

***“Organic Act of the Department of Labor and Human Resources of
Puerto Rico”***

Act No. 15 of April 14, 1931, as amended

(Contains amendments incorporated by:

Act No. 144 of May 13, 1943

Act No. 25 of December 5, 1947

Act No. 122 of April 27, 1949

Act No. 24 of September 21, 1948

Reorganization Plan No. 3 of 1950

Act No. 6 of July 24, 1952

Act No. 11 of July 24, 1952

Act No. 23 of July 24, 1952

Reorganization Plan No. 6 of 1971

Act No. 100 of June 23, 1977

Act No. 6 of February 26, 1988

Reorganization Plan No. 2 of May 4, 1994

Act No. 180 of July 27, 1998

Act No. 237 of August 13, 1998

Act No. 384 of September 17, 2004

Act No. 43 of April 17, 2008)

(Amendments non-incorporated:

Reorganization Plan No. 4 of December 9, 2011)

Be it enacted by the Legislature of Puerto Rico:

Section 1. — [Organic Act of the Department of Labor and Human Resources of Puerto Rico] (3 L.P.R.A. § 304)

This Act shall be known and referred to as the "Organic Act of the Department of Labor and Human Resources of Puerto Rico".

The Department of Labor and Human Resources is reorganized on the basis of the following operational components:

- (a) The Right to Employment Administration
- (b) The Corps of Volunteers at the Service of Puerto Rico
- (c) The Minimum Wage Board
- (d) Programs in effect in the Department
- (e) The Council for Occupational Development and Human Resources.

Section 2. — [Laborers' interests and welfare as objective of Department]. (3 L.P.R.A. § 305)

Under the provisions of the Organic Act of Puerto Rico the Department of Labor and Human Resources shall patronize, encourage and develop the interests and welfare of the laborers of Puerto Rico, shall make efforts to improve their living and working conditions and shall promote their opportunities to obtain profitable employment.

Besides the functions and responsibilities provided by labor protection laws and other laws in benefit of harmonious labor relations and worker well-being, the Department of Labor and Human Resources shall be the agency of the Executive Branch charged with implementing, developing and coordinating the public policy and programs geared towards the formation and training of the human resources vitally needed to fulfill the needs of the work sector. It shall be the leading body responsible for this government programmatic sector.

Section 3. — [Secretary to administer Department, promote welfare of laborer, and maintain industrial peace]. (3 L.P.R.A. § 306)

(a) Secretary of Labor and Human Resources shall be in charge of the general direction, administration and supervision of his/her Department and shall be the head thereof; through the agencies, services and bureaus created by law, he/she shall promote and stimulate the best relations between workers and employers by mediating and conciliating in industrial conflicts with noble spirit leading to the preservation of industrial peace and the general development and progress, in industrial disputes; he/she shall investigate and inquire into the reasons for unrest among the workers; he/she shall compile and publish statistics in regard to the condition of industries and enterprises, and shall determine their temporary or permanent nature; he/she shall conduct studies and investigations of the living and working conditions of industrial and agricultural workers, work systems, daily working hours, salary or wage rates, and hygiene and safety in the fields, factories and shops; he/she shall study the organization of the arts, trades or manual occupations, and cooperative and beneficent and pension systems, and shall compile and publish the data for the purpose of showing their development, progress or failure; he/she shall study and codify social and labor-protecting legislation in force; he/she shall compile and publish all rules and regulations prescribed in the labor legislation in force, for general information; he/she shall cooperate and establish connections with all institutions and associations of good repute that are organized to protect, advance and further labor interests, to improve the spirit of good will among workers and employers, and to promote industrial, agricultural and commercial activities.

The Secretary of Labor and Human Resources shall provide free of charge to public and private postsecondary education institutions those publications, reports and studies related to the present demands and needs of the employment market as well as any future projections available. He/she shall also provide orientations to said institutions on the possible future demands of the employment market so that they may be able to review their curricula in order to respond to the true needs of Puerto Rico.

(b) The Secretary of Labor and Human Resources may sell all the publications, reports and studies published by his Department for the purposes of recovering all, or part of the printing, reproduction and distribution expenses.

(c) Notwithstanding the above, the Secretary of Labor and Human Resources shall provide for the free distribution of all these publications, reports and studies to the government agencies and educational bodies that, in his judgment, should receive the information by this means, and shall also determine when a publication, report or study shall be distributed free of charge among the labor unions and employers' associations, and private persons and entities, because the information contained therein is necessary or important to the community in general.

(d) The Secretary of Labor and Human Resources may, through an agreement to such effects, charge other government agencies or other educational, labor, or employers' entities for the use of its personnel, as well as the resources of the Department of Labor and Human Resources, for any study requested, in order to recover part of the costs of such studies. Such agreements shall specify the services and facilities to be rendered, and which of them, if any, shall be free of charge.

