LEYES DE PUERTO RICO

[No. 130] [Aprobada en 8 de mayo de 1945]

LEY

PARA ESTABLECER LA JUNTA DE RELACIONES DEL TRABAJO DE PUERTO RICO Y DETERMINAR SUS PODERES Y FUNCIONES; PARA FOMENTAR LA IGUALDAD DE PODERES CONTRATANTES ENTRE PATRONOS Y EMPLEADORES; PARA PROVEER LA ELECCION DE REPRESENTANTES Y LA DETERMINACION DE UNIDADES PARA LA NEGOCIACION COLECTIVA; PARA PROVEER LA NADICACION DE CUEROS INFORMES PARA PROVEER LA NADICACION DE NOTIFICACIONES ADECUADAS; PARA PROVEER LA CONCILIACION, LA MEDIACION Y EL ARBITRAJE; PARA DEFINIR Y EVITAR PRACTICAS DESLEALES DE TRABAJO; PARA PROVEER LA SOLUCION DE DISPITAS OBREERAS; PARA PROVEER PENALIDADES POR INFRACCIONES A ESTA LEY; PARA PROVEER RECURSOS ANTE LOS TRIBUNALES DE DISTRITO Y EL TRIBUNAL SUPREMO DE PUERTO RICO Y SOLICITUDES DE REVISION ANTE ESTOS; PARA ASIGNAR FONDOS; PARA DEROGAR LA LEY NUM. 143, APROBADA EL 7 DE MAYO DE 1938, SEGUN HA SIDO ENMENDADA, Y PARA OTROS FINES.

Decrétese por la Asamblea Legislativa de Puerto Rico:

Artículo 1.—Declaración de Principios.—La política pública del Gobierno de Puerto Rico, en lo que respecta a las relaciones entre patronos y empleados y a la celebración de convenios colectivos es la que a continuación se expresa:

(1) Es necesidad fundamental del pueblo de Puerto Rico el desarrollo máximo de la productividad para poder sostener en niveles más altos de vida su población continuamente creciente; es la obligación del Gobierno de Puerto Rico tomar todas aquellas medidas legítimas que conduzcan al máximo posible de esa productividad y que alejen la amenaza de que llegue el día en que, habiendo crecido continuamente la población, y no habiendo sido posible mantener un crecimiento equivalente a la producción, el pueblo se vea frente a una catástrofe irremediable; y es la aspiración del Gobierno que tal productividad pueda desarrollarse y mantenerse por la comprensión y educación de todos los factores que componen el pueblo en cuanto a esta necesidad fundamental de producir hasta el máximo posible y distribuir con toda equidad deseable esa producción. Es el propósito de esta Ley desarrollar en la práctica, métodos, actitudes, hábitos y entendimiento, en cuanto a este problema básico de la productividad, que conduzcan lo más rápidamente posible a que no sea necesaria esta Ley.

(2) Se reconoce que en los conflictos obreros-patronales se hallan enclutados tres intereses primordiales, a saber: el del público, el del empleado y el del patrono. Estos tres intereses guardan consi-
a considerable extent interrelated. It is the policy of the Government to protect and promote each of these interests with due regard to the situation and to the rights of the others.

(3) Industrial peace, regular and adequate income for the employee, and uninterrupted production of goods and services are promotive of all of these interests. They are largely dependent upon the maintenance of fair, friendly and mutually satisfactory employment relations and the availability of suitable machinery for the peaceful adjustment of whatever controversies may arise. It is recognized that in certain services upon which the life, safety and health of the community are directly dependent, special treatment is required.

(4) Negotiation of terms and conditions of work should result from voluntary agreement between employer and employee. For the purpose of such negotiation an employee has the right, if he desires, to associate with others in organizing and bargaining collectively through representatives of his own choosing, without intimidation or coercion from any source.

(5) It is the policy of the Government, in order to preserve and promote the interests of the public, the employee, and the employer alike, to establish standards of fair conduct in employment relations and to provide a convenient, expeditious and impartial tribunal by which these interests may have their respective rights and obligations adjudicated.

Section 2.—Definitions. When used in this Act:

(1) The term “person” or “party” includes one or more individuals, partnerships, associations, organizations, corporations, legal representatives, trustees, or receivers.

(2) The term “employer” means a person (including corporate instrumentalities of the Government of Puerto Rico) who engages the services of another, and includes any person acting or carrying out activities in the interest of an employer within the scope of his authority, express or implied, but shall not (except for corporate instrumentalities of the Government of Puerto Rico) include the Government or any political subdivision thereof, or any labor organization or anyone acting in behalf of such organization save when it is acting as an employer in fact.

(3) The term “employee” shall include any person working for another for hire in Puerto Rico in a non-executive or non-supervisory capacity, and shall not be limited to the employee of a particular
derable relación entre sí. La política del Gobierno es proteger y fomentar cada uno de estos intereses con la debida consideración a la circunstancia y a los derechos de los demás.

(3) Paz industrial, ingreso adecuado y seguro para el empleado y producción ininterrumpida de artículos y servicios son factores que benefician a todos esos intereses. En gran medida estos factores dependen de que las relaciones entre patrono y empleado sean justas, amistosas y mutuamente satisfactorias, y de que se pueda disponer de mecanismo adecuado para zanjar pacíficamente las deserciones que puedan surgir. Se reconoce la necesidad de utilizar procedimientos especiales en el caso de ciertos servicios que directamente afectan la vida, la seguridad y la salud del pueblo.

(4) La negociación de los términos y condiciones de trabajo debe resultar del acuerdo voluntario entre el patrono y el empleado. Con el propósito de tal negociación el empleado tiene el derecho de asociarse con otros para organizarse y celebrar convenios colectivos si así lo desea a través de representantes de su libre elección, sin intimidación ni coerción de clase alguna.

(5) Es la política del Gobierno, con objeto de preservar y fomentar los intereses del público, del empleado y del patrono por igual, establecer normas equitativas de conducta para gobernar las relaciones entre patronos y empleados y proveer un tribunal conveniente, imparcial y expedito que dictamine en cuanto a esos intereses sobre sus respectivos derechos y obligaciones.

Artículo 2.—Definiciones.—Cuando se emplean en esta Ley:

(1) El término “persona” o “parte” incluye uno o más individuos, sociedades, asociaciones, organizaciones, corporaciones, representantes legales, sindicatos o administradores judiciales.

(2) El término “patrono” significa la persona (incluyendo las instrumentalidades corporativas del Gobierno de Puerto Rico) que contrata los servicios de otra, e incluye a cualquier persona que actúe o realice gestiones en interés de un patrono, dentro de los límites de su autoridad, ya sea ésta expresa o implícita; pero no incluye (excepto en el caso de instrumentalidades corporativas del Gobierno de Puerto Rico) al Gobierno ni ninguna subdivisión política del mismo, ni organización obrera alguna o persona que actúe a nombre de tal organización, salvo cuando de hecho actúe como patrono.

(3) El término “empleado” incluye a cualquier persona que trabaje en Puerto Rico para otra, mediante paga, en funciones que no sean de carácter directivo o de supervisión, y no se limitará al
employer unless the context clearly indicates otherwise; and shall include any individual whose work has ceased solely as a consequence of or in connection with any current labor dispute or because of any unfair labor practice on the part of an employer and who has not refused or failed to return to work upon the final disposition of a labor dispute or a charge of an unfair labor practice by a tribunal having competent jurisdiction of the same or whose jurisdiction was accepted by the employee or his representative; but shall not include any individual employed in the domestic service of a family or any individual employed by his parent or spouse.

