



PUERTO RICO STATE ELECTIONS COMMISSION

INTERNAL REGULATION FOR THE ADMINISTRATION OF ATTENDANCE AND THE
ESTABLISHMENT OF THE PROVISIONS APPLICABLE TO WORK SCHEDULES IN THE STATE
ELECTIONS COMMISSION OF PUERTO RICO

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ARTICLE 1. TITLE

This Policy shall be known as the "Internal Regulation for the Administration of Attendance and the Establishment of the Provisions Applicable to Work Schedules in The State Elections Commission of Puerto Rico" (hereinafter, "CEE or Commission").

ARTICLE 2. LEGAL BASIS

This Policy is promulgated in accordance with the provisions of Law No. 8-2017, as amended, known as "Law for the Administration and Transformation of Human Resources in the Government of Puerto Rico" (hereinafter, Law No. 8-2017); the "Fiscal Plan Compliance Act" Law No. 26 of April 29, 2017, as amended; the Federal Fair Labor Standards Act (FLSA), Law No. 58 of 2020 "Puerto Rico Electoral Code of 2020" or any other provision of applicable law.

ARTICLE 3. PURPOSE

This policy has the purpose of modifying all work schedule and attendance-related matters so that public employees are encouraged to perform more in their working hours and, also, establish uniform mechanisms for the accounting of working hours and attendance in consideration of the nature of the services offered in the Commission.

ARTICLE 4. APPLICABILITY

The provisions of this Policy shall apply to all employees and officials in the career and political-appointment services as well as transitory appointments and fixed-term appointments of the Commission.

ARTICLE 5. INTERPRETATION

This Policy shall be interpreted in a manner consistent with Law No. 8-2017, Regulation No. 8992, Law No. 26-2017, as amended, FLSA and the regulations issued thereunder, as applicable. As well, all exceptions, examples, and interpretations of the U.S. Department of Labor's federal regulation as to the provisions of this Policy and applicable local and federal case law. The fact that this Policy does not include or refer to any of the exceptions, examples or definitions included in the federal regulation or jurisprudence, will not be interpreted as a rejection of its application.

ARTICLE 6. DEFINITIONS



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The following terms shall have the meanings set forth below when used or referred to in this Policy, unless the context clearly indicates otherwise. Words and phrases shall be interpreted according to the context and meaning sanctioned by ordinary usage. Voices used in the present tense also include the future; those used in the masculine term include the feminine; The singular number includes the plural, and the plural includes the singular.

1. **Service Abandonment** – See the Rules of Standards of Conduct, Corrective Measures and Disciplinary Actions.
2. **Disciplinary Action** – See the Rules of Standards of Conduct, Corrective Measures and Disciplinary Actions.
3. **Written Reprimand** – See the Rules of Standards of Conduct, Corrective Measures and Disciplinary Actions.
4. **Verbal Reprimand** – See the Rules of Standards of Conduct, Corrective Measures and Disciplinary Actions.
5. **Absence** – Action of not showing up to the work area or leaving the work area, with or without authorization.
6. **Habitual Absences** – See the Rules of Standards of Conduct, Corrective Measures and Disciplinary Actions.
7. **Unforeseen absence** – It is an absence that was not foreseen, and the employee does not show up at work and then has to be absent, either due to illness or personal matter.
8. **Temporary Absence** - refers to the clock out registry before completing the 7.5 or 8 hours of daily work.
9. **Unauthorized Absence (ASA for its Spanish acronym)**- Unauthorized absence is incurred when the employee does not obtain prior permission from his supervisor or director to be absent; when he does not contact his supervisor to report his absence, when the employee withdraws from his work area without prior authorization from his supervisor and / or when the supervisor understands that his absence is not justified.
10. **Absenteeism** – incurring a continuous pattern of attendance-related absences, such as tardiness, misuse of the rest period, misuse of statutory leave, etc.
11. **Appointing Authority** – Refers to the President of the Puerto Rico State Elections Commission.



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12. **Institutional Balance** — Oversight mechanism and political counterweight to be implemented in the offices and institutional bodies of the Commission that carry out activities of a strictly electoral nature at the state level and in the Permanent Registration Boards, as provided for in Law No. 58-2020.
13. **Commission** - refers to the State Elections Commission of Puerto Rico.
14. **Dismissal** – See the Rules of Standards of Conduct, Corrective Measures and Disciplinary Actions.
15. **Employee** – Refers to any official with career, transitory and/or political-appointment status who occupies a position in the CEE.
16. **Career Employee** - Any person who has entered the public service in full compliance with the provisions of the current legal system and applicable to the recruitment and selection processes of the career service at the time of his appointment in the CEE.
17. **Administrative Political-appointment Employee** - Any person who is included in the Trust Classification Plan without ownership over the position, of free selection and free removal, according to their functions, those who advise directly or those who render direct services to the President of the CEE.
18. **Political - appointment Employee in Institutional Balance** - Any person who is included in the Trust Rating Plan with no expectation of change of category, without ownership right over the position and who provides direct services at operational or electoral levels and sub-levels subject to the recommendation and confidence by the Electoral Commissioners that applies and with the consent of the President of the CEE.
19. **Exempt Employee** - refers to personnel who essentially have executive, administrative, or professional functions as defined by the Federal Department of Labor in compliance with the FLSA, classified as: executive, administrative, bonafide professional, or computer information systems employee. It includes attorneys, directors, deputy directors, superintendents, department heads, Assistants to the President, Alternate President, and other public officials within the same categories.
20. **Executive Exempt Employee** - refers to personnel who essentially have executive functions defined by the Federal Department of Labor in compliance with the FLSA. Including, but not limited to: Directors, Alternate President, and other public officials within the same categories and who are not assigned to render services in the offices of Institutional Balance.
21. **Exempt Executive Employees on Institutional Balance** - refers to personnel who essentially have executive functions as defined by the Federal Department of Labor in compliance with the FLSA.



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Including, but not limited to lawyers, directors, deputy directors, other public officials within the same categories who are assigned to render services in the offices of Institutional Balance.

22. **Non-Exempt Employee** - An employee who can work additional hours to the regular workday of 7.5 hours or 8 hours; 37.5 or 40 hours per week and accrues the excess hours of the regular work schedule.
23. **Transitory Employee** - Any person with a fixed-term appointment, without aspirations to extension, or proprietary right in the position in the CEE.
24. **Employees assigned in other agencies** - An employee who exercises and/or render services within the CEE that belongs to another government agency.
25. **Tiered Schedule** - Means fixed schedule recommended by the Supervisor and authorized by the President and Human Resources Director subject to service needs.
26. **Hours Worked**- Includes all the time during which an employee is required to render services or remain in a particular workplace and all the time during which he or she is expressly ordered or authorized to do as such.
27. **Work Schedule**- The regular work week for career, -political-appointed or transitory employees of the CEE that will not exceed forty (40) hours nor be less than thirty-seven and a half hours (37 ½), on the basis of five (5) workdays, unless otherwise provided by special laws. The workday shall not exceed eight (8) hours. Employees will be granted two (2) rest days per regular work week. The employee's regular work week will consist of the number of hours that within a seven (7) consecutive days period the employee must render services, in accordance with his work schedule. Normally, the regular work week will include the days from Monday to Friday, constituting Saturday and Sunday as rest days. However, for service needs, agencies may establish a work week, for all or part of their staff, beginning and ending on any day of the week, provided that said day includes two (2) rest days.
28. **Kronos / UKG** - for the purposes of this policy, is the system that provides the biometric attendance registry services that allows the CEE to automate attendance recording process and requests to make deductions from the different leaves provided by law.
29. **Leave** – refers to the authorization of a work permit with or without pay, which justifies any temporary absence.
30. **Corrective Measures** – See the Rules of Standards of Conduct, Corrective Measures and Disciplinary Actions.



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31. **Pattern of Conduct** - Refers to the repeated conduct of failure to record attendance on two (2) or more occasions over the course of one (1) week without just cause for it. The term just cause does not include the involuntary forgetfulness of the employee.
32. **Salary** – refers to the remuneration received by an employee for hours worked or services rendered.
33. **Special Schedule Request** - A request submitted by the full-time employee, with the immediate supervisor's recommendation, to be authorized a special schedule for a certain period.
34. **Electronic Attendance Record System** – refers to the technological tool used to register attendance daily at work through the biometric terminal, mobile application or computer, as authorized.
35. **Supervisor** - Means the person of a higher hierarchy than the employee or official, who evaluates, for approval or rejection, the employee's attendance.
36. **Suspension of Employment without Pay** – See the Rules of Conduct, Corrective Measures and Disciplinary Actions Standards.
37. **Electronic Registration Card**- refers to the report, within the UKG system, that breaks down attendance records made by employees or officials assigned to each work area.
38. **Lunch period**: Refers to the time granted by the CEE to all employees to enjoy one (1) hour or ½ hour (with prior authorization from the Appointing Authority or Human Resources Director) for lunch during each regular workday, ensuring continuous rendering of services.
39. **Tardiness** – When an employee arrives at their work area after five (5) minutes of their morning clock-in time will be considered tardiness.
40. **Habitual tardiness** - Five (5) tardiness in a month, as established in the Rules and / or Internal Policy on Working Time and Attendance in force in the CEE.
41. **TNR** refers to the Time not registered or lack of attendance registry at the specific hours set for the workday that will be deducted from salary.
42. **Headquarters** – Means any structure, building, office or workplace assigned to the employee where he performs his main duties. This can be modified administratively, according to service needs.



