

“Puerto Rico Labor Relations Act”

Act No. 130 of May 8, 1945, as amended

(Contains amendments incorporated by:

Act No. 6 of March 7, 1946
Act No. 31 of July 16, 1947
Act No. 458 of May 14, 1947
Act No. 49 of April 18, 1950
Act No. 71 of June 15, 1955
Act No. 62 of June 14, 1957
Act No. 30 of May 21, 1964
Act No. 68 of June 22, 1965
Act No. 70 of May 30, 1970
Act No. 114 of June 24, 1971
Act No. 128 of July 20, 1979
Act No. 97 of July 15, 1988
Act No. 131 of August 12, 1996
Act No. 446 of December 28, 2000)

To promote the principles of collective bargaining, reducing to a minimum the causes of certain labor disputes and thus developing production by the creation of the Puerto Rico Labor Relations Board; to define and establish certain rights of employees and employers; to declare collective labor agreements vested with a public interest; to define and establish rules for the prevention of unfair labor practices; to establish the procedure for the enforcement of the orders of the Board, and for judicial review by the Supreme Court of Puerto Rico; to empower the Board to determine representatives and units for collective bargaining; to empower the Board to bring proceedings to enforce arbitration awards; to require the registration of collective bargaining contracts; to require certain information from labor organizations; to establish legislative remedies in cases of employers entering into contracts with the Government; and for other purposes.

Be it enacted by the Legislature of Puerto Rico:

Section 1. — Declaration of Principles. — (29 L.P.R.A § 62)

The public policy of the Government of Puerto Rico as to employment relations and collective bargaining is declared to be as follows:

(1) It is a fundamental necessity of the people of Puerto Rico to develop its production to the maximum in order to establish the highest possible living standards for the ever-growing

population; it is the obligation of the Government of Puerto Rico to adopt such measures as may be conducive to the maximum development of this production and remove the threat that a day might come when, with the continuous increase in the population and the impossibility of maintaining an equivalent increase in production, the people must confront, a hopeless catastrophe; and it is the aim of the Government to develop and maintain such production through the comprehension and education of all the elements composing the people as regards the fundamental necessity of raising production to the limit and of distributing this production as equitably as may be possible; and it is likewise the purpose of the Government to develop in practice the principle of collective bargaining, in such a manner that the basic problem of the necessity for maximum production can be solved.

(2) Industrial peace, adequate and regular salaries for the employees, and uninterrupted production of goods and services by means of collective bargaining, are essential factors for the economic development of Puerto Rico. The achievement of these objectives depends to a large extent upon fair, friendly and mutually satisfactory relations between employers and employees, and upon the availability of adequate means for the peaceful solution of employer-employee controversies.

(3) By means of collective bargaining, terms and conditions of employment are to be established. For the purposes of such bargaining employers and employees shall have the right of forming organizations of their own choosing.

(4) It is the policy of the Government to eliminate the causes of certain labor disputes, by developing the practices and proceedings of collective bargaining and by establishing an adequate, efficient, and impartial tribunal which will carry out this policy.

(5) All existing collective bargaining contracts, as well as those hereafter executed, are hereby declared to be instruments for the promotion of the public policy of the Government of Puerto Rico in its efforts to develop production to the maximum; and it is declared that as such they are vested with a public interest. The exercise of the rights and the performance of the obligations by the parties to such collective bargaining contracts are therefore subject to such reasonable regulations as may be necessary to effectuate the public policies of this Act.

Section 2. — Definitions. — (29 L.P.R.A § 63)

When used in this Act:

(1) *Person.* — Includes one or more individuals, partnerships, associations, corporations, legal representatives, trustees, trustees in bankruptcy or judicial administrators.

(2) *Employer.* — Shall include executives, supervisors and any person who carries on activities of an executive nature directly or indirectly in the interest of an employer, but shall not include, (except for corporate instrumentalities or the Government of Puerto Rico as hereinafter defined) the Government or any political subdivision of the same; Provided, That it shall also include any individual, association or organization intervening in behalf of the employer in any labor dispute or collective bargaining.