(4) The term “representative” includes any person chosen by an employee to represent him.

(5) “Collective bargaining” is the negotiating by an employer and a majority of his employees in a collective bargaining unit (or their representatives) concerning representation or terms and conditions of employment of such employees in a mutually genuine effort to reach an agreement with reference to the subject under negotiation.

(6) The term “unfair labor practice” means any unfair labor practice as defined in section 8 of this Act.

(7) The term “labor dispute” includes any controversy concerning terms, tenure or conditions of employment, or concerning the association or representation of persons in negotiating, fixing, maintaining, changing, or seeking to arrange terms or conditions of employment, regardless of whether the disputants stand in the proximate relation of employer and employee.

(8) The term “all-union agreement” shall mean an agreement between an employer and the representative of his employees in a collective bargaining unit whereby all of the employees in such unit are required to be members of a single labor organization.

(9) The term “Board” refers to the Puerto Rico Labor Relations Board, as created by section 3 of this Act.

(10) The term “election” shall mean the procedure whereby the employees in a collective bargaining unit cast a secret ballot for collective bargaining representatives or for any other purpose specified

empleado de un patrono en particular, a menos que el contexto claramente indique otra cosa; e incluirá a cualquier individuo que haya cesado en su trabajo únicamente a consecuencia de una disputa obrera en curso o en conexión con la misma o por motivo de alguna práctica desleal de trabajo por parte de un patrono y que no se haya negado o no haya dejado de regresar a su trabajo luego de la solución definitiva de un conflicto obrero o de una acusación de práctica desleal de trabajo, por parte de tribunal de jurisdicción competente o a cuya jurisdicción se haya sometido por el empleado o su representante, pero no incluirá ningún individuo empleado en el servicio doméstico de una familia ni ningún individuo empleado por sus padres o cónyuge.

(4) El término “representante” incluye cualquier persona elegida por un empleado para que lo represente.

(5) “Negociación Colectiva” es la negociación sobre términos, tenencias o condiciones de empleo, o sobre representación u organización de empleados, llevada a cabo entre uno o más patronos y la mayoría de aquellos de sus empleados (o los representantes de éstos) que integran una unidad para la celebración de convenios colectivos, en genuino esfuerzo mutuo por llegar a un acuerdo en cuanto al asunto de la negociación.

(6) El término “práctica desleal de trabajo” significa cualquier práctica desleal de trabajo según se define en el artículo 8 de esta Ley.

(7) “Disputa obrera” incluye cualquier controversia relativa a los términos, duración o condiciones de empleo o relativa a la asociación o representación de personas al negociar, fijar, mantener, modificar o tratar de concertar los términos o condiciones de empleo, independiente de que las partes estén o no estén en la inmediata relación de patrono y empleado.

(8) El término “convenio de afiliación total” (all-union agreement) significa el convenio entre el patrono y el representante de los empleados suyos que integren una unidad para la celebración de convenios colectivos en virtud del cual se requiera de todos los empleados dentro de tal unidad contratante que pertenezcan a una sola organización obrera.

(9) El término “Junta” se refiere a la Junta de Relaciones del Trabajo de Puerto Rico creada por el artículo 3 de esta Ley.

(10) El término “elección” es el procedimiento mediante el cual los empleados que integren una unidad para la celebración de convenios colectivos depositan secretamente sus votos para designar repre-
in this Act and shall include elections conducted by the board, or, unless the context clearly indicates otherwise, by any tribunal having competent jurisdiction or whose jurisdiction was accepted by the parties.

(11) The term “labor organization” means any organization of any kind, or any agency or commission representing employees, or any plan in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers in everything concerning claims, labor disputes, wages, rates of compensation, working hours, or labor conditions.

(12) The term “Director of Conciliation” means the head of the Conciliation Service of the Department of Labor.

(13) The term “corporate instrumentalities” refers to proprietary corporations owned or controlled by the Government of Puerto Rico, including the Land Authority, the Industrial Company, the Agricultural Company, the Development Bank, the Water Resources Authority, the Isabela Irrigation Service, the Transportation Authority, the Communications Authority, the Aqueduct and Sewerage Service, similar enterprises hereafter created, and all subsidiaries of such enterprises.

Section 3.—Puerto Rico Labor Relations Board.—(a) There is hereby created in the Department of Labor a Puerto Rico Labor Relations Board composed of a chairman and two associate members to be appointed by the Governor by and with the advice and consent of the Senate of Puerto Rico for a term of four (4) years. The Governor may remove any member of the board, upon notice and hearing, for negligence or malfeasance in office.

(b) The chairman of the Board shall receive a salary of six thousand (6,000) dollars a year and the associate members shall receive a per diem of ten (10) dollars for each day of meeting.

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

(11) El término “organización obrera” significa una organización de cualquier clase, o cualquier agencia o comisión de representación de empleados, o plan en el cual participen los empleados y que existe con el fin, en todo o en parte, de tratar con los patronos todo lo referente a reclamaciones, disputas sobre el trabajo, salarios, tipos de paga, horas de empleo, o condiciones del trabajo.

(12) El término “Director de Conciliación” se refiere al jefe del Servicio de Conciliación del Departamento del Trabajo.

(13) El término “instrumentalidades corporativas” se refiere a las corporaciones que posean bienes y que pertenezcan al Gobierno de Puerto Rico o estén bajo su inmediata dirección, incluyendo la Autoridad de Tierras, la Compañía Industrial, la Compañía Agrícola, el Banco de Fomento, la Autoridad de Fuentes Fluviales, el Servicio de Riego de Isabela, la Autoridad de Transporte, la Autoridad de Comunicaciones, el Servicio de Acueductos y Alcantarillados, las empresas similares que se establezcan en el futuro y todas las subsidiarias de empresas de servicio público.

Artículo 3.—Junta de Relaciones del Trabajo de Puerto Rico.—
(a) Por la presente Ley se crea en el Departamento del Trabajo una Junta de Relaciones del Trabajo de Puerto Rico compuesta por un presidente y dos miembros asociados nombrados por el Gobernador con el consejo y consentimiento del Senado de Puerto Rico por el término de cuatro (4) años. El Gobernador podrá destituir a cualquier miembro de la Junta, previa notificación y audiencia, por negligencia o mal conducta en el desempeño de su cargo.

(b) El Presidente de la Junta devengará un sueldo anual de seis mil (6,000) dólares, y los miembros asociados recibirán dietas de diez (10) dólares, por cada día de sesión.

(c) El Presidente será el funcionario ejecutivo de la Junta y dedicará todo su tiempo a los deberes de su cargo de Presidente, y durante su incumbencia no se dedicará a ningún negocio privado ni al ejercicio de profesión u oficio alguno. El Presidente nombrará el personal necesario para cumplir con las funciones y obligaciones que esta Ley establece.
(d) A vacancy in the Board shall not impair the rights of the remaining members to exercise all the powers of the Board. Two (2) members of the Board shall at all times constitute a quorum. Business of a purely administrative nature shall be attended to by the chairman.

(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 within the jurisdiction of Puerto Rico. The Board may, by its chairman, an associate member, or by any duly authorized agent of the Board, conduct in any part of the island, any proceeding, hearing, investigation, inquiry, or election necessary to the performance of its functions.