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43. **Privilege Headquarters** Means a place or office other than the location where the employee is assigned to work, which is usually close to his or her private residence.
44. **Unforeseen suspension of services** - Refers to situations or events that occur unexpectedly which prevent the normal operation of work in the agency.
45. **Planned Suspension of Services** - Refers to previously organized projects or events that require partial or total closure of the agency and that are notified to employees in advance.
46. **Travel Time**- Period of time elapsed from the residence of the employee or official from his official headquarters or privilege headquarters to the specific place assigned in an extraordinary way to render services outside headquarters. It is also the time authorized by the immediate supervisor to the employee or official to carry out official business from the official headquarters to the assigned place, it is considered time worked.

ARTICLE 7. PROVISIONS ON WORK SCHEDULES

The Commission's rules on work schedules for public employees are as follows:

1. The Commission will establish work schedules, weekly and daily, applicable to its employees, taking into consideration the service needs.
2. The regular work week for regular employees shall not exceed forty (40) hours nor shall it be less than thirty-seven and a half hours (37.5), based on five (5) workdays, unless otherwise provided by special laws. Once the General Scrutiny has begun, the work schedule will continue uninterrupted until its end, except for rest days authorized by the Commission.
3. The workday shall not exceed seven and a half hours (7.5 hrs) or eight (8) hours, as assigned by the job classification.
4. The CEE will assign two (2) consecutive rest days per week schedule or work cycle of five (5) days. A rest day shall mean a period of 24 hours or more, this being a minimum period of 48 to 56 consecutive free hours.
5. The employee's regular work week schedule shall consist of the number of hours that within a period of seven (7) consecutive days, the employee must render services, in accordance with his regular working hours.



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6. Normally, the regular work week schedule will include the days from Monday to Friday, with Saturday and Sunday, as rest days. However, for service needs, the Commission may establish a regular work schedule, for all or part of its staff, beginning and ending on any day of the week, provided that said schedule includes two (2) rest days.
7. Security personnel will have a work shift of eight (8) hours and forty (40) hours per week in rotating shifts and may work any day of the week, indistinctly, guaranteeing that it does not exceed the work shift of eight (8) hours a day and forty (40) hours per week and two (2) rest days.
8. The President may modify the working hours for personnel who do not work rotating shifts for complete work units or individual employees, due to work necessity, as long as it is established within the limit of 7.5 or 8 hours per day and 37.5 or 40 hours per week. This will be established based on a fixed time of entry and exit, that might be different from the ones assigned to regular schedule employees.
9. The Appointing Authority may modify the members of the Permanent Registration Boards (JIP, for its Spanish acronym) and employees assigned to the State Center for Integrated Voter Services' (CESI, for its Spanish acronym) work schedule at election time, according to the conditions and nature of the electoral process.
10. The employees' regular daily or weekly work schedule may be reduced as an action to avoid layoffs. Where a reduced regular work schedule has been established as a measure to prevent layoffs, said work schedule may be established on the basis of less than five workdays.
11. As a general rule, regular daily working schedule shall be fixed on the basis of a fixed time of entry and exit. However, the CEE may, by means of its internal circular letter, adopt a flexible, tiered, extended working hours or rotating shifts system.
12. The CEE shall grant each employee one (1) hour for lunch during his regular daily work shift, ensuring continuous provision of services. By written agreement between the employee and the CEE with the prior authorization of the President, the lunch period may be reduced to half (1/2) hour for service needs. This period must begin to be enjoyed by the employee not before the end of the third (3rd.) hour and a half (1/2), nor after the end of the fifth (5th.) consecutive hour of work.
13. The CEE shall schedule the work program in such way, that the employee can enjoy the lunch break. However, in emergency situations, the employee may be required to render services during his or her lunch period.
14. The Commission's work schedule will be from Monday to Friday from 8:00 a.m. to 4:30 p.m., with the exception of those employees in rotating shifts or forty (40) working hours, as established in this Policy.



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15. Generally, the lunch period will be from 12:00 p.m. to 1:00 p.m. Work will be scheduled in such way, that it should avoid having to reduce or suppress the employee's lunch period. In the following cases, and as an exception, lunch may be enjoyed outside the aforementioned hours: (a) emergency, (b) service needs, (c) when the obligation to serve the customers of the CEE adequately requires continuing to render service.

If one of the aforementioned instances occurs, the President may ask employees to work during the lunch period or part of it. In any case, the employee will be guaranteed at least half (1/2) hour for lunch break before or after his accustomed time for lunch. This half (1/2) hour should not be later than the fifth (5th) hour of work. Non-exempt employees will be entitled to compensatory leave, at the rate of time and a half for services rendered in excess of the regular work shift when they are required to work at lunch time.

16. Two (2) snack periods ("Coffee Break") may be granted daily, one in the morning and one in the afternoon, which will be enjoyed according to the following:

a. A fifteen (15) minutes period will be granted and will not be enjoyed before the first two hours (2 hrs.) after starting the workday and not earlier than two hours (2 hrs.) after lunch.

i. The first coffee break will be enjoyed between 10:00 am and 10:30 am.

ii. The second coffee break will be enjoyed between 3:00 pm and 3:30 pm.

b. In cases where the daily work shift is not the regular work schedule from 8:00 am to 4:30 pm, coffee breaks will be enjoyed between the second hour and a half of the morning and the afternoon.

c. This period must be coordinated with the supervisor so that employees can take the fifteen (15) minutes in an organized manner without affecting service.

d. In case of employees with medical conditions that require taking their snack period in a term prior to the one prescribed herein, they must prove to the supervisor with a medical certificate said need and, prior agreement with the supervisor, they may take their snack in any previous period.

e. Any time overused will be deducted from regular leave.

f. Any unused period will not be accrued.

g. The supervisors will establish a coffee break plan that each employee must follow and will be responsible for the strict control and enjoyment of this time, avoiding that services are affected.



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17. Worked hours shall include all the time during in which an employee is required to render services at a particular place of work and all the time during which he or she is expressly ordered or authorized to render service. For the purpose of travel time, they will be all those hours elapsed from the time that the employee or official has been authorized to travel in official procedures from the employee's or official's residence, from the official headquarters or headquarters of privilege to the specific place assigned to perform tasks until the time at which these ends in that place. If the employee or staff member is required to return to headquarters, travel time to headquarters shall be considered as hours worked.

18. The Appointing Authority has the power to authorize and/or establish an alternate or optional system of regular work hours in a phased manner. It may be established only between the employee and the Appointing Authority through agreement and by the recommendation of the employee's supervisor. The time of entry can be fixed from 7:30 a.m. and no later than 8:30 a.m. and time of exit from 4:00 p.m. and no later than 5:00 p.m.

19. Any request for a change of schedule must be justified by the Area, Office, or Division Director to ensure that the work unit services are not affected.

20. Generally, the work shift for exempt employees will be from Monday to Friday from 8:00 a.m. to 4:30 p.m. However, will have up to a maximum of one (1) hour after 8:00 am or until 9:00 am to be able to prove time of entry, and must comply during the five (5) workdays a work shift of 37.5 hours per week. (See Annex 1)

ARTICLE 8. WORK SCHEDULE REDUCTION

The rules on work schedule reduction for public employees of the Commission are as follows:

1. Any interested employee will have the option, by prior agreement with the employer, to request voluntarily a reduction in work schedule for a period equivalent to one day of his weekly work schedule,
2. The agreement could provide that the reduction be verified by one (1) full day per week or by reducing the hours corresponding to a workday to be distributed proportionately over five (5) days, either in the time of entry, exit or both.
3. That agreement shall never be for a term less than two (2) payroll periods and may be terminated by the employee, at its discretion, or by the employer for service needs, upon written notice to the other party not less than thirty (30) days in advance.
4. The CEE may not prevent the employee from returning to his regular work shift, if he so requests.



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5. The Appointing Authority may, without affecting the service, authorize any option of working hours requested by the employee, provided that the daily work shift is uniform and conforms to the total weekly hours required to comply with it.

