
Document: 29 L.P.R.A. § 185h

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Laws of Puerto Rico Annotated **TITLE TWENTY-NINE Labor** **PART I. Labor Provisions Generally** **Chapter 9.**
Payment of Wages; Discharge Without Cause; Mechanic's Lien

§ 185h. Indemnity for discharge without just cause—Probatory work contract, prerequisites

So that every probatory work contract may be valid so as to exempt an employer from complying with the provisions of §§ 185a—185m of this title, said contract shall be executed in writing stating the date on which said probatory period commences and ends, which in no case shall exceed three (3) months, unless a written permit is issued by the Secretary of Labor and Human Resources. The latter may authorize the extension of the probatory period for up to a maximum of six (6) months when in his/her judgment the nature of the work may so require. The basic probatory work contract must be executed before the employee begins to work for the employer. Every probatory work contract agreed upon after the employee starts to render services shall be null and void. When the employees are members of a labor union, the stipulation on the extension of the probatory period of up to six (6) months may be put into effect through a collective bargaining agreement or a written agreement between the union and the

employer, without need of the consent or approval of the Secretary of Labor and Human Resources. Failure to comply with the above conditions regarding the probatory work contract shall render it null and void.

Should the employee continue to work for the employer after the term established in the probatory work contract, or the authorized extension thereof, said employee shall acquire all the rights of an employee just as if he/she had been contracted without a definite term.

Every temporary employee contracted to continue working for the same employer shall be credited with the time worked as a temporary employee for up to a maximum of half the time required as probatory period for the position, provided the position to be held by the employee entails the performance of the same tasks and duties of the position held by the employee as temporary employee.

For the purposes of the provisions of this section, "month" shall be construed to mean a period of thirty (30) consecutive calendar days.

History

—May 30, 1976, No. 80, p. 251, added as § 8 on May 21, 1982, No. 16, p. 31, § 1; Dec. 23, 1998, No. 306, § 1.

Laws of Puerto Rico Annotated

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