

---

Document:29 L.P.R.A. § 185k

---

**29 L.P.R.A. § 185k**

**Copy Citation**

Current through all acts translated by the Translation Office of the Puerto Rico Government through the 2010 Legislative Session and various acts from 2011 to the present.

**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**

§ 185k. Indemnity for discharge without just cause—Pleading; contesting by employer; conference; proceedings; employer's bond

---

**(a)** In every action instituted by an employee claiming the benefits provided herein, the employer is bound to plead in his answer to the complaint the facts that led to the dismissal, and to prove that it was justified in order to be exempted from compliance with the provision of § 185a of this title. Likewise, in every suit instituted by an employee claiming the benefits provided herein, when the matter concerns an employee contracted for a certain term or for a certain project or job, the employer shall be bound to plead these facts in his answer to the lawsuit and prove the existence of a bona fide contract in order to be exempted from complying with the remedy provided by §§ 185a—185m of this title, except when the employer proves that it was a justified dismissal.

An employment contract for a certain term or for a certain project or job shall be deemed as bona fide when it is executed in

writing during the employee's first working day, or in the case of employees contracted by client companies through the intervention of temporary employment service companies, during the first ten (10) days after the beginning of his/her contract, and whose purpose, and it shall be so stated, is of substituting for an absent employee who is enjoying a legally instituted leave or a leave established by the employer, or in order to perform special tasks or tasks of a certain duration such as, although not limited to, annual inventories, repair of equipment, machinery or company installations, occasional loading and unloading of freight, work during specific times of the year such as Christmas, temporary orders for increased production, and any other project or specific activity of a short duration or of a certain fixed duration.

"Temporary employment service company" is any person or organization engaged in contracting employees so that through its intervention it may render temporary services for a client company.

"Client company" is any person or organization that requests or contracts temporary employees through the intervention of temporary employment service companies.

**(b)** In every suit based on §§ 185—185m of this title, the court shall hold a pre-trial conference not later than thirty (30) days after the complaint is answered. At the end of this conference, if in its opinion there are sufficient reasons, beyond the circumstances of conflicting allegations, to believe that the discharge was without a just cause, the court shall order the employer who has been sued to deposit, in the office of the court clerk, within a not extendable term of ten (10) days, a sum equal to the total compensation to which the worker would be entitled to, and an additional amount for covering attorney fees, which shall never be less than a percentage of the total compensation or one hundred dollars (\$100), whichever is higher. The employer who has been sued may post an adequate bond to cover these amounts. Said amounts or bond shall be returned to the employer if final and binding judgment is rendered in his/her favor. At any stage of the proceedings in which, at the request of a party, the court determines that there is a serious risk that the employer lacks of sufficient property to satisfy the judgment that may be rendered in due time in the case, the court may demand the aforesaid deposit or the corresponding bond.

## History

---

—May 30, 1976, No. 80, p. 251, § 8, renumbered as § 11 on May 21, 1982, No. 16, p. 31 § 2; Aug. 6, 1991, No. 45, § 2; Oct. 7, 2005, No. 128, § 3.

Laws of Puerto Rico Annotated

Copyright © 2018 LAWS OF PUERTO RICO ANNOTATED, Copyright

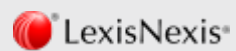
1955-2014 by the Secretary of State of Puerto Rico and LEXISNEXIS of Puerto Rico, Inc. All rights reserved.

**Content Type:**

**Terms:**

**Narrow By:** -None-

**Date and Time:** Mar 21, 2018 06:27:17 p.m. EDT



[About LexisNexis®](#)

[Privacy Policy](#)

[Terms & Conditions](#)

[Sign Out](#)

Copyright © 2018 LexisNexis. All rights reserved.