6. The option recognized here may be invoked as many times as the employees require it. Those employees who take advantage of the weekly work schedule of four (4) days will accrue eighty percent (80%) of their gross remuneration. However, they will continue to make their contributions to the Retirement System as if they worked the regular shift.

ARTICLE 9. WORKING BEYOND THE WORK SCHEDULE

The Commission's rules on overtime for public employees:

1. The CEE work program shall be formulated in such a way as to minimize the need for overtime hours established for employees. However, the Appointing Authority may, by reason of the special nature of the services to be rendered or for any emergency, require the employees to render services in excess of their daily or weekly working hours at lunch or on any day in which services are suspended free of charge by the Governor.

2. In these cases, there must be prior written authorization from the employee's supervisor, giving special expression in the box provided in Kronos/UKG to justify the need to perform the work outside regular working hours. Supervisors shall take measures to ensure that when an employee remains working it is always pursuant of an expressed authorization. Failure to justify may lead to disciplinary action being imposed on the supervisor.

3. Non-exempt employees will be entitled to receive compensatory leave, at the rate of time and a half, for services rendered in excess of their regular daily work shift of seven and a half hours (7.5 hrs.) or eight (8) hours, according to the work schedule that applies to them by job classification, and for services rendered on holidays, on rest days, or on days when services are suspended free of charge by the Governor.

4. This leave must be enjoyed by the employee within a six (6) months period from the date on which the overtime has occurred. If due to service need this is not possible, said leave may be accrued up to a maximum of two hundred and forty (240) hours. In case of employees in safety or health positions, up to four hundred and eighty (480) hours may be accrued.



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5. When a non-exempt employee is designated to perform exempt functions on an interim basis, he will accrue compensatory time for the overtime worked, as long as he does not receive financial compensation for the interim.

6. Any exempt employee, who performs functions of an administrative, executive or professional nature, in accordance with the terms defined in the Federal Fair Labor Standards Act, is excluded from receiving compensatory leave at a rate of time and a half.

The executive exempt employee that is not from institutional balance, including the Proprietary and/or Alternate Commissioner who are under appointment, excluding the Appointing Authority, the time worked in excess of the regular daily work shift will be credited against the TNR of any day of the same week to complete the employee's work week; however, he must comply with the five (5) days of weekly work attendance in order to be credited with overtime. The calculation of the TNR is weekly will be reflected on Saturdays of each week.

ARTICLE 10. ABSENCES

Section 10.1. General Provisions

1. The Commission's employees shall be entitled to leave, with or without pay, in accordance with the provisions established in Article 14 of this Policy and any other leave that by provision of law is granted and applicable to public employees.

2. Any employee who is using any type of authorized leave and who does not return to service once authorization has ended, and who does not comply with the provisions of this Policy on absences due to personal matters or illness, will incur in unauthorized absence. In these cases, the CEE will proceed with payroll deductions, as provided in Article 16 of this Policy. Payroll deduction action shall not prevent the supervisor from proceeding with the application of disciplinary measures, in accordance with the provisions of the Commission's Rules of Conduct, Corrective Measures and Disciplinary Actions Standards.

3. When an employee is absent or is going to be absent, he must notify the immediate supervisor through the fastest means of communication. An employee notifying through a coworker will not be considered an adequate notification. The responsibility is personal, it cannot be delegated.

4. If the supervisor denies the absence request and the employee is still absent, that period will be considered an unauthorized absence.

5. In case of unforeseen absences, the employee must notify his supervisor, or to whom he delegates, by the fastest means at his disposal during the first half hour of the absence incurred and no later than



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two (2) hours from his regular work schedule. In case of staff with working rotating shifts, notification must be made prior to the start of the work shift. If it is an emergency that prevents the employee from complying with notifying within the expected term, it will be his responsibility to justify his absence to the supervisor the day after the absence and / or as soon as he presents himself to his workday, by presenting a certificate or document that justifies the absence. If the foregoing is not complied with, said absence will be considered as an unauthorized absence and will proceed as specified in this Policy.

6. The supervisor shall have discretion to determine whether grounds used by the employee to explain his or her absence constitute a valid justification. If the supervisor accepts the justification, the employee must submit the request to the corresponding leave. If justification is not accepted, it will be deemed as unauthorized absence.

7. The supervisor's discretion may not be used **arbitrarily, capriciously, or unreasonably**. If the employee does not agree with the supervisor's determination, he may present his objections in accordance with Article 16 of this Policy.

8. **Collusion** – If it is determined that there is a common agreement of supervisory personnel or other employee with access, with any employee to favor him in his attendance and working hours in contravention of established regulations, rules and procedures, the employees involved will be subject to disciplinary measures in accordance with the provisions of the Rules of Conduct, Corrective Measures and Disciplinary Actions Standards.

Section 10.2. Sickness Absences

1. Sick leave will be charged to the accrued balances under such leave only when the employee is sick, incapacitated or exposed to a contagious disease that requires his absence for the protection of his coworker's and / or other persons' health. Sick leave will be charged for absences related to medical appointments, medical studies, or treatments to improve his or her physical or emotional health.

2. The employee must request authorization through MI PAGINA system in case of medical appointments, treatment, or medical studies in advance of the appointment date.

3. When the employee is absent due to illness, he must notify his immediate supervisor by the fastest means of communication. Notifying through a coworker is not considered a valid notification. The responsibility is personal, so it cannot be delegated. The employee must communicate in the first two (2) hours of the morning with his immediate supervisor. If this is not possible, he must present written justification by means of a medical certificate, immediately upon returning to work, otherwise unauthorized absence could be considered, and he will be subject to a pay reduction for time not worked.



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4. In case of prolonged absence due to illness for a period of more than three (3) days, the employee must present a medical certificate issued by a health professional duly authorized to practice medicine in Puerto Rico. It must be delivered no later than the day he returns to work.
5. The presentation of a medical certificate justifying an absence due to illness is not a substitute for the employee's responsibility to notify his or her supervisor in a timely manner. So, the employee must make the supervisor knowledgeable of the days he is going to be absent. Failure to comply with this provision will be considered an unauthorized absence.
6. In the event of repeated absences due to sick leave, the supervisor may request the presentation of a medical certificate at any time to authorize it.

Section 10.3. Unauthorized Absences (ASA, for its Spanish acronym)

In case of unauthorized absences, the supervisor shall notify the employee in writing of his determination to not authorize the leave discount. The following shall be considered absences without authorization:

- a. When an employee, on any type of leave, does not return to work after the end of his leave.
- b. When the employee, in case of unforeseen absences, does not communicate with the supervisor in the first two (2) hours of the day in which the absence occurs, or, in case of being unable, does not present certification or document justifying the absence immediately after he returns to work.
- c. When the Supervisor does not consider that the absence, nor the excuse for not having informed the same within the terms established in the Internal Rules is justified.
- d. When a supervisor denies an employee's request to be absent and the employee is still absent from work.
- e. When the employee is absent due to illness and does not notify the Immediate Supervisor of the reason for his absence during the first two (2) hours of the day in which said absence occurs, or in case of being disabled, he does not present certification or document that justifies the absence immediately after he returns to work.
- f. When the employee is absent due to sick leave and does not present a medical certificate, as required.

Unauthorized absences will be deducted from the employee's salary and may not be charged to any leave. The supervisor will proceed to code the unauthorized absence on the employee's card.



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The employee will have a period of five (5) days to request a review from the Human Resources Department Office of the determination. In the event that the review is favorable to the employee and the fortnight has been previously closed, the staff of the Human Resources Office will make a "Historical Adjustment" to charge the absence to the corresponding leave retroactively. If the employee does not agree with the Human Resources Office's determination, he will have fifteen (15) days, beginning from the date that the notification is received, to file his appeal in the Secretary's Office, as established in the Rules of Conduct, Corrective Measures and Disciplinary Actions Standards. The foregoing shall not prevent corrective or disciplinary actions from being taken.

ARTICLE 11. EXEMPT EMPLOYEES

Section 11.1. Federal Fair Labor Standards Act (FLSA)

The Congress of the United States of America, through the Fair Labor Standards Act, 29 U.S.C. sec. 201, *et seq.* The U.S. Department of Labor (FLSA) delegated the authority to define the term exempt employee to the Federal Department of Labor. Pursuant to delegated authority, section 541 of title 29 of the Federal Code of Regulations (CFR), "*Defining and Delimiting the Exemptions for Executive, Administrative, 5 Professional, Outside Sales and Computer Employees; Final Rule*", 23 April 2004, issued under the FLSA.

Those provisions apply to Commission employees.

In the aforementioned regulation, exempt personnel are essentially composed of those personnel with executive, administrative or professional functions, in accordance with compliance with the following requirements, which are:

A. Executive Exemption:

1. The employee is to be compensated on the basis of a salary at a rate of not less than \$455 per week.
2. The primary position of the employee must be the direction of the enterprise, or the direction of a commonly recognized department or subdivision of the enterprise.
3. The employee habitually and regularly directs the work of at least two or more full-time employees or their equivalent.



