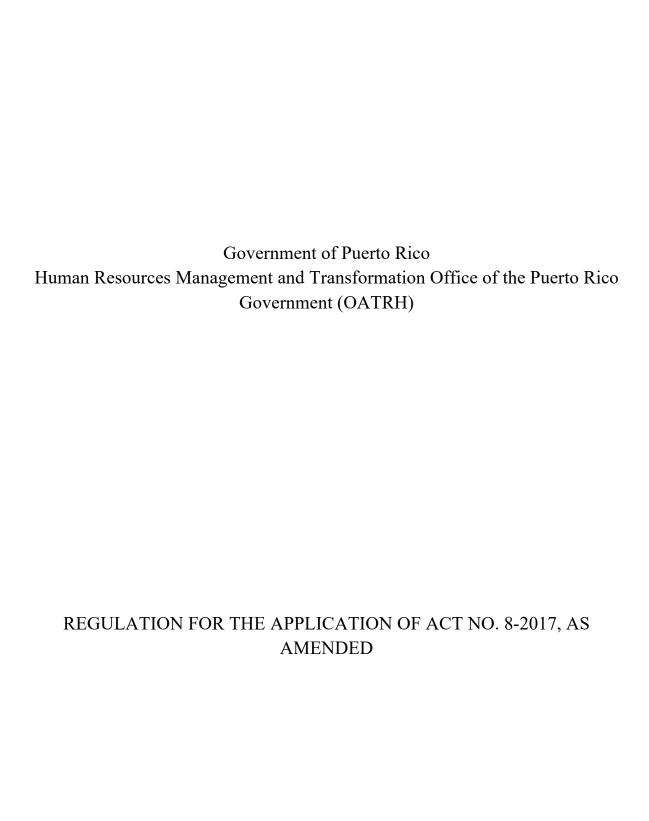
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CAMARA DE REPRESENTANTES DE OFIC. DE ACTAS Y RECORDS



Act 8 of 2017: Regulation for its Application Num. 8992





Section 6.3.1. - Recruitment and Selection Rules

1. When recruiting personnel, the Government shall offer any qualified person the opportunity to compete in its recruitment and selection processes for permanent career service positions. By virtue of such openness and fair treatment, qualified applicants shall participate on an equal basis in such aspects as: academic, professional and work competencies and achievements; knowledge, skills and abilities; work ethic; without discrimination on the basis of race, color, sex, birth, age, sexual orientation, gender identity, social origin or status, political or religious beliefs, veteran status, physical or mental disability, victim or perceived victim of domestic violence, sexual assault or stalking, or genetic information. The same prohibition against discrimination based on the status of beneficiary of economic assistance under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), Federal Public Law No. 104-193 of August 22, 1966, as amended, 110 Stat. 2105 et seq. Likewise, the Government shall comply with the employment of qualified disabled individuals in accordance with the provisions of Act No. 219-2006, as amended, known as the "Act to Foster the Employment of Qualified Disabled Individuals in Public Agencies, Dependencies and Corporations of Puerto Rico".

However, while a fiscal crisis prevails in the Government of Puerto Rico, internal recruitment within the pool of agencies comprising the Human Resources Management and Transformation System should be encouraged to fill vacancies. This shall be done within the statutory provisions that have been established, in accordance with the fiscal and

budgetary policy in force. If no human resource is available within the Government with the ability to perform the functions, external recruitment shall be carried out in accordance with the powers delegated to the Office by Act No. 8.

2. The Recruitment Rules is the official document containing the minimum requirements of the position, as contemplated in the class specification, as well as substitution clauses or alternatives to the minimum requirements of the position, the type of competency, the type or types of examinations that are recommended in each case. The requirements will be directly related to the functions of the positions at all times. Said requirements shall take into consideration the information available on the employment market and human resources. The Recruitment Rules shall be reviewed every two (2) years, or sooner if necessary, to adjust to the changes that may occur.

(...)

Section 6.3.3. - Notice of Examination

- 1. Recruitment for regular career service positions shall be conducted through a process whereby applicants compete on an equal basis.
- 2. The notice of examination is the document that will formally state the prevailing determinations regarding the minimum requirements of the position, type of examination and all those aspects that are necessary or convenient to disclose in order to advertise opportunities for entry to a class of position.
- 3. The announcements shall include the recruitment rules for each type of position aimed at attracting the best available resources to the Public Service. When there is a need to fill a

position in the Government, a notice of examination shall be prepared for each position class, in accordance with the requirements established in the Classification or Job Evaluation Plan.

- 4. All notices of examination shall contain the following:
 - a. Agency's name, physical, mailing and electronic addresses and telephone numbers
 - b. Job Title and Class Number
 - c. Nature of Work
 - d. Pay Scale as it appears in the current Class Assignment
 - e. Type of Recruitment
 - f. State whether the acceptance of applications will be until further notice or whether the call for applications will have a closing date, in which case, the closing date must be expressly stated
 - g. Type of competition
 - h. It shall be stated whether the competition is limited to the Organization's employees, to employees covered by Act No. 8 or open to the general public. The competition may be for admission or promotion. This determination will be made in accordance with the nature of the job, minimum class requirements, employment market and vacancies to be filled. The scope of the competition encourages access to sources of resources and contributes to a greater margin of selection.

i. Minimum Requirements:

1) The minimum requirements as set forth in the Job Classification or Appraisal Plan shall be stated. Minimum Requirements for recruitment shall be established as those contained in the class specifications or competency profiles, which shall

- indicate the academic preparation and the type and duration of work experience required.
- 2) If an employment market study due to the advent of new knowledge, changes in technology, new production techniques and/or presentation of services attributable to the classes concerned determines requirements different from those established in the class specification of the position being recruited for, these shall be amended prior to the opening of the call for applications.
- 3) Minimum Requirements shall be consistent with the nature of the work and shall be adjusted to the demand and supply considering, in addition, the specific qualifications needed for the performance of the functions assigned to the positions.
- 4) If a certain number of years of a type of experience, the work of which is similar in nature to that performed in a specific job class, is stipulated as a minimum requirement, it shall indicate the class title and provide a clear description of the type of work.
- 5) If the type of experience in a specific class cannot be clearly established, the requirement shall be limited to a specified number of years of experience in the relevant field of work and shall omit any specification as to class titles.
- 6) If the class of position to be filled is part of a class series, experience gained at the different levels of the class series, and any other directly related class(es) of positions, may be considered. The above will apply to classes that, although not part of a class series, constitute the logical line of ascent of the class.

- 7) Special requirements, if any, such as membership in a professional association, license to practice the profession or trade, and others required by law, shall be identified. In addition, as an exception, particular requirements related to the services offered by the Government may be required for a position of a particular class that, due to the inherent functions of the position, would need to meet a specific requirement (selective certification).
- Specialty Clauses specialties with which records will be established and requirements for such specialties will be included when necessary.

k. Nature of Examination

- 1) The examinations will consist of written, oral, physical, performance or evaluation tests of academic preparation and work experience taking into consideration the nature of the job, assigned functions, minimum requirements established, employment market and recommendations of specialists in the field, associations and colleges. From this analysis emerges the nature of the examination and the relative weights of the parts. The following steps will be followed to perform the job analysis:
 - (a) The value of each task will be determined based on the numerical result obtained, considering the importance of the task and the time it takes to perform each one of them.
 - (b) The minimum knowledge, skills and abilities required to perform each task will be determined.
 - (c) The appropriate type or combination of tests to measure knowledge, skills and abilities will be determined.

- (d) The sections of the exam and the number of exercises in each task will be determined based on the importance of each one in percentage terms.
- (e) If a combination of tests is determined, the weight of each test shall be specified using the percentages assigned to each test. Objective tests will generally be assigned a higher relative weight than that assigned to subjective tests, unless subjective tests outweigh other objective judgments in the performance of the work.
- 2) In the case of an examination without appearance, it shall be stated that the examination consists of an evaluation in which marks will be awarded for academic preparation, courses or training and work experience directly related to the positions in the class.
- 3) In the case of appearance examinations, the type of examination to be administered shall be stated, as well as the types of subtests that comprise the examination.
- 4) In the case of combined examinations, the description of each part and the percentage of weight to be assigned to each of them shall be stated.