(3) *Employee.* — Shall include any employee and shall not be limited to employees of a particular employer, unless the act expressly provides to the contrary; and shall include any individual whose work has ceased as a consequence of or in connection with any labor dispute, or because of any unfair labor practice, but shall not include any person employed in

the domestic service in the home of any family or person, or any person employed by his parents or spouse. The term shall not include executives or supervisors.

(4) *Representative*. — Shall be limited to labor organizations, as hereinafter defined, not established, maintained or aided by any unfair labor practice prohibited by this Act.

(5) *Unfair labor practice*. — Means any unfair labor practice as defined in Section 8 of this Act.

(6) *Labor dispute*. — Includes any controversy concerning terms, tenure, or conditions of employment, or concerning the organization or representation of employees, or concerning the negotiation, fixing, maintenance or change of or efforts to agree upon terms and conditions of employment, whether or not the disputants stand in the proximate relation of employer and employee.

(7) *All-union agreement*. — Shall mean an agreement between an employer and the representative of his employees in a collective bargaining unit whereby it is required as a condition of employment, that all the employees in such unit be members of a single labor organization.

(8) *Maintenance of membership agreement*. — Shall mean the agreement between an employer and the representatives of his employees in a collective bargaining unit whereby it is required as a condition of employment, of all the employees who are members of the union at the time of the execution of the agreement or at other times thereafter, and under such other conditions as may be specified in the agreement, that they maintain themselves in good standing as members of the union during the life of the contract.

(9) *Board*. — Refers to the Puerto Rico Labor Relations Board created by Section 3 of this Act.

(10) *Labor organization*. — Means any kind of organization, or any agency or committee representing employees or any group of employees acting in concert, or any plan in which employees participate, which exists for the purpose in whole or in part of dealing with an employer concerning grievances, disputes, wages, rates of pay, hours of work and/or conditions of labor.

(11) *Corporate instrumentalities*. — Refers to the following corporations which have properties belonging to or are controlled by the Government of Puerto Rico: the Land Authority, the Agricultural Company, the Development Bank, the Electric Power Authority, the Puerto Rico Industrial Development Company, the Ports Authority, the Communications Authority, and the subsidiaries of such corporations, and shall also include such similar enterprises and their subsidiaries as may be established in the future, as well as such other government agencies as are engaged or may hereafter engage in lucrative businesses or activities for pecuniary profit.

(12) If the technical office, or any other employees of the Puerto Rico Aqueduct and Sewer Authority should at the request of the Board of Directors of said Puerto Rico Aqueduct and Sewer Authority and with the approval of the Personnel Director, be included in the Competitive Service, said Puerto Rico Aqueduct and Sewer Authority shall, with regard to the remaining employees and workmen thereof, and for the purposes of subsections (2) and (11) of Section 2 of the Labor Relations Act of Puerto Rico, be considered a corporate instrumentality of the Government of Puerto Rico, and the employees and workmen not included in the Competitive Service shall be entitled to the benefits of the said Labor Relations Act of Puerto Rico.

Section 3. — Puerto Rico Labor Relations Board. — (29 L.P.R.A § 64)

(a) A Labor Relations Board is hereby created, constituted by a Chairperson and two (2) associate members appointed by the Governor with the advice and consent of the Senate of Puerto Rico for a term of ten (10) years. The Governor may remove any member of the Board upon prior notice and hearing, for negligence or malfeasance in the performance of his or her duties.

(b) The Chairperson of the Board shall receive the salary [set] annually by the General Budget Act, and the Associate Members shall each receive per diems of seventy-five dollars (\$75) for each day of session, and for travel expenses to attend the Board's sessions, excluding those carried out within the metropolitan area of San Juan, which shall be reimbursed as specified in the law or applicable regulations for public officials and employees of the Department of the Treasury. As of January 1, 1997, the members of the Board shall receive per diems equal to the minimum per diems established in Section 2 of Act No. 97 of June 19, 1968, as amended [2 L.P.R.A. § 29] for members of the Legislature.

