

ESTADO LIBRE ASOCIADO DE PUERTO RICO
MUNICIPIO AUTÓNOMO DE HUMACAO
LEGISLATURA MUNICIPAL
HUMACAO, PUERTO RICO

CERTIFICACIÓN

Yo, RAFAEL PEÑA ORTIZ, SECRETARIO de la Legislatura Municipal de Humacao, Puerto Rico, por la presente **CERTIFICO**:

Que la que se acompaña es copia fiel y exacta de la **Resolución Núm. 17, Serie 2007-08**, la cual fue aprobada por la Legislatura Municipal de Humacao, Puerto Rico, en Sesión Ordinaria celebrada los días 31 de octubre, 1, 2 y 3 de noviembre de 2007.

VOTACIÓN

VOTOS AFIRMATIVOS:

1. Sr. Julio C. Burgos Gutiérrez
2. Sra. Olga Del Moral Sánchez
3. Sr. Francisco Díaz Jaime
4. Sr. Saúl González Gerena
5. Sr. José A. González Hernández
6. Sr. José M. Hernández Hernández
7. Sr. Efraín Meléndez Arroyo
8. Sra. Grace Napolitano Matta
9. Sr. Ángel G. Rodríguez Medina
10. Sr. Miguel Rodríguez Vega
11. Sr. Wilfredo Rosa Santory
12. Sr. Willie A. Rosario Arroyo
13. Sr. Daniel Santiago Rojas
14. Sr. Víctor M. Velázquez Casillas
15. Sr. Luis E. "Gardy" Fontáñez - Presidente

EN CONTRA:

Ninguno

AUSENTE:

16. Sr. Joel Rosario Santiago

ABSTENIDO:

Ninguno

CERTIFICO CORRECTO:



RAFAEL PEÑA ORTIZ
SECRETARIO

Sello Oficial

**ESTADO LIBRE ASOCIADO DE PUERTO RICO
MUNICIPIO AUTÓNOMO DE HUMACAO
LEGISLATURA MUNICIPAL
HUMACAO, PUERTO RICO**

Proyecto Núm. 18
Resolución Núm. 17

Serie 2007-2008

Presentada por los señores: Víctor M. Velázquez Casillas, Grace Napolitano Matta y Julio C. Burgos Gutiérrez.

“PARA SOLICITAR AL EJECUTIVO QUE INCLUYA A LOS EMPLEADOS DEL PROGRAMA / PROYECTO *HEAD START* / *EARLY HEAD START* EN EL PROGRAMA PARA ADMINISTRAR PRUEBAS PARA LA DETECCIÓN DE SUSTANCIAS CONTROLADAS Y/O ALCOHOL EN EL EMPLEO DEL MUNICIPIO AUTÓNOMO DE HUMACAO.”

POR CUANTO: Conforme a la Ley Núm. 81 del 30 de agosto de 1991, según enmendada, de Municipios Autónomos del Estado Libre Asociado de Puerto Rico y la Ordenanza Núm. 30, Serie 2003-2004, aprobada por esta Legislatura Municipal el 4 de febrero de 2004 y firmada por el Alcalde el 5 de febrero de 2004, se adoptó el ‘Reglamento para la Administración de Pruebas para Detectar el Uso de Sustancias Controladas y de Alcohol en el Empleo.’”

POR CUANTO: La administración de las pruebas, a fin de detectar el uso de sustancias controladas y alcohol en el empleo con el propósito de tratamiento y rehabilitación al usuario o usuaria, aplica a todas las personas que laboran en la Rama Ejecutiva del Gobierno Municipal de Humacao.

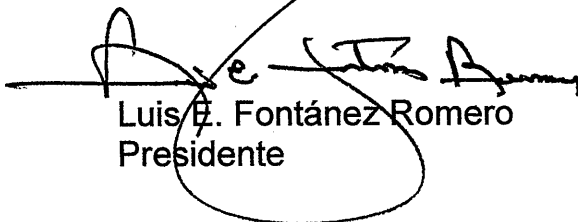
POR CUANTO: El personal que labora en el Programa Proyecto *Head Start* / *Early Head Start* del Municipio Autónomo de Humacao y los candidatos a empleo en el mismo no participan actualmente en el Programa para Administrar Pruebas para la Detección de Sustancias Controladas y /o Alcohol, según estipulado por los estatutos legales concernidos.

POR CUANTO: El “Contrato de Delegación de Fondos para el Desarrollo de Actividades dentro del Programa *Head Start*, 2007-2008”, suscrito entre el Departamento de la Familia y la


sus correspondientes recomendaciones al señor Alcalde, a la Administradora Municipal y a la Directora de la Oficina de Recursos Humanos Municipal.

SECCIÓN 3: Esta Resolución entrará en vigor tan pronto sea aprobada por la Legislatura Municipal de Humacao y firmada por el Presidente.