1. Probationary Period

The probationary period as stated in the class specification shall be indicated.

m. Nature of Work

A brief description of the duties of the job class shall be provided in accordance with the Job Classification or Appraisal Plan.

n. Notices will also include, where appropriate, such aspects as: passing scores on examinations; evaluation factors in interviews and evaluations of preparation and

experience; and relative values assigned to each criterion used to rank the names on the registers when more than one criterion is used.

o. Other general information:

- 1) it will indicate where and how to apply;
- 2) special clauses referring to the accreditation of experience and other clauses related to the working conditions in the type of position shall be included. The information will be provided on preference scoring as statutorily provided for veterans, disabled or non-disabled individuals, qualified handicapped person, and beneficiary of governmental financial assistance programs. In addition, the following shall be observed:
 - (a) In those cases in which the applicant is an employee of the Human Resources

 Administration and Transformation System of the Government of Puerto Rico,
 only the functions and the level of the official classification of the position to
 which he/she was appointed shall be considered.
 - (b) The experience acquired through interim positions in the Human Resources

 Management and Transformation System will be credited if the following

 conditions are met:
 - i. Formal written designation by the Appointing Authority or its authorized representative to perform the duties of the position on an interim basis.
 - The position occupied on an interim basis is of a higher classification than the position properly held.
 - iii. The individual met the minimum requirements of the position to be filled on an interim basis at the time of appointment.

- iv. The individual performed all the duties of the position during the period of the interim appointment.
- (c) Candidates who indicate that they have experience in the public service of Puerto Rico, private companies or agencies excluded from the provisions of the Act for the Administration and Transformation of Human Resources in the Government of Puerto Rico, must add to their application for the examination a certification from the agency or company where they provide or have provided services that includes:
 - i. Position occupied by the applicant.
 - ii. Weekly, monthly or hourly salary in the case of part-time employment.
 - iii. Exact dates when the experience was acquired (day-month-year) and number of hours worked, if part-time.
- (d) Experience will be considered as long as it has been acquired after the academic preparation.
- 3) It shall be stated that studies abroad will be accreditable, provided that the validation by the corresponding authorities is submitted.
- 4) It will be stated that only U.S. citizens and aliens legally authorized to work in Puerto Rico shall qualify.
- 5) It shall be stated that as a condition of employment in the public service, proof of having filed an income tax return during the five (5) years prior to the application shall be required, as provided by law.
- 6) It will be notified that any person with a disability, who so desires, may request reasonable accommodation when submitting the request for examination.

- 7) A statement that the Government promotes equal employment opportunities shall be included.
- p. Date of issuance of notice of examination.
- q. Number of the notice of examination (the number will be assigned by fiscal year).
- r. Name, position and signature of the Director.
- s. Notices of examinations should be reviewed periodically, according to the natural evolution of the employment market that requires modifications to class specifications and other conditions related to such review.

(...)



Training Office Procedures Manual, 2014



PROCEDURES MANUAL FOR THE TRAINING OFFICE

I. Legal Basis

In accordance with its public policy, ADFAN is responsible for training its personnel in the different areas of service, work and specialization. The Organic Law for the Creation of the Department of Family Affairs, Act No. 171 of 1968, provides that employees must be trained in the development of the skills required for the effective execution of their respective functions. In addition, the federal Child Abuse, Prevention and Treatment Act (CAPTA) and the Adoption and Safe Families Act of 1997 (ASFA) require that training be provided to persons providing services to children, aimed at developing the correct knowledge and skills for greater effectiveness.

Act 184 of August 3, 2004 - Law for the Administration of Human Resources in the Public Service - places special emphasis on training for public servants as an essential part of the principle of merit. For its part, Act 12 of July 24, 1985, the Government Ethics Law, requires public employees to complete 10 hours of continuing education every two years on topics related to government ethics and the sound administration of public resources.

All the aforementioned legislation serves as the basis for establishing the legal framework of this Office and therefore the tasks delegated to it.

(...)

II. Minimum Annual Training Hours Requirements in ADFAN

In regulation ADFAN-OA-2013-018 signed on October 28, 2013, requirements are established for the minimum annual training hours to be completed by direct service personnel as well as services providers of the agency. (Appendix A)

(...)

VI. Design, Coordination and Offerings

a. Level of Training

Training is categorized according to its complexity and the personnel to whom it will be offered. It is classified by levels according to the needs and requirements of the agency.

- 1. Pre-service: It is the induction training offered to all new employees joining the Agency, focused on the knowledge and skills of the functions assigned to the employee in the corresponding program. This includes the following topics:
 - Description of the Department of Family Affairs and Children's
 Services and the Family and Children's Administration
 (ADFAN)
 - ii. Administrative rules and procedures, Personnel Law and sanctions.
 - iii. Description of ADFAN's sub-administrations.

- iv. Act 246 of December 16, 2011 "Law for the Safety, Welfare and Protection of Minors" and others.
- v. Related federal laws.
- vi. Profile of the families and children who receive our services.
- vii. Rules and procedures for the investigation of child welfare referrals.
- viii. Domestic violence where situations of child abuse coexist.
- 2. E1. Education in multilevel service, direct service, supervision and management by sub-administration: These trainings are offered to the Agency's employees according to the needs of each sub-administration. One of the topics offered in the initial training can be expanded on. The content is more complex, detailed and specialized according to the quality standards of the programs. The following topics are included:
 - i. For Case Managers:
 - i. Integration of the Security Model and Generalist Model applied to the case study
 - ii. Screening for indicators of mental health and substance abuse issues
 - iii. Child development
 - iv. Services for children with developmental disabilities and special needs
 - v. Expert testimony in social protection cases before the courts

- ii. For Supervisors:
 - i. Coaching for Child Protective Service Supervisors
 - ii. Basic concepts of Continuous Quality Improvement(CQI) and Quality Assurance
 - iii. Expert testimony in social protection cases before the courts
 - iv. Implementation of Quality Circles
- 3. Continuing service education for direct service employees to teach workshops and seminars to foster and surrogate parents and home-based employees. This training includes the following:
 - i. Description of the services offered by ADFAN.
 - ii. Mission of the Agency
 - iii. Act 246 of December 16, 2011 "Law for the Safety, Welfare and Protection of Minors.
 - iv. Federal laws governing Foster Care.
 - v. Requirements for the establishment of foster homes.
 - vi. Responsibilities as foster parents.

These offerings are complemented by other training sessions through professional service contracts in the psychosocial area.

b. Training Coordination

For Training Coordination, the Training Office conducts the following:

- 1. An assessment of the employees' training needs.
- 2. Analyzes and assesses these needs.

- 3. Categorizes the needs by topic.
- 4. Coordinates continuing education with universities, entities and National Resources Centers at the federal level by area of competence.
- 5. Evaluates proposals, recommends and submits information to management for approval.
- 6. Coordinates with the chosen entity or organization.
- 7. Training is planned and coordinated with ADFAN's sub-administrations and associate directors. (Dates, places, number of participants)
- 8. Training is offered.
- 9. Training and resources are evaluated. (According to the corresponding systemic factor and the objective of the training)
- 10. A report of the results obtained from the evaluations is submitted to management.

(...)

Minimum Annual Training Hours Requirements

A. Direct Service Personnel

With the firm purpose of offering the best service to the populations we serve, <u>all direct service</u> <u>and supervisory employees</u> will be required to complete a minimum of twelve (12) hours of continuing education annually. These hours must be directly related to the duties of the position they hold.



MANUAL DE PROCEDIMIENTOS DE LA OFICINA DE ADIESTRAMIENTO

Lcda. Vanessa J. Pintado Rodríguez Administradora ADFAN Diciembre, 2014



Preparado por:
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UPR-RP

Introducción

El siguiente documento tiene como propósito el estandarizar los procedimientos de la Oficina de Adiestramiento de la Administración de Familias y Niños (ADFAN). Dicha oficina adiestrará a los profesionales de la ADFAN, a los padres temporeros, padres adoptivos y al personal de apoyo de la agencia.

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MANUAL DE PROCEDIMIENTOS DE LA OFICINA DE ADIESTRAMIENTO

I. Base Legal

De acuerdo a su política pública, la ADFAN es responsable de capacitar a su personal en las distintas áreas de servicio, trabajo y especialización. La Ley Orgánica para la Creación del Departamento de la Familia, Ley Núm. 171 de 1968, dispone que los empleados deben ser adiestrados en el desarrollo de las competencias requeridas para la ejecución efectiva de sus respectivas funciones. Además, las leyes federales Child Abuse, Prevention & Treatment Act (CAPTA), y Adoption and Safe Families Act of 1997 (ASFA), establecen que se les provea adiestramiento a las personas que ofrecen servicios a menores, dirigidos a desarrollar los conocimientos y destrezas correctas para mayor efectividad.

La Ley 184 del 3 de agosto de 2004 – Ley para la Administración de los Recursos Humanos en el Servicio Público – brinda especial énfasis al adiestramiento a los servidores públicos como parte esencial del principio de mérito. Por su parte, la Ley 12 del 24 de julio de 1985, Ley de Ética Gubernamental, exige a los empleados públicos a cumplir con 10 horas de educación continua cada dos años en temas relacionados a la ética gubernamental y la sana administración de los recursos públicos.

Toda la legislación antes indicada sirve de base para establecer el marco legal de esta Oficina y por ende las tareas delegadas a la misma.