(c) The Chairperson shall be the executive officer of the Board and shall devote all of his time to the duties of his office as chairman, and during his incumbency he shall not engage in any private business, or in the practice of any profession or trade. The Chairperson shall appoint the necessary personnel for the performance of the functions and duties prescribed by this Act.

(d) A vacancy in the Board shall not impair the right of the remaining members to exercise all the powers of the Board. After all the members of the Board are appointed, two members thereof shall constitute a quorum. Business of a purely administrative nature shall be attended to by the Chairperson.

(e) The central office of the Board shall be in the city of San Juan, but the Board may exercise any or all of its powers in any place in Puerto Rico. A member of the Board taking part in any conference, investigation, hearing or election shall not be prevented from subsequently taking part in a decision of the Board in the same matter or in any other matter in which the parties or one of them may be affected.

(f) The Board shall have authority to make, amend, and repeal such rules and regulations as may be necessary to carry out the provisions of this Act. Such rules and regulations shall have the force of law upon their due promulgation.

(g) The necessary appropriations to cover salaries, per diems, traveling expenses and other disbursements of the Board and its personnel shall be included in the General Budget of Expenses of the Government of Puerto Rico.

(h) The Board shall annually render to the Governor and the Legislature of Puerto Rico a report of its activities during the preceding year, including data and statistics and such recommendations as it may deem advisable.

(i) When the Chairperson of the Board is to be absent from his office, including the time authorized for his vacations or sick-leave, but in no case for a term exceeding two (2) months, the latter may delegate during said absence, provisionally, in an executive officer of the personnel under his direction, all or part of the executive functions of the office of Chairperson.

Section 4. — Right of Employees to Organize and Bargain. — (29 L.P.R.A § 65)

Employees have, among others, the right of self-organization; to form, join or assist labor organizations; to bargain collectively through representatives of their own choosing; and to engage in concerted activities for the purpose of bargaining collectively or for other mutual aid and protection.

Section 5. — Representatives and Elections. — (29 L.P.R.A § 66)

(1) Representatives designated or elected for the purpose of collective bargaining by a majority of the employees in a unit appropriate for such purpose shall be the exclusive representative of all the employees in such collective bargaining unit; Provided, That any individual employee shall have the right at any time to present individual grievances to his employer.

(2) In order to insure to the employees the full enjoyment of the rights of self-organization and collective bargaining, and otherwise to carry out the purpose of this Act, the Board shall decide in each case the appropriate unit for the purposes of collective bargaining.

(3) Whenever a question concerning representation of employees arises, the Board may investigate and resolve the question. The Board may investigate and resolve such question by appropriate public hearing on due notice, or by secret election, or by both, or by any other appropriate method. Provided, That whenever one of the unions or labor groups in controversy concerning representation of employees does not agree with the decision of the Board, in the absence of an election, and its claim is supported by twenty percent (20%) of the employees in the unit for collective bargaining, the Board shall immediately decree an election among the employees in order to decide the question. In every such election, the ballot shall be so prepared as to permit a vote against representation by anyone named on the ballot. The Board's findings, election procedure, resolution of the question concerning representation, unit determination, and certification of the results of any election so held, shall be final, and shall be subject to judicial review only in the manner hereinafter provided by subsection (4) of this section.

(4) Whenever an order of the Board made pursuant to Section 9 is based in whole or in part upon facts certified following an investigation or public hearing pursuant to subsection (3) of this section, and there is a petition for the enforcement and for the review of such order, the certification and the record of the investigation or hearing conducted pursuant to subsection (3) of this section, shall be included in the transcript of the entire record required to be filed under Section 9, and thereupon the decree of the court enforcing, modifying, or setting aside in whole or in part the order of the Board shall be made and entered upon the pleading, testimony, and proceedings set forth in such transcript.