(f) The Board shall have authority to make and amend 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 approval by the Governor and due promulgation.

(g) The necessary appropriations to cover salaries, per diems, traveling expenses, and other disbursement of the Board shall be included in the General Budget of Expenses of the Government of Puerto Rico in accordance with Section 30 Act No. 213 of 1942; Provided, That of the appropriation for the Board contained in the General Budget of Expenses of the Government of Puerto Rico for the fiscal year 1945-46, ten thousand (10,000) dollars shall be made available to the Board immediately upon the taking effect of this Act.

(h) The Board shall annually render to the Governor and to 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.

Section 4.—Rights of Employees.—Employees shall have the right of self-organization and the right to form, join or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in lawful, concerted activities for the purpose of collective bargaining or other mutual aid or protection.

Section 5.—Representatives and Elections.—(1) Representatives chosen for the purposes of collective bargaining by the majority of employees in a unit appropriate for such purposes shall be the ex-

(d) Una vacante en la Junta no menoscabará el derecho de los miembros restantes a ejercer todos los poderes de la Junta. En cualquier momento el quórum de la Junta lo constituirán dos de sus miembros. Los asuntos de naturaleza puramente administrativa serán despachados por el Presidente.

(e) La oficina central de la Junta radicará en la ciudad de San Juan, pero la Junta podrá ejercer todos o cualquiera de sus poderes en cualquier punto de Puerto Rico. La Junta podrá, a través del Presidente, o de uno de los miembros asociados o de un agente de la Junta debidamente autorizado, llevar a cabo en cualquier parte de la Isla, los procedimientos, audiencias, investigaciones, consultas, o elecciones que fueren necesarias para el desempeño de sus funciones.

(f) La Junta estará facultada para redactar y enmendar el reglamento que fuere necesario establecer para llevar a cabo las disposiciones de esta Ley. Dicho reglamento tendrá fuerza de ley inmediatamente después de su aprobación por el Gobernador y la correspondiente promulgación.

(g) Las asignaciones que fueren necesarias para atender sueldos, dictas, gastos de viaje, y otras erogaciones de la Junta se incluirán en el Presupuesto General de Gastos del Gobierno de Puerto Rico de conformidad con lo dispuesto en el artículo 30 de la Ley Núm. 213 de 1942; Disponiendo, que de la asignación para la Junta, incluida en el Presupuesto General de Gastos del Gobierno de Puerto Rico para el año fiscal 1945-46, diez mil (10,000) dólares se pondrán a disposición de la Junta inmediatamente después de entrar en vigor esta Ley.

(h) La Junta rendirá anualmente al Gobernador y a la Asamblea Legislativa de Puerto Rico un informe de sus actividades durante el año anterior, incluyendo datos y estadísticas, y aquellas recomendaciones que a su juicio fuesen aconsejables.

Artículo 4.—Derechos de los Empleados.—Los empleados tendrán el derecho de organizarse entre sí y el derecho de constituir organizaciones obreras, de afiliarse a ellas o de ayudarlas, a celebrar convenios colectivos a través de representantes de su libre elección, y de participar con otras personas en actividades legítimas encaminadas al propósito de celebrar convenios colectivos o asegurar otros auxilios mutuos o beneficios.

Artículo 5.—Representantes y Elecciones.—(1) Los representantes elegidos para la celebración de convenios colectivos por una mayoría de empleados en la unidad que se ajuste a tal fin serán los
exclusive representatives of all of the employees in such unit for the purposes of collective bargaining; Provided, That any individual employee or any group of employees in any collective bargaining unit shall have the right at any time to present grievances to their employer.

(2) The Board shall decide in each case, in order to insure to employees the full benefit of their right to self-organization, to collective bargaining and otherwise to effectuate the policies of this Act, the unit appropriate for the purposes of collective bargaining. The Board may refuse to recognize for collective bargaining purposes any unit the majority of whose members are in probationary status.

(3) Whenever a question arises concerning the representation of employees in a collective bargaining unit the Board may investigate and if it determines that a question or controversy exists shall certify in writing to the parties the name or names of the representatives who have been designated or elected. In any such investigation the Board shall provide for an appropriate hearing upon due notice and may conduct an election by secret ballot of employees or use any other suitable method to ascertain such representatives. There shall be included on any ballot for the election of representatives the names of all persons submitted by an employee or group of employees participating in the election, except that the Board may, in its discretion, exclude from the ballot one who, at the time of the election, stands deprived of his rights under this Act by reason of a prior adjudication of his having engaged in an unfair labor practice. The ballot shall be so prepared as to permit of a vote against representation by anyone named on the ballot. The Board’s certification of the results of any election shall be conclusive as to the findings included therein unless reviewed in the same manner as provided by subsection 8 of section 9 for review of orders of the Board.

(4) Questions concerning the determination of collective bargaining units or representation of employees may be raised by petition of any employee or his employer (or the representative of either of them). Where it appears by the petition that any emergency exists requiring prompt action, the Board shall act upon said petition forthwith and hold the election requested within such time as will meet the requirements of the emergency presented. The fact that one elec-

representantes exclusivos de todos los empleados de tal unidad a los fines de celebrar convenios colectivos; Disponiéndose, que un empleado en particular o grupo de empleados en cualquier unidad de contratación colectiva tendrá el derecho de presentar a su patrono quejas y agravios en cualquier momento.

(2) Con el propósito de asegurar a los empleados el beneficio máximo de su derecho de organizarse entre sí, celebrar convenios colectivos y poner en práctica, en cualquier otra forma, la política de esta Ley, la Junta decidirá en cada caso la unidad que mejor se ajuste a los fines de la contratación colectiva. En lo que respecta a la celebración de convenios colectivos la Junta podrá negarse a reconocer una unidad integrada en su mayoría por empleados de carácter probatorio.

(3) Cuando se suscite una controversia relativa a la representación de empleados en una unidad para la celebración de convenios colectivos, la Junta podrá proceder a una investigación y si determinare que en efecto existe un conflicto o controversia deberá certificar por escrito a las partes el nombre o los nombres de los representantes designados o elegidos. En una investigación de esta naturaleza la Junta dispondrá la celebración de una audiencia adecuada, previa la debida convocatoria, y podrá llevar a cabo una elección mediante votación secreta de los empleados o utilizar cualquier otro medio conveniente para determinar los representantes. En la papeleta para la elección de representantes se incluirán los nombres de todos los candidatos propuestos por un empleado o grupo de empleados que participe en la elección, con la excepción de que la Junta podrá, a discreción, excluir de la papeleta a quien, al celebrarse la elección, esté privado de sus derechos con arreglo a esta Ley, como consecuencia de haberse comprobado previamente su participación en una práctica desleal de trabajo. La papeleta se preparará en forma tal que permita votar en contra de cualquier candidatura que aparezca en la misma. La certificación que hiciere la Junta de los resultados de una elección, será definitiva en lo que respecta a los hechos que da por probados a menos que el dictamen sea revisado en la forma que dispone el inciso 8 del artículo 9 para revisión de órdenes de la Junta.

(4) Un empleado, su patrono o el representante de cualquiera de los dos, podrá levantar cuestiones relativas a la determinación de la unidad de contratación colectiva o a la representación de los empleados. Cuando de la petición aparezca que existe un caso de urgencia que reclama acción rápida, la Junta deberá actuar de inmediato sobre dicha petición y celebrar la elección que se solicita dentro del plazo que la urgencia de la situación demande. El hecho de que una elec-
tion has been held shall not prevent the holding of another election among the same group of employees, provided that it appears to the Board that sufficient reason therefore exists.

