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Approved: Fernando Chardon
Secretary of State

Commonwealth of Puerto Rico
DEPARTMENT OF AGRICULTURE
Santurce, Puerto Rico

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Chief, Registry and
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REGULATION TO GOVERN THE REIMBURSEMENT OF SUPPLEMENTARY PAYMENTS TO CANE GROWERS WHO EMPLOY WORKERMEN IN THE AGRICULTURAL PHASE OF THE SUGAR INDUSTRY

Article I- Purposes of the Program for a Guaranteed Income to Workers in the Agricultural Phase of the Sugar Industry

Through this Program, workers of the agricultural phase of the sugar industry are guaranteed an income of not less than eighty (80) cents per hour during fiscal year 1969-70; not less than ninety (90) cents per hour during fiscal year 1970-71, and not less than one dollar ($1.00) per hour during fiscal year 1971-72 and subsequent fiscal years. It is expected that this guaranteed income may induce workers to continue working in the agricultral phase of the sugar industry, and thus alleviate the scarcity of labor being experienced in said industry, without increasing production costs. Likewise, it is sought to increase the living standards of workers in the agricultural phase of the sugar industry, so that they may enjoy life more fully. The Government of Puerto Rico shall provide funds to make the corresponding reimbursements, considering that the present economic condition of cane growers does not allow them to pay workers the minimum income guaranteed by Act No. 141 of June 29, 1969.

Article II- Definitions

For the purposes of this Regulation, the following terms shall have the following meanings:

A. Agricultural Worker- Any person working in the agricultural phase of the sugar industry of Puerto Rico, for remuneration.

B. Cane Grower- Any natural or juridical person or public corporation, including Proportional Profit Farms of the Land Authority of Puerto Rico, who sends sugar cane to one or more sugar mill to be processed into sugar.

C. Sugar Mill- Any natural or juridical person, public corporation, governmental agency or cooperative operating one or more sugar factories as owner or lessee thereof, or in any other capacity.

D. Secretary- The Secretary of Agriculture of Puerto Rico.

E. Agricultural Region- Each of the five regions in which the Island has been divided by the Department of Agriculture for purposes of programation and rendering agricultural services.

F. Income Supplement- The difference where the wage payable by a cane grower to workers employed in the agricultural phase of the sugar industry by virtue of legislation, federal orders, decrees of the Minimum Wage Board, collective bargaining agreements or labor contracts is less than the income per hour guaranteed by Act No. 141 of June 29, 1969.

Article III- Elegibility

In order to be elegible to receive reimbursement for payments supplementary to wages in the agricultural phase of the sugar industry, cane growers shall meet the following requisites:

A. Must have paid the income supplement guaranteed to elegible workers employed during the period of time for which reimbursement is applied for, as well as the corresponding employers' contributions for purposes of Social Security, Workmen Insurance and Unemployment Insurance. This Program covers only workers in the agricultural phase of the sugar industry earning an hourly income of less than eighty (80) cents from July 1, 1969 to June 30, 1970.

B. Must have workers covered by the insurance provided by the State Insurance Fund.

Article IV- Applications

Cane growers elegible to receive reimbursements for supplementary payments shall file, in a form to be provided by the Program in the corresponding Regional Offices, an annual application to participate in the Program for reimbursement of payments supplementary to wages in the agricultural phase of the sugar industry (Form SSA-1-69). This application shall be filed, in original and two copies, prior to the termination of the 1970 grinding season.