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4. The employee must have the authority to hire or dismiss other employees, or his suggestions and recommendations as to hiring, firing, advance, promoting or any other change other employees' statuses, are to be given significant weight.

B. Administrative Exemption:

1. The employee must be compensated on a salary or fee/stipend basis at a rate of not less than \$455 per week.

2. The employee's primary position must be the performance of office/work dispatch work or non-manual labor that relates directly to the management or general operations of the employer's enterprise or the employer's clients.

3. The employee's primary position includes exercising discretion and independent judgment regarding matters of importance.

C. Professional Exemption, which includes "doctors", "creatives", "teachers", "lawyers" and "doctors and "employees in computer information systems positions":

1. The employee must be compensated on a salary or fee/stipend basis at a rate of not less than \$455 per week.

2. The employee's primary position must be the performance of work requiring advanced knowledge, which is defined as work that is predominantly intellectual in nature and includes work that requires the consistent exercise of discretion and judgment.

3. Advanced knowledge must be in a scientific or scholarship field.

4. Advanced knowledge is to be ordinarily acquired through specialized and prolonged intellectual instruction.

In case of exempt employees, the work schedule constitutes a work week and for the purposes of calculating the hours worked, the basic weekly unit will be 37.5 hours or forty (40) hours, as applicable.

The exempt employee shall prove his attendance, twice a day, using the biometric system or the system determined by the CEE taking into consideration the nature of the functions they perform.

Generally, the working hours of exempt employees are from Monday to Friday from 8:00 a.m. to 4:30 p.m. However, the exempt employee has up to a maximum of one (1) hour after 8:00 am, or until 9:00



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am, to prove the time of entry, and must comply with 37.5 hours per week during the five (5) working days of the week. (See Annex 1)

The Directors, Chiefs and Supervisors of work units must ensure that exempt employees under their supervision comply with the weekly work schedule. The Exempt employee may end their workday later than 4:30 p.m. if the need for service so requires.

Section 11.2 Recognition of Overtime Worked by Exempt Personnel During Special Events

Exempt employees shall not be entitled to receive compensatory time for services rendered in excess of their regular, daily shift, mealtime, and for services rendered on holidays, rest days, or on days when services are suspended without license charge by the Governor. However, exempt employees will accumulate and may use overtime (TEE), by express authorization of the President, or the Director of Human Resources by delegation of the President. This extra time (TEE) will be accumulated under the following considerations:

- 1) On Saturday, the attendance system will recognize the time worked in excess of the daily shift during that week and apply it to the unrecorded time (TNR) of another day of the week in which the employee has registered presence but has not completed the daily shift.
- 2) If, after applying the overtime to any Non-Recorded Time (TNR) during the week, there is a remainder of overtime equivalent to at least one (1) workday (7.5 or 8 hours, accordingly), this time will be accumulated, regardless of whether the total remaining hours represents more time.
- 3) The employee will have up to fifteen (15) calendar days after the end of the week in which he accumulated these hours to use the accumulated day. Unused time will be automatically removed from the system.
- 4) To use the day off for overworked time, the employee must have obtained the approval of their immediate supervisor and then access the Kronos System to submit the request for time off (TEE) through the "Time Off Request". These requests will be reviewed by the President or the Director of Human Resources.
- 5) This benefit will only apply to special events approved by the appointing authority of the CEE. Special events are defined as: Electoral Events, Special Reports, Candidacy Filings for Electoral Events, Special Projects, Chamber and Senate Information Requirements, or others of equal magnitude authorized by the Appointing Authority.

This benefit seeks that the employee engaged in electoral and/or special events whose schedules are on weekends, holidays and/or at night, can rest.



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It is not allowed to grant time off that has not been recorded in the attendance system.

ARTICLE 12. KRONOS SYSTEM (UKG)

Section 12.1 Registration Process

The KRONOS/UKG application allows assertive, secure and efficient handling of leave balances and adjustments made within the system. At the same time, it significantly reduces the use of paper and the need to print and duplicate documents to be submitted to the Human Resources Office.

Employees will also have at their disposal MI PAGINA. In this portal, employees and supervisors will be able to justify the TIME NOT REGISTERED (TNR), as well, submit Complaint requests because of salary deductions by TNR and to request any available leave in the future. It is the employee's responsibility to access the system to make transactions and verify notifications. The Commission's employees will receive correspondence related to his attendance when accessing MI PAGINA and through the official agency email. It is the employee's responsibility to stay informed.

However, in order to avoid unnecessary delays when registering attendance, the following provisions are established:

1. Non-exempt employees will register their attendance four (4) times a day: at the beginning of their day, at lunch time, upon returning from lunch and at the end of their workday.
2. All employees will have access to the KRONOS/UKG system to review their electronic attendance sheet via the biometric terminal or web application. If finding out that a time was not registered, the KRONOS system (UKG) will reflect it as TIME NOT REGISTERED (TNR).
3. If not justified, the TIME NOT REGISTERED (TNR) will be automatically deducted from salary.
4. The employee must access MI PAGINA to justify said TNR during the course of the current fortnight and will have up to two (2) additional business days, after the end of the fortnight to do so.
5. The employee may perform the following transactions in "MI PAGINA":
 - a. Justify the lack of any attendance registry.
 - b. Charge an absence to any leave.
 - c. Request the future use of any leave.



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6. The employee will request the application of the justification of the absences, accessing MI PAGINA and justifying absences in which the system reflects some TNR.
7. It will be the supervisor's responsibility to monitor and manage his employees' attendance regularly, to ensure compliance with the rules and procedures established herein, as well as to make appropriate adjustments. The supervisor will have the current fortnight, plus four (4) business days after the end of the fortnight to:
 - a. Access MI PAGINA to review, approve or reject requests generated by the personnel under his supervision to justify TNR.
 - b. Access Kronos (UKG) to review, approve or reject overtime recorded by the employee; review, modify and approve the employees' attendance cards under his supervision through Kronos (UKG).
 - c. Review, approve and reject leave applications for the current period.
8. All attendance transactions must be made no later than two (2) working days after the end of the fortnight in which Time Not Registered (TNR) was incurred. Any Time Not Registered (TNR) that is not justified through MI PAGINA in the established term will be deducted from salary. This discount will be reflected two fortnights later, according to the payroll calendar of the Department of the Treasury.

ARTICLE 13. ATTENDANCE RECORD

Section 13.1. General Provisions

1. All employees in career, regular, transitory, and political-appointment service will register their attendance daily through the use of the Kronos system (UKG), in the biometric terminal located in the workplace, through the "time stamp" computer or mobile application, in accordance with the provisions of this policy. They may also register attendance in other areas when their functions so require and have the authorization of the Human Resources Office and the President.
2. Employees shall be responsible for registering their daily attendance on authorized devices (biometric terminals, agency computer, mobile application) assigned to their work area and as authorized in accordance with the provisions of this Policy.
3. In those cases, in which the biometric attendance record does not identify the employee through the biometric terminal, the Human Resources Office must be notified immediately so that any situation that is preventing such recognition can be assisted.



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4. All CEE employees shall be provided with an identification card, which they shall use during all their working hours and which, by way of exception, may be used to record entry, meal and exit period and CEE attendance records when it is not possible to register it by biometric taking.
5. Only employees with prior authorization from the President may perform their duties remotely. Supervisors or Directors should send their recommendations directly to the Human Resources Office. The Human Resources Office will issue a recommendation to the President 's Office and the President will accept, reject or modify the recommendation. These authorized employees will be able to register attendance on the computer through the "Time Stamp" mode or mobile application while working outside the office. While working from the office they must register attendance using the biometric terminal.
6. As a general rule, all employees must comply with a daily shift of seven hours and thirty minutes (7 hours and 30 minutes) or eight (8) hours, as applicable. Supervisors will be responsible for ensuring that all employees under their supervision maintain timely attendance and comply with the established workday.
7. **Non-exempt** employees may register their attendance in the biometric attendance registry up to ten (10) minutes before the established entry time and this time will not be accounted for as overtime unless authorized by the President.
8. In those cases where, due to circumstances beyond his control, the **Non-Exempt** employee is unable to register attendance in a timely manner, he will be granted a grace period of five (5) minutes after the clock in, without being considered tardiness and up to five (5) minutes after clock out, without being considered compensatory time. Clock-out after the five (5) minutes indicated above will only be considered overtime worked when the supervisor authorizes it, with the President's prior authorization or the person to whom he delegates.
9. Attendance registration will be considered as tardiness after the five (5) minutes of grace granted at clock in and the time discount of the work shift will be applied from the first minute after the clock in, if justified and authorized by the supervisor.
10. This grace period is a privilege and may only be used exceptionally. We urge supervisors to take measures to control abuse of the grace period. Exempt Executive staff are excluded from this rule.
11. It will be each supervisor's responsibility to detect those employees who, in a month, arrive on more than five (5) occasions and inform them of the prevailing situation, as well as the disciplinary offense that this constitutes. If the employee continues to incur in tardiness, the supervisor is responsible for taking disciplinary action he or she deems appropriate. When disciplinary action proves unsuccessful,



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the supervisor shall submit a written report to the Human Resources Office, who shall conduct the analysis and recommend to the President the action to be taken.