(5) The Board may require any person assuming to represent an employer, group of employers, employee or a group of employees to furnish satisfactory proof that he is the duly authorized representative.

Section 6.—All labor organizations shall file with the Board the name of the organization and shall state any affiliation they may have with any other labor organization, the duly elected officers of the organization and the post-office addresses of the organization and the officers thereof. It shall be the duty of every labor organization or group of employees having a collective bargaining contract with an employer to file a certified copy of the contract and of any amendment thereto with the Board. The Board may refuse to entertain any petition or complaint on the part of any labor organization or group of employees which has not complied with this section.

Section 7.—(a) The Board shall, after holding public hearings, prepare and promulgate rules and regulations determining those industries, enterprises, and services whose employees shall, before calling a strike, resort to such proceedings of conciliation, mediation and voluntary arbitration as the Board may fix; Provided, That such rules shall have the effect of law from the date of their promulgation and until the Legislature of Puerto Rico may resolve to disapprove said rules in whole or in part. In so far as said rules are disapproved, it shall be the duty of the Board to promulgate others in keeping with the norms which the Legislature may fix for the purpose.

(b) A strike or lockout in any plant, facility or institution, whether owned or controlled by any agency or public-service enterprise of the Government of Puerto Rico or by any private person or corporation, engaged in the generation and transmission of electric energy, in the supply and distribution of water for human consumption, and in the care and custody of sick persons, would directly endanger the life, safety and health of the community. When any labor dispute in any plant, facility or institution engaged in any of the foregoing activities has not been settled by bargaining or discussion, notice thereof shall be served upon the Director of Conciliation, who shall attempt to bring about a settlement of the dispute. If after the expiration of twenty (20) days from the date of notice to the
Director of Conciliation (unless extended by consent of the parties), that no settlement has been reached, the parties to the dispute may designate or agree to the designation of an arbitrator or board of arbitration whose findings shall be reduced to writing and shall be binding upon all parties to the dispute. If the parties fail to designate or to agree to the designation of an arbitrator or board of arbitration within the said period of twenty (20) days, the Director of Conciliation shall notify the Board. The Board shall thereupon appoint a panel of three persons representative of labor, management and the public, which shall, after due notice, hold a public hearing and make a determination within thirty (30) days; Provided, That this proceeding shall be resorted to only during the present period of war emergency and until six (6) months after the end of hostilities between the United States of America and Germany and Japan in the present war. The proceedings before the panel and its determination shall be reduced to writing. The determination of a majority of the panel shall be binding upon all parties to the dispute.

If the dispute involves a question of wages, the determination of the arbitrator or the arbitration panel on this issue shall order that the wages be made effective on and after the date on which the board submitted the dispute to arbitration.

Section 8.—*What are unfair labor practices.*—(1) It shall be an unfair labor practice for an employer individually or in concert with others:

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

(b) To initiate, create, dominate or interfere with the formation or administration of any labor organization or contribute financial support to it; Provided, That an employer shall not be prohibited from reimbursing employees at their prevailing wage rate for time spent conferring with him, nor from cooperating with representatives of at least a majority of his employees in a collective bargaining unit, at their request, by permitting employee organizational activities on employer premises or the use of employer facilities where such activities or use create no additional expense to the employer.

*Artículo 8.*—*Qué son prácticas desleales de trabajo.*—(1) Será práctica desleal de trabajo el que un patrono, individualmente o de acuerdo con otros:

(a) Intervenga con sus empleados en el ejercicio de los derechos que le garanticen el artículo 4 de esta Ley, o limite dicho ejercicio o presione a dichos empleados en perjuicio de los derechos garantizados por el mencionado artículo.

(b) Inicie, establezca, domine o intervenga con la formación o administración de una organización obrera o dé ayuda financiera para su sostenimiento; *Disponiéndose,* que no se prohibirá a patrono alguno que reembolse a sus empleados, al tipo de salario que ganen, el tiempo que empleen en conferenciar con él, o de cooperar con los representantes de por lo menos la mayoría de aquéllos de sus empleados que integren una unidad para la celebración de convenios colectivos a solicitud de dichos empleados, permitiéndoles actividades para organizar a los empleados en las propiedades del patrono o el uso de facilidades patronales cuando tales actividades o uso no acarreen gastos adicionales al patrono.
(c) To encourage or discourage membership in any labor organization, employment agency, committee, association or representation plan by discrimination in regard to hiring, firing, tenure or other terms or conditions of employment; Provided, That an employer shall not be prohibited from entering into an all-union agreement with the representatives of a majority of his employees in a collective bargaining unit. The Board shall declare any such all-union agreement terminated whenever it finds that the labor organization involved has unreasonably excluded from membership any employee of such employer, or has unjustifiably hindered his membership, and each such all-union agreement shall be made subject to this duty of the Board. Any person interested may come before the Board as provided in Section 9 and ask it to perform this duty.

(d) To refuse to bargain collectively with the representatives of a majority of his employees in any collective bargaining unit.

(e) To bargain collectively with the representatives of less than a majority of his employees in a collective bargaining unit, or to enter into an all-union agreement except in the manner provided in subsection (1) (c) of this section.

(f) To violate the terms of a collective bargaining agreement (including an agreement to accept an arbitration award).

(g) To refuse or fail to recognize or accept as conclusive of any issue in any controversy as to employment relations the final determination (after appeal, if any) of any tribunal having competent jurisdiction of the same, or whose jurisdiction the employer accepted.

(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) To deduct labor organization dues or assessments from an employee's earnings, unless the employer has been presented with an individual order therefor, signed by the employee personally, and terminable at the end of any year of its life by the employee giving at least thirty days' written notice of such termination.

(j) To employ any person to spy upon employees or their representatives respecting their exercise of any right created or approved by this Act.

(c) Estimule u obstaculice la afiliación a una organización obrera, agencia de empleo, comité, asociación o plan de representación obrero-patronal, mediante discrimen en cuanto a la contratación, cesantías, duración u otros términos o condiciones de trabajo; Disponiéndose, que no se le prohibirá a un patrono el hacer un contrato de afiliación total con representantes de la mayoría de los empleados que integren una unidad para la celebración de convenios colectivos. La Junta declarará terminado cualquier convenio de afiliación total siempre que enuncie que la organización del trabajo afectada ha excluido injustificadamente como miembro a cualquier empleado del patrono, o ha entorpecido su afiliación y todo convenio de afiliación total estará sujeto a este deber de la Junta. Cualquier persona interesada podrá comparecer ante la Junta como se provee en el artículo 9 y pedirle que cumpla con este deber.

(d) Rehúse negociar colectivamente con los representantes de la mayoría de los empleados que integran una unidad para la celebración de convenios colectivos.

(e) Negociar colectivamente con representantes que no sean de la mayoría de aquellos de sus empleados que integran una unidad para la celebración de convenios colectivos o celebre un convenio de afiliación total excepto en la forma que dispone el inciso (1) (c) de esta sección.

(f) Viole los términos de un convenio colectivo, incluyendo un convenio en que se compromete a aceptar un dictamen de arbitraje.

