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MEMORANDUM

TO : Clients and Friends

FROM : Labor and Employment Law Department of McConnell Valdés

RE : Act No. 384 of 2004

DATE : November 17, 2004

On September 17, the Governor signed into law Act No. 384 of 2004. Act No. 384 amends the Organic Act of the Puerto Rico Department of Labor; it establishes a new Mediation and Adjudication Office ("the Office"). This new Office will have concurrent jurisdiction over certain labor claims filed by employees against their employers under the following statutes: Act No. 45 of April 18, 1935 (Workers' Compensation Act); Act No. 180 of July 28, 1998 (Minimum Wage, Vacation and Sick Leave Act); Act No. 17 of April 1931 (Payment of Wages); Act No. 80 of May 30, 1976 (Unjust Dismissal Act); Act No. 148 of June 30, 1969 (Annual Bonus Act); Act No. 379 of May 15, 1948 (Overtime and Meal Period), and Act No. 3 of March 13, 1942 (Working Mother's Protection/Maternity Leave). The Office, however, will not have jurisdiction over damages claims under the aforementioned statutes.

Pursuant to Act No. 384, employees will have a choice between filing their claims in court or before the Office. The latter will have power to adjudicate the claims pursuant to applicable law and may also conduct mediation sessions between the parties. The litigation process before the Office will be in accordance with the provisions of the Puerto Rico Uniform Administrative Procedure Act ("UAPA"). The decisions of the Office will be binding upon the parties and reviewable pursuant to the appeals process established by the UAPA.

If you have any questions, or wish additional information regarding these matters, please contact any of the attorneys at the Labor and Employment Law Department of McConnell Valdés.

McV LABOR AND EMPLOYMENT LAW DEPARTMENT

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