

(H. B. 1869)

(No. 182)

(Approved September 1, 2006)

AN ACT

To amend subsections (d), (f), (g), and (h) of Section 6.1 of Act No. 45 of February 25, 1998, as amended, known as the “Puerto Rico Public Service Labor Relations Act,” in order to expedite the procedures before the Commission and its bureaus.

STATEMENT OF MOTIVES

Act No. 45 of February 25, 1998, known as the “Puerto Rico Public Service Labor Relations Act,” was created to confer to a broad public employee sector the right to become organized for purposes of collectively bargaining and providing the terms under which such bargaining shall be conducted. Said legislation created the Public Service Labor Relations Commission as the administrative entity of this Act.

The employees covered under Act No. 45 have the right to bargain collectively, although they do not have the right to go on strike. As an alternative method to the negotiation, Act No. 45 establishes a compulsory conciliation and arbitration procedure to resolve impasses in the collective bargaining process.

The budgetary reality of the Island requires the maximum of the use of the resources allocated to agencies. In order to safeguard the right granted to the employees of the public sector covered under Act No. 45, and to guarantee the application of this Act by the Commission agilely, speedily,

and cost-efficiently for the Commonwealth of Puerto Rico, it is necessary to expedite the procedures before the Commission and its bureaus.

BE IT ENACTED BY THE LEGISLATURE OF PUERTO RICO:

Section 1.- Section 6.1 of Act No. 45 of February 28, 1998, is hereby amended to read as follows:

“Section 6.1.- Conciliation and Arbitration Procedure

- a) The agency or the exclusive representative shall notify the Commission of the existence of an impasse in the process of negotiating a collective bargaining agreement. The notification of the existence of an impasse shall be in writing, with a copy to the other party and to the Central Office.
- b) Once the notice of the existence of an impasse in the negotiation process of a collective bargaining agreement has been received, the Commission shall designate a Conciliator. The Conciliator may be a member of the Panel of Conciliators and Arbitrators, attached to the same. The Conciliator shall immediately begin to take steps directed to resolving the impasse by summoning both parties to appear before him/her and state their respective positions on the matters object to the impasse.
- c) If the impasse continues for a term of thirty (30) days as of the date in which the Conciliator was designated, the latter may recommend that an arbitrator be designated to dilucidate the impasse in a final and binding manner.
- d) The Commission shall appoint a panel of three (3) arbitrators from which the agency and the labor organization shall eliminate one each, and the remaining arbitrator shall be

selected and shall act as arbitrator for the solution of the impasse.

- e) The parties shall be bound to submit to the compulsory arbitration procedure and present to the arbitrator the information, documents, positions, budget, numbers, alternatives and all other relevant evidence the latter may request.
- f) Any party that after accepting this procedure fails to appear before the arbitrator or fails to submit the information that has been requested, shall be bound to accept the decision issued by the arbitrator.
- g) The decision or judgment of the arbitrator shall be final and binding pursuant to law and shall adjust to the parameters contained in Section 5.2 of this Act. The only arbitration decisions that may be challenged are those having errors in law, and those that are in contravention to the constitutional provision that prohibits that the appropriations made for one fiscal year exceed the total resources calculated for said year, and shall be considered through judicial action before the Circuit Court of Appeals, which shall act on the same within a term of not more than thirty (30) days.
- h) The arbitrators of the Commission shall have broad powers to design remedies in the adjudication of controversies set forth by the parties, including the imposition of costs, expenses, attorney fees and interest, among others.

- i) Every arbitration judgment on economic aspects in the negotiation of a collective bargaining agreement shall be final and binding.”

Section 2.-This Act shall take effect immediately after its approval.

CERTIFICATION

I hereby certify to the Secretary of State that the following Act No. 182 (H.B. 1869) of the 8th Session of the 15th Legislature of Puerto Rico:

AN ACT to amend subsections (d), (f), (g), and (h) of Section 6.1 of Act No. 45 of February 25, 1998, as amended, known as the “Puerto Rico Public Service Labor Relations Act,” in order to expedite the procedures before the Commission and its bureaus,

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

In San Juan, Puerto Rico, today 8th of December of 2006.

Francisco J. Domenech
Director