Section 6. — Labor Organization Information and Contracts filed with Board. — (29 L.P.R.A § 67)

(a) All labor organizations and employers' associations shall file with the Board a statement containing the official name and post office address of the organization. The Board may, in

the exercise of its discretion, refuse to hear any labor organization that fails to comply with the provisions of this section in any proceeding being held under this Act.

(b) Certified copies of all collective bargaining contracts between employers and labor organizations, and any renewals, or modifications that shall be made of the same, shall be filed with the Board by employers and labor organizations. The Board, in the exercise of its discretion may refuse to hear in any proceeding conducted under this Act any employer or labor organization who may be a party to a collective bargaining contract and who has failed to comply with the provisions of this section.

Section 7. — Powers of the Board to Prevent Unfair Labor Practices and Conduct Investigations. — (29 L.P.R.A § 68)

(a) The Board shall have power in the manner hereinafter provided, to prevent any person from engaging in any of the unfair labor practices enumerated in Section 8. This power shall be exclusive and shall not be affected by any other method of adjustment or prevention.

(b) The Board shall have the power to conduct a preliminary investigation of all the charges and petitions filed in accordance with the provisions of Sections 5 and 9 of this Act, for the purpose of determining whether or not further proceedings shall be instituted and hearings held. If in the opinion of the Board, the charge or petition filed justifies the institution of further proceedings, the Board may proceed in its own name as is provided in Sections 5 or 9 of this Act, as the case may be.

(c) For the purpose of all the hearings and investigations which in the opinion of the Board may be necessary and proper for the exercise of the powers granted to it by this Act, the Board or its agents or agencies duly authorized shall, at all reasonable times, for the purpose of examining and with the right to copy the same, have access to any evidence of any person under investigation or against whom proceedings have been instituted, which evidence is related to any matter under investigation by the Board or which is in controversy. Any member of the Board shall have the power to issue subpoenas requiring the appearance and statements of witnesses and the production of any evidence related to any matter under investigation or which is in controversy before the Board or before one of its members, agents or agencies that is holding a hearing or conducting an investigation. Any member of the Board or any agent or agency designated by the Board for such purposes, may administer oaths and affirmations, examine witnesses and receive evidence. The said appearance of witnesses and production of evidence may be required from any place in Puerto Rico, to have effect in any place in Puerto Rico designated for the holding of hearings and investigations, according to the provisions of this Act.

(d) In the case of a failure or refusal to obey a subpoena issued against any person by the Board or one of its members, any part of the Court of First Instance of Puerto Rico within whose jurisdiction such person guilty or such failure or refusal may be found, resides or carries on a business shall, upon petition of the Board, have jurisdiction to issue an order against such person requiring him to appear before the Board or before one of its members, agent or agency to produce evidence if he shall be so ordered or to testify concerning the matter under investigation or being heard; and any failure to obey such order of the court may be punished by the same as a contempt of court.

(e) No person shall be excused from appearing and testifying, or producing books, files, correspondence, documents or other evidence in obedience to the subpoena issued by the Board or any of its members, on the ground that the testimony or evidence required of him may tend to incriminate him or subject him to penalty or forfeiture; but no individual may be prosecuted or be subject to penalty or forfeiture for or on account of any transaction, matter or thing concerning which he may be forced, after claiming his privilege against self-incrimination, to testify or produce evidence, except that such individual who so testifies shall not be exempt from prosecution or punishment for perjury committed in so testifying.

(f) Complaints, orders, subpoenas or other documents of the Board, of any of its members, agent or agency may be served personally or by registered mail or by telegraph or by leaving a copy of the same in the principal office or place of business of the person, employer, or labor organization to be notified. An affidavit of the individual serving the same in which shall be stated the manner of service shall be proof of service and the return receipt from the postal or telegraph office, as stated above, shall also be proof of service. The witnesses summoned before the Board or before any of its members, agent or agency shall receive the same fees and mileage as are paid to witnesses in the courts of Puerto Rico, and the witnesses whose testimony is taken out of the hearings shall have the right to the same fees that are paid for similar services in the courts of Puerto Rico.