II. Descripción de la Oficina de Adiestramiento

En agosto del 2003, el Gobierno Federal realizó la primera ronda de la Revisión de los Servicios a Familias y Niños en Puerto Rico. Esto con el fin de determinar el cumplimiento sustancial con los requisitos del Plan Estatal de los Títulos IV – B y IV – E de la Ley de Seguridad Social. Dicha monitoria reveló áreas que necesitan ser fortalecidas para asegurar el cumplimiento con los estándares nacionales y alcanzar un nivel de sustancialmente logrado. Puerto Rico sometió al Nivel Federal un Plan de Mejoramiento Programático para las Revisiones de los Servicios a Niños y Familia ("Program Improvement Plan for Children

and Family Services Review" o PIP, por sus siglas en inglés). El mismo contempló acciones correctivas a ser implantadas en un término de dos años, el cual incluyó la creación y el desarrollo de la Oficina de Adiestramiento.

El propósito de esta oficina es dar continuidad a los servicios que promueven la seguridad, permanencia y bienestar del niño/a y la familia puertorriqueña. Se capacita al personal para el cumplimiento de sus funciones y de la misión encomendada. Este proceso conlleva identificar y atender las necesidades técnicas y programáticas de los empleados en sus distintas funciones las cuales permitirán la pronta y efectiva acción para lograr la permanencia, seguridad y bienestar de las familias y niños/as.

Los enfoques adoptados en la Oficina de Adiestramiento, son la educación de adultos o androgogía de Malcom Knowles, la organización que aprende de Peter Senge y el enfoque de las inteligencias múltiples propuesto por Howard Gardner en el que se define la inteligencia como la capacidad de resolver problemas. Estos enfoques toman en consideración la forma como los adultos aprenden, las estrategias que se utilizan para alcanzar los objetivos de educación en servicio, el desarrollo profesional, las experiencias de los participantes y contribuyen a ubicar a la ADFAN a la vanguardia de la gerencia moderna. Mediante estos enfoques se desarrollan las destrezas del pensamiento crítico y por consiguiente se hace más efectiva la trasferencia de estas competencias al escenario de trabajo.

Se utilizarán diversas estrategias para los adiestramientos. Se enfatizará en el desarrollo de mentores para pre-servicio y el aprendizaje cooperativo para la educación en servicio en el área social (Steiner y otros, 1999). Se maximizará el uso tecnológico para el desarrollo de las actividades que incorporan en la ejecución sus tareas. Para el control de la calidad y efectividad de los adiestramientos se usarán los documentos incluidos en los apéndices.

III. Requisitos sobre el mínimo de horas de adiestramiento anuales en la ADFAN

En la normativa ADFAN-OA-2013-018 firmada el 28 de octubre de 2013, se establecen los requisitos sobre el mínimo de horas de adiestramiento anuales que deberá completar el personal de servicio directo, así como los proveedores de servicios de la agencia. (Apéndice A)

IV. Objetivos de los Talleres

- a. Desarrollar los módulos de capacitación al personal de nuevo nombramiento encaminado a ofrecer a los trabajadores sociales las competencias básicas centradas en seguridad, permanencia y bienestar del niño y su familia, antes de iniciar su trabajo y que puedan transferir estas competencias al escenario de trabajo.
- b. Desarrollar módulos de adiestramiento de seguimiento encaminados a ofrecer a los trabajadores sociales, supervisores y personal de apoyo que actualmente ofrece servicios, las competencias del continuo de manejo de casos enfocadas en seguridad, permanencia y bienestar del niño y su familia y que puedan transferir estas competencias al escenario de trabajo.
- c. Proporcionar a los actuales o futuros padres adoptivos, y el personal del Estado con licencia o instalaciones que cuidan a los niños que reciben cuidado de crianza temporal de ayuda para la adopción en virtud del título IV-E las habilidades y conocimientos necesarios para llevar a cabo sus funciones, en el desarrollo y crianza de los niños.
- d. Proporcionar a los abogados y al personal de apoyo, la capacitación enfocada en las competencias y conocimientos necesarios para llevar a cabo sus funciones, en el sistema de bienestar infantil.

V. Normas

Las siguientes normas se establecen con el fin de lograr los objetivos del adiestramiento:

a. Registro de participantes- Los participantes se registrarán al llegar al lugar donde se realizará el adiestramiento. Este registro debe hacerse en las distintas sesiones (a.m. y p.m.). De esta manera se tiene un récord de las personas que asisten y si éstas completan el adiestramiento. Se le hará entrega de un porfolio con la agenda o programa de actividades, pre-prueba, material informativo

relevante del adiestramiento y la hoja d evaluación. Es necesario que toda persona que asista firme y se registre para su récord de adiestramiento (Apéndice B). Si se le olvidad firmar, aparecerá como que no completó el adiestramiento para el cual se le citó.

- b. Comenzar a la hora pautada para el adiestramiento- Las personas citadas deben llegar a la hora pautada para que el adiestramiento se realice de acuerdo a lo planificado. De esta manera se evita que se extienda. Los recursos tienen asignado un tiempo para realizar su presentación.
- c. Mantener los celulares apagados- Es recomendable que los celulares se mantengan apagados durante el adiestramiento. Al sonar los celulares interrumpen al recurso y los participantes se distraen y pierden la concentración.
- d. Cumplir con el tiempo asignado para el receso- El receso es importante para relajarse y lograr que los participantes puedan prestar atención durante el proceso de adiestramiento. Se debe limitar al tiempo señalado por el adiestrador. El prolongarlo más del tiempo establecido provoca interrupción al recurso en su presentación.
- e. Evitar ausentarse del adiestramiento para asistir a otra actividad- Los adiestramientos están diseñados con un contenido específico. El participante que se ausenta del adiestramiento pierde parte del mismo y éste no se puede reponer. El adiestramiento queda incompleto y no se puede certificar como que lo tomó en su totalidad. De repetirse el ofrecimiento del adiestramiento, el participante podrá reponer el tiempo y contenido de haber causa justificada (enfermedad, comparecencia al tribunal) y certificada por un supervisor inmediato.
- f. Asistir a todo el adiestramiento- Al interrumpir el adiestramiento por cualquier causa, no se completa la capacitación.

VI. Diseño, Coordinación y Ofrecimientos

a. Nivel de Adiestramiento

Los adiestramientos son catalogados de acuerdo a su complejidad y al personal al cual se ofrecerá. Están clasificados por niveles según las necesidades y requerimientos de la agencia.

- Pre- servicio: Es el adiestramiento de inducción que se ofrece a
 todos los empleados nuevos que ingresan a la Agencia enfocado en
 el conocimiento y las destrezas de las funciones asignadas al
 empleado en el programa correspondiente. Este incluye los
 siguientes temas:
 - i. Descripción del Departamento de la Familia y la Administración de Familias y Niños
 - ii. Normas y procedimientos administrativos, Ley de Personal y sanciones.
 - iii. Descripción de las administraciones auxiliares de la ADFAN
 - iv. Ley 246 del 16 de diciembre de 2011 "Ley para la Seguridad, Bienestar y Protección de Menores" y otras.
 - v. Leyes federales relacionadas
 - vi. Perfil de las familias y menores que reciben nuestros servicios.
 - vii. Normas y procedimientos en la investigación de referidos de protección social a menores.
 - viii. Normas y procedimientos en el manejo de casos de protección social a menores.
 - ix. La violencia doméstica donde coexisten situaciones de maltrato de menores.
- 2. Educación en servicio multinivel, servicio directo, supervisión y gerencial por administración auxiliar: Estos adiestramientos se le ofrecen a los empleados de la Agencia de acuerdo a las necesidades de cada administración auxiliar. Se puede ampliar uno de los temas ofrecidos en el inicial. El contenido es más complejo, detallado y especializado de acuerdo a los estándares de calidad de los programas. Se incluyen los siguientes temas:

- i. Para manejadores de casos:
 - i. Integración del Modelo de Seguridad y Modelo
 Generalista aplicado al estudio de caso
 - ii. Detección de indicadores de problemas de salud mental y abuso de sustancias
 - iii. Desarrollo del niño
 - iv. Servicios para menores con deficiencias en el desarrollo y necesidades especiales
 - v. Testimonio pericial en casos de protección social ante los tribunales
- ii. Para supervisores:
 - i. Coaching para Supervisores del Servicio de Protección Social a Menores
 - ii. Conceptos básicos de "Continuous Quality Improvement" (CQI) y garantía de calidad
 - iii. Testimonio pericial en casos de protección social ante los tribunales
 - iv. Implantación de los Círculos de Calidad
- 3. Educación en servicio continuo a empleados de servicio directo para que ofrezcan talleres y seminarios a padres sustitutos y de crianza y a los empleados de los hogares. Este adiestramiento incluye lo siguiente:
 - i. Descripción de los servicios que ofrece la ADFAN.
 - ii. Misión de la agencia
 - iii. Ley 246 del 16 de diciembre de 2011 "Ley para la Seguridad, Bienestar y Protección de Menores".
 - iv. Leyes federales que rigen los hogares de crianza.
 - v. Requisitos para el establecimiento de hogares de crianza.
 - vi. Responsabilidades como padres de crianza.

