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GENERAL SERVICES ADMINISTRATION

REGULATION NUMBER 15

OF THE

GENERAL SERVICES ADMINISTRATION

"RECORDS MANAGER REGULATION"

1979

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REGULATION NUMBER 15

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COMMONWEALTH OR PUERTO RICO
GENERAL SERVICES ADMINISTRATION

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FOR The creation of the Records Manager figure; the definition of a Records Manager; the establishment of uniform rules and proceedings through which the Records Manager shall be appointed; the listing of qualification requirements for these appointments; the establishment of rules and procedures for the revocation of their appointments; and the establishment of penalties.

PART I: INTRODUCTION

SECTION A: GENERAL RULES

ARTICLE 1: REFERENCE TITLE

This regulation shall be known as "Records Manager Regulation".

ARTICLE 2: SOURCES OF THE LAW

This regulation is approved by virtue of the authority conferred upon the Administrator of the General Services Administration by Public Law No. 5 of December 8, 1955 and Article 20 of Public Law No. 164 of July 23rd., 1974, as amended.

ARTICLE 3: PURPOSE

This regulation is approved with the purpose of establishing uniform requirements, so that all employees authorized to perform the records management function may have the same qualifications; receive the same treatment, the same training and have the same obligations and responsibilities imposed upon them; the establishment of rules for their appointment and the revocation of their appointments under the dispositions of Public Law No. 5 of December 8, 1955, as amended and Records Management Regulations for the Executive Branch.

It is necessary that each governmental agency and municipality shall have a person in charge of the records management function with an adequate training, authority and responsibility to administer such program.

ARTICLE 4: SCOPE

This regulation shall apply to any employee or government officer, who is authorized by the Administrator to carry out the records management function.

ARTICLE 5: JURISDICTION

All initial steps concerning records management made in the agencies, shall be regulated by the rules established in this regulation under the dispositions of Public Law No. 5 of December 8, 1955; Records Management Regulations for the Executive Branch and Article 20 of Public Law No. 164 of July 23rd, 1974 as amended.

ARTICLE 6: INTERPRETATION WITH OTHER RULES AND REGULATIONS

The provisions of these regulations shall not be interpreted by themselves. In order to discharge the functions of Records Managers, it is necessary to know all the rules regulating Government records management functions in the Executive Branch, promulgated by the Administrator.

ARTICLE 7: INTERPRETATION OF WORDS AND PHRASES**1 In General**

The words and phrases used in this regulation shall be interpreted according to their context and meaning, sanctioned by current and common usage. The terms used in this regulation in the present tense also includes the future; those used in the masculine gender also includes the feminine and neutral except in cases such interpretation would be absurd; the singular number also includes plural and plural includes the singular.

ARTICLE 7:

2 In Particular: Definitions

The words and phrases used in all this regulation, shall be defined in this Section.

The words and phrases used in this regulation have the following meaning:

- a Records Manager - is the person responsible of the records management function and supervision in each agency or municipality; among his activities are file management, correspondence management, mail management, forms, directives and reports management, machine readable records, microforms, information retrieval, vital records, records equipment and supplies, office copies, records preservation, records disposal and records centers or other storage facilities.
- b Records Management - is the planning, controlling, directing, organizing, training, promoting and other managerial activities directed to promote economy and efficiency with respect to records creation, records maintenance and use, and records disposition.
- c Agency - any department, municipality, office, board, public corporation, commission of the Executive Branch of the Commonwealth of Puerto Rico.
- d Records Management Law - Public Law No. 5 of December 8, 1955 as amended.

ARTICLE 7:

- e Administrator - the Administrator of the General Services Administration. Government officer authorized by Public Law No. 5 of December 8, 1955, as amended, to administer and establish regulations regarding the Records Management Program, in the Executive Branch of the Government of Puerto Rico, including municipalities and public corporations; and who also has the faculty to evaluate the candidates that will be appointed Records Managers previous recommendation and proposal submitted by Agency Heads.