(e) The funds obtained, either from the sale of the publications, reports or studies, or from the charges for carrying out any study for another government agency or entity, shall be covered into a special account on behalf of the Department of Labor and Human Resources. These funds shall serve to cover in whole or in part, the expenses incurred in the printing, reproduction and distribution of its publications and studies, thus maintaining the regularity of said publications, reports and studies.

(f) The Secretary of the Treasury shall put at the disposal of the Department of Labor and Human Resources the monies deposited in said special account through warrants authorized or signed by the Secretary of Labor and Human Resources.

(g) The Secretary of Labor and Human Resources is empowered to promulgate those rules and regulations needed to put into effect the provisions of this section related to the sale of publications, reports and studies and to the charges for the use of the personnel and resources of his Department in carrying out or preparing studies for other agencies or entities. This regulating power shall be exercised in an independent manner and without being subject to the provisions of Section 4 of this Act.

(h) The Secretary of Labor and Human Resources shall have the following powers, duties and functions besides those conferred by other laws, without it constituting a limitation:

(1) Advise the Governor and the Legislature concerning all matters under the responsibility of the Department.

(2) Implement and execute the public policy of the Department and its operating components, as well as that of the programs relative to the work force employment formation and training in a well integrated and coordinated manner.

(3) Plan, in an integral manner, the programs and services of the Department and its component parts and define and implement policies, plans, strategies and priorities according to the needs of the sector.

(4) Direct, coordinate and supervise the administration of the programs and functions of the Department and its component part.

(5) Evaluate and audit the operations of the component parts of the department, render reports to the Governor and adopt the measures needed to ensure the efficiency of the body.

(6) Draft and present to the Governor annually a budget proposal for each of the component part of the Department.

(7) Propose to the Governor and the Legislature, for their consideration, changes in the organization of the Department which entail modifying, abolishing or transferring the functions of the various programs and agencies under its jurisdiction.

(8) Approve the regulations to be adopted by the various component parts of the Department, with the exception of the mandatory decrees approved by the Minimum Wage Board or any amendment thereto or repeal thereof. The directors of the component parts of the Department shall prepare and submit for the approval of the Secretary, the necessary regulations, including any amendment thereto or repeal thereof and develop and implement rules, norms and procedures of general application in the Department. The regulations in effect at the date of approval of this Plan shall remain in effect until the Secretary should amend or repeal the same.

(9) Foster, by means of the mechanisms deemed necessary, the participation of the citizens, as well as that of private and labor enterprises, in the activities under the jurisdiction of the Department.

(10) Delegate on Department officials or employees, including those entities which constitute administrative components of the latter, any powers, faculties, duties or functions conferred, except that the power to adopt or approve regulations is nontransferable, as well as any other power provided by law to be nontransferable.

(11) Create the advisory and consulting boards, commissions and committees needed to ensure the proper operation of the Department and its component parts, or those that are required by federal legislation.

Section 4. — [Rules and regulations; approval of Governor]. (3 L.P.R.A. § 307)

The Secretary of Labor and Human Resources shall be empowered to adopt such rules and regulations as may be necessary for the discipline of the Department of Labor and Human Resources, or for the carrying out of the provisions of his Act, provided they are not in conflict herewith. After such rules and regulations have been approved by the Governor, and duly promulgated, they shall have the force of law.

The Secretary of Labor and Human Resources is hereby empowered to adopt all regulations, rules and other similar administrative instruments that may be necessary to implement for the internal operations of the Department of Labor and Human Resources proper, and all special, Commonwealth or federal laws, as well as the Executive Order he/she administers, including the operating component parts, according to the provisions of Act No. 170 of August 12, 1988, as amended [3 L.P.R.A. §§ 2101 et seq.], known as the "Uniform Administrative Procedures Act", except when specifically exempted by law from their specific compliance.

Section 5. — [Enforcement of labor protection laws]. (3 L.P.R.A. § 308)

It shall be the duty of the Secretary to enforce the labor protecting laws.

The Secretary or any employee of the Department of Labor and Human Resources designated by him, shall investigate every complaint alleging the violation of any of the labor protecting laws now in force or hereafter enacted.

It shall also be the duty of the Secretary to make, personally or through any employee of the Department of Labor and Human Resources designated by him, the proper investigation, when he may have reason to believe that in any industry, business or occupation, or in the specific case of any workmen, any of the labor protecting laws now in force or hereafter enacted is being violated.

In the discharge of such duty to investigate, or of any other duties imposed on him by his Act, or hereafter imposed on him by any act, and in the exercise of the faculties thereby vested or which may be vested in him, the Secretary of Labor and Human Resources, or his duly authorized agents, may hear testimony, take oaths, issue summonses to compel the appearance of witnesses and the production of any evidence, documentary or otherwise, which the said Secretary of Labor and Human Resources may deem necessary, including payrolls, accounting books, records of wages and working hours, and pay lists.