Estos ofrecimientos se complementan con otras experiencias de adiestramientos mediante contrato de servicios profesionales del área sicosocial.

b. Coordinación de Adiestramiento

Para la coordinación de los adiestramientos, la Oficina de Adiestramiento realiza lo siguiente:

- 1. Un estudio de necesidades de adiestramiento de los empleados.
- 2. Analiza y evalúa estas necesidades.
- 3. Clasifica las necesidades por temas.
- Realiza gestiones para coordinar la educación continuada con las universidades, entidades y los "National Resources Center" a nivel federal por área de competencia.
- 5. Evalúa las propuestas, recomienda y envía la información a la administración para su aprobación.
- 6. Coordina con la entidad u organización seleccionada.
- Se planifican y coordinan los adiestramientos con las administraciones auxiliares y directores asociados de la ADFAN. (Fechas, lugares, cantidad de participantes)
- 8. Se ofrece el adiestramiento.
- 9. Se evalúa el adiestramiento y los recursos. (De acuerdo al factor sistémico que corresponda y al objetivo del capacitación.)
- Se rinde un informe de los resultados obtenidos de las evaluaciones a la administración.

VII. Evaluación

La evaluación es un proceso sistémico y continuo que integra todas las experiencias de aprendizaje para determinar el grado de efectividad en que los participantes alcanzan los objetivos del adiestramiento. En este proceso se interpretan datos tanto cuantitativos como cualitativos de unos criterios que se determinan a base de unos objetivos previamente establecidos. Es un proceso continuo a través de todo el adiestramiento. La evaluación incluye otros conceptos básicos que son la medición, el avalúo y el control de calidad.

a. Avalúo (assessment)

El avalúo constituye un procedimiento sistémico y comprensivo mediante el cual se recopila información a través de diversos medios con el propósito de dar seguimiento y mantener vínculos óptimos y determinar el nivel de efectividad. Este proceso permite establecer un control de calidad en forma progresiva en el desarrollo de los participantes. Además asegurar un control de calidad más efectivo ya que se basa en criterios y estándares formulados por la Oficina de Adiestramiento según lo establecido por las agencias reguladoras.

b. Garantía de Calidad

La garantía de la calidad de los adiestramientos es fundamental para lograr el propósito de las actividades de adiestramiento y de educación en servicio de esta Oficina. Para establecer la calidad se usan varias estrategias para monitorear el desarrollo de los adiestramientos. Entre las estrategias se pueden mencionar los informes estadísticos, grupos focales, informes de campo, entrevistas, entre otras. Este tipo de evaluación está directamente relacionado con la capacitación de los empleados para que los servicios que se ofrecen cumplan con los estándares de ejecución establecidos por las leyes locales y federales y con la prestación de servicios.

1. Estándares de adiestramiento

La Oficina de Adiestramiento establece los estándares considerando el plan de trabajo. Los estándares son indicadores de calidad que como puntos de referencia se utilizan para valorar y juzgar las ejecutorias del personal en el proceso de enseñanza - aprendizaje que se tiene sobre los conceptos, el uso adecuado de las destrezas o las manifestaciones de actitudes. Se realizan actividades para obtener el insumo del personal de las administraciones auxiliares a tono con la misión, se revisan las metas, objetivos y actividades para detectar si se alcanzan los estándares. También se consideran las disposiciones federales y estatales con relación a la capacitación del personal. Además se

establecen estándares de contenido que describen los temas y destrezas que el empleado debe tener por nivel de adiestramiento. Entre éstos podemos mencionar los siguientes:

- i. Competencias del "worker"
- ii. Módulo de capacitación
- iii. Horas contacto del adiestramiento
- Total de los empleados en educación en servicio continuo
- v. Total de empleados de nuevo nombramiento que reciben adiestramiento pre-servicio
- vi. Total de adiestramientos requeridos por los empleados
- vii. Objetivos del adiestramiento
- viii. Alcance de las post pruebas

2. Indicadores

Los indicadores o criterios miden el impacto de los adiestramientos en el empleado. Para determinar los resultados de los adiestramientos, se establecen indicadores considerando los estándares ya establecidos. Entre los indicadores usados por la Oficina de Adiestramiento están:

- i. Número de empleados citados
- ii. Número de empleados participantes
- iii. Por ciento de participación
- iv. Número de regiones participantes
- v. Por ciento de participación por adiestramiento por región y por clase
- vi. Número de empleados que finalizan el adiestramiento
- vii. Número de adiestramiento por empleado
- viii. Número de adiestramientos coordinados con otras agencias
- ix. Número de pre y post pruebas diseñadas y ofrecidas a los participantes
- x. Por ciento de cambio en conocimiento adquirido

xi. Número de módulos diseñados por temática

3. Resultados

Los resultados se presentan en informes narrativos, estadísticos y gráficos (Apéndices C y D). El informe de los resultados provee:

- Información sobre la ejecución y productividad de los adiestramientos.
- ii. Ayuda a la administradora, administradores auxiliares y directores de programa en la evaluación de los resultados con relación a la misión, metas y objetivos.

4. Medios para recopilar la información

i. Pre-prueba y post prueba

Se diseñarán pre-pruebas para cada adiestramiento con el propósito de evaluar el grado de conocimiento que tienen los participantes sobre el tema o temas que se presentarán. La puntuación obtenida indica el nivel de conocimiento de los participantes. Se establece una clave que puede ser los últimos cuatro números del seguro social. Esta clave se anotará en la pre-prueba. Se le dará 10 minutos o el tiempo apropiado según el contenido para contestar la pre-prueba y luego se procede a recogerse.

Finalizado el adiestramiento, se le entregará a cada participante la post prueba. Se le solicitará que escriba nuevamente sus últimos cuatro números del seguro social. Se le dará 10 minutos o el tiempo apropiado para que la contesten. Se recoge y se une a la pre prueba de acuerdo a la clave. El adiestrador corregirá ambas pruebas u comparará los resultados obtenidos. Las puntuaciones obtenidas indicarán el nivel de aprendizaje alcanzado durante el adiestramiento. Este preparará un informe a la oficina de adiestramiento.

ii. Evaluación del adiestramiento

Los participantes tendrán la oportunidad de evaluar el adiestramiento ofrecido en todas sus partes. Se entregará una hoja de evaluación de los adiestramientos (Apéndice E) en la cual se pueden evaluar el contenido, propósito, duración, material didáctico, participación del grupo, recursos tecnológicos y recursos humanos (conferenciante) del adiestramiento en excelente, bueno, regular y deficiente. Además escribirán observaciones y/o comentarios que crean convenientes. Estas evaluaciones serán tabuladas para determinar la calidad y efectividad del mismo (Apéndice F). Los resultados obtenidos se presentarán en tablas y gráficas.

VIII. Referencias

- Administration for Children and Families of Puerto Rico (June 2014). *PRCFSP.2015-2019*.
- Knowles, M. (1980). The Modern Practice of Adult Education. New York: Cambridge.
- Senge, P. (1990). The Fifth Discipline: The Art & Practice of the learning organization. New York.
- Steiner, S. et al (1999). Using cooperative learning strategies in social work education.

 Journal of Social Work Education, 35 (2).

APENDICES





28 de octubre de 2013

ADFAN-OA-2013-018

Directores/as Regionales Directores/as Asociados Supervisores/as Regionales Directores/as Locales Supervisores/as Locales ADFAN

Lcda. Vanessa J. Pintado Rodríguez

Administradora

REQUISITOS DE ADIESTRAMIENTO PARA PROMOVER LA SEGURIDAD, PERMANENCIA Y BIENESTAR DEL MENOR Y SU FAMILIA

La Ley federal "Adoption and Safe Families Act" (ASFA), establece varios requisitos dirigidos a que los adiestramientos que se ofrecen en relación a los servicios de bienestar del menor promuevan la seguridad, permanencia y bienestar del menor y su familia. A esos efectos se establecen los siguientes estándares:

Requisitos sobre el Mínimo de Horas de Adiestramientos Anuales

A. Personal de Servicio Directo

Con el firme propósito de ofrecerles el mejor servicio a las poblaciones que atendemos se le requerirá a todo empleado de servicio directo y de supervisión un mínimo de doce (12) horas de educación continua anuales. Estas horas deberán estar directamente relacionadas con las funciones del puesto que ocupa.