12. Employees who are in Administrative Assignment will be assigned to the biometric terminal of the division or area in which they must register their attendance during the validity of the assignment. The supervisor in charge of the administrative assignment will be responsible for authorizing the employee's attendance record for the duration of the administrative assignment. At the conclusion of the administrative assignment, the employee will be assigned again to the corresponding biometric terminal and the supervisor in charge.

13. The employee who, for some reason, cannot register his attendance because there is no internet service or because the biometric clock does not register (recognized) the punch after several attempts, will use the justification code No-Registration and must justify the reason why he did not register.

Section 13.2. Employee's Responsibilities:

1. Comply with the rules and procedures established in this Policy.
2. Attend work regularly and punctually and comply with the regular work schedule of 7.5 hours per day / 37.5 hours per week; or eight (8) hours per day / 40 hours per week, as applicable by the position's classification.
3. Register attendance daily in the biometric terminal ("time clock"), in the computer through "time stamp" or in any other device determined by the CEE, during the specific hours of entry and exit according to their work schedule, as well as the lunch period.
4. Complete electronic requests related to attendance registry, such as leave or adjustments, whenever necessary to complete the pay schedule, and seek their approval and processing in the terms described in this policy.
5. It will be each employee's responsibility to inform his immediate supervisor of the justification for his absence or tardiness. The employee will enter the discount justification for the absence or tardiness in the MI PAGINA system. If it is not authorized by the supervisor, a notification will be generated to the employee at the close of the payroll indicating that said time will be deducted from salary.
6. In case of Time not Registered (TNR) the employee must justify the lack of attendance registration or submit the request to charge that time against the corresponding leave.
7. Access the system regularly to make transactions and verify notifications. Even if the employee does not have an official email from the Commission (assigned by the State Elections Commission), he



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will receive correspondence related to his attendance through "MI PAGINA". It is the employee's responsibility to stay informed.

8. Those employees who are not assigned a computer must make their justifying transactions using the biometric terminal to request for leave and check their electronic registration card.

Section 13.3. Supervisor's Responsibilities:

1. Maintain up to date the employees' s schedule information in the Human Resources Department and make sure that all changes are made as requested.
2. Monitor employees' attendance to ensure they comply with the rules and procedures regarding attendance, working hours and use of leave.
3. Review, approve or deny by the electronic means available, attendance, use of leave and corresponding adjustments requested by employees under their supervision to complete the employee's biweekly salary.
4. Check that employees have registered attendance correctly and through the electronic system available.
5. Process punctually, on or before the end of each fortnight through the electronic system available requests for leave and adjustments for approval of the Human Resources Office Leave Division.
6. Update, through the available electronic system, leave requests and adjustments in the system, with information on long-term leave that have been approved and processed.
7. Ensure the processing of special leave requests and adjustments in the system by the Human Resources Office.
8. Notify the Human Resources Office immediately of any situation related to the system that prevents its proper functioning.
9. It will be the supervisor's responsibility to verify and approve employee's attendance reports on a weekly basis. In the same way, he is responsible for verifying that leave approval charges requested by employees are recorded in the electronic attendance cards.



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10. Carry out necessary corrective measures to motivate employees' compliance with this policy.
11. In case of any unauthorized absences, it is the supervisor's responsibility to carry out notification processes immediately, in compliance with the provisions of this Policy.
12. No supervisor is authorized to delegate the responsibilities set out in this Policy.
13. It is forbidden to share the Kronos (UKG) and MI PAGINA system user ID with other employees.

Section 13.4. Alternative Attendance Registration Methods

In cases of emergency, due to power outage or in case biometric systems do not work, alternative methods for registering attendance on paper or any other method may be used. These cases will be announced by the Human Resources Office.

ARTICLE 14. LEAVE

Leave to which Commission employees are entitled to are:

1. **Vacation leave:** Employees are entitled to accrue vacation leave at the rate of 1.25 days per month of service or any other rate that is legislated. Newly appointed employees will begin the accrual after three (3) months working on the Commission, it will be accrued retroactively to the date of their appointment. Part-time employees will accrue vacation leave in proportion to the hours worked.

Vacation leave may be accrued up to a maximum of sixty (60) working days at the end of any calendar year. Employees who, due to service needs, cannot enjoy their ordinary vacations, may take the accrued excess vacation over the limit of sixty (60) days, on the earliest possible date, within the first three (3) months of the following calendar year, with the President's prior authorization.

Vacation Plan: Vacation leave is granted to the employee to provide a reasonable annual rest period.

- a) Each calendar year, in coordination with supervisors and employees, Office Directors or Division Chiefs shall prepare a Vacation Plan establishing the time period during in which each employee will take vacation, taking into consideration service needs, the employees' preferences and the accrued balance. To this end, each manager shall ensure that every employee retains at least a vacation leave balance equivalent to one fortnight payment.
- b) The Supervisor is responsible for managing the vacation plan so that employees can enjoy their vacation leave. This plan must be drawn up in advance before it enters into force on January 1st of each



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year. Exceptions or changes may only be made because there is an undeniable and urgent need for service.

c) The vacation plan will be formulated and administered so that employees enjoy their regular leave annually.

d) When preparing the vacation plan, no more than 15 vacation days shall be scheduled per employee, of which no less than 15 of these are consecutive. If it is necessary to grant a period longer than 30 days, the immediate supervisor may recommend the request favorably, by means of an explanatory memorandum, according to service needs and purposes for which the request is made.

e) On or before December 1st of each calendar year, supervisors shall be responsible for submitting the vacation plan of their office's employees to the Human Resources Office. The Human Resources Director will review them and recommend those modifications necessary for the best provision of services for the Agency. Once the vacation plans have been approved, the Human Resources Director will send a copy of their vacation plans to the units before the end of December. The vacation plan will take effect the first week of January each year.

f) The Area, Office or Division Director may request the President to modify the established vacation plan. However, exceptions may only be made for undeniable and urgent needs of service. When a supervisor requests modification to the approved vacation plan, he or she will assign the new date for the leave enjoyment and justify in writing the plans' modification to the President. The President will approve or deny this vacation plan modification and notify the determination through the Human Resources Director.

g) When an urgent need for service arises, the President may modify the vacation plan individually or collectively.

h) Prior to taking leave, the employee will be responsible for completing in advance the appropriate form on MI PAGINA and the Supervisor must ensure that it conforms to the vacation plan.

i) The employee must request vacation time firstly against the Compensatory Time (TC) accrued balance, if he does not have sufficient balance, the employee must request the total time, or the difference, to the vacation leave.

Vacation Leave Advance: In special circumstances, in the absence of balances, the President may advance vacation leave for a period not exceeding 15 working days in a calendar year to regular or



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political - appointed employees who have served in the CEE for one year or more when it is certain that the employee will be reinstated to his post. This advance leave request process must be prior to the date in which the employee will enjoy the leave. In these cases, the employee will request this advance in writing and the Supervisor will evaluate the request and make his recommendations according to service needs and the circumstances that motivate the request, as well as the employee's attendance record. The Supervisor shall refer his recommendations to the Human Resources Director, who shall recommend to the President the action to be taken. Any employee who has been granted a vacation leave advance and separates from service, voluntarily or involuntarily, before rendering services for the period necessary to accrue the entire leave that was anticipated, must reimburse any sum of money paid in advance in respect of such leave.

2. **Sick Leave:** Employees with a date of employment prior to May 1, 2017, are entitled to accrue sick leave at the rate of one and a half days (1 ½) per month of service. Employees with a date of employment from May 1, 2017 onwards are entitled to accrue sick leave at the rate of one (1) day per month of service, which will begin to accrue after three (3) months working in the Commission, retroactively to the date of their appointment. This leave will be used when the employee is sick, incapacitated or exposed to a contagious disease that requires his absence from work for the protection of his health or that of other people. Part-time employees will accrue sick leave in proportion to hours worked. Sick leave may be accrued up to a maximum of ninety (90) working days at the end of any calendar year.