(g) Rehúse reconocer o deje de reconocer o de aceptar como definitivo en cuanto a cualquier punto en controversia respecto a relaciones de empleo, el dictamen final (después de la apelación si la hubiere) de tribunal de jurisdicción competente o a cuya jurisdicción el patrono se hubiera sometido.

(h) Despida o discrimine en otra forma contra un empleado por haber radicado una querella o suministrado información o prestado testimonio al amparo de esta Ley.

(1) Descontu de los ingresos de un empleado, las cuotas o contribuciones de organizaciones obreras, a menos que el patrono haya recibido una autorización personal, firmada por el propio empleado, que será revocable al término de cualquier año de su vigencia con tal que el empleado así lo notifique al patrono, con no menos de treinta días de anticipación.

(j) Emplee a cualquier persona para que espile a los empleados o a sus representantes en cuanto al ejercicio de cualquier derecho creado o reconocido por esta Ley.
(k) To make, circulate or cause to be circulated a black list.

(l) To fail to comply with any of the provisions of section 7.

(2) It shall be an unfair labor practice for an employee, representative or labor organization individually or in concert with others:

(a) To violate the terms of a collective bargaining agreement, including an agreement to accept an arbitration award.

(b) To refuse or fail to recognize or accept as conclusive of any issue in any controversy as to employment relations the final determination (after appeal, if any) of any tribunal having competent jurisdiction of the same, or whose jurisdiction the employees or their representatives accepted.

(c) To fail to comply with any of the provisions of section 7 of this Act.

Section 9.—Prevention of unfair labor practices. (1) Any controversy concerning unfair labor practices may be submitted to the Board in the manner and with the effect provided in this Act.

(2) (a) Upon the filing with the Board by any party in interest of a complaint in writing, on a form provided by the Board, charging any person with having engaged in any specific unfair labor practice, it shall mail a copy of such complaint to all other parties in interest. A person claiming interest in the dispute or controversy, as an employer, an employee, or representatives of either of them, shall be made a party upon application. The Board may bring in additional parties by service of a copy of the complaint. Only one such complaint shall issue against a person with respect to a single controversy, but any such complaint may be amended in the discretion of the Board at any time prior to the issuance of a final order based thereon. The person or persons 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 place and time fixed in the notice of hearing. The Board shall fix a time for the hearing on such complaint, which shall be not less than five days after the filing of such complaint, and notice shall be given to each party interested by service on him personally or by mailing a copy thereof to him at his last known post-office address at least five days before such hearing. In case a party in interest is located outside of Puerto Rico, the Board shall fix a time and place for the hearing on such complaint which shall be not less than 20 days after the mailing of the complaint.

(2) (b) Upon the filing of the complaint, the Board shall enter an order to show cause why a temporary restraining order should not be granted. If, after due hearing, the Board finds that a temporary restraining order should be granted, it shall issue an order restraining the party in interest who caused the filing of the complaint from engaging in any unfair labor practices prescribed in section 7 of the purposes of which the complaint shall be filed.

(2) (c) If the Board finds that a temporary restraining order should be granted, it shall issue an order restraining the party in interest who caused the filing of the complaint from engaging in any unfair labor practices prescribed in section 7 of the purposes of which the complaint shall be filed.

(2) (d) If the Board finds that a temporary restraining order should be granted, it shall issue an order restraining the party in interest who caused the filing of the complaint from engaging in any unfair labor practices prescribed in section 7 of the purposes of which the complaint shall be filed.

(2) (e) If the Board finds that a temporary restraining order should be granted, it shall issue an order restraining the party in interest who caused the filing of the complaint from engaging in any unfair labor practices prescribed in section 7 of the purposes of which the complaint shall be filed.

(2) (f) If the Board finds that a temporary restraining order should be granted, it shall issue an order restraining the party in interest who caused the filing of the complaint from engaging in any unfair labor practices prescribed in section 7 of the purposes of which the complaint shall be filed.

(2) (g) If the Board finds that a temporary restraining order should be granted, it shall issue an order restraining the party in interest who caused the filing of the complaint from engaging in any unfair labor practices prescribed in section 7 of the purposes of which the complaint shall be filed.

(2) (h) If the Board finds that a temporary restraining order should be granted, it shall issue an order restraining the party in interest who caused the filing of the complaint from engaging in any unfair labor practices prescribed in section 7 of the purposes of which the complaint shall be filed.

(2) (i) If the Board finds that a temporary restraining order should be granted, it shall issue an order restraining the party in interest who caused the filing of the complaint from engaging in any unfair labor practices prescribed in section 7 of the purposes of which the complaint shall be filed.

(2) (j) If the Board finds that a temporary restraining order should be granted, it shall issue an order restraining the party in interest who caused the filing of the complaint from engaging in any unfair labor practices prescribed in section 7 of the purposes of which the complaint shall be filed.

(2) (k) If the Board finds that a temporary restraining order should be granted, it shall issue an order restraining the party in interest who caused the filing of the complaint from engaging in any unfair labor practices prescribed in section 7 of the purposes of which the complaint shall be filed.

(2) (l) If the Board finds that a temporary restraining order should be granted, it shall issue an order restraining the party in interest who caused the filing of the complaint from engaging in any unfair labor practices prescribed in section 7 of the purposes of which the complaint shall be filed.

(2) (m) If the Board finds that a temporary restraining order should be granted, it shall issue an order restraining the party in interest who caused the filing of the complaint from engaging in any unfair labor practices prescribed in section 7 of the purposes of which the complaint shall be filed.

(2) (n) If the Board finds that a temporary restraining order should be granted, it shall issue an order restraining the party in interest who caused the filing of the complaint from engaging in any unfair labor practices prescribed in section 7 of the purposes of which the complaint shall be filed.

(2) (o) If the Board finds that a temporary restraining order should be granted, it shall issue an order restraining the party in interest who caused the filing of the complaint from engaging in any unfair labor practices prescribed in section 7 of the purposes of which the complaint shall be filed.

(2) (p) If the Board finds that a temporary restraining order should be granted, it shall issue an order restraining the party in interest who caused the filing of the complaint from engaging in any unfair labor practices prescribed in section 7 of the purposes of which the complaint shall be filed.

(2) (q) If the Board finds that a temporary restraining order should be granted, it shall issue an order restraining the party in interest who caused the filing of the complaint from engaging in any unfair labor practices prescribed in section 7 of the purposes of which the complaint shall be filed.

(2) (r) If the Board finds that a temporary restraining order should be granted, it shall issue an order restraining the party in interest who caused the filing of the complaint from engaging in any unfair labor practices prescribed in section 7 of the purposes of which the complaint shall be filed.

(2) (s) If the Board finds that a temporary restraining order should be granted, it shall issue an order restraining the party in interest who caused the filing of the complaint from engaging in any unfair labor practices prescribed in section 7 of the purposes of which the complaint shall be filed.

(2) (t) If the Board finds that a temporary restraining order should be granted, it shall issue an order restraining the party in interest who caused the filing of the complaint from engaging in any unfair labor practices prescribed in section 7 of the purposes of which the complaint shall be filed.

(2) (u) If the Board finds that a temporary restraining order should be granted, it shall issue an order restraining the party in interest who caused the filing of the complaint from engaging in any unfair labor practices prescribed in section 7 of the purposes of which the complaint shall be filed.