B. Padres Sustitutos y Padres Adoptivos Prospectivos

Según la normativa vigente (ADFAN-CSA-2013-005-Requisitos y Procedimientos para Certificar y Licenciar Hogares Temporeros del 29 de mayo de 2013) se le requiere al padre o madre de crianza (licenciado o certificado) y al padre o madre pre-adoptivo prospectivos completar un mínimo de quince

Oficina de la Administradora Edif. Lila Mayoral, 306 Aye Barbosa PO Box 194090, San Juan, PR 00919-4090 Tel. 787-625-4900 Ext. 1395 Fax: 787-625-4958



NORMATIVA ADFAN-OA-2013-018 28 DE OCTUBRE DE 2013 Page 2 of 3

- (15) horas anuales de capacitación, que redunde en conocimiento y la adquisición de destrezas en el desarrollo del niño. Este requisito continuará vigente.
 - C. <u>Personal de cuido en los establecimientos operados por la ADFAN para proveer servicios residenciales a menores</u>

Todo empleado de servicio directo y de supervisión completará un mínimo de doce (12) horas de educación continua anuales. Estas horas deberán estar directamente relacionadas con las funciones del puesto que ocupa.

D. <u>Personal de cuido en los establecimientos contratados para proveer servicios residenciales a menores</u>

Las propuestas de servicios y los contratos deberán especificar las horas de adiestramiento que la organización contratada ofrecerá o facilitará que su personal, con responsabilidades de cuido, transportación y tratamiento respecto a los menores, reciba durante el periodo de vigencia del contrato. También deberán especificar las horas de adiestramiento a ofrecerse al personal durante el periodo que cubre la propuesta y los temas de los adiestramientos a ofrecerse. Los adiestramientos deberán estar enfocados en desarrollar las competencias necesarias para que el empleado pueda desempeñarse adecuadamente, de acuerdo a la disciplina/profesión que ejerce o la función que desempeña. Los adiestramientos deberán atender las necesidades a nivel básico, para personal de nuevo ingreso o contratación y para el continuo crecimiento profesional o funcional.

Coordinación y Canalización de la Información para la Acreditación de Horas Requeridas

En la Oficina de Adiestramiento de la ADFAN, se recibirá la información de los programas y de las Oficinas Regionales para llevar el registro y certificar que los adiestramientos y las horas de educación continua cumplen con lo requerido conforme a la Ley de Seguridad Social.

Toda actividad de adiestramiento iniciada, coordinada o contratada por las Administraciones Auxiliares o por las Oficinas Regionales para el personal de la ADFAN, como para proveedores de cuidado sustituto, tales como hogares temporeros, hogares pre-adoptivos, personal de instituciones y de hogares de grupo operadas por la ADFAN deberá ser informada a la Oficina de Adiestramiento, a la atención de la Directora, Dra. Ursula Manfredo Plicet. Esto incluye toda invitación al personal de la ADFAN para participar en congresos, seminarios u otro tipo de actividad educativa.

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Con este procedimiento estaremos en posición de cumplir con el requisito de monitorear el cumplimiento de las horas de adiestramiento requeridas anualmente.

Se aneja la tabla donde se deberá recoger la información e informar a la Oficina de Adiestramiento.

Anejo

VJPR/RFR:mmq

C: Administradores/as Auxiliares Directora Oficina de Adiestramiento Director/a Oficina Asuntos Legales Especialista en Trabajo Social



ESTADO LIBRE ASOCIADO DE PUERTO RICO ADMINISTRACION DE FAMILIAS Y NIÑOS DEPARTAMENTO DE LA FAMILIA

CONTACTO FECHA LUGAR DATOS PARA REGISTRO DE ADIESTRAMIENTO AUSPICIADOR (ENTIDAD QUE OFRECE) TITULO ADIESTRAMIENTO O ACTIVIDAD NUMERO LICENCIA PROFESIONAL PREPARACION ACADEMICA PUESTO QUE OCUPA (INCLUYA DOS APELLIDOS) NOMBRE EMPLEADO OFICINA LOCAL REGION

TOTAL DE HORAS

HOJA DE ASISTENCIA A ADIESTRAMIENTO

ESTADO LIBRE ASOCIADO DE PUBRICO RICO Administración de Familias y Niños	
ESTA P U Admi	

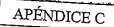
TITULO; FECHA: LUGAR;

A: LUGAR: NOMBRE RECURSO(S):

DEPARTAMENTO DE LA FAMILIA ADMINISTRACION DE FAMILIAS Y NIÑOS OFICINA DE ADIESTRAMIENTO

APÉNDICE B

FIRMA SALIDA FIRMA FIRMA HORA DE LLEGADA DIRECCION POSTAL LICENCIA DEL TS # OFICINA, REGIÓN PUESTO NOMBRE 10. 7. ۸i 12. 13 14 က ۲. 4. ſĊ 6 ထ တ်





INFORME DE LOGROS

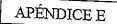
Adiestramiento	Fecha	Recurso	Matrícula	Asistencia
			-	

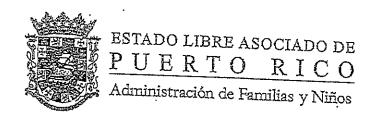
recna del Informe:	
Preparado por:	Aprobado por:



RESUMEN DE LA ACTIVIDAD "Implantación de los Círculos de Calidad" PIP (Incisos: 1.3.5 y 5.1.6)

Tema:				
Región			,	
		Fecha:		
REGIÓN	CANTIDAD DE SUPERVISORES CONVOCADOS	FECHA Y HORARIO DE LA ORIENTACIÓN	LUGAR DE LA ORIENTACIÓN	CANTIDAD DE PARTICIPANTES (ANEJE LA HOJA DE ASISTENCIA)
BREVE RES	SUMEN DE LA DIN	IÁMICA. ASUNTOS/	MATERIALES PENI	DIENTES POR ATENDER O
NTREGAI	R YACUERDOS:			
· · ·				
		•		
				,
ombre y fir	ma de la facilitador: _		Aprobado	o por:
				-





HOJA DE EVALUACIÓN

ACTIVIDAD:				
FECHA:		,		
INSTRUCCIONES: Favor de evaluar la actividad en general utilizando la siguiente esc 4 Excelente 3 Bueno 2 Regular I Insuficiente	cala:	-		
Nombre del recurso:				
Evaluar en forma específica lo siguiente L La organización del contenido fue	4	₹3	2	: 1/,
2. El dominio del tema fue				
3. Las estrategias utilizadas para presentar el tema fueron:				<u> </u>
4. El nivel de satisfacción con esta presentación fue				
5. Contribuyó a la actualización de mis conocímientos para la prestación de los servicios				
		L	.t.,,	I
COMENTARIOS Y/O SUGERENCIAS:				
		•		
-	····			
			•	



INFORME DE EVALUACIONES

ADIESTRAMIENTO:

Fecha: Lugar:	
Asistencia: Matriculados: Porciento de participantes que evaluaron la actividad:	Evaluaciones:
A continuación se presenta los porcientos obteni en cada una de las siguiente	dos por los recursos es premisas:
Premisa .	%
La organización del contenido	
El dominio del tema fue	
Las estrategias utilizadas para presentar el tema	,
El nivel de satisfacción con esta presentación fue	
Contribución a la actualización de conocimientos para la prestación de servicios	
·	
Tabulador(a)	Fecha



Motivational Interviewing Logic Model





Situation

In 2019 in the U.S.. 656.000 minors were reported to have been victims of abuse and neglect; of those, 74.9% were negligence, 17.5% were incidents of physical violence, 9.3% were sexual violence, and 1.840 resulted in death.

4 out of every 1,000 minors are placed in Foster Care.

Involving families in the case management process promotes the safety, permanence, and well-being of minors and families in the child welfare system.

In 2019, 15.8% of minors' victims of negligence and abuse had received family preservation services in the last 5 years.

Approximately 10% of family preservation cases have reported instances of abuse within the first 12 months of service.

In 2019, 21.7% of the cases receiving preservation services subsequently received foster care services.

Inputs

- Department of the Family-ADFAN:
- o Central Level
- ■Specialists in Social Work
- o Regional Office
- Associate Directors
- Supervisors
- o Local Office:
- ■Social Work Supervisors
- Social Workers
- ■Family Service Technicians
- ■Service Assistants
- Institute of Research **Education and Services of** Addiction:
- o Intervention Manual
- Supervision Manual
- Supervision Process
- Materials:
- o Computers: Zoom
- o HIPPA Compliance
- o Video camera or tape recorder
- Collaborators / Service Providers
- Scientific Partner: Third Mission Institute
- Funding:
- Family First Prevention Service Act
- General Fund

Activities

- The family's referral is received and evaluated to assess the needs of services.
- Assessment of participants in parenting skills, mental health, substance use, and stage of change.
- Interviews with a collaborative, guided, non-directive communication style focused on goals achievements and strengthening the participants' self-motivation and commitment to change.
- o *Engaging* engage and retain the participant and establish a collaborative relationship.
- o Focusing- focus the conversation on the behaviors and patterns that want to be modified.
- o Evoking- promote the participants' selfmotivation towards change.
- o Planning- the process of developing the commitment to change and a specific plan of action.
- Continuous assessment of the participant's stage of change.
- Referrals to internal or external services related to family preservation.
- Evaluate the prevention plan progress at 3 and 6 months.
- Evaluate the prevention plan results at 12 months.