If a summons issued by the Secretary of Labor and Human Resources or his agents is not duly obeyed, the Secretary of Labor and Human Resources may appear before any part of Court of First Instance and apply for an order demanding obedience to said summons. The Court of First Instance shall have jurisdiction to enter judicial orders compelling the appearance of witnesses or the production of any evidence, documentary or otherwise, that the Secretary of Labor and Human Resources or his agents may have previously required. The Court of First Instance shall have power to punish for contempt the disobedience to such orders.

No natural or [juridical] person may refuse to obey a summons of the Secretary of Labor and Human Resources or his duly authorized agents, or a judicial order so entered, on the allegation that the testimony or evidence required of him may tend to incriminate him or give cause for the imposition of a penalty on him. But in no criminal proceedings against a natural person who may have testified or presented documentary or other evidence before the Secretary of Labor and Human Resources or his duly authorized agent, in obedience to a summons of the said Secretary of Labor and Human Resources or his agents, or in compliance with a judicial order, may such testimony or evidence be used or introduced in evidence; Provided, That any natural person may be prosecuted and punished for perjury committed in giving testimony before the Secretary of Labor and Human Resources or his duly authorized agent, or in compliance with a judicial order.

Furthermore, in the performance of such duties, the Secretary, or any employee of the Department of Labor and Human Resources designated by him, is hereby authorized to visit and examine buildings, factories, mills, shops, machinery, farms, agricultural properties and other establishments and premises of any kind where any sort of labor of a commercial, agricultural or industrial nature is performed, and may examine the payrolls, pay lists, records of wages and working hours, and account books of any employer for the purpose of making the proper investigation or of obtaining data and information for the statistics required by his Act; and he may, further, use in connection with summonses and investigations, the services of the justices of the peace, of the District judges, of the prosecuting attorneys, of the marshals of the Court of First Instance, and of the police force.

Any employer, administrator or operator of any industry, factory, shop, farm, mill, machinery, agricultural property and any other establishment or premises of any kind where any sort of labor of a commercial, agricultural, or industrial nature is done, or the agent thereof, who refuses to permit the entry of the Secretary of Labor and Human Resources or

of any employee duly authorized by him, or who refuses to furnish such information as may be required from him, or who hinders the examination of his payrolls, pay lists, records of wages and working hours, and account books, in the manner herein prescribed, shall be guilty of a misdemeanor and shall be subject to a fine of not more than fifty dollars (\$50) or to imprisonment in jail for a maximum term of one (1) month, or to both penalties, in the discretion of the court.

Section 5-A. — [Creation of systems and regulations; exemptions]. (3 L.P.R.A. § 308a)

The Department of Labor and Human Resources and its operational components shall be exempt from the provisions of Act No. 164 of July 23, 1974 [3 L.P.R.A. §§ 931 et seq.], known as the "General Services Administration Act" and shall be governed their own laws and by the regulations established by the Secretary. The Department and its component parts, pursuant to their authority in law, shall establish their own systems and regulations for purchases, supplies and auxiliary services, within sound administrative practices concerning fiscal, economic and efficiency matters.

(1) The Secretary of Labor and Human Resource may make use of specific public goods such as equipment, materials, supplies or other similar goods of the Department and its component parts, declared by him/her or by an authorized official or employee to be surplus property, through the following means:

(a) The transfer or sale, at a reasonable price, to nonprofit private entities which are bona fide institutions, that have a social purpose and are qualified regarding certain of the social programs of the Department, to receive funds from the Government of Puerto Rico.

(b) The transfer or sale, at a reasonable price, to any specific agency, department, instrumentality or entity of the government or the municipalities of Puerto Rico; or to any specific federal or state entity of the government of the United States of America.

(c) The sale, at a reasonable price, at public auction among interested qualified bidders.

Surplus property shall be understood to be all goods, equipment, materials or supplies which shall be finally disposed of for being of no use to the needs of the Department or its operating components because they are obsolete, useless, surplus or disposable, or fall under another similar classification.

The funds obtained from the sale of surplus property shall be covered into a special account in the Department of the Treasury in favor of the Department of Labor and Human Resources.

These funds shall serve to cover in total or in part the expenses incurred in the operation of the program for the sale of surplus property belonging both to the Department and to its operating components.

The Secretary of the Treasury shall make available to the Department of Labor and Human Resources the moneys covered into said special account through orders for the payment of money authorized or signed by the Secretary of Labor and Human Resources.

The funds obtained from the sale of the surplus property of the Department shall not hinder in any manner whatsoever the appropriation of funds in subsequent years for the regular and operating expenses of the Department and its operating components.

(2) When it is impossible to dispose of the surplus property as provided above, the same shall be disposed of in the most convenient and reasonable manner according to the applicable laws and regulations.

Section 6. — [False information by employer; penalty]. (3 L.P.R.A. § 309)

Any employer who knowingly gives false information in connection with information required by the Department of Labor and Human Resources, shall be guilty of a misdemeanor, punishable by a fine of from fifty [dollars] (\$50) to five hundred dollars (\$500).