APROBADA POR LA LEGISLATURA MUNICIPAL DE HUMACAO, PUERTO RICO, EL 2 DE NOVIEMBRE DE 2007.



Luis E. Fontáñez Romero
Presidente



Rafael Peña Ortiz
Secretario

ESTADO LIBRE ASOCIADO DE PUERTO RICO
MUNICIPIO AUTONOMO DE HUMACAO
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HUMACAO, PUERTO RICO

Proyecto Núm. 18
Resolución Núm. 17

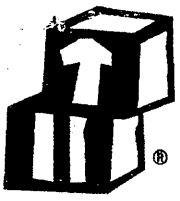
Serie 2007-2008

Presentada por los señores: Víctor M. Velázquez Casillas, Grace Napolitano Matta y Julio C. Burgos Gutiérrez.

“PARA SOLICITAR AL EJECUTIVO QUE INCLUYA A LOS EMPLEADOS DEL PROGRAMA / PROYECTO HEAD START / EARLY HEAD START, EN EL PROGRAMA PARA ADMINISTRAR PRUEBAS PARA LA DETECCIÓN DE SUSTANCIAS CONTROLADAS Y/O ALCOHOL EN EL EMPLEO DEL MUNICIPIO AUTÓNOMO DE HUMACAO.”

Apéndice

1. Carta ACUDEN, solicitando la inclusión a la política establecida para las pruebas de dopaje.
2. U.S. Department of Health and Human Services / Compendium of Required Certifications and Assurances.



Oficina del Director

Estado Libre Asociado de Puerto Rico
Administración para el Cuidado y Desarrollo
Integral de la Niñez (ACUDEN)
Proyecto Head Start
Municipio Autónomo de Humacao



17 de febrero de 2006

Hon. Víctor Velázquez Casillas
Legislador Municipal
Presidente Junta de Gobierno
Programa Head Start/Early Head Start
Municipio Autónomo de Humacao

Estimado señor Velázquez:

Una de las certificaciones que enviamos al gobierno federal en las revisiones de propuestas es la de la provisión de un ambiente libre de drogas. El Programa Head Start/Early Head Start sirve a 1,297 familias. Actualmente tenemos 311 empleados en el Programa. En años anteriores queríamos establecer la política donde se destacara en el proceso la prueba de dopaje a los empleados entre otros indicadores relevantes y sensibles al proceso como es la confidencialidad. Esta preocupación se compartió con los miembros de la Junta anterior. Comenzamos a buscar información para compartir con la Junta y era cuesta arriba iniciar el esfuerzo por el protocolo que se debe seguir. El Municipio, nuestro auspiciador, actualmente tiene establecida la política. En la resolución no se incluyó al Programa. Estamos solicitando la inclusión en la política establecida. El Programa puede asumir los gastos de pruebas y tratamiento de rehabilitación del empleado. Esta es una manera más de mantener un ambiente de trabajo seguro.

De usted necesitar alguna información que pueda apoyar esta solicitud, no repare en comunicarse con esta servidora.

Cordialmente,

Amparo García García
Directora
Programa Head Start
Early Head Start

lmc

Anejo: Drug Free Workplace Requirements

P.O. Box 178 • Humacao, Puerto Rico 00792 • Tel. (787) 852-3325

El Municipio Autónomo de Humacao y su Programa Head Start no discrimina por razón de raza, color, sexo, nacimiento, origen nacional, condición social, ideas políticas, religión o impedimento en sus actividades de servicios y oportunidades de empleo

- Grant Application
- Program Approach Form (PDF format, 48KB, 8pages)
- Form (SF) 424 (PDF format, 10KB, 2pages)
- Form (SF) 424A (PDF format, 18KB, 4pages)

**U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES
COMPENDIUM OF REQUIRED CERTIFICATIONS AND ASSURANCES**

**SF 424B
ASSURANCES - NON-CONSTRUCTION PROGRAMS**

Note: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified. As the duly authorized representative of the applicant, I certify that the applicant:

1. Has the legal authority to apply for Federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project costs) to ensure proper planning, management and completion of the project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States, and if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
5. Will comply with the intergovernmental Personnel Act of 1970 (42 U.S.C. 4278-4763) relating to prescribed standards for merit systems for programs funded under one of the nineteen statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 CFR 900, Subpart F).
6. Will comply with all Federal statutes relating to non-discrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the bases of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. 1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. 6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255); as amended, relating to non-discrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to non-discrimination on the bases of alcohol abuse or alcoholism; (g) 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. 290 dd-3 and 290 ee-3), as amended, relating to confidentiality of the alcohol and drug abuse patient records; (h) Title VII of the Civil Rights Act of 1968 (42 U.S.C. 3601 et seq.), as amended, relating to non-discrimination in the sale, rental or financing of housing; (i) any other non-discrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and (j) the requirements of any other non-discrimination statute(s) which may apply to the application.
7. Will comply, or has already complies, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or Federally assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.
8. Will comply with the provisions of the Hatch Act (5 U.S.C. 1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.
9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. 276a

shall inform the agency of the change(s), it previously identified the workplaces in question (see above).