Outputs

Program Dosage

- 3 or more sessions based on the participant's need.
- 1 weekly individual session.
- Duration between 30 to 60 minutes per session.

Participants

· Families that have been identified by the ADFAN as eligible for services under title IV-E prevention program and documented as part of their service plan.

Motivational Interviewing Logic Model

Outcomes

Short Term

Medium Term

Long Term

- Program participation.
- Program satisfaction.
- Progress in the state of change.
- Service plan development.
- Referrals to the services needed.
- Family adherence to the services referred.

• Achieve the expected results in each of the services referred to in the prevention plan.

> Promote adherence and participation to the service in parenting skills, mental health, or substance use.

Prevent minors from being placed in Foster Care.

Improve the quality of life of minors and their families.

Assumptions: The changes take place in 5 to 6 stages: pre-contemplation, contemplation, preparation, action, maintenance, and relapse. Motivation is a state-related to, and influenced by, factors such as cognitions, relationships, emotions, and context; it is the key to change, it is dynamic, and can be modified. Motivational Interviewing is most effective when used in combination with other treatments or services.

External Factors: Motivational interviewing's success can be influenced by interpersonal relationships, social, family, work context and physical environment, past experiences and traumas, availability of providers; the number of cases per social worker; and other services offered simultaneously.



Brief Strategic Family Therapy Logic Model





Brief Strategic Family Therapy Logic Model

Situation

In 2019 in the U.S., 656,000 minors were reported to have been victims of abuse and neglect; of those, 74.9% were negligence, 17.5% were incidents of physical violence, 9.3% were sexual violence, and 1,840 resulted in death.

4 out of every 1,000 minors are placed in Foster Care.

17% of minors, between the ages of 10 and 19, reported using illicit drugs. Most adolescents that use drugs come from dysfunctional families.

In PR 2017, the substance most used by adolescents was alcohol (44.5%), followed by marijuana (12.1%) and tobacco (8.9%).

18.14% of minors in Puerto Rico have a mental health diagnosis.

In 2016, 13% of minors in Puerto Rico have indicators of depression, anxiety, and attention and behavioral problems.

Inputs

Department of the Family-ADFAN:

- o Central Level
- Specialists in Social Work
- Regional Office
 - Associate Directors
 - Supervisors
- Local Office
- Social Worker Supervisors
- Social Workers
- Family Service Technicians
- Service Assistants
- Brief Strategic Family Therapy Program:
- 4 Therapists (PhD or PsyD)
- 1 Supervisor
- Brief Strategic Family Therapy Institute-University of Miami:
- Therapists Manual
- Materials:
- Computer: Zoom
- HIPPA Compliance
- Telephones
- o Video Camera
- Collaborators / Service Providers
- Scientific Partner: Third Mission Institute
- Funding:
- Family First Prevention
 Service Act
- o General Fund

Activities

- Engage and retain the families of the referred minors.
- Provide the program pre-test assessment.
- Create a new therapeutic system in which authority and responsibility are redistributed within the family system.
- Identify and diagnose the family's adaptive and maladaptive interaction patterns based on 6 elements: organization, resonance, developmental stages of the family, identified patienthood, conflict resolution, and life context.
- Identify family members' needs as an ongoing process and refer to external services when needed.
- Establish and develop a treatment plan to address problematic family behaviors.
- Implement techniques to restructure and generate changes in the family interaction patterns and internalizing and externalizing behavior problems including enactment, rethinking negativity, reversals, working with borders and alliances, triangulation, opening closed systems, assigning tasks, among others.
- The final session is focused on reminding families of their achievements and validating their mastery to handle their affairs. Termination is an element of Brief Strategic Family Therapy that starts on the first session and culminates at the final session consolidating the competencies and strengths developed by the family in therapy.
- Provide the program post-test assessment.

Outputs

Program Dosage

- 8 to 24 sessions based on the family needs.
- 1 weekly family session.
- Duration between 60 to 90 minutes per session.

Participants

- Minors between the ages of 6-17 years old (and their families) who are at risk of developing problematic behaviors and have been identified by the ADFAN as eligible for services under title IV-E prevention program and documented as part of their service plan.
- Minors can be receiving outpatient, residential, postresidential, or day treatment services.

Exclusion Criteria in Minors with:

- Severe developmental problems.
- Recent suicidal or homicidal ideations.
- · Autistic spectrum disorder.
- Active psychotic episode.
- No family support system.

Outcomes

Short Term

- Program participation.
- Program satisfaction.

Minors' well-being:

- Increase the behavioral and emotional functioning.
- Decrease the minor's substance use.
- Decrease delinquent behaviors.

Adults' well-being:

- Decrease the parent's and caregiver's substance use.
- Increase family functioning.

Medium Term

Minors' well-being:

- Sustained the increase in behavioral and emotional functioning.
- Sustained the decrease in minor's substance use.
- Sustained the decrease in delinquent behaviors.

Adults' well-being:

- Sustained the decrease in parent's and caregiver's substance use.
- Sustained the increase in family functioning.

Improve cohesion, collaboration, and the bond

Long Term

Prevent minors from being placed in Foster Care.

between the minors and

their families.

Improve the quality of life of minors and their families.

Assumptions: BSFT is a process focused therapy, and it has 3 basic principles: the family systems approach, the repetitive or habitual patterns of interaction of each family member, and the planning of interventions focused and directed on the problematic family behaviors. For program effectiveness, the therapist must consider the social, family, peer, neighborhood, and cultural contexts surrounding the minor.

External Factors: Therapy can be affected if other family members are actively abusing substances, are violent, are in denial of the minor's problematic substance abuse, or they refuse to receive treatment. Social and individual contexts (e.g., family, peers, neighborhood, counseling) can also affect treatment.

Rev. 10.14.2022



Functional Family Therapy Logic Model





Functional Family Therapy Logic Model

Situation

In 2017, an abuse rate of 8.6 was reported for every 1.000 minors.

In 2019 in PR there were a total of 4.738 victims and 7,209 cases of maltreatment. Of these 3,147 (66.4%) were negligence, 2,266 (47.8%) psychological abuse, 1,124 (23.7%) physical abuse, and 115 (2.4%) sexual abuse.

Experiencing abuse in childhood is a risk factor for developing depression, anxiety, post-traumatic stress disorder, and attempts suicide.

The negative family environment, mental health problems in the family, and family interpersonal relationships play a leading role in the mental health of young people

18.14% of minors in Puerto Rico have a diagnosed mental health condition.

In 2016. 13% of minors in PR present indicators of depression, anxiety, and attention and behavioral problems.

School failure, emotional, behavioral problems, and delinguency can lead to risk factors (e.g., substance use)

About 10% of Americans ages 10 to 17 will go to a iuvenile detention center.

Minors who demonstrate internalizing and externalizing disorders are at risk of entering the health care system, correctional

Inputs

- Department of the Family- ADFAN:
- o Central Level
- Specialists in Social
- o Regional Office
- Associate Directors
- Supervisors
- o Local Office
- Social Worker Supervisors
- Social Workers
- Family Service Technicians
- Service Assistants
- Functional Family Therapy Program:
- Therapists
- Supervisor
- Functional Family Therapy Partners:
- o Therapists Manual
- o Technical Assistance
- Materials:
- o Computer: Zoom
- HIPPA Compliance
- Telephones
- o Video camera
- Collaborators / Service Providers
- Scientific Partner: Third Mission Institute
- Funding:
- o Family First **Prevention Service** Act
- o General Fund

Activities

- Provide the program pre-test assessment.
- Phase 1: Engagement/Motivation
- The therapist establishes the intervention credibility with the family and minimizes the negative perceptions of the therapeutic process.
- Apply the reattribution (reframe, developing positive themes) and related techniques to address perceptions, beliefs, and maladaptive emotions.
- o Develop a multisystemic understanding of individuals, families. and their relational context by identifying sequences of problems that underlie the family's relational system.
- o Assess risk and protective factors at the family level.
- Phase 2: Behavior Change
- o Develop and implement a family behavior change plan that is culturally appropriate and context-sensitive (e.g., attributional processes, coping strategies, positive reciprocity, competent parenting). The change plan is in a continuous process of evaluation and adjustment.
- o Guide and develop specific behavioral changes (i.e., parenting, communication, and conflict management) using individualized and developmentally appropriate techniques.
- o Assess protective and risk factors, barriers to change, and relational functions among the family using pre-assessment instruments to determine relational strategies and produce changes in behavior.
- Phase 3: Generalization
- o Generalize positive family change to other problem areas and/or situations.
- o Maintain change and prevent relapses.
- o Link families with available community resources to promote community support systems and modify deteriorated familysystem relationships.
- o Assess what happens within the family in and outside of therapy, assess relational patterns, apparent factors, and family and community context to develop support opportunities and new competencies to interact with these systems.
- Provide the program post-test assessment.