Section 7. — [Appointment of Department personnel]. (3 L.P.R.A. § 310)

The Secretary of Labor and Human Resources is hereby expressly authorized to appoint all such personnel as may be necessary the better to organize and operate the Department.

Section 8. — [Administrative jurisdiction] (3 L.P.R.A. § 311)

There shall be under the administrative jurisdiction of the Department of Labor and Human Resources of Puerto Rico all the bodies, boards or commissions that have been, or may be hereafter, legally constituted for developing and preserving the welfare of the laborers of Puerto Rico, for improving their living and working conditions, for furnishing and amplifying their opportunities for employment, for protecting the life, health and safety of workmen and employees, and for intervening in the solution of industrial and agricultural conflicts, all in accordance with the provisions of Act No. 5138, approved by the Congress of the United States in February 1931.

The Secretary of Labor and Human Resources shall be a member ex officio of all these bodies, boards or commissions, and may delegate this power in the Assistant Secretary of Labor and Human Resources.

Section 8-A. — [Individual administrators] (3 L.P.R.A. § 311a)

The Department of Labor and Human Resources and its operating components which are integrated and attached under the provisions of Reorganization Plan No. 2 of May 4, 1994, excluding the Occupational and Human Resources Development Council, shall enjoy the status as individual administrations pursuant to the provisions of Act No. 5 of October 14, 1975 known as the "Puerto Rico Public Service Personnel Act" [*Note: Actual Act 184-2004*] and Act No. 89 of July 12, 1979, known as the "Uniform Compensation Act" [*Note: Repealed*]

Sections 9 and 10. — [Repealed, Act No. 144 of May 13, 1943, § 2] (3 L.P.R.A. § 311 note)

ORGANIZATION OF THE DEPARTMENT

Section 11. — [Organization of the Department]. (3 L.P.R.A. § 312)

The Department of Labor and Human Resources shall consist of the following services, bureaus and divisions:

- (a) Office of the Secretary
- (b) Administrative Office
- (c) Industrial Supervision Service
- (d) Division of Hygiene and Industrial Safety
- (e) Bureau of Labor Statistics
- (f) Women's Bureau
- (g) Child Bureau
- (h) Employment and Migration Bureau
- (i) Legal Division
- (j) Mediation and Conciliation Service
- (k) Bureau of Publications and Worker's Education
- (l) Board of Examiners of Social Workers
- (m) Industrial Commission
- (n) Labor Relations Board
- (o) [Redesignated.]
- (p) [Abolished.]
- (q) [Suppressed.]

Section 11-A. — Administrative structure of Department. (3 L.P.R.A. § 312a)

In addition to the organization of the Department of Labor and Human Resources which remains in effect, and the operating components established in Section 1 of this Act, the Department proper shall have the following administrative structure:

- (1) Commonwealth Board for the Development of a Transition System from School to Employment.
- (2) Labor Development Bureau.
- (3) Community Information and Relations Office.
- (4) Internal Auditing Office.
- (5) Office of the Advocate for Labor.
- (6) Office of the Assistant Secretary for Personnel Administration.
- (7) Office of the Assistant Secretary for Technological Information Systems.
- (8) Office of the Assistant Secretary for Management Services, which shall be in charge of the following units:
 - (a) Budget and Systems Office.
 - (b) Finance Office.
 - (c) Administrative Services Office.
- (9) Office of the Assistant Secretary for Direct Services and Standards, which shall be in charge of the following units:
 - (a) Bureau of Labor Standards.

- (b) Bureau of Labor Statistics.
- (c) Bureau of Services to Labor Unions.
- (d) Labor Mediation and Arbitration Bureau.
- (e) Employment Nondiscrimination Section.
- (10) Bureau of Legal Affairs.
- (11) Office of the Assistant Secretary for Workplace Safety and Hygiene, which shall be in charge of the following units:
 - (a) Workplace Safety and Hygiene Bureau.
 - (b) Elevator and Boiler Registration and Inspection Section.
 - (c) Education and Promotion Division.
- (12) Office of the Secretary for Planning, Research and Development.
- (13) Office of the Assistant Secretary for Human Resources, which shall be in charge of the following units:
 - (a) Employment Security Bureau, to include:
 - (1) Unemployment Insurance Bureau.
 - (2) Studies and Statistics Bureau.
 - (3) Employment Service Bureau.
 - (b) Benefits for Chauffeurs and Non-occupationally Disabled Persons Bureau.
- (14) Regional Coordinators.

Section 12. — [Repealed, Act No. 144 of May 13, 1943, § 2] (3 L.P.R.A. § 314 note)

Section 13. — [Assistant Secretary of Labor and Human Resources]. (3 L.P.R.A. § 313)

The Secretary of Labor and Human Resources is empowered to appoint an Assistant Secretary of Labor and Human Resources, who shall be under his immediate direction and shall assist him in the performance of his duties, and substitute for him in cases of absence, sickness or resignation. The Assistant Secretary of Labor and Human Resources shall have all such other duties and obligations as may be assigned to him by the Secretary.