Any employee may have up to a maximum of five (5) days per year of the accrued days for illness, provided that he maintains a minimum balance of twelve (12) days, to request special leave in order to use it in:

- a. The care and attention due to their children's illness;
- b. Illness or errands of elderly or disabled persons within the family nucleus, understood as fourth degree of consanguinity and second degree of affinity; or persons living under the same roof or persons over whom legal custody or guardianship is held;
- c. Appearance of any petitioner, victim, or plaintiff in administrative and/or judicial proceedings before any Department, Agency, Corporation or Public Government Instrumentality, in cases of requests for alimony, domestic violence, sexual harassment in employment or discrimination based on gender. The employee must present evidence of his appearance.

When the employee is absent for a period greater than three (3) days due to illness, he must present a medical certificate that proves that he was sick, his children or dependents, as applicable.



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In the event that the employee presents a sick leave pattern, the supervisor may request a medical certificate at any time.

In cases of prolonged illness, once the sick leave has been exhausted, employees may avail themselves of the vacation leave they have accrued, subject to their supervisor's authorization. In case of exhausting the latter, the employee will take proactive steps to request unpaid leave, before the balance expires.

Advance sick leave: In special circumstances, in the absence of balance, the President may advance sick leave for a period not exceeding 18 working days in a calendar year to those employees appointed before May 1, 2017 and twelve 12 working days in a calendar year to those employees appointed after May 1, 2017, regular or trusted employees who have served in the CEE for one year or more, where there is reasonable certainty that will be reinstated to service. The procedure for this application for a leave advance must be prior to the date in which the employee will take the leave. In these cases, the employee will request this advance in writing and the Supervisor will evaluate the request and make his recommendations according to service needs and the circumstances that motivate the request, as well as the employee's attendance record. The Supervisor shall refer his recommendations to the Human Resources Director, who shall recommend the action to be taken to the President. Any employee who has been given an advance of the sick leave and separates from service, voluntarily or involuntarily, before rendering services for the period necessary to accrue the full leave that was anticipated to him, must reimburse any sum of money that has been paid in advance in respect of such leave.

3. **Maternity leave:** this leave shall include the prenatal and *post-partum* leave period to which every pregnant employee is entitled. It shall also include the period to which an employee who adopts a child is entitled, in accordance with applicable law.

Any person in a gravid state shall be entitled to a rest period of four (4) weeks before delivery and four (4) weeks thereafter. Providing that the employee may consecutively enjoy four (4) additional weeks for the child's care and attention.

In case she decides to take one week before birth and enjoy until eleven (11) weeks after this, she must present a medical certificate that certifies that she is able to render services until the week before delivery.

During this period, the employee will earn her entire salary.

In case of a temporary employee, her maternity leave shall not exceed the appointment period.



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If the delivery occurs before the four (4) weeks of the pregnant employee having begun to enjoy her prenatal rest, or without having begun to enjoy it, the employee may choose to extend the rest after childbirth for a period of time equivalent to that which she stopped enjoying prenatal rest.

When the probable date of delivery is erroneously estimated and the woman has taken four (4) weeks of prenatal leave, without giving birth, she shall have the right to have the period of prenatal leave, on full pay, extended until childbirth. In this case, the employee will retain her right to enjoy the four (4) weeks of rest after childbirth from the date of delivery and the additional four (4) weeks for the child's care and attention.

In cases of premature birth, the employee shall be entitled to the eight (8) weeks of maternity leave from the date of premature delivery and the additional four (4) weeks for the child's care and attention.

An employee who suffers an abortion may claim up to a maximum of four (4) weeks of maternity leave. However, to be entitled to such benefits, abortion must be of such a nature that it produces the same physiological effects that regularly arise as a result of childbirth, according to the opinion and certification of the physician who attends it during the abortion.

In the event that the employee suffers from any postpartum complication that prevents her from returning to work at the end of the *postpartum* rest period and the additional four (4) weeks for the child's care and attention, the Department must grant her sick leave. In these cases, medical certification will be required indicating the condition of the employee and the time that this condition is estimated to last. If she does not have accrued sick leave, she will be granted vacation leave. If she has not accrued sick or vacation leave, she may be granted unpaid leave for the term recommended by her doctor.

An employee who adopts a child of preschool age, meaning a minor of five (5) years of age or younger, who is not enrolled in a school institution, in accordance with the legislation and legal procedures in force in Puerto Rico or any jurisdiction of the United States, shall be entitled to the same benefits of full-paid maternity leave enjoyed by the employee who gives birth.

In the event that she adopts a child six (6) years of age or older, she will be entitled to full paid maternity leave for a period of five (5) weeks. This leave shall begin from the date in which the child is received in the nucleus family, which must be accredited in writing.

Maternity leave shall not be granted to female employees who are on any other type of leave, with or without pay. Employees who have been authorized to take vacation or sick leave and employees who are on unpaid leave due to complications prior to childbirth are exempt from this provision.

An employee who is pregnant or adopts a child must notify the CEE in advance of her plans for maternity leave and plans to return to work.



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The CEE may authorize the advance salary payments corresponding to the maternity leave period, provided that the employee so requests it in advance. If the employee returns to work before the expiry of the rest period after childbirth, she must reimburse the corresponding balance to the maternity leave not taken.

In the event of the newborn's death prior to the end of the maternity leave period, the employee shall be entitled to claim only that part of the postpartum period that completes the first eight (8) weeks of unused maternity leave. Providing that the benefit of the additional four (4) weeks for the child's care, will cease on the child's death date. In these cases, the employee may avail herself of any other leave to which she is entitled.

The employee may request that she be reinstated in her job before the expiry of the postpartum rest period, provided that she submits medical certification to the CEE certifying that she is able to perform her duties. In this case, it will be understood that the employee renounces the corresponding balance of maternity leave without enjoying to which she would be entitled.

4. **Paternity leave:** This leave shall comprise of a fifteen (15) working days period from the date of childbirth. By claiming this right, the employee will certify that he is legally married or cohabiting with the child's mother and has not engaged in domestic violence. This certification shall be made by submitting the form required by the Department for such purposes, which shall also contain the child's mother's signature.

The employee will request paternity leave and submit the birth certificate as soon as possible. During the paternity leave period, the employee will earn his full salary. In case of an employee with transitory status, paternity leave shall not exceed the appointment period.

Paternity leave shall not be granted to employees who are on any other type of leave, with or without pay. Employees who have been authorized vacation leave or sick leave are exempt from this provision.

The employee who, together with his spouse or person with whom he cohabits, adopts a child, in accordance with the legislation and legal procedures in force in Puerto Rico or any jurisdiction of the United States, will be entitled to paternity leave that will include a fifteen (15) days period, counting from the date on which he receives the child in the family nucleus, which must be accredited in writing. By claiming this right, the employee will certify that he is legally married, in cases in which applies, and that he has not incurred in domestic violence, crime of a sexual nature or child abuse.

An employee who individually adopts a preschool child, meaning a child of five (5) years of age or less who is not enrolled in a school institution, in accordance with the legislation and legal procedures in force in Puerto Rico or any jurisdiction of the United States, shall be entitled to paternity leave that will include



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an eight (8) weeks period, from the date in which the child is received in the family nucleus, which must be accredited in writing.

In the event that he adopts a child of six (6) years of age or older, he will be entitled to full paid paternity leave for a fifteen (15) days period. By claiming this right, the employee will certify that he has not incurred in domestic violence, or crime of a sexual nature, or child abuse. The employee may request that he be reinstated to his job before the paternity leave period expiry to which he is entitled. In this case, it will be understood that the employee renounces the corresponding paternity leave balance without enjoying to which he would be entitled.

In cases of CEE employees who, being a married couple, adopt a child, they will decide who will use the Maternity Leave and who will use the Paternity Leave. To this end, both employees shall submit an application to the President indicating which leave each will receive. In case of employees in the CEE and another agency, the CEE employee must present evidence to the CEE attesting to the type of leave granted to his spouse in the other agency, this to ensure that two leaves with equal benefits are not granted to the same marriage.

5. **Special breastfeeding paid leave:** Time shall be granted to nursing mothers so that after enjoying their maternity leave they have the opportunity to breastfeed their children, for one (1) hour within each full-time day, which may be distributed in two (2) periods of thirty (30) minutes each, or in three (3) periods of twenty (20) minutes, to go where the child is to breastfeed it, in those cases in which the Department has a care center in its facilities or to extract breast milk in the place enabled for this purpose in its workplace. Such places shall ensure privacy, safety, and hygiene for the nursing mother. The place must have electrical outlets and ventilation.

If the employee is working a part-time day and the work shift exceeds four (4) hours, the period granted will be thirty (30) minutes per four (4) consecutive hours period of work.