Outputs

Program Dosage

- 8 to 20 sessions base on the family needs.
- 1 weekly family session on average, based on family needs.
- Duration between 60 to 90 minutes per session.
- Additional 30 minutes phone sessions, based on family needs.

Participants

• Minors between 11 to 18 years of age referred for behavioral or emotional problems, or family discord and have been identified by the ADFAN as eligible for services under title IV-E prevention program and documented as part of their service plan.

Exclusion Criteria in Participants with:

- No family support system.
- Severe developmental problems.
- Autistic spectrum disorder.
- Active psychotic episode.
- · Recent suicidal or homicidal ideations.

Outcomes

Short Term

- Program participation
- · Program satisfaction.

Minors' well-being:

- Increase the behavioral and emotional functioning.
- · Decrease the minor's substance use.
- Decrease delinguent behaviors.

Adults' well-being:

- Increase positive parenting practices.
- · Increase family functioning.

Medium Term

Minors' well-being:

- Sustained the increase in behavioral and emotional functioning.
- · Sustained the decrease in minor's substance use.
- · Sustained the decrease in delinguent behaviors.

Adults' well-being:

- Sustained the increase in positive parenting practices.
- Sustained the increase in family functioning

Long Term

Improve the mental health of the minors and their families.

Prevent minors from being placed in Foster Care.

Improve the quality of life of minors and their families.

Assumptions: Functional Family Therapy is a systematic, evidence-based, manual-driven, family-based treatment program that has proven successful in treating a wide range of problems affecting youth and their families in a wide range of contexts, communities, and settings. The model is composed of both a set of theoretically integrated guiding principles and clearly defined clinical "map" based on specific within-session process goals liked together in a phasic model. The assessment is ongoing, multi-faceted, depends on the phase of treatment and focuses on understanding how behavioral problems operate within the family relationship systems. Each phase of the model is made of objectives (reduce risk factors, reduce negativity and blame, increase alliance and family focus, build behavioral competencies, match competencies to relational functions), risk and protective factors addressed, type of evaluation, therapist skills (problem sequence, problem definitions, relational functions, reframe, structure, support, interrupt) and the results. The therapist assesses and monitors the psychotherapy process.

External Factors: Social and individual contexts such as family, peers, and school can affect the therapy. The success of the therapy can be influenced by culture, climate, economy, demographic patterns, participant experiences, media influences, changes in public policy, among others.

system, or experiencing psychiatric problems

Rev. 10.14.2022



Parenting Fundamental Logic Model





Parenting Fundamentals Logic Model

Situation

In 2019 in the U.S., 656,000 minors were reported to have been victims of abuse and neglect; of those, 74.9% were negligence, 17.5% were incidents of physical violence, 9.3% were sexual violence, and 1.840 resulted in death.

4 out of every 1,000 minors are placed in Foster Care.

In 2019, 77.5% of the abuse and neglect perpetrators were parents.

Parenting skills programs reduce substantiated child maltreatment reports and reduce risk factors and increase protective factors of child maltreatment.

Inputs

- Department of the Family- ADFAN:
- o Central Level:
- ■Specialists in Social Work
- Regional Office:
- Associate Directors
- Supervisors
- o Local Office:
- ■Social Worker Supervisors
- ■Social Workers
- ■Family Service Technicians
- ■Service Assistants
- Parenting Fundamentals Program:
- Coordinator
- Supervisor
- o 3 Educators
- o Arts Facilitator
- Parenteach:
- o Facilitators Manual
- o Participant Manual
- Home-Visiting Manual
- Materials:
- o Computer: Zoom
- HIPAA Compliance
- Collaborators / Service **Providers**
- Scientific Partner
- Funding:
- o Family First Prevention Service Act
- o General Fund

Activities

- · Provide the HOME-SF assessment.
- Provide the program pre-test assessment.
- 10 Group Educational Sessions:
- Human development.
- Effective communication.
- Stimulation.
- Non-violent discipline strategies.
- o Caregivers' engagement.
- o P.A.R.E.N.T.S. acronym that promotes the main components of positive parenting.
- 4 Home Visits:
- o Individual sessions to reinforce concepts, clarify doubts, provide opportunities for additional practice, and identify the families and caregivers needs.
- Art Group for Minors:
- Provide enriching activities for minors in order to eliminate the potential barrier of caregivers' attendance (lack of minors' day care).
- Referrals:
- Base on the families and caregivers needs, referrals to the following services: Physical Health: Mental Health: Labor: Educational: Economic and Housing Assistance; and Legal.
- Provide the program post-test assessment.
- · Provide the HOME-SF assessment.

Outputs

Program Dosage

- 10 sessions.
- 1 weekly group session with 10 to 15 participants.
- Duration of 2 hours per session.
- 4 Home visits

Participants

· Parents and caregivers of minors between 0 and 18 years old that have been identified by the ADFAN as eligible for services and documented as part of their service plan.

Exclusion Criteria in Caregivers with:

- Severe mental problems.
- Active psychotic episode.
- · Active suicidal or homicidal risk manifestation.

Outcomes

Short Term Medium Term

• Program participation.

• Program satisfaction.

Increase positive parenting

Increase family functioning.

Decrease the parent's and

Increase general well-being.

caregiver's mental or

emotional health.

Adult Well-being:

practices.

Adult Well-being:

- Sustained the increase in positive parenting practices.
- functioning.
- and caregiver's mental or emotional health.
- well-being.

- Sustained the increase in family
- Sustained the decrease in parent's
- · Sustained the increase in general

Improve the well-being of adults.

Long Term

Prevent minors from being placed in Foster Care.

Reduce the readmission of minors to Foster Care.

Assumptions: Parenting Fundamentals is an evidence-based intervention that provides caregivers positive parenting tools to help their minors develop and live fully and productively. This program strengthens caregivers to prevent child abuse, improve school performance and achievement, and strengthen families.

External Factors: Parenting is affected by socioeconomic, political, and cultural factors. The program's success can be affected by substance use problems, severe mental health conditions, family income, traumatic experiences of the participants, history of mistreatment, abuse or neglect, and environmental and living conditions.

Trauma, Trauma Informed Approach, and Evidence Based Logic Model





Trauma Informed Approach Logic Model

Situation

The Families First prevention plan requires the agency to provide services or programs under an organizational structure and treatment framework that involves understanding, recognizing, and responding to the effects of trauma, consistent with recognized principles of a traumainformed approach and interventions, recognized to address the consequences of trauma, and lead to recovery.

Research shows that participation in trauma training increases confidence, awareness, knowledge, and skills for intervention with children and families who have been exposed to traumatic events.

Trauma-informed practice reinforces the importance of acquiring trauma-specific knowledge and skills to meet the needs of the participants. Also, recognize that the policies and practices of organizations and providers can retraumatize participants.

Inputs

- Department of the Family- ADFAN:
 - Central Level
 - Office of Training and Quality Assurance
 - o Regional Office
 - Associate Directors
 - Regional **Supervisors**
 - o Local Office
 - ADFAN personnel
- SAMHSA's Concept of Trauma and Guidance for a Trauma-Informed Approach:
- Scientific Partner: Third Mission Institute
- Materials:
 - Computers
- o Teachable
- Videos
- Readings
- Funding:
- o Family First Prevention Service Act
- o General Fund

- Family First 101 and Evidence-Based Practices (EBP)
- o Provide the EBP pre-test assessment.
- o Define Family First Prevention Services Act, its implementation in Puerto Rico, and service descriptions.

Activities

- o 1 video to introduce the EBP concept, describe the 9 common characteristics of EBPs, their importance, relevance, and implementation in the professional child welfare practice.
- o Group session to clarify concepts, clarify doubts, and provide practical aspects of Family First 101 and EBP.
- o Provide the Family First 101 and EBP post-test assessment.
- Trauma 101 and Trauma-Informed Approach (TIA)
- o Provide the Trauma and TIA pre-test assessment.
- o 3 videos to define the concept of Trauma; its prevalence in the population; most relevant typologies; effects at the physical, emotional, behavioral, social, and learning levels; describe Adverse Childhood Experiences, their effect and manifestation in individuals, children, and adolescents; and present strategies to identify, prevent and avoid retraumatization.
- o 2 videos to define TIA, the 4 assumptions, 6 key principles, 10 domains for implementation, and the importance in the service offered for children and families who have experienced trauma.
- o Group session to clarify concepts, clarify doubts, and provide practical aspects of Trauma and TIA.
- o Provide the Trauma and TIA post-test assessment.
- Teleservices
- o Provide the Teleservices pre-test assessment.
- Group session to present teleservices basic concepts and principles, clarify doubts, and provide practical aspects.
- o Provide the Teleservices post-test assessment.