Section 14. — [Administrative office; sections; duties]. (3 L.P.R.A. § 314)

The Chief Administrative Official shall be the secretary and chief clerk of the Department. In the Administrative Office there shall be organized the sections of personnel, payments and accounts, and property.

The Personnel Office shall have charge of everything relative to appointments, leaves of absence and records of the personnel working in the Department and shall also prepare the pay rolls. The Section of Payments and Accounts shall be in charge of the purchases, and of the preparation and handling of accounts, and shall make all the disbursements of the Department. The Property Section shall have charge of the custody of the property and shall keep the inventories thereof up to date, in accordance with the regulations of the Secretary of the Treasury of Puerto Rico.

Section 15. — Service of Industrial Supervision. (3 L.P.R.A. § 315)

The following sections shall be organized within the Service of Industrial Supervision:

- (a) Supervision of Men's Work.
- (b) Supervision of Women's Work.
- (c) Supervision of Industrial [Home-based work].

The Service of Industrial Supervision shall have charge of:

- (1) The supervision of the enforcement of the laws protecting labor.
- (2) The inspection of commercial and industrial establishments, agricultural plantations, properties, farms, factories, shops, mills, offices, public-service enterprises, and other establishments or places where any kind of work is done.
- (3) The investigation of the living and working conditions of workmen and employees.

Section 15-A. — Division of Hygiene and Industrial Safety. (3 L.P.R.A. § 316)

The Division of Hygiene and Industrial Safety shall have charge of the supervision and oversight of measures of safety and industrial hygiene applicable to any industry, business or occupation, and shall be charged with enforcing all the regulations that the Secretary of Labor and Human Resources may promulgate under Act No. 112 of 1939.

Section 15-B. — Bureau of Labor Statistics. (3 L.P.R.A. § 317)

The Bureau of Labor Statistics shall have charge of the compilation, analysis and interpretation of the statistical data regarding labor in the various industries, businesses and occupations. It shall prepare and keep up to date indexes of prices and of the cost of living; it shall make an analysis of day's wages and shall establish the relation of these to the cost of living; and shall make surveys of an economic-social nature in regard to the living and working conditions of industrial and agricultural workmen.

Section 16. — Child Bureau. (3 L.P.R.A. § 318)

The Child Bureau shall have in its charge the supervision of the enforcement of laws protecting the child, and shall further measures directed towards guaranteeing the welfare of the child, to promote its educational opportunities, and to take steps towards providing him with facilities of employment compatible with his mental and physical development, in those occupations permitted by law. It can act as an agency of the Government of Puerto Rico for the implantation and development of programs for the social security, benefit, aid and protection of the child, whether such programs be paid from federal or Commonwealth funds

Section 17. — Employment and Migration Bureau. (3 L.P.R.A. § 319)

The Employment and Migration Bureau shall have charge of advancing the opportunities for the profitable employment of the unemployed, pursuant to the provisions of Section 18(a) of the Organic Act of Puerto Rico (Act of Congress, of February 18, 1931); the administration of Act No. 89, May 9, 1947, which regulates contracts for workmen or

employees to work outside Puerto Rico; the enforcement of Act No. 417, of May 14, 1947, [29 L.P.R.A. §§ 564-574], which regulate private employment agencies; and all such laws, rules and regulations as may hereafter be adopted in connection with the Employment and Migration Bureau created by this section.

The Secretary of Labor and Human Resources shall be empowered, and he is hereby authorized, to adopt and carry out such measures as he may deem advisable for the organization, operation and development of the Employment and Migration Bureau in Puerto Rico as well as in the United States, and to adopt rules and regulations to effectuate the provisions of this section. Such measures, rules and regulations shall, upon their approval by the Governor, and after they have been duly promulgated, have the force of law.

Among other services and activities which the Secretary may determine pursuant to this section, the Employment and Migration Bureau shall include: the operation of the present Employment Services in Puerto Rico, amplified so as to give services of identification, information, and guidance to Puerto Ricans who migrate from Puerto Rico; the investigation of employment opportunities in the United States, conditions of contract labor and supervision of labor contracts, whether made by private employment agencies, government agencies, or directly by the employers; and an office in the City of New York to give guidance, adjustment and direction to Puerto Ricans in the said city, in accordance with such plans as the Secretary of Labor and Human Resources may adopt for the purposes of the section.