Within the workplace, the breastfeeding period will have a maximum duration of twelve (12) months, beginning from the employee's reinstatement to her post. Employees who wish to make use of this benefit must present a medical certificate to the employer, during the period corresponding to the fourth (4th) and eighth (8th) month of infant's age, where it is accredited and certified that they are breastfeeding their baby. Such certification must be submitted no later than five (5) days before each period. It is provided that the employer will designate an area or physical space that guarantees the nursing mother privacy, safety and hygiene, without this entailing the creation or construction of physical or organizational structures, subject to the availability of resources from government entities.

6. **Unpaid leave:** In the event that the cause for which the leave was granted ceases, the employee must immediately return to his job or notify the CEE of the reasons why he is not able to, or his decision not to return to the position he occupied. Leave without pay may be granted to:



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- a. To career employees with regular status, to provide services in other agencies, instrumentalities, public corporations, municipalities, Legislative Branch, Judicial Branch of the Government of Puerto Rico.
- b. To career employees with regular status, to protect the status or rights to which they may be entitled in cases of:
- i. A disability claim before the Retirement System of the Government of Puerto Rico or another entity, and the employee has exhausted his sick and vacation leave.
 - ii. The employee has suffered an accident at work and is under medical treatment with the State Insurance Fund Corporation or pending any final determination regarding his accident, and the employee has exhausted his sick leave and vacation leave.
 - iii. To employees who request it after the childbirth. Provided that this type of leave without pay may be granted for a period of time not exceeding six (6) months, after it is authorized.
- iv. Employees with regular status who go on to serve as a political-appointed employee in the Governor's Office or in the Legislative Assembly, while rendering such services.
- v. Employees with regular status who have been elected in general elections or are selected to fill vacancies for elective public office in the Executive or Legislative Branch, including the positions of Resident Commissioner of the United States and Mayor, while in the service of the United States.
- c. Career employees with regular status, who due to the need for prolonged illness do not have the days to cover it. They will need to present medical evidence.
- d. To employees of administrative trust, to protect the status or rights to which they may be entitled in cases of:
- i. A disability claim before the Retirement System of the Government of Puerto Rico or another entity, and the employee has exhausted his sick and vacation leave.
 - ii. The employee has suffered an accident at work and is under medical treatment with the State Insurance Fund Corporation or pending any final determination regarding his accident, and the employee has exhausted his sick leave and vacation leave.
 - iii. To employees who request it after the childbirth. Provided that this type of leave without pay may be granted for a period of time not exceeding six (6) months, after it is authorized.



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e. To employees of administrative trust, who due to the need for prolonged illness do not have the days to cover it. They will need to present medical evidence.

7. **Special leave:** The following special leave will be granted to public officials or employees for just cause, with or without pay, as the case may be. Providing that the aforementioned leave shall be governed by the special laws that grant them:

a. **Witness Service Leave** – The days and hours that an employee, duly summoned by the Public Prosecutor's Office or by a court, employs to appear as a witness in a criminal case shall not be deducted from salary or vacation or sick leave of its employees. The employee must submit a copy of the summons and the Court's appearance to his supervisor.

b. **Jury Duty Leave** - Any employee who is summoned to appear as a juror shall be entitled to paid leave and compensation from his employer for food and mileage, as if it were an official business.

c. **Judicial purposes** - Any employee officially summoned to appear before any Court of Justice, Public Prosecution, administrative, governmental or government agency shall be entitled to paid leave for as long as he or she was absent from work on the occasion of such summonses. The employee must submit a copy of the summons and the appearance to the forum that summoned him to his supervisor.

d. **Blood Donation Leave** – Paid leave is granted for a four (4) hours period per year to go and donate blood.

e. **Children's School Visitation Leave** – Employees shall be entitled to four (4) working hours, without reduction of pay or leave balances, during the beginning of each school semester and four (4) working hours at the end of each school semester to go and visit the educational institutions where their children study and know about their educational development, presenting evidence of appearance according to a document provided by the Human Resources Office.

However, any employee whose children are registered in the Special Education Program of the Department of Education will have up to ten (10) hours per semester so that they can go and make arrangements for their children.

f. **Unpaid Sports Leave** – Unpaid sports leave is granted to any employee who is duly selected and certified by the Board for the Development of the Full-Time High Performance Puerto Rican Athlete as a training athlete and coach for Olympic, Paralympic, Pan American, Central American, and Regional or World Championships. This leave will have a duration of up to one (1) year with the right to renewal provided that he or she has the Board's approval, and the employer is notified in or before thirty (30) days of its expiry.



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Through this leave, eligible athletes and coaches will be able to absent from their jobs without loss of time and guaranteeing employment without affecting the benefits and rights acquired during the period in which they were participating in said training and / or competitions. During the leave period, the Board will be responsible for the participants' salaries. Therefore, they must send the amount corresponding to the legal deductions that until then was made to the employee to the employer, so that the employer can continue to cover the payments corresponding to said contributions.

g. **Special Sports Leave** - Special leave is granted to any employee who is duly certified by the Puerto Rico Olympic Committee as an athlete to represent Puerto Rico at Olympic Games, Paralympic Games, Pan American Games, Central American Games or regional or world championships. The special sports leave will have a cumulative duration that will not exceed thirty (30) business days per calendar year.

h. **Driver's License Renewal Leave** – Any employee may use up to two (2) hours of his workday, free of charge and with pay, to renew his driver's license, provided that the possession of it is indispensable by the nature of his work.

i. **Voluntary Emergency Services Leave** – Any employee who is a certified disaster services volunteer of the American Red Cross may be absent from work on paid leave for a period not to exceed thirty (30) calendar days in a twelve (12) months period to participate in specialized disaster services functions of the American Red Cross. Leave shall be granted as long as the staff member's services are requested by the American Red Cross. The American Red Cross will issue a certification of the services rendered and the duration of that service to the employee with. This certification will be submitted by the employee to the Department.

j. **Military Leave**- Any employee belonging to the Puerto Rico National Guard, or the Organized Reserves of the United States Armed Forces shall be entitled to be granted up to thirty (30) days of paid leave each year while rendering military service, as part of training, or to attend camps and exercises as required.

Any employee who is a member of the Military Forces of Puerto Rico and who is called by the Governor of Puerto Rico to State Active Military Service for any emergency, natural disaster or man-made situations shall be entitled to paid military leave during the first month of each activation period. If the activation period is extended for a term greater than thirty (30) days, military leave will be granted without pay for the entire period in which he or she remains active. He or she will also keep, during the activation period, all the marginal benefits that had been granted by the employer and was enjoying at the time of activation. These benefits will be retained under the same terms and conditions existing prior to such activation.



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k. Children's Vaccination Leave - Up to two (2) hours are granted to any employee who so requests to vaccinate their children in a government or private institution, whenever vaccination is necessary, as indicated on the child's immunization card. The employee must present a certificate of the place, date, and time that their children were vaccinated, in order to justify the time used, as established for this type of leave. Otherwise, the time used will be charged to compensatory time, vacation leave or deducted from salary.

The following special leave will benefit employees in accordance with the provisions thereof:

1. Law No. 83 of August 1, 2019 - To create the "Special Leave Act for Employees with Situations of Domestic or Gender Violence, Child Abuse, Sexual Harassment in Employment, Sexual Assault, Lewd or Stalking Acts in its serious form", for the purpose of granting fifteen (15) days without salary per year to these employees, to help them address identified situations of violence; establish eligibility criteria; provide them with reasonable accommodation or flexible working conditions; and for other related purposes.
2. Law No. 28 of January 21, 2018 - Special Leave for Employees with Serious Illnesses of a Catastrophic Nature. This is approved for the purpose of granting six (6) additional days of special leave with annual sick pay to these Employees, to contribute to their recovery and maximize their capabilities in the Puerto Rican workforce; establish eligibility criteria; and for other related purposes.

The provisions related to licenses may be affected to be tempered to the laws that, for this purpose, are approved after the approval of these regulations.

ARTICLE 15. OVERTIME

Non-exempt employees shall be entitled to compensatory time, at the rate of time and a half of their hourly wages, for services rendered in excess of their regular, daily or weekly, work schedules, lunch period and for services rendered on holidays, on rest days, or on days in which services are suspended free of charge by the Governor. Compensatory time must be enjoyed by the employee within a six (6) months period from the date in which the overtime was worked. If due to service need this is not possible, compensatory time may be accrued up to a maximum of two hundred and forty (240) hours. In case of employees in security posts up to a maximum of four hundred and eighty (480) hours.

Overtime shall be made with the Supervisor's prior written authorization, who must obtain authorization from the Appointing Authority having justified the need to incur in these actions.