(g) All the process of any court in which a petition may be filed in accordance with this Act, may be served in the part of the court in which the person to be served resides or may be found.

(h) The various departments and agencies of the Government shall furnish to the Board, upon request from the same, all the records, documents, and reports they may have in connection with any matter pending before the Board.

(i) The Board is empowered to adopt an official seal. There shall be a presumption of regularity of all orders, communications, subpoenas, decisions, and certifications of the Board which, when issued over said seal, shall be recognized as official documents of the Board.

Section 8. — What are Unfair Labor Practices. — (29 L.P.R.A § 69)

(1) It shall be an unfair labor practice for an employer acting individually or in concert with others:

(a) To interfere with, restrain or exercise coercion upon, or to attempt to interfere with, restrain or exercise coercion upon his employees in the exercise of the rights guaranteed in section 4 of this of this Act.

(b) To initiate, create, establish, dominate, interfere with or attempt to initiate, create, establish, dominate or interfere with the formation or administration of any labor organization or to contribute financial or other support to the same; Provided, That an employer shall not be prohibited from deducting any sum of money from the salary, earnings or income of an employee for the payment of dues to a labor organization when such deduction is required by the terms of a collective bargaining contract entered into between the employer and a labor organization not established, maintained or supported by any action defined in this Act as an unfair labor practice, if such labor organization

represents a majority of his employees as provided for by Section 5(1) of this Act in an appropriate unit covered by such contract.

(c) To encourage, discourage or attempt to encourage or discourage membership in any labor organization by discrimination in regard to hiring, firing, or in connection with the tenure or other terms or conditions of employment, including a lockout; Provided, That nothing herein contained prohibits an employer from making an all-union shop contract or a maintenance of membership agreement with any labor organization that has not been established, maintained or assisted by any action defined in this Act as an unfair labor practice, if such labor organization represents a majority of the employees in an appropriate unit with authority for collective bargaining.

(d) To refuse to bargain collectively with the representative of a majority of his employees in a unit appropriate for collective bargaining, subject to the provisions of Section 5. For purposes of the collective bargaining, subcontracting shall be considered a mandatory issue for negotiation.

(e) To bargain or make a collective bargaining contract with a representative for the purpose of collective bargaining who does not represent a majority of the employees in a unit appropriate for collective bargaining.

(f) To violate the terms of a collective bargaining contract, including an agreement to accept an arbitration award whether the same is or is not included in a collective bargaining contract; Provided, however, That the Board may dismiss any charge in which there is alleged a violation of this subsection, if the union that is party to the contract is guilty of a current breach of the contract or has not complied with an order of the Board concerning any unfair labor practice as provided by this Act.

(g) To fail to maintain a neutral position before or during any election for the purpose of determining the representative for collective bargaining of his employees, by interfering with or attempting to influence his employees by making such statements or remarks, and engaging in such conduct as tend to coerce, restrain, discourage or hinder the free exercise by his employees of their right to select a representative for the purpose of collective bargaining according to the provisions of this Act.

(h) To discharge or otherwise discriminate against an employee because he has filed charges or given information or testimony under the provisions of this Act.

(i) Fail to employ or reinstate to his former position, or, in the event of its nonexistence, to a substantially equivalent position, an employee who has been discharged in violation of Section 8(2)(b).

(j) To discharge or otherwise discriminate against a supervisor because he refuses to assist, participate in or in any other manner engage, directly or indirectly, in activities on behalf of an employer in the commission of an unfair labor practice as defined in this Act.

(k) To stop or indicate the intention to stop the payments for the medical plans and insurance of the employees and their dependents while a new collective bargaining agreement is being negotiated or during a strike, provided there has been a prior written request by the union that represents the employees for the employer to continue said payments.

Provided, That if during the process of negotiating a new medical plan or to extend the one in effect the premiums fixed by the insurers increase, the employer shall not be bound to

include the increase in his payments until the union or the workers agree to defray the difference in the cost of their contributions, if any, until the new agreement is signed.