Outputs

Training Dosage

- 6 videos
- 1 interactive group discussion session per topic with up to 30 participants.
- Duration of approximately 7 hours per group session.

Participants

- Overall ADFAN personnel.
- ADFAN external service providers.

Short Term

- Training participation.
- Training satisfaction.

ADFAN Personnel:

- Increase knowledge related to Trauma.
- Increase knowledge related to the Trauma Informed Approach.
- Increase knowledge related to Evidence-Based Practices.
- Increase knowledge related to Teleservices.

Medium Term

Outcomes

ADFAN Personnel:

- Sustained the knowledge related to trauma.
- Sustained the knowledge related to the Trauma Informed Approach.
- · Sustained the knowledge related to Evidence-Based Practices.
- Sustained the knowledge related to Teleservices.

Long Term

Promote the ADFAN to be a child welfare system for children, youth, and families informed in trauma.

Assumptions: TIA considers trauma through a cultural and ecological lens, and advocates for organizations, systems, and programs to become aware of the pervasive impact of trauma and understand potential pathways to well-being; recognizes the signs and symptoms of trauma in clients, families, employees, and others involved with the system; actively seeks to avoid retraumatization; and promotes consumers being capable and to feel confident to actively participate in the system and treatment.

External Factors: Supportive organizational culture and climate, online modality, technology availability and literacy, and caseload and workload could affect personnel participation.



Core Curriculum in Child Trauma Logic Model







Situation

The Families First prevention plan requires the agency to provide services or programs under an organizational structure and treatment framework that involves understanding, recognizing, and responding to the effects of trauma, consistent with recognized principles of a trauma-informed approach and interventions, recognized to address the consequences of trauma, and lead to recovery.

Research shows that participation in trauma training increases confidence, awareness, knowledge, and skills for intervention with children and families who have been exposed to traumatic events.

Research has revealed that trauma involving early child maltreatment and family dysfunction are especially prevalent and shocking. As traumatic experiences accumulate, the risk for countless future medical, mental health and behavioral problems increases.

Data on 11,000 children and adolescents cared for by NCTSN centers revealed that more than 80% had suffered at least one type of trauma (2013).

Inputs

Department of the Family-ADFAN:

- o Central Level
- ■Specialists in Social Work
- Office of Training and Quality Assurance
- o Regional Office
- AssociateDirectors
- •Supervisors
- o Local Office:
- Social WorkSupervisors
- ■Social Workers
- ■Family Service Technicians
- Service
 Assistants
- Core Curriculum on Childhood Trauma (CCCT)
- o Instructors
- Technical
 Assistants
- Materials
- Intervention Manual
- Scientific Partner: Third Mission Institute
- Funding:
- Family First Prevention Services Act
- o General Fund

Activities

- Disseminate the discussion of fundamental concepts about trauma and its effects on minors and families, as well the Problem-Based and Experiential Learning through two Podcasts.
- Provide the program pre-test assessment.
- Present and discuss the 12 Core Concepts for Understanding Traumatic Stress Responses in Children and Families:
- o Traumatic experiences are inherently complex.
- Trauma occurs within a broad context that includes children's personal characteristics, life experiences, and current circumstances.
- o Traumatic events often generate secondary adversities, life changes, and distressing reminders in children's daily lives.
- o Children can exhibit a wide range of reactions to trauma and loss.
- Danger and safety are core concerns in the lives of traumatized children.
- Traumatic experiences affect the family and broader caregiving systems.
- Protective and promotive factors can reduce the adverse impact of trauma.
- Trauma and post trauma adversities can strongly influence development.
- Developmental neurobiology underlies children's reactions to traumatic experiences.
- Culture is closely interwoven with traumatic experiences, response, and recovery.
- Challenges to the social contract, including legal and ethical issues, affect trauma response and recovery.
- Working with trauma-exposed children can evoke distress in providers that makes it more difficult for them to provide good care.
- Apply the 12 Core Concepts as conceptual lenses to frame information and guide critical reasoning through case studies and educational tools (e.g., interactive activities, assessment exercises).
- Provide the program post-test assessment.

Outputs

Curriculum Dosage

- 2 Podcasts of approximately 30 minutes.
- 1 group session with up to 25 participants.
- Duration of approximately 8 hours.

Participants

 ADFAN case management personnel.

(1 day)

Short Term

Curriculum Participation.

 Curriculum Satisfaction.

ADFAN personnel:

- Increase knowledge and attitudes about trauma management.
- Increases confidence to work effectively with children and adolescents.

Outcomes

Medium Term (4 weeks)

Long Term

ADFAN personnel:

- Sustained the knowledge and attitudes about trauma management.
- Sustained the confidence to work effectively with children and adolescents.

Promote the ADFAN to be a child welfare system for children, youth, and families informed in trauma.

Assumptions: The curriculum integrates Problem-Based Learning, Strength-Based Approach, and the Ecological Model to develop case management competencies through a trauma-informed approach. Participants arrive with fundamental knowledge about trauma and its effects. The curriculum integration into the case management process will be affected by the Agency working conditions and resources available.

External factors: Supportive Organizational Culture and Climate. High caseload may affect participation in the curriculum. The culture of elevated levels of turnover, burnout, and stress may affect the sustainability of the practice in the Agency.



Wellness and Mindfulness Program Logic Model





Wellness and Mindfulness Program Logic Model

Situation

Personnel providing direct child welfare services experience overload and poor workplace safety impacting their health and well-being.

More than 80% of the workforce showed medium to very high indicators of cynicism (83%) and emotional exhaustion (85%).

Burnout is associated with role conflicts between work and family, stress and job satisfaction, and adjustment of the person and the environment.

Burnout syndrome affects the level of attention. Inputs

- Department of the Family- ADFAN:
 - Central Level
 - Specialists
 - o Regional Office
 - AssociateDirectors
 - Supervisors
 - Local Office
 - ADFAN personnel
- Wellness and Mindfulness Program:
- Facilitator
- o Co-facilitator
- Developers- Israel Sánchez Cardona and Sonia Cepeda Hernandez:
- o Facilitators Manual
- Participant Manual
- Materials:
 - Computers with internet and Zoom
 - Videos
- Scientific Partner: Third Mission Institute
- Funding:
- Family FirstPrevention ServiceAct
- o General Fund

Activities

- Administer the pre-test of the program.
- External referrals to identified participants.
- Well-being and Strengths:
- Present and discuss the concept of quality of working life, psychological well-being, and post-traumatic growth; and the harmful effects of organizational stress to identify coping strategies.
- Mindfulness:
- Present and discuss the concept of mindfulness, its benefits, and its relationship with the concept of work and personal wellbeing; and ways to practice and integrate mindfulness as a coping strategy.
- Emotion Management:
- Present and discuss the functioning of emotions, stress, and anxiety; and strategies for emotional regulation and making your emotional responses conscious.
- Acceptance and Commitment:
- Present, discuss and identify the concept of acceptance and strategies to cultivate it.
- Present and discuss the concepts of selfcompassion and compassion, personal values, and the benefits of living consistent with one's values.
- Administer the post-test and follow up of the program.

Outputs

Program Intensity

- 2 sessions.
- 1 weekly group session with a maximum of 15 participants.
- Approximate duration of 6 hours.

Participants

ADFAN personnel.

Outcomes

Short Term

(4 weeks)

- Program participation.
- Program satisfaction.

ADFAN personnel:

- Increase the use of mindfulness skills.
- Increase emotional wellbeing skills.
- Increase the levels of positive effects.

Medium Term (8 weeks)

 Sustained the use of mindfulness skills.

ADFAN personnel:

- Sustained the emotional well-being skills.
- Increase in selfcompassion levels.
- Increase the compassion satisfaction levels.

Long Term

Improve the well-being in the workplace and the quality of professional life of the ADFAN personnel.

Promote and maintain a positive, healthy, and effective work environment in the ADFAN.

Assumptions: Wellness programs based on the Acceptance-Based Behavioral Therapies (ABBTs) and Mindfulness models have been shown to be effective in increasing coping skills and reducing stress. Personal resources contribute to improving the quality of professional life.

External Factors: Supportive Organizational Culture and Climate may impact the efficacy of the program. Covid-19 collective trauma event may influence the effectiveness of the intervention. Online modality and technology availability and literacy could affect personnel participation.

Rev. 10.14.2022