(2) (v) If the Board finds that a temporary restraining order should be granted, it shall issue an order restraining the party in interest who caused the filing of the complaint from engaging in any unfair labor practices prescribed in section 7 of the purposes of which the complaint shall be filed.

(2) (w) If the Board finds that a temporary restraining order should be granted, it shall issue an order restraining the party in interest who caused the filing of the complaint from engaging in any unfair labor practices prescribed in section 7 of the purposes of which the complaint shall be filed.

(2) (x) If the Board finds that a temporary restraining order should be granted, it shall issue an order restraining the party in interest who caused the filing of the complaint from engaging in any unfair labor practices prescribed in section 7 of the purposes of which the complaint shall be filed.

(2) (y) If the Board finds that a temporary restraining order should be granted, it shall issue an order restraining the party in interest who caused the filing of the complaint from engaging in any unfair labor practices prescribed in section 7 of the purposes of which the complaint shall be filed.

(2) (z) If the Board finds that a temporary restraining order should be granted, it shall issue an order restraining the party in interest who caused the filing of the complaint from engaging in any unfair labor practices prescribed in section 7 of the purposes of which the complaint shall be filed.

(2) (aa) If the Board finds that a temporary restraining order should be granted, it shall issue an order restraining the party in interest who caused the filing of the complaint from engaging in any unfair labor practices prescribed in section 7 of the purposes of which the complaint shall be filed.

(2) (bb) If the Board finds that a temporary restraining order should be granted, it shall issue an order restraining the party in interest who caused the filing of the complaint from engaging in any unfair labor practices prescribed in section 7 of the purposes of which the complaint shall be filed.

(2) (cc) If the Board finds that a temporary restraining order should be granted, it shall issue an order restraining the party in interest who caused the filing of the complaint from engaging in any unfair labor practices prescribed in section 7 of the purposes of which the complaint shall be filed.

(2) (dd) If the Board finds that a temporary restraining order should be granted, it shall issue an order restraining the party in interest who caused the filing of the complaint from engaging in any unfair labor practices prescribed in section 7 of the purposes of which the complaint shall be filed.

(2) (ee) If the Board finds that a temporary restraining order should be granted, it shall issue an order restraining the party in interest who caused the filing of the complaint from engaging in any unfair labor practices prescribed in section 7 of the purposes of which the complaint shall be filed.

(2) (ff) If the Board finds that a temporary restraining order should be granted, it shall issue an order restraining the party in interest who caused the filing of the complaint from engaging in any unfair labor practices prescribed in section 7 of the purposes of which the complaint shall be filed.

(2) (gg) If the Board finds that a temporary restraining order should be granted, it shall issue an order restraining the party in interest who caused the filing of the complaint from engaging in any unfair labor practices prescribed in section 7 of the purposes of which the complaint shall be filed.

(2) (hh) If the Board finds that a temporary restraining order should be granted, it shall issue an order restraining the party in interest who caused the filing of the complaint from engaging in any unfair labor practices prescribed in section 7 of the purposes of which the complaint shall be filed.

(2) (ii) If the Board finds that a temporary restraining order should be granted, it shall issue an order restraining the party in interest who caused the filing of the complaint from engaging in any unfair labor practices prescribed in section 7 of the purposes of which the complaint shall be filed.

(2) (jj) If the Board finds that a temporary restraining order should be granted, it shall issue an order restraining the party in interest who caused the filing of the complaint from engaging in any unfair labor practices prescribed in section 7 of the purposes of which the complaint shall be filed.

(2) (kk) If the Board finds that a temporary restraining order should be granted, it shall issue an order restraining the party in interest who caused the filing of the complaint from engaging in any unfair labor practices prescribed in section 7 of the purposes of which the complaint shall be filed.

(2) (ll) If the Board finds that a temporary restraining order should be granted, it shall issue an order restraining the party in interest who caused the filing of the complaint from engaging in any unfair labor practices prescribed in section 7 of the purposes of which the complaint shall be filed.

(2) (mm) If the Board finds that a temporary restraining order should be granted, it shall issue an order restraining the party in interest who caused the filing of the complaint from engaging in any unfair labor practices prescribed in section 7 of the purposes of which the complaint shall be filed.

(2) (nn) If the Board finds that a temporary restraining order should be granted, it shall issue an order restraining the party in interest who caused the filing of the complaint from engaging in any unfair labor practices prescribed in section 7 of the purposes of which the complaint shall be filed.
 Rico and has no known post-office address within Puerto Rico, said party shall be notified through edicts, and, in addition, a copy of the complaint and copies of all notices shall be filed in the office of the Executive Secretary of Puerto Rico, and certified copies of said documents shall also be sent by registered mail to the last known post-office address of such party. The publication of edicts, and the filing and mailing of said documents shall constitute sufficient service with the same force and effect as if served upon the party located within Puerto Rico. Such hearing may be adjourned from time to time in the discretion of the Board and hearings may be held at such places as the Board may designate.

(b) The Board or a member thereof, shall have the power to issue subpoenas and administer oaths. Depositions may be taken in the manner prescribed by law for like depositions in civil actions in the district courts. No person shall be excused from attending and testifying or from producing books, records, correspondence, documents or other evidence in obedience to the subpoena of the Board on the ground that the testimony or evidence required of him may tend to incriminate him or subject him to a penalty or forfeiture under the laws of Puerto Rico; but no individual shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter or thing concerning which he may testify or produce evidence, documentary or otherwise, before the Board in obedience to a subpoena issued by it; Provided, That an individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

(c) Any person who shall wilfully and unlawfully fail or neglect to appear or testify or to produce books, papers and records as required, shall, upon application to a district court, be ordered to appear before the Board, there to testify or produce evidence if so ordered, and failure to obey such order of the court may be punished by the court as a contempt thereof.

(d) Each witness who shall appear before the Board by its order or subpoena shall receive for his attendance the fees and mileage provided for witnesses in civil cases in courts of record, which shall be audited and paid in the same manner as other expenses are audited and paid, upon the presentation of properly verified vouchers approved by the chairman of the Board and charged to the proper appropriation for the Board.

antes de celebrarse la vista. En caso de que una de las partes interesadas esté fuera de Puerto Rico y se desconozca su dirección postal en Puerto Rico, se le notificará por edictos y además se radicará en la oficina del Secretario Ejecutivo de Puerto Rico sendas copias de la querella y de todos los emplazamientos, y además se enviarán, por correo certificado, a la última dirección postal conocida de dicha parte, copias certificadas de dichos documentos. La publicación de edictos y la radicación y envío por correo de estos documentos constituirán notificación suficiente con la misma fuerza y vigor como si el emplazamiento se hubiera efectuado en Puerto Rico. Las vistas pueden suspenderse de tiempo en tiempo, a discreción de la Junta, y celebrarse en los sitios que la Junta designe.

(b) La Junta o uno de sus miembros podrán expedir citaciones y tomar juramentos. Se podrán tomar deposiciones en la forma prescrita por ley para deposiciones análogas en acciones civiles en los tribunales de distrito. No se excusará a nadie de asistir, o de declarar o de presentar libros, registros, correspondencia, documentos o cualquier otra prueba en cumplimiento de la citación de la Junta a base de que su testimonio o la prueba que se le exige tiendan a incriminarlo o exponerlo a penalidad o confiscación bajo las leyes de Puerto Rico; pero ningún individuo será enjuiciado ni sometido a ninguna penalidad o confiscación a causa de una transacción, materia o cosa con relación a la cual él haya declarado o presentado ante la Junta, prueba documental o de otra clase, en cumplimiento de una citación expedida por la misma; Disponiéndose, que un individuo que declare en la forma indicada no estará a salvo de acusación y castigo por perjurio cometidos en el curso de su declaración.