(2) It shall be an unfair labor practice for a labor organization acting individually or in concert with others:

(a) To violate the terms of a collective bargaining contract including an agreement to accept an arbitration award whether the same is or is not included in a collective bargaining contract; Provided, however, That the Board may dismiss any charge in which there is alleged a violation of this subsection if the employer that is a party to the contract is guilty either of a current breach of the contract or has not complied with an order of the Board concerning any unfair labor practice as provided by this Act.

(b) To unjustifiably exclude or suspend from the membership of a labor organization any employee in a collective bargaining unit on whose behalf the labor organization has executed an all-union or maintenance of membership agreement. For violation of this subsection, the Board may, in its discretion, order the temporary suspension or the permanent termination of such clause of the collective bargaining contract that requires all the employees in said bargaining unit, as a condition of employment, to belong to one sole labor organization or that the members of said organization maintain themselves in good standing as members of the same during the life of the contract.

Section 9. — Prevention of Unfair Labor Practices-Power. — (29 L.P.R.A § 70)

(1) Charges of the existence of an unfair labor practice may be submitted to the Board for its action in the manner and for the purposes provided by this Act.

(a) Whenever it is charged that any person, employer, or labor organization has engaged in or is engaging in any unfair labor practice, the Board, or any agent or agency designated by the Board for such purposes, shall have the power to investigate such charge and cause to be served upon such person, employer or labor organization a complaint in the name of the Board stating the charges in that respect, and containing a notice of hearing before the Board or a member thereof, or before a designated agent or agency, at a place therein fixed, not less than five (5) days after service of the said complaint. Any such complaint may be amended by the member of the Board, agent or agency conducting the hearing, or by the Board, in its discretion, at any time prior to the issuance of an order based thereon. The person so complained of shall have the right to file an answer to the original or amended complaint and to appear in person or otherwise and give testimony at the time and place [set] in the notice of hearing. All allegations of any complaint so issued which are not denied shall be deemed admitted and the Board may thereupon make findings of fact and conclusions of law with respect to such undenied portions of the complaint. At the discretion of the member of the Board, agent, or the agency conducting the hearing, or of the Board, any other person may be allowed to intervene and to present testimony in said proceedings. In any such proceedings the rules of evidence prevailing in the courts of law or equity need not be controlling.

(b) The testimony taken by said member, agent or agency, or by the Board in the hearings shall be [put in] writing and shall be filed with the Board. The Board may, in its discretion, afterwards take additional evidence or hear further argument. If, according to all the testimony taken, the Board is of the opinion that any person, employer or labor

organization named in the complaint has engaged in or is engaging in an unfair labor practice, then the Board shall make its findings of fact and of law and issue its order, and shall cause the same to be served upon such person, employer or labor organization, requiring it to cease and desist from said unfair labor practice and to take such affirmative action as shall effectuate the purpose of this Act, including, but not limited to, reinstatement of employees with or without back pay, the posting or transmittal by mail of appropriate notices, and the termination of collective bargaining contracts in whole or in part; or make any other order against such person, employer, party, or labor organization, that shall effectuate the purposes of this Act. The order may likewise require such person, employer or labor organization to submit a report from time to time showing the extent to which he has complied with the same. If, according to the testimony taken, the Board is of the opinion that none of the persons mentioned in the complaint has engaged in or is engaging in an unfair labor practice, then the Board shall make its findings of fact and shall issue an order dismissing the complaint.

(2)

