

(H. B. 1712)

(No. 109)

(Approved May 26, 2006)

AN ACT

To amend Sections 4.4 and 7.7 of Act No. 45 of February 25, 1998, as amended, known as the “Puerto Rico Public Service Labor Relations Act,” to provide extensions on the effectiveness of collective bargaining agreements.

STATEMENT OF MOTIVES

Act No. 45 of February 25, 1998, as amended, known as the “Puerto Rico Public Service Labor Relations Act,” introduced the mechanism of exclusive union representation and collective bargaining as tools to protect the rights of our public employees.

In the process of structuring a system whose priority is the protection of the rights of the People, who are the real employers of all public servants, a process for the certification of exclusive representatives and the term of effectiveness of collective bargaining agreements pursuant to Act No. 45, supra, was provided. One of the provisions included was to the effect that collective bargaining agreements would have an effectiveness which would not exceed three (3) years, in order to maintain flexibility in the short term public policy decisions making process.

Now then, upon the termination of the period of the collective bargaining agreement, as well as during the process for the certification of a new union representative, decertification and classification petition, there is a possibility that the negotiations process extends and that the agreement in

effect expires before a new agreement is approved. In such cases, it would be a valuable alternative for workers to be able to reach agreements to extend the one in effect for a limited time. Through this Act, Act No. 45, supra, is amended to allow the extension of the effectiveness of an agreement already in effect for a fixed period of time, in the case of a change in representative or the expiration of a collective agreement.

BE IT ENACTED BY THE LEGISLATURE OF PUERTO RICO:

Section 1.- Section 4.4 of Act No. 45 of February 25, 1998, as amended, to read as follows:

“Section 4.4.- Exclusive representation

Once a bargaining unit has been certified for collective bargaining purposes by the Commission, there shall not be more than one labor organization to represent the employees included in the bargaining unit. If there is a collective agreement in effect, it may be extended as agreed on by the parties, provided it is for a definite and limited period of time. At no time shall this extension interrupt the terms of a petition for certification or decertification and petitions for classification promulgated in this Act.

The deduction of fees for non-affiliated employees’ of bona fide organizations shall only be allowed to the exclusive representative and to the employees not included in the bargaining unit. The automatic deduction of fees and service fees is authorized through the exclusive representative or bona fide organization.”

Section 2.- Section 7.7 of Act No. 45 of February 25, 1998, as amended, is hereby amended to read as follows:

“Section 7.7.- Term and extension of agreements

The collective agreements signed by virtue of this Act shall not have an original effective term of more than three (3) years. The effectiveness of an

agreement may be extended throughout the negotiation by agreement between the parties or pursuant to the terms provided in the agreement including the Grievances and Complaints Procedure, excluding those provisions of economic impact, provided it is for a definite and limited term. At no time shall this extension interrupt the terms of any petition for certification or decertification and petitions for classification promulgated in this Act. Any clause that is contrary to this prohibition shall be null.”

Section 3.- This Act shall take effect immediately after its approval.

CERTIFICATION

I hereby certify to the Secretary of State that the following Act No. 109 (H.B. 1712) of the 3rd Session of the 15th Legislature of Puerto Rico:

AN ACT to amend Sections 4.4 and 7.7 of Act No. 45 of February 25, 1998, as amended, known as the “Puerto Rico Public Service Labor Relations Act,” to provide extensions on the effectiveness of collective bargaining agreements,

has been translated from Spanish to English and that the English version is correct.

In San Juan, Puerto Rico, today 5th of July of 2006.

Francisco J. Domenech
Director