
Document: 29 L.P.R.A. § 185c

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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

§ 185c. Indemnity for discharge without just cause—Order of retaining employees

In any case where employees are discharged for the reasons indicated in subsections (d), (e) and (f) of § 185b of this title, it shall be the duty of the employer to retain those employees of greater seniority on the job with preference, provided there are positions vacant or filled by employees of less seniority in the job within their occupational classification which may be held by them, it being understood that preference shall be given to the employees discharged in the event that within the six (6) months following their layoff the employer needs to employ a person in like or similar work to that which said employees were doing at the time of their discharge, within their occupational classification, also following the order of seniority in their reinstatement, except, and in both situations, in those cases in which there is a clear and conclusive difference in favor of the efficiency or capacity of the workers compared, in which case the capacity shall prevail; Provided That:

(a) In the case of discharges or layoffs for the reasons indicated in subsections (d), (e) and (f) of § 185b of this title in companies that have several offices, factories, branches or plants and whose usual and regular practice is not to transfer employees from one office, factory, branch or plant to another, and that said units operate in a relatively independent manner with regard to personnel aspects, the seniority of the employees within the occupational classification subject to the layoff shall be computed by taking into consideration only those employees in the office, factory, branch or plant in which said layoff shall occur.

(b) In the case of companies having several offices, factories, branches or plants whose regular and usual practice is to transfer its employees from one unit to another, and that the various units operate in a relatively integrated manner with regard to personnel aspects, seniority shall be computed on the basis of all the employees of the company, that is to say, taking into consideration all of its offices, factories, branches or plants that are in the occupational classification subject to the layoff.

History

—May 30, 1976, No. 80, p. 251, § 3; July 18, 1986, No. 146, p. 456.

Laws of Puerto Rico Annotated

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