Definitions of terms in the Nonprocurement Suspension and Debarment common rule and Drug-Free Workplace common rule apply to this certification. Grantees' attention is called, in particular, to the following definitions from these rules:

"Controlled substance" means a controlled substance in Schedules I through V of the Controlled Substances Act (21 USC 812) and as further defined by regulations (21 CFR, 1308.11 through 1308.15). "Conviction" means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes; "Criminal drug statute" means a Federal or non-Federal criminal statute involving the manufacture, distribution, dispensing use, or possession of any controlled substance; "Employee" means the employee of a grantee directly engaged in the performance of work under a grant including: (i) All "direct charge" employees; (ii) all "indirect charge" employees unless their impact of involvement is insignificant to the performance of the grant; and (iii) temporary personnel and consultants who are directly engaged in the performance of work under the grant and who are on the grantee's payroll. This definition does not include workers not on the payroll of the grantee (e.g., volunteers, even if used to meet a matching requirement; consultants or independent contractors not on the grantee's payroll; or employees of subrecipients or subcontractors in covered workplaces).

The grantee certifies that it will provide a drug-free workplace by: a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition; b) Establishing a drug-free awareness program to inform employees about: (1) The dangers of drug abuse in the workplace; (2) The grantee's policy of maintaining a drug-free workplace; (3) Any available drug counseling, rehabilitation, employee assistance programs; and (4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace; c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a); d) Notifying the employee in the statement required by paragraph (a) that as a condition of employment under the grant, the employee will: (1) Abide by the terms of the statement; and (2) Notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction; e) Notifying the agency in writing within ten days after receiving notice under subparagraph (d) (2), from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designated on whose grant the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant; f) Taking one of the following actions within 30 days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted: (1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or (2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency. g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a) through (f).

CERTIFICATION REGARDING ENVIRONMENTAL TOBACCO SMOKE

Public Law 103-227, also known as the Pro-Children Act of 1994 (Act), requires that smoking not be permitted in any portion of any indoor facility owned or leased or contracted for by an entity and used routinely or regularly for the provision of health, day care, early childhood development services, education or library services to children under the age of 18, if the services are funded by Federal program either directly or through State or local governments, by Federal grant, contract, loan, or loan guarantee. The law also applies to children's services that are provided in indoor facilities that are constructed, operated, or maintained with such Federal funds. The law does not apply to children's services provided in private residences; portions of facilities used for inpatient drug or alcohol treatment; service providers whose sole source of applicable Federal funds in medicare or medicaid; or facilities where WIC coupons are redeemed. Failure to comply with the provisions of the law may result in the imposition of a civil monetary penalty of up to \$1,000 for each violation and/or the imposition of an administrative compliance order on the responsible entity.

By signing this certification, the offeror/contractor (for acquisitions) or applicant/grantee (for

undersigned, any person for influencing or attempting to influence an officer or employee of any agency, a member of congress, an officer or employee of congress, or an employee of a member of congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment or modification of any Federal contract, grant, loan, or cooperative agreement.

2. If any funds other than Federal appropriated funds have been paid or will be paid to any person influencing or attempting to influence an officer or employee of an agency, a member of congress, an officer or employee of congress, or an employee of a member of congress in connection with this Federal contract, grant, loan or cooperative agreement, the undersigned shall complete and submit Standard Form LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
3. The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

I hereby agree to the above certifications and assurances.

Signature of Certifying Official

Date

Title

Applicant Organization





Estado Libre Asociado de Puerto Rico
Municipio Autónomo de Humacao

Legislatura Municipal

CERTIFICACIÓN

Yo, Rafael Peña Ortiz, Secretario de la Legislatura Municipal de Humacao, Puerto Rico, por la presente CERTIFICO:

- ✦ Que el día 2 de noviembre de 2007 se aprobó la Resolución Núm. 17, Serie 2007-08, en la undécima Sesión Ordinaria de esta Legislatura.
- ✦ Que en función de sus poderes, el Presidente de este Cuerpo determinó ver la misma por descargue, o sea, aprobarla sin ser enviada a estudio de una comisión. A tales efectos, no se emite informe al respecto.

Dada hoy, 6 de noviembre de 2007.

CERTIFICO CORRECTO:

Rafael Peña Ortiz
Secretario

Mari07-08:certificaciones:Pres 17, 07-08

Sello