(c) La persona que intencional o ilegalmente deje de comparecer o declarar o de presentar los libros, los documentos, y los registros como se le exijan, podrá ser requerida, mediante solicitud a una corte de distrito, a que comparezca ante la Junta a declarar y presentar la prueba que se le exija, y la desobediencia de dicha orden de la corte podrá ser castigada por ésta como descartado.

(d) Los testigos que comparezcan ante la Junta por orden o por citación de ésta, recibirán por su asistencia las dietas y el milage que se paga a los testigos en casos civiles en las cortes de distrito, cuyo pago se certificará y pagará en la misma forma en que se certifiquen y pagan otros pagos mediante presentación de facturas certificadas y aprobadas por el presidente de la Junta y, cargadas a la asignación correspondiente de la Junta.
(3) A full and complete record shall be kept of all proceedings had before the Board, and all testimony shall be taken down by the reporter appointed by the Board. Such proceedings need not be governed by the rules of evidence prevailing in courts of record but the party on whom the burden of proof rests shall be required to sustain such burden by a clear and satisfactory preponderance of the evidence.

(4) After the final hearing the Board shall forthwith make and file its findings of fact upon all of the issues involved in the controversy, and its order, which shall state its determination as to the rights of the parties. Pending the final determination by it of any controversy before it the Board may, after hearing, make interlocutory findings and orders which may be enforced in the same manner as final orders. Final orders may dismiss the charges or require the person complained of to cease and desist from the unfair labor practices found to have been committed, suspend his rights, immunities, privileges or remedies granted or afforded by this act for not more than one year, and require him to take such affirmative action, including reinstatement of employees with or without back pay, as the Board may deem proper. Any order may further require such person to make reports from time to time showing the extent to which he has complied with the order.

(5) The Board may authorize a commissioner or examiner to make findings and orders. Any party in interest who is dissatisfied with the findings or orders of a commissioner or examiner may file a written petition with the Board as a body to review the findings or order. If no petition is filed within twenty days from the date a copy of the findings or order of the commissioner or examiner was mailed to the last known address of the parties in interest, such findings or order shall be considered the findings or order of the Board as a body unless set aside, reversed or modified by such commissioner or examiner within such time. If the findings or order are set aside by the commissioner or examiner the status shall be the same as prior to the findings or order set aside. If the findings or order are reversed or modified by the commissioner or examiner the time for filing a petition with the Board shall run from the time...
that notice of such reversal or modification is mailed to the last known address of the parties in interest. After the filing of such petition with the Board, the Board shall, as expeditiously as possible, either affirm, reverse, set aside or modify such findings or order, in whole or in part, or direct the taking of additional testimony. Such actions shall be based on a review of the evidence submitted. If the Board is satisfied that a party in interest has been prejudiced because of undue delay in the receipt of a copy of any findings or order it may extend the time another twenty days for filing a petition with the Board.

(6) The Board shall have the power to remove or transfer the proceedings pending before a commissioner or examiner. Until a transcript of the record in a case shall have been filed in a court, as hereinafter provided, the Board may at any time, upon reasonable notice and in such manner as it shall deem proper, modify or set aside, in whole or in part, any finding or order.

(7) If any person fails or neglects to obey an order of the Board while the same is in effect the Board may petition the Supreme Court of Puerto Rico, or if the Supreme Court is in vacation, the district court of the district wherein such person resides or usually transacts business for the enforcement of such order and for appropriate temporary relief or restraining order, and shall certify and file in the court its record in the proceedings, including all documents and papers on file in the matter, the pleadings and testimony upon which such order was entered, and the findings and order of the Board. Upon such filing the Board shall cause notice thereof to be served upon such person by mailing a copy of his last known post-office address, and thereupon the court shall have jurisdiction of the proceedings and of the question determined therein. Said action may thereupon be brought on for hearing before said court upon such record by the Board serving ten days’ written notice upon the respondent. Upon such hearing the court may confirm, modify, or set aside the order of the Board and enter an appropriate decree. No objection that has not been urged before the Board, its member, commissioner, examiner or agent shall be considered by the court unless the failure or neglect to urge such objection shall be excused because of extraordinary circumstances. The findings of fact made by the Board, if supported by evidence in the record, shall be conclusive. The court notified by correo tal revocación o modificación a la última dirección conocida de las partes interesadas. Después de la radicación de dicha petición ante la Junta, ésta tan expeditamente como fuere posible, confirmará, revocará, reclamará o modificará la determinación de hechos o la orden, en todo o en parte, o dispondrá que se tomen declaraciones adicionales. Estas medidas se basarán en el examen de la prueba ofrecida. Si la Junta quedare convencida de que una de las partes se ha perjudicado como resultado de indebida demora en el recibió de copia de cualquier determinación de hechos, u orden, podrá prorrogar otros veinte días el plazo para la radicación de una petición ante la Junta.

(6) La Junta podrá retirar o trasladar los procedimientos pendientes ante un comisionado o examinador. Hasta tanto se radique una transcripción de los autos en un caso, ante un tribunal como se dispone más adelante, la Junta podrá en cualquier momento, previa razonable notificación, en la forma que estime prudente, enmendar o anular en todo o en parte cualquier determinación de hechos u orden.

(7) Si una persona deje de cumplir una orden en vigor de la Junta, ésta podrá solicitar del Tribunal Supremo de Puerto Rico, o, si el Tribunal Supremo estuviese de vacaciones, de la corte de distrito del distrito en que dicha persona reside o donde ordinariamente haga negocios, que haga cumplir tal orden y que se provea un remedio provisional adecuado o auto inhibitorio, y certificará y archivará en el tribunal el expediente del caso, incluyendo todos los documentos y papeles archivados, las alegaciones y el testimonio en que se basó dicha orden, y la determinación de hechos y la orden de la Junta. Después de radicada tal petición, la Junta notificará este extremo a dicha persona, enviándole copia a su última dirección postal conocida, e inmediatamente el tribunal tendrá jurisdicción sobre el caso y sobre el asunto resuelto. El caso se podrá ver ante dicho tribunal, a base del expediente de la Junta, notificando al querellado con diez días de anticipación. Visto el caso el tribunal podrá confirmar, enmendar o anular la orden de la Junta y emitir el fallo correspondiente. Las objeciones que no se hayan planteado ante la Junta, o cualquiera de sus miembros, o ante un comisionado, examinador o agente, no serán consideradas por el tribunal, a menos que la omisión o negligencia en el planteamiento de dichas objeciones estén justificadas por circunstancias extraordinarias. Si las conclusiones de hecho de la Junta están sostenidas por la prueba que consta de los autos, serán definitivas. El tribunal podrá permitir la pre-
may order additional evidence to be taken before the Board, its member, commissioner, examiner or agent, and to be made a part of the record, where such evidence appears to be material and reasonable cause is shown for failure to have adduced such evidence at the hearing before the Board, its member, commissioner, examiner or agent. The Board may modify its findings as to facts, or make new findings by reason of such additional evidence, and it shall file such modified or new findings with the same effect as its original findings and shall file its recommendations, if any, for the modification or setting aside of its original order. The jurisdiction of the court shall be exclusive and its judgment and decree shall be final, except that the same shall be subject to review upon the filing of a petition for review, by the Supreme Court of Puerto Rico, if application was made to a district court as hereinabove provided.