The Secretary of Labor and Human Resources is hereby expressly authorized to appoint all the personnel necessary for the more efficient organization and operation of the Employment and Migration Bureau, subject to the provisions of Act No. 345, May 12, 1947, creating the Office of Personnel of Puerto Rico; Provided, That the Director of the Bureau and the officials and employees who are to work in the City of New York, or in any other location in the continental United States, shall be considered included in the service exempt, and their salaries shall be fixed by the Secretary of Labor and Human Resources with the approval of the Governor; and Provided, further, That the expenditure of funds for the purchase of equipment and office supplies for the New York Office shall be exempt from the regulations of Act No. 150, May 9, 1945, creating the Service Office of the Government of Puerto Rico.

Any person designated by the Secretary of Labor and Human Resources to serve as disbursing officer in New York, or in any other location outside Puerto Rico, with the approval of the Secretary of the Treasury of Puerto Rico, shall give bond in the amount that the Secretary of the Treasury may determine, in order to guarantee the proper use of the funds in his custody. The premium of such bond shall be paid chargeable to the funds appropriated by this section. In the disbursement of the said funds, the person designated for such purpose shall be subject to the rules and regulations prescribed by the Secretary of the Treasury of Puerto Rico, and shall present after such disbursements have been certified, such vouchers, accounts and papers as the Secretary of the Treasury of Puerto Rico shall require by regulations.

The sums necessary for the operation of the Employment and Migration Bureau shall be included in the general budget of expenses of the Government of Puerto Rico.

Section 17-A. — Puerto Rico Labor Development Bureau. (3 L.P.R.A. § 319a)

The Puerto Rico Labor Development Bureau, under the direction and supervision of the Secretary of Labor and Human Resources, shall be in charge of the administration and use of the Work Opportunities Development Fund, consistent with the applicable directive norms of the Legislation and its regulations.

Pursuant to Act No. 59 of August 9, 1991 which amended Act No. 74 of June 21, 1951, 1956, as amended [29 L.P.R.A. §§ 701 et seq.], known as the "Employment Security Act", in order to set aside a special contribution of up to one percent (1%) for the creation of the Special fund, for the creation of employment opportunities for unemployed workers, an increase in employment stability and employee productivity and any like pertinent matter shall be fostered by the means authorized by law.

Section 18. — Mediation, Conciliation and Adjudication Service. (3 L.P.R.A. § 320)

The Department shall provide mediation and conciliation services, and it shall intervene and mediate for the purpose of keeping industrial peace, in such industrial, agricultural or other disputes, conflicts or controversies connected to the application of labor laws, as may arise between workers and employers.

The Department shall also have an Office of Mediation and Adjudication that shall conciliate and adjudicate worker-employer controversies on the following matters:

1. Claims for violations of the right to reinstatement in Section 5A of Act No. 45 of April 18, 1935, as amended, generally known as the “Workmen’s Accident Compensation Act,” in which no indemnization for damages claim is made.
2. Claims for wages, vacations and sick leave, pursuant to Act No. 180 of July 27, 1998.
3. Act No. 17 of April 1931, on the payment of wages.
4. Act No. 80 of May 30, 1976, on unjustified dismissal in which no indemnization for damages claim is made for other additional causes, separate from the right to allowance and compensation for the act of dismissal pursuant to said Act.
5. Act No. 148 of June 30, 1969, on the Christmas Bonus.
6. Act No. 379 of May 15, 1948, on working hours.
7. Act No. 3 of March 13, 1942, Section 7, on working mothers’ leave in cases whereby no claim is made for compensation or indemnization for damages, and there are no penalties for other additional or separate causes other than severance, or the payment or granting of the leave claimed.

Once a complaint is received from the Bureau of Labor Standards, the Office of Mediation and Adjudication shall summon the parties in controversy to a conciliation hearing or session to be held within the following twenty (20) days as of the date of receipt of the complaint. The parties shall be advised of their right to legal assistance and representation in said conciliation hearing or session. If after the mediation and conciliation procedures are conducted before the Office, the parties fail to arrive at a satisfactory agreement, such procedures shall be concluded and the case shall follow the procedures for adjudicating the controversy before an Official Examiner or an Administrative Judge.

The Office of Mediation and Adjudication of the Department of Labor shall have concurrent jurisdiction with the Court of First Instance at the option of the complainant or

claimant in matters within its jurisdiction and shall issue its decisions or resolutions to settle controversies pursuant to the law through the procedures established in Act No. 170 of August 12, 1988, known as the Uniform Administrative Procedures Act, except that once the hearing is held and the controversy is submitted for his/her consideration, the Official Examiner or Administrative Judge shall issue the same within sixty (60) days as of the date on which the case was submitted.

The Official Examiners or Administrative Judges shall be knowledgeable in the field of labor, preferably attorneys, and they shall be authorized to take oaths, summon witnesses, to order the production of documents and materials, and to issue protection orders. At their discretion, they may authorize the discovery of evidence in a limited manner, in harmony with the purpose of guaranteeing speedy and economical procedures, pursuant to the Rules of Civil Procedure.

