
Document: 29 L.P.R.A. § 185a

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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

§ 185a. Indemnity for discharge without just cause—Salary; years of service

Every employee in commerce, industry, or any other business or work place, designated hereinafter as the establishment, in which he/she works for compensation of any kind, contracted without a fixed term, who is discharged from his/her employment without just cause, shall be entitled to receive from his/her employer, in addition to the salary he/she may have earned:

(a) The salary corresponding to two (2) months, as indemnity, if discharged within the first five (5) years of service; the salary corresponding to three (3) months if discharged after five years (5) and up to fifteen (15) years of service; the salary corresponding to six (6) months if discharged after fifteen (15) years of service.

(b) An additional progressive compensation equal to one (1) week for each year of service, if discharged within the first five

(5) years of service; to two (2) weeks for each year of service, if discharged after five (5) years and up to fifteen (15) years of service; to three (3) weeks for each year of service if discharged after fifteen (15) years of service.

The years of service shall be determined on the basis of all the preceding accrued periods of work during which the employee worked for the employer prior to his/her discharge, but excluding those which, because of a previous discharge or severance, have been compensated or have been subject to judicial adjudication.

Notwithstanding what is provided in the first paragraph of this section, the mere fact that an employee renders services under a fixed term contract, in itself, shall not have the automatic effect of depriving him/her of the protection of §§ 185a—185m of this title, if the practice and circumstances involved or other evidence in the contracting were of such a nature that they tend to indicate the creation of an expectation of continuity in employment, or appears to be a bona fide employment contract for an indefinite period of time. In these cases, the employees thus affected shall be deemed to have been contracted for an unspecified period of time. Except when it concerns employees contracted for a certain bona fide term, or for a certain bona fide project, every separation, termination or dismissal of employees contracted for a certain term, or a certain project or job, or the non-renewal of his/her contract, shall be presumed to constitute an unjust dismissal governed by §§ 185a—185m of this title.

History

—May 30, 1976, No. 80, p. 251, § 1; Mar. 1, 1988, No. 7, p. 48; Aug. 6, 1991, No. 45, § 1; Sept. 17, 1996, No. 234, § 1; Oct. 7, 2005, No. 128, § 1.

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Date and Time: Mar 21, 2018 06:16:40 p.m. EDT



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