(a) The Board may petition the Supreme Court of Puerto Rico, or, if the Supreme Court is in vacation, the judge sitting in vacation [sic], for the enforcement of the order of the Board, and may also ask the said court to make any other appropriate temporary relief or restraining orders, and it shall certify and file in the court a transcript of the entire record in the proceedings, including the pleading and testimony upon which such order was entered, and the findings and order of the Board. Upon such filing, the court shall cause notice thereof to be served upon the person to whom the order is addressed, and thereupon shall have jurisdiction of the proceedings and of the question to be determined therein, and it shall have power to grant such temporary relief or restraining order as it deems just and proper, and shall make and enter upon the pleading, testimony and proceedings set forth in the transcript, a decree enforcing, modifying and enforcing as so modified, or setting aside in whole or in part, the order of the Board. No objection that has not been raised before the Board or any of its members, agent or agency, shall be considered by the court, unless the failure or neglect to raise such objection be excused because of extraordinary circumstances. The findings of the Board as to the facts, if supported by evidence, shall be conclusive. If either party shall apply to the court for leave to adduce additional evidence and shall show to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the hearing held before the Board or any of its members, agent, or agency, the court may order such additional evidence to be taken before the Board or any of its members, agent, or agency and to be made a part of the transcript. The Board may modify its findings as to the facts, or make new findings by reason of additional evidence so taken and filed, and it shall file such modified or new findings, which, if supported by evidence, shall be conclusive, and shall file its recommendations, if any, for the modification or setting aside of its original order. The jurisdiction of the Supreme Court of Puerto Rico shall be exclusive and its judgment shall be final, except that the same shall be subject to review by the full membership of the Supreme Court of Puerto Rico if application was made to a judge of said court sitting in vacation as hereinabove provided.

(b) Any person aggrieved by a final order of the Board granting or denying in whole or in part the relief sought may obtain a review of such order in the Supreme Court of Puerto Rico, by filing in such court a written petition praying [sic] that the order of the Board be modified or set aside. A copy of such petition shall be forthwith served upon the Board, and thereupon the aggrieved party shall file in the court a transcript of the entire record in the proceedings certified by the Board, including the pleading and testimony upon which the order complained of was entered, and the findings and order of the Board. The Board shall issue the certified transcript of the proceedings free of all charge or fees when the petitioner is insolvent. Upon such filing, the court shall proceed in the same manner as in the case of an application by the Board under subsection (2)(a) of this Section, and shall have the same exclusive jurisdiction to grant to the Board such temporary relief or restraining order as it deems just and proper, and in like manner to make and enter a decree enforcing, modifying and enforcing as modified, or setting aside in whole or in part the order of the Board; and the findings of the Board as to the facts, if supported by the evidence, shall in like manner be conclusive.

(c) In order to promote collective bargaining, the Board may, in the exercise of its discretion, aid in the enforcement of arbitration awards issued by competent arbitration agencies, whether designated according to the terms of any collective bargaining contract executed between an employer and a labor organization or by virtue of any agreement signed by a labor organization and an employer. Upon the issuance of an arbitration award, the Board may give advice at the request of any party to such award or may, if requested to do so, file in the name of the party so requesting, the proper judicial proceeding in the Supreme Court of Puerto Rico to enforce such award or arbitration.

(d) The commencement of proceedings under subsection (2)(a) of this Section shall not, unless specifically so ordered by the court, operate as a stay of the Board's order.

(e) Until a transcription of the record of the case is filed in court, the Board may at any time, upon reasonable notice and in the manner it deems proper, modify or revoke in whole or in part any findings made or order issued by it.

(f) Petitions filed in the Supreme Court of Puerto Rico under this Act to enforce the orders of the Board shall have preference over any civil cause of a different nature pending before said court, and shall be heard expeditiously and if possible within ten (10) days after the filing of the petition.

(g) A substantial compliance with the procedure provided for by this Act shall be sufficient to give effect to the orders of the Board, and they shall not be declared inapplicable, illegal or void for any omission of a technical nature.

Section 10. — Secretary of Justice and Prosecuting Attorneys as attorneys for Board.
— (29 L.P.R.A § 71)

Upon request of the Board the Secretary of Justice or the Prosecuting Attorney of the part of the court in which any action is filed, shall appear and act as attorney for the Board in any proceeding either in the Court of First Instance or Supreme Court.