When the applicable Law for the adjudication of a complaint or controversy before an Official Examiner or Administrative Judge does not provide for the payment of the fees of the claimant worker’s attorney, the payment of such fees in an amount of not more than twenty-five (25) percent of the amount to be received by the worker as a consequence of his/her complaint, or three hundred fifty (350) dollars, whichever is greater, shall be imposed on the employer that is found to be responsible for the violation of the Law in question. Such attorney fees shall be the only authorized fees to be earned by the legal representative of the worker.

In the case a determination of the Office adjudicating a controversy is final and binding, and the adversely affected party fails to comply with the provisions of said determination, the Secretary, through his/her attorneys, may resort to the Court of First Instance for the latter to put in effect the decision of the Bureau and

order full compliance with its provisions including all remedies and sanctions that apply according to the law, as if it were a court judgment including, without it being understood as a limitation, the imposition of interest for the amounts owed, the seizure of goods or sanctions for contempt.

The Court shall give priority to these cases in its docket and, within not more than thirty (30) days as of the date on which the request of the Secretary is presented, shall summon the parties to appear at a hearing.

Section 20. — Legal Division. (3 L.P.R.A. § 321)

The Legal Division shall be in charge of the following functions:

- (1) To render opinions in regard to labor legislation.
- (2) To take steps towards the amicable settlement of the claims for wages and other compensation, rights, or benefits which belong to workmen or employees in accordance with the laws of Puerto Rico, including claims in connection with sharecropping contracts, and to take to court those claims that cannot be decided through conciliation.
- (3) To advise workmen and employees in regard to the rights which laws, collective agreements, and individual labor contracts establish in their favor.
- (4) To formulate charges and file complaints and suits to make effective the legislation protecting labor, and to appear before the courts of justice in proceedings to guarantee the right of laborers.

(5) To cooperate with, and to advise, labor organizations in the drafting of individual and collective labor agreements, statements of demands, briefs, and other documents and papers for claiming rights and assuring protection to workmen.

In every civil or criminal case where the attorneys of the Legal Division appear before the courts of justice in representation of the Secretary, of officials of the Department, or of workmen or employees, no fee shall be cancelled for such appearance, nor shall the forensic tax be paid.

Sections 21 and 22. — [Repealed, Act No. 144 of May 13, 1943, § 2] (3 L.P.R.A. § 312 note)

Section 22-A. — Bureau of Publications and Education of Laborers. (3 L.P.R.A. § 322a)

The Bureau of Publications and Education of Laborers shall have charge of the dissemination of the labor laws, of systems and methods of organization of the rights and duties of the workman in connection with the enforcement of agreements and laws for the protection of labor; it shall make known the measures that contribute to the economic and social improvement of laborers, through lectures, publications, radio broadcasts, circulating libraries, or other suitable means. The Bureau shall cooperate in the development of cultural activities of other dependencies and offices of the government directed towards the same end.

GENERAL PROVISIONS

Section 23. — Office located in San Juan. (3 L.P.R.A. § 324)

The Department of Labor and Human Resources shall have an office in the city of San Juan, where all its documents and files shall be kept; and for this purpose, the Secretary of Transportation and Public Works is hereby directed to provide said department with ample and adequate quarters belonging to the Commonwealth of Puerto Rico, in the city of San Juan.

Section 24. — Seal of Department. (3 L.P.R.A. § 325)

The Department of Labor and Human Resources shall have an official seal to be designed by the Secretary of Labor and Human Resources.

Section 25. — Copies of laws and reports for Department. (3 L.P.R.A. § 326)

Within the thirty days following the date on which this section takes effect, the Secretary of State of Puerto Rico shall furnish to the Department of Labor and Human Resources, free of charge, a collection of the volumes of the laws of the Legislature, as well as a sufficient number of the volumes of the Revised Statutes, of the reports of the Governor of Puerto Rico and of all official publications of the Commonwealth Government; and he shall continue to furnish an equal number of copies of said laws, reports and publications, hereinabove mentioned, as they are published.

Section 26. — Copies of Supreme Court decisions for Department. (3 L.P.R.A. § 327)

Within the period of time mentioned above, the Secretary of the Supreme Court of Puerto Rico shall furnish, free of charge, a collection of the volumes of the decisions of said Supreme Court heretofore or hereafter published.

DEFINITIONS

Section 27. — Definition of laborer or employee. (3 L.P.R.A. § 328)

For the purposes of his Act, "laborer" or "employee" shall be understood to mean any person at the service of any individual, partnership or corporation employing one or more persons under any contract for services, whether express or implied, or verbal or written, and whether such person is man, woman or child; and all persons whose work is on a temporary character, are hereby expressly included.

For the purposes of his Act, the word "laborer" or "employee" includes every laborer employed in any establishment, or in any manufacturing, commercial or agricultural occupation, by a natural or [juridical] person, for compensation, or by the Commonwealth Government or any of its dependencies.