SECTION B: FUNCTIONS AND OBLIGATIONS OF THE
ADMINISTRATION AND AGENCIES

ARTICLE 8: OF THE ADMINISTRATION

The Administration shall be responsible for coordinating government records management function with the Records Manager. In the performance of these functions, the Administration shall carry out the activities stipulated in this Article.

1 Training

The Administration is obliged to offer the Records Managers training. For this, it shall establish and maintain a training program divided in two parts:

a Original Training

This training shall be offered to all new candidates, as established in this regulation and managed by the Records Management Program of the General Services Administration.

b Continuous Training

In the training new rules and procedures, should they arise, shall be explained; existing ones will be refreshed; problems and errors committed will be discussed, as well as the use and execution of new procedures.

1 Frequency

This training shall take place at least once a year.

ARTICLE 8:**2 Information**

The Administration is obliged to maintain Records Managers informed of all records management activities in the Executive Branch of the Government of Puerto Rico.

To insure the faithful discharge of this obligation, the Administration shall submit to the Records Managers a complete copy of all the information, guides, manuals and directives necessary for adequate records management practices.

3 Consultations

The Administration shall offer constant advice in the case of oral or written consultations by the Records Managers.

4 Auditing

The Administration shall make sure that the records management operations are being correctly executed. To ensure this, the Records Management Program shall audit the work of the Records Managers.

a Audit Site

Said control will take place:

- 1 By records management questionnaires
- 2 In the agency or municipality

b Audit Procedure

Audit shall be performed in two ways, depending on site:

- 1 Through evaluation of the records management programs by questionnaires.
- 2 Through direct sporadic audits of the work of the Records Manager in his agency.

ARTICLE 9: AGENCIES DUTIES

Agencies have to facilitate, cooperate and coordinate the Records Management task with the Public Records Management Program of the General Services Administration. To such effect, they shall comply with the following:

1 Facilitate Records Managers Duties

Agencies heads shall establish the necessary mechanisms to facilitate Records Managers' duties. Each agency head shall be responsible for ensuring that the Records Management function in his agency agrees with the Records Management Regulations. Agencies heads shall provide adequate mechanisms for the internally coordination in producing the necessary information for Records Managers evaluations, regarding compliance with rules established by the Puerto Rico General Services Administration.

2 Functions

Records Managers shall perform the following functions in order to comply with records management regulations for the Executive Branch:

- a Implement records management procedures according to dispositions established by Public Law No. 5 of December 8th., 1955 as amended and the Records Management Regulations.
- b Coordinate all records management activities of his agency or municipality with the Records Management Program of the General Services Administration.
- c Advise officers of his agency regarding the Records Management Program.
- d Collaborate with officials and employees of his agency in the implementation of records management practices.

ARTICLE 9:

2 Functions

- e He is the immediate custodian of his agency records and as such, is responsible for their creation, maintenance and use, disposition and localization.
- f Attend seminars to remain aware of the latest developments in records management.
- g Promote the records management training necessary to increase the efficiency of the personnel of the Records Management Program of his agency.
- h Promote the economic utilization of space, equipment and supplies necessary for records conservation.
- i Implement working procedures in correspondence, mail and files management, among his agency.
- j Collaborate with the Records Management Specialist of the General Services Administration in the evaluation of his agency.
- k Supervise personnel he has in charge.
- l Supervise and direct the preparation of disposal lists and inventory of his agency.
- m Direct the preparation of records disposition schedules of his agency and shall maintain them up to date when approved by the General Services Administration.
- n Audit the filing systems of his agency to maintain uniformity of indexing, filing and reference services.
- o Establish systematic control of records since their creation to their final disposition.
- p Analyze records management guides and manuals and update them according to advise given by the Records Management Program.