Section 11. — Additional Sanctions. — (29 L.P.R.A § 72)

(a) Any employer found by the Board or by the National Labor Relations Board created by Act of Congress of July 5, 1935, to have committed any unfair labor practice, and who does not comply with an order relating to such practice issued by the Board which made such finding, shall not be entitled:

(1) To submit any bid upon any contract to which the Government or any political subdivision thereof, or public service enterprise or agency supported in whole or in part by public funds is a party;

(2) to receive any franchise, permit, or license, or any grant or loan of public funds from the Government, or any political or civil subdivision or public service enterprise or agency of the Government, for the period of one year after the service upon said employer of said order; Provided, That if said order is completely set aside or reversed by a court of competent jurisdiction, no such disabilities or disqualifications shall be enforced.

(b) Every contract to which the Government, or any political or civil subdivision thereof, or public service enterprise or agency of the Government or any agency supported in whole or in part by public funds is a party shall contain provisions that in the event the Board or the National Labor Relations Board finds that the contractor or any of his subcontractors, or the grantee or borrower of public funds, has committed an unfair labor practice and does not comply with the order issued by the Board which made the findings:

(1) No further payments shall be made after such date to the contractor or to any of his subcontractors, or to the grantee or borrower.

(2) The contract or grant or loan may be terminated.

(3) A new contract or contracts may be entered into or open market purchases be made for the completion of the original contract, charging any additional cost to the original contractor; Provided, That if such order is completely reversed or set aside by a court of competent jurisdiction, all monies due the contractor, grantee or borrower from the date of the issuance by the Board of said order shall be paid him.

(c) For the purposes of this section any declaration by the Board or by the National Labor Relations Board that an employer has not complied with an order issued by the Board making such declaration shall be binding, final and conclusive unless such order is reversed or set aside by a court of competent jurisdiction.

Section 12. — Public Records. — (29 L.P.R.A § 73)

Subject to reasonable rules and regulations to be made by the Board, the charges, petitions, complaints, transcripts of testimony, decisions and orders relating to proceedings instituted by or before the Board shall be made public records and be made available for inspection or copying.

Section 13. — Right to Strike. — (29 L.P.R.A § 74)

Nothing in this Act shall be construed so as to interfere with, hinder or in any way restrain the right to strike.

Section 14. — Cooperation of Board with Local and Federal Agencies. — (29 L.P.R.A § 75)

In administering this Act the Board shall cooperate with similar governmental agencies or call upon other governmental agencies for assistance and may act as an agent of, or jointly with, the National Labor Relations Board.

Section 15. — Repeal of Inconsistent Provisions. —

In so far as the provisions of this Act are inconsistent with the provisions of any other law, the provisions of this Act shall be controlling.

Section 16. — Separability. — (29 L.P.R.A § 61 note)

If any clause, sentence, paragraph, or part of this Act or the application thereof to any person or circumstances shall, for any reason be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this Act and the application thereof to other persons or circumstances, but shall be confined in its operation to the clause, sentence, paragraph, or part thereof, directly involved in the controversy in which such judgment shall have been rendered and to the person or circumstances involved. It is hereby declared to be the legislative intent that this Act would have been adopted had such invalid provisions not been included.

Section 17. — Penalties. — (29 L.P.R.A § 76)

Any person who wilfully disobeys, prevents, impedes, or hinders the Board of any of its authorized agents in the performance of their duties in accordance with this Act, or who obstructs the holding of any hearing being carried on in accordance with Section 6 or Section 9, shall be punished by a fine of not to exceed five thousand dollars (\$5,000) or by imprisonment in jail for a term of not to exceed one year, or by both penalties in the discretion of the court.

Section 18. — Short title. — (29 L.P.R.A § 61)

This Act shall be known and may be cited and referred to as the "Puerto Rico Labor Relations Act".

Section 19. —

All laws or parts of laws in conflict herewith are hereby repealed; and Act No. 143, entitled "An Act to diminish the causes of labor disputes burdening or obstructing labor, commerce and industry; to create the Insular, Labor Relations Board, and for other purposes", approved. May 7, 1938, as amended, is hereby specifically repealed.

Section 20. —

This Act, being of an urgent and necessary character, shall take effect immediately 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.