TRANSITORY MEASURES

Section 28. — [Transitory measures]. (3 L.P.R.A. § 304 note)

It is hereby provided that the Division of Labor including the Assistant Commissioner of Labor, created by Act No. 59, of April 29, 1930, under the extinguished Department of Agriculture and Labor shall continue in force and operation until June 30, 1931, under the direction of the Commissioner of Labor, so far as not in conflict with the Organic Act of Puerto Rico as amended by the Congress of the United States in February, 1931.

The funds appropriated in the Appropriation Act of 1930 to meet the expenses and salaries of said division, including the salary of the Assistant Commissioner of Labor and the incidental expenses of the Industrial Commission for the fiscal year 1931, or such part thereof as may be unexpended within the appropriations of the extinguished Department of Agriculture and Labor when this Act takes effect, are hereby assigned to the services of the said Division of Labor and of the Industrial Commission, under the Department of Labor.

The preceding provision is also hereby made extensive to all appropriations for expenses and per diems of the Mediation and Conciliation Commission, within the several appropriations of the budget approved for the fiscal year 1930-31. Such funds as may correspond to the Mediation and Conciliation Commission shall be used by the Department of Labor for the purposes for which they were assigned in the budget for 1931.

The acts, decisions and proceedings carried out from and after February 20, 1981, by the Assistant Commissioner of Labor, appointed while the Department of Agriculture and Labor was still in existence, as well as the acts, authorizations and vouchers of the Assistant Commissioner of Labor, authorized by the Auditor of Puerto Rico and paid by the Treasurer of Puerto Rico from the funds of the Division of Labor above referred to. on account of salaries of the Assistant Commissioner of Labor and of the entire personnel of the said

division, or on account of any other expenses incurred after February 20, 1931,-are hereby confirmed and legalized, and said officials are hereby authorized to continue to issue warrants, authorizations and vouchers to be charged to the above-mentioned funds, up to June 30, 1931.

The Treasurer of Porto Rico is also authorized to pay, and the Auditor of Porto Rico is empowered to authorize the payment of, the salary of the Commissioner of Labor of Puerto Rico at the rate of six thousand (6,000) dollars a year, payable every month in equal parts; and the sum of two thousand (2,000) dollars or such part thereof as may be necessary, is hereby appropriated out of any funds in the Treasury of Puerto Rico, not otherwise appropriated, for the payment of such salary to the Commissioner of Labor. The Treasurer and the Auditor of Puerto Rico are hereby authorized to make said payment from and after the very day on which the Commissioner of Labor takes the oath of office and qualifies.

The Division of Accounts and Property of the extinguished Department of Agriculture and Labor, as such division was created by Act No. 59, approved April 29, 1930, shall continue in existence up to June 30, 1931, for the special purpose of taking charge of all matters concerning the accounts and property of the Division of Labor above referred to; and when the said Division of Accounts ceases, it shall make a complete report on the state of the funds to the Commissioner of Labor. It shall also transfer and make actual delivery to the Department of Labor of all the equipment and property belonging to said division or acquired with the funds thereof or of the extinguished Bureau of Labor.

From and after July 1, 1931, the Department of Labor shall be organized in the manner herein provided and in accordance with the powers conferred upon the Commissioner of Labor.

Section 29. — [Transitory measures]. (3 L.P.R.A. § 304 note)

It is hereby provided that all laws relative to labor and to the welfare, advancement and progress of laborers, which are not in conflict with the provisions of this Act, shall continue in full force, and that every interpretation of such laws shall be in charge of the Commissioner of Labor.

Section 30. — [Transitory measures]. (3 L.P.R.A. § 304 note)

The Commissioner of Labor is hereby authorized, in organizing the Department of Labor and upon authorization of the Auditor of Porto Rico, to equip conveniently all the dependencies of his department and to purchase all such typewriters, desks, furniture and other utensils, equipment and general supplies as may be required to expedite the work of the department.

Section 31. — [Transitory measures]. (3 L.P.R.A. § 304 note)

All the personnel and expenses necessary for the divisions, bureaus and services herein provided for shall be included in the Appropriation Act; Provided, That the necessary personnel and expenses payable from any special appropriation, shall be so stated in such

budget as may be finally approved for the Department of Labor by the Legislature of Porto Rico.

Section 32. — [Transitory measures]. (3 L.P.R.A. § 304 note)

Should any clause, paragraph, article, section or part of this Act be declared unconstitutional by any Court of competent jurisdiction, such judgment shall not affect, impair or invalidate the rest of this Act, but its effect shall be confined to such clause, paragraph, article, section or part hereof as may have been thus declared unconstitutional.

Section 33. — All laws or parts of laws in conflict herewith, are hereby repealed.

Section 34. — This Act shall take effect ninety days after its approval.

Note. This compilation was prepared by the Puerto Rico OMB staff who have striven to ensure it is complete and accurate. However, this is not an official compilation and may not be completely free of error. It contains all amendments incorporated for reading purposes only. For accuracy and exactitude please refer to the act original text. Compiled by the Office of Management and Budget Library.