Section 15.1. Processing Overtime in Kronos System (UKG)



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Overtime will be recorded and managed in the Kronos (UKG) Electronic Attendance System in accordance with the following procedure:

1. To work overtime, the employee must be previously authorized by his supervisor or the President. By recording the time worked, the system will calculate the compensatory time automatically.
2. The supervisor will review the electronic attendance card weekly to review, correct, and approve attendance, including overtime. The supervisor must work each overtime record separately on the attendance card.
3. Any authorized overtime will become compensatory time (TC, for its Spanish acronym).
4. Employees with a work schedule of thirty-seven (37.5) hours per week, will accumulate up to a maximum of two hundred and forty (240) hours in TC, while employees whose work schedule is forty (40) hours per week will accumulate up to a maximum of four hundred and eighty (480) hours.
5. The TC can be used at the employee's request. In these cases, the supervisor must allow the enjoyment of these within a thirty (30) days period from the date in which the overtime has been performed, provided that service is not affected.
6. Overtime accumulated in excess of two hundred and forty (240) or four hundred and eighty (480) will be paid to the employee.
7. The President and the Immediate supervisor may require the employee to use the accumulated compensatory time, even if he does not request it within a period of thirty (30) days from the date that the overtime work has been carried out to enjoy the TC.
8. Any employee who registers attendance outside regular working hours without having done any work shall not be entitled to be credited with compensatory time.
9. The employee may request to charge absences to compensatory time accumulated through MI PAGINA.
10. Supervisors must keep track of the overtime incurred by employees, avoiding unnecessary authorizations.
11. From the attendance systems integration date (Kronos/UKG) and payroll (RHUM), no alternate documents with accumulated compensatory time will be accepted.



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ARTICLE 16. PAYROLL DISCOUNT

At the end of the bimonthly attendance review period (2 working days after the end of the fortnight for employees and 4 working days after the end of the fortnight for supervisors), on the fifth working day the KRONOS attendance system (UKG) will send the information to the Payroll System (RHUM). In doing so, the authorized person in the Attendance Division will close the attendance cards. Any transaction that enters the system after this closing cycle, will be reflected in a future fortnight.

If there are employees with TNR transactions, there will be a discount on the bimonthly salary of the employees. Employees will receive a notification with the discounts that were transmitted to the payroll system and that will be reflected in the employee's pay when processed by the Payroll System (RHUM). This notification will be available in "MI PAGINA" and will indicate to the employee of the hours to be discounted in detail and the concept, as well as the date in which such discount will be reflected in their pay.

Employees who have received a Time not Registered (TNR) discount notification will have ten (10) business days after receiving the notification to file complaint request to the Human Resources Director through "MI PAGINA". Human Resources Director will have a five (5) working days term to consider the request. If approved, a credit transaction will occur in the system to be credited to the employee's salary in a future payroll. The Leave Division in the Human Resources Office will review transactions to ensure compliance with established policies and regulations.

Employees who have received an Unauthorized Absence (ASA, for its Spanish acronym) discount notification must use the mechanisms available in this Policy.

ARTICLE 17. NONCOMPLIANCE

Any employee who fails to comply with the provisions of this Policy may be sanctioned in accordance with the provisions of the Rules of Conduct, Corrective Measures and Disciplinary Action Standards of the State Elections Commission.

ARTICLE 18. GENERAL PROVISIONS

1. The Commission may implement alternative mechanisms or procedures for the attendance registry in circumstances of an emergency, due to force majeure events and/or to comply with the provisions established in the implementation of the telework modality.
2. This Policy will be published through MI PAGINA.



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3. The Human Resources Office is responsible for guiding concerned staff on the internal procedures inherent in the policy and processes set forth herein.
4. It shall be employee's responsibility to familiarize with the Policy's provisions. If having doubts, refer them to the supervisor.
5. The Human Resources Office will be responsible for coordinating and providing training to employees and supervisors.

ARTICLE 19. REPEAL

Administrative Order No. 1-2021 of June 28, 2021, "Internal Rules on Working Time and Attendance" and any other existing regulations that contravene the provisions of this Policy are repealed.

ARTICLE 20. SEVERABILITY

If any clause, paragraph, or article of this Policy is declared null or unconstitutional by the competent court, judgment or resolution to that effect issued shall not affect, prejudice, or invalidate the rest of this Policy. The effect of such judgment or resolution shall be limited to the clause, paragraph or article so declared.

ARTICLE 21. VALIDITY

This Policy shall enter into force once they have been published on the Commission's website, the term of which shall not exceed ten (10) days from its approval, following the provisions of Article 3.8 of the Electoral Code of Puerto Rico.

Approved:

In San Juan, Puerto Rico today, *Oct, 20* 2023.

Hon. Jessika D. Padilla Rivera
Acting President



PUERTO RICO STATE ELECTIONS COMMISSION

Annex

Puerto Rico State Elections Commission

Office of the President	
President	Executive
Alternate President	Executive
Executive Assistant to the President	Administrative
Special Assistant to the President	Administrative
Office of Commissioners	
Proprietary Election Commissioner	Executive Institutional Balance
Alternate Electoral Commissioner	Executive Institutional Balance
Executive Assistant to Commissioner I	Administrative Institutional Balance
Executive Assistant to Commissioner II	Administrative Institutional Balance
Commissioner's Election Planning Analyst	Administrative Institutional Balance
Commissioner's statistician	Administrative Institutional Balance
Permanent Enrollment Board Affairs Coordinator	Administrative Institutional Balance
Lawyer II (Political - appointment)	Professional Institutional Balance
Lawyer I (Political - appointment)	Professional Institutional Balance
Office of Legal Affairs	
Director of Legal Affairs	Executive



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Lawyer III (Career)	Professional
Lawyer II (Career)	Professional
Lawyer I (Career)	Professional
Legal Advice Technician	Professional
Office of Human Resources	
Director of Human Resources	Executive
Human Resources Management Analyst	Administrative
Licensing Officer	Administrative
Press and Public Relations Office	
Director of Communications	Executive
Information and Public Relations Representative	Professional
Office of Administration – Office of the Director	
Director of Administration	Executive
Office of Support Coordinator	
Administrative	
Employee Support Coordinator	Administrative
Office of Administration – Budget Division	
Head of Budget	Administrative
Budget Analyst III	Administrative
Office of Administration – Finance Division	



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Chief Financial Officer	Administrative
Payroll Officer	Administrative
Counter III	Administrative
Office of Administration – Purchasing Division	
Purchasing Manager	Administrative
Security Office	
Director of Security	Executive
Office of Education and Training	
Director of Electoral Training	Executive Institutional Balance
Deputy Director of Electoral Training	Administrative Institutional Balance
Center for Electoral Studies	
Director of Electoral Studies	Executive Institutional Balance
Administrative Assistant	Administrative Institutional Balance
Librarian	Professional
Secretariat	
Secretary	Executive Institutional Balance
Special Assistant to the Registrar	Administrative Institutional Balance
Quality Control	
Director of Quality Control	Administrative Institutional Balance
Office of Auxiliary Services and Physical Plant	



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Director of Auxiliary Services and Physical Plant	Executive
Office of Conservation and Maintenance	
Assistant Superintendent of Physical Plant	Professional
Electoral Operations	
Director of Electoral Operations	Executive Institutional Balance
Deputy Director of Electoral Operations	Administrative Institutional Balance
Planning	
Director of Planning	Executive Institutional Balance
Deputy Director of Planning	Administrative Institutional Balance
Geo-Electoral Affairs Coordinator	Administrative Institutional Balance
Geographic Information System and Database Administrator	Professional Institutional Balance
Office of Information Systems and Electronic Processing (OSIPE)	
Director of Information Systems	Executive Institutional Balance
Deputy Director of Computer Systems	Administrative Institutional Balance
IT Project Manager	Professional Institutional Balance
Specialist in Development and Administration of Electronic Pages	Professional Institutional Balance
Sub-Specialist in Development and Administration of Electronic Pages	Professional Institutional Balance
IT Systems Operations Manager	Professional Institutional Balance



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Database Administrator	Professional Institutional Balance
Sub-Database Administrator	Professional Institutional Balance
Computer Network Administrator	Professional Institutional Balance
Computer Systems Developer I	Professional Institutional Balance
Computer Systems Developer II	Professional Institutional Balance
IT Systems Operations Manager	Professional Institutional Balance
Telecommunications Supervisor	Professional Institutional Balance
Operating Systems Specialist	Professional Institutional Balance
Office of the Administrative Board of Absentee and Early Voting (JAVAA)	
President	Executive Institutional Balance
Member of Administrative Board of Absentee and Early Voting	Administrative Institutional Balance
Liaison and Processing Office in External Physical Plant	
Director of Liaison and Procedure in External Physical Plant	Executive Institutional Balance
Deputy Director of Liaison and Procedure in External Physical Plant	Administrative Institutional Balance
Permanent Inscription Auditor	Administrative Institutional Balance
State Center for Integrated Voter Services (CESI)	
Director of the State Center for Integrated Voter Services (CESI)	Executive Institutional Balance
Deputy Director of the State Center for Integrated Voter Services	Administrative Institutional Balance