(8) Any person aggrieved by a final order of the Board granting or denying, in whole or in part, the relief sought, may petition the Supreme Court of Puerto Rico for review of such order by filing in such court a written petition praying 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 proceeding, certified to by the Board, including the pleading and testimony upon which the order complained of was entered and findings and order of the Board. This certification shall be issued free of all charges or fees when the applicant 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 7 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 so 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 evidence, shall in like manner be conclusive.

(9) Commencement of proceedings under subsection (7) or (8) shall not, unless otherwise specifically ordered by the court, operate as a stay of the Board’s order.

sentación de prueba adicional ante la Junta o cualquiera de sus miembros, o ante un comisionado, examinador o agente, y la misma se incorporará a los autos, si pareciera ser de peso y se mostrare causa suficiente para justificar su omisión ante la Junta o cualquiera de sus miembros o ante un comisionado, examinador o agente. La Junta podrá modificar sus conclusiones en cuanto a los hechos, o podrá llegar a nuevas conclusiones por razón de la prueba adicional ofrecida, y podrá radicar tales conclusiones enmendadas o nuevas, con los mismos efectos que las conclusiones originales, y radicarás sus recomendaciones, si hiciere algunas, para modificar o anular su orden original. La jurisdicción del tribunal será exclusiva y su decreto o fallo será definitivo, excepto que estará sujeto a revisión mediante radicación de solicitud al efecto ante el Tribunal Supremo de Puerto Rico, si la solicitud fué hecha ante una corte de distrito en la forma anteriormente prevista.

(8) Una persona perjudicada por la orden definitiva en que la Junta concede o deniega, en todo o en parte, el remedio que se solicita, podrá acudir al Tribunal Supremo de Puerto Rico en solicitud de revisión de dicha orden, mediante radicación ante dicho Tribunal, de una petición escrita en que se solicite que la orden de la Junta sea enmendada o anulada. Copia de dicha petición será enviada de inmediato a la Junta y seguidamente la parte recurrente radicará ante el Tribunal una transcripción completa de todos los autos del caso, certificada por la Junta, incluyendo las alegaciones y el testimonio en los cuales se basó la Junta al establecer sus conclusiones y expedir la orden objetada. Esta certificación se le expedirá libre de todo pago o derecho cuando el solicitante fuere insolvente. Hecha tal radicación, el Tribunal procederá en la misma forma que en el caso de una solicitud de la Junta con arreglo al inciso (7) de este artículo, y tendrá la misma jurisdicción exclusiva para otorgar a la Junta los remedios provisionales u orden de entredicho que crea justos y adecuados, y del mismo modo expedir, un decreto ejecutando, modificando, o ejecutando tal como se ha modificado, o anulando, en todo o en parte, la orden de la Junta; y las conclusiones de la Junta en cuanto a los hechos, si estuvieren sostenidas por la prueba, serán igualmente definitivas.

(9) El comienzo de los procedimientos con arreglo al inciso (7) u (8) no suspenderá, a menos que específicamente lo ordene así el Tribunal, el cumplimiento de la orden de la Junta.
(10) Petitions filed under this section shall have preference over any civil cause of a different nature pending in the district or Supreme Court and shall be heard expeditiously. 

(11) A substantial compliance with the procedure of this Act shall be sufficient to give effect to the orders of the Board and they shall not be declared inoperative, illegal, or void for any omission of a technical nature in respect thereto.

(12) A transcribed copy of the evidence and proceedings or any part thereof on any hearing taken by the stenographer appointed by the Board, being certified to by such stenographer to be a true and correct transcript, carefully compared by him with his original notes, and to be a correct statement of such evidence and proceedings, duly certified, shall be received in evidence with the same effect as if such reporter were present and testified to the fact so certified.

(13) The right of any person to proceed under this section shall not extend beyond one year from the date of the specific act or unfair labor practice alleged.

Section 10.—Duties of the Attorney-General and district attorneys. Upon the request of the Board, the Attorney General in any proceeding in a district or the Supreme Court, or the district attorney of the district in which a proceeding is brought before the district court for the purpose of enforcing or reviewing an order of the Board, shall appear and act as counsel for the Board.

Section 11.—Additional sanctions. (a) Any employer found by the Board or 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 or civil subdivision 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 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 an order relating to such practice issued by the Board which made the finding: (1) no further payments shall be made thereon to the contractor or 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 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 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. 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.—Limitations. Except as provided in sections 7 and 8, nothing in this Act shall be construed so as to interfere with, impede or diminish in any way the right of employees to strike or to engage in other concerted activities.

(b) Todo contrato en que sea parte el Gobierno o una subdivisión política o civil del mismo, o empresa de servicio público o dependencia del Gobierno, o una dependencia sostenida en todo o en parte con fondos públicos, deberá contener disposiciones en el sentido de que si la Junta o la Junta Nacional de Relaciones del Trabajo determinare que el contratista o cualquiera de sus subcontratistas, o el concesionario o prestatario de fondos públicos han cometido una práctica desleal de trabajo, y no cumplen con la orden expedida por la Junta que llegó a esa conclusión:

(1) No se harán pagos adicionales a partir de esa fecha ni al contratista, ni a ninguno de sus subcontratistas, ni al concesionario, ni al prestatario;

(2) el contrato, concesión o préstamo podrá darse por terminado;

(3) se podrán otorgar nuevos contratos o efectuarse compras en el mercado libre para llevar a cabo el contrato original, recayendo en el contratista original el coste adicional; Disponiéndose, que si tal orden es revocada o anulada en su totalidad por un tribunal de jurisdicción competente, se le pagará al contratista concesionario o prestatario todo el dinero que se le adeude desde la fecha en que se expidió la orden de la Junta.

(c) Para los fines de este artículo, una declaración de la Junta o de la Junta Nacional de Relaciones del Trabajo, en el sentido de que un patrono no ha cumplido con una orden expedida por la Junta que haga tal declaración, será obligatoria, final y definitiva, a menos que dicha orden sea revocada o anulada por tribunal de jurisdicción competente.

Artículo 12.—Documentos Públicos.—Sujeto a la razonable reglamentación que establecerá la Junta, los cargos, peticiones, quejas, transcripciones de evidencia, decisiones y órdenes relativas a procedimientos instituídos por la Junta o ante ella, deberán ser documentos públicos a la disposición de los que interesen consultarios o copiarlos.

Artículo 13.—Restricciones.—Excepto por lo provisto en los artículos 7 y 8, nada de lo dispuesto en esta Ley se interpretará de modo que pueda impedir, disminuir o intervenir en alguna forma con el derecho de los empleados a declararse en huelga o a dedicarse a otras actividades concertadas.
Section 14.—Application of Act.—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.—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.—Punitive provision. Any person who shall willfully resist, prevent, impede, or hinder the Board or any of the authorized agents of the Board in the performance of duties pursuant to this Act, or who shall obstruct the conduct of a hearing conducted pursuant to section 9 shall be punished by a fine of not more than five thousand (5,000) dollars or by imprisonment in jail for not more than one (1) year, or by both penalties, in the discretion of the court.

Section 18.—Short title. 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.

Approved, May 8, 1945.