ARTICLE 9:

2 Functions

- q Watch for the adequate conservation of permanent records.
- r Review and analyze, annually, the design and use of forms in his agency in order to reduce the amount produced and improve the quality of them.
- s Coordinate microfilm projects of his agency for the approval of the General Services Administration.
- t Performs special related assignments as directed.
- u Coordinate the publication of lists of specialized documents of his agency, and of those that are considered confidential and which are not supposed to be inspected by anyone, and others. When considering these classes the agency heads shall be specific and limitative.

PART II: RECORDS MANAGERS
SECTION A: GENERAL RULES

ARTICLE 10: RECORDS MANAGERS

1 Creation

The Records Manager is hereby created with the functions, duties and powers stipulated in this regulation.

2 Who is the Records Manager

Records Manager is the person occupying a regular position in any agency authorized by the Administrator to administer the Records Management Program in the concerning governmental agency.

3 Purpose

In order to discharge its functions, it is necessary for each agency to observe an adequate and efficient records management for which they shall observe the rules and procedures described in the Public Records Management Regulations.

This regulation must be followed by the officer responsible for the management and direction of the Records Management Program of said agency.

To such effect the Records Manager figure is created with the purpose of establishing uniform records management procedures, insuring the internal coordination in the agencies and interagency coordination by the Administration; and to assure full compliance with the records management procedures and rules established by the General Services Administrator under the dispositions of Public Law No. 5 of December 8, 1955, as amended.

4 Limitation

Only one Records Manager per agency shall be appointed.

SECTION B: ELIGIBILITYARTICLE 11: REQUIREMENTS

Any person who meets the following requirements shall be eligible to be appointed Records Manager:

- 1 Bachelor's degree from any qualified university and training in records management or two or more college years and three years experience in records management, and training. (The experience equivalent shall be measured according to the agency's complexity.)
- 2 He should hold a regular position.
- 3 Receives the basic training offered by the Administration, and any other training on records management that his agency can provide him so he can perform his duties.

SECTION C: SELECTIONARTICLE 12: WHO SUBMITS CANDIDATES FOR EVALUATION

Each agency head shall recommend for evaluation, the employee whom he wishes to be appointed as Records Manager.

ARTICLE 13: RECORDS MANAGER SELECTION PROCEDURE1 Selection Criteria

When selecting candidates, agency heads shall consider the following:

- a Position held by the candidate
- b Duties
- c If he meets the requirements established in this regulation.

ARTICLE 13:

2 Selection

Agency heads shall select immediately the candidate that will hold the position of Records Manager and he will require the evaluation of him to the Administrator of the General Services Administration. He should have the minimum requirements established in this regulation.

SECTION D: TRAINING AND EVALUATIONARTICLE 14: RECORDS MANAGER EVALUATION

Once the General Services Administration receives the request to evaluate the candidate, the Records Management Program will study it, subject to the following:

1 Candidates Acceptance

If the candidate meets the minimum requirements established in this regulation, the Administrator will notify the agency head the candidate's acceptance and the date for the Records Manager training. He shall also be notified of the place and hour for the training.

2 Candidate Rejection

If the candidate does not meet the minimum requirements established in this regulation, the appointment shall automatically be denied and the agency head shall be notified so he may submit a new candidate.

ARTICLE 15: RECORDS MANAGER BASIC TRAINING

1 Contents

Records Manager basic training shall be divided in two (2) parts: lectures and practice

a Lectures

The lecture phase shall contain, but not limited to, information about the following:

- 1 Course purpose
- 2 Records Managers functions and responsibilities
- 3 Laws and regulations controlling his work
- 4 Elementary, basic and fundamental concepts of records management
- 5 Guidance material, manuals and rules related to their functions

b Practice

Practice shall only be offered if the candidate covered all the material in the lectures; a follow up shall be done in the agency depending on the aptitude of the candidate.

2 Duration

Training duration shall be one week.

3 Attendance

Compulsory attendance at training sessions shall be required from all candidates and it will be the agency's responsibility to see that its employee attends all phases of the training.

ARTICLE 16: EVALUATION

Subsequent to training, the candidates shall be evaluated to determine their proficiency.

1 Approval

The candidate shall have passed the training if he has complied with the following:

a Attended all lectures**1 Certificate**

Accreditative certificate stating course attendance shall be issued by the Records Management Program of the General Services Administration.

b The candidate demonstrated, in practice, his ability to fulfill the functions, obligations and duties concurrent with appointment.

SECTION E: APPOINTMENT**ARTICLE 17: OFFICIAL APPOINTMENT**

The agency head shall issue an official appointment to the person recommended by the General Services Administration after he has approved the training offered by the Records Management Program.

ARTICLE 18: APPOINTMENT REVOCATION**1 Application**

The Administrator can request from agency heads to revoke the appointment of any Records Manager when:

a Causes

- 1 The inefficient performance of his duty, according to the law, regulations and other rules controlling his activities.
- 2 The agency head has so requested, prior justification.

ARTICLE 19: EMPLOYEE RESIGNATION

If an employee with a Records Manager appointment is transferred to another agency, resigns or is dismissed from employment, his appointment shall automatically become null and void.

The agency head must notify the Administration of the transfer, resignation, or dismissal of any employee, appointed as Records Manager, while employed in his agency.

SECTION F: FUNCTIONS AND OBLIGATIONS**ARTICLE 20: COMPLIANCE WITH RULES**

The Records Manager shall have to comply with rules and directives issued by the General Services Administrator, according to the provisions of Public Law No. 5 approved December 8, 1955 as amended and the Records Management Regulations issued.

ARTICLE 21: SUPERVISION

The Records Manager is obliged to supervise and coordinate the Records Management Function in his agency as described in Article 9 of this Regulation.

PART III: FINAL PROVISIONSARTICLE 22: PERIOD FOR CANDIDATES' APPOINTMENT

A thirty days grace period, beginning on the date this Regulation enters into effect, is hereby granted in which agency heads shall submit candidates to be evaluated, for the position of Records Managers, by the Records Management Program of the General Services Administration.

After being selected, the candidates shall be considered as Records Managers, with regular appointments and shall be the only ones known as such under the provisions of this Regulation.

ARTICLE 23: VIOLATIONS AND PENALTIES

The Records Manager shall inform every officer and persons who uses public records about the penalties for violations to Act No. 5 approved December 8, 1955, as amended, which provides that:

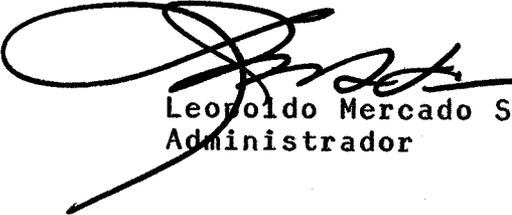
"It will not be destroyed, alienated, given, altered or disposed of any record, pertaining to any state agency unless it is in accordance with the provisions of this law. Any person who performs any one of these actions, with respect to any public record, shall be subject to the provisions of Articles 204, 205 and 206 of the Penal Code of Puerto Rico - Act No. 115 of July 22, 1974, as amended.

Any violations to the provisions of the regulations promulgated by the Programs Administrators constitutes misdemeanor and, if convicted, the person shall be imprisoned for a term not more than six months or shall be sentenced to pay a fine not more than fifty dollars or both penalties, at the court's judgement."

ARTICLE 24: EFFECTIVENESS

This Regulation shall enter into effect thirty (30) days after its presentation at the Department of State of the Commonwealth of Puerto Rico, according to the provisions of Public Law No. 112 of June 30, 1957, as amended; better known as the "Regulations Act of 1958".

Approved in San Juan, Puerto Rico, on the 21st
day of day 2 July of 1977.



Leopoldo Mercado Santini
Administrador