For the computation of the data on which reimbursements shall be based, the sugar mills of the Island shall provide the Secretary, or the officer or employee of his designation, as each cane growers finishes delivery of his canes, but not later than 30 working days after the termination of the respective grinding seasons, with a report stating the tons of cane ground to each grower, as well as information regarding the cutting and harvesting method employed by each one, whether using machinery or by hand, whether the cane was cut green or burnt, and in case of mixed deliveries, the proportion of canes mechanically harvested and harvested by hand, as well as the proportion of green canes and burnt canes received from each grower. Reimbursements shall be made to cane growers not later than 60 days after the Secretary, or the officer or employee of his designation, may have received said report from each sugar mill. Said reimbursements shall be computed at the following rates per ton of cane:

		Amount per Ton
1.	Cane cut burnt and mechanically harvested	- twenty seven cents - .27
2.	Cane cut burnt and harvested by hand	- thirty three cents - .33
3.	Green cane mechanically cut and harvested	- twenty seven cents - .27
4.	Green cane cut by hand and mechanically harvested	- ninety six cents - .96
5.	Green cane cut and harvested by hand	- One dollar and - seventeen cents - 1.17

To the resulting amount there shall be added the approximate additional disbursement caused by Social Security, Workmen Insurance, and Unemployment Insurance payments, and the corresponding interest payments. Said amounts shall be subject to revision should there be changes in prevailing minimum wages while this Regulation is in force.

Article V- Reimbursement of Supplementary Payments

The Department of Agriculture shall reimburse to elegible cane growers the approximate additional expense involved in the payment of the income supplement, including employers' contributions for

purposes of Social Security, Workmen Insurance and Unemployment Insurance and the corresponding interest payments. In making such reimbursements, it shall be the fundamental objective to make them correspond, as accurately as possible, to the additional disbursements caused to cane growers by reason of the payments required to be made to workers.

Article VI- General Provisions

A. No income supplement shall be paid for work done during extra hours, as the same are defined in Act No. 379 of May 15, 1948, as amended.

B. In case of change in the legal possesion of a farm, it shall be understood that the cane grower intitled to reimbursement shall be the one who sent the canes to the sugar mill and received the corresponding liquidations.

C. The heirs of a deceased cane grower shall succeed in the latter's right to receive reimbursement of the approximate additional expenses involved in the income supplement payments made to farm workers employed by him, provided that the provisions of this Regulation are complied with and in their character as such heirs is legally established.

Article VII- Applications for Reconsideration

Any person prejudiced by an order or decision of the Secretary may ask him in writing for a reconsideration of said order or decision within 15 days from the date on which the notification of the order or decision was sent. The petition for reconsideration shall state the reasons or contentions on which the same is based.

Upon receiving a petition for reconsideration, the Secretary shall summon the interested party to appear at his offices, in person or represented by an attorney, at the place and on the date and hour to be indicated, for the holding of the corresponding hearing where said party shall have the right to examine and re-examine witnesses, and to offer any evidence it may have to support its contentions. Such summons shall bear the signature of the Secretary or of the officer in whom he may delegate to hold the hearing in reconsideration, as well as the official seal of the Department of Agriculture of Puerto

Rico. The same shall be forwarded by registered mail, return receipt requested, or delivered personally on the interested party, and if it were a juridical personl, on the natural representing the former or in charge thereof. If personal delivery of the summons is made, a copy shall be kept for the record whereon the interested party or the representative served, shall sign a note aknowledging service of the original. If in spite of having received the original, the interested party or its representative should refuse to sign such note, the person making service shall certify and sign a note on said copy stating such particulars.

In the shortest time possible after holding the hearing in reconsideration and wighing the facts pleaded and evidence submitted, the Secretary shall give a written decision, bearing the official seal of the Department under his charge, setting forth a brief statement of the facts pleaded and evidence submitted, as well as the findings of fact on which it is based. Said written decision of the Secretary shall be notified to the interested party or its representative as provided for the original summons.

Any party prejudiced by the decision of the Secretary in reconsideration, or to whom reconsideration has been denied, may ask the Superior Court to review said decision, and said Court may in its discretion grant or deny such petition. The petition for review shall be filed in the Superior Court within 15 days from the date on which the notification of the decision was mailed or personally delivered. Once a proceeding for a review is filed, it shall be the duty of the Secretary to file in the Superior Cour certified copy of the proceedings at the hearing in reconsideration within the term ordered by said Court or any extension thereof that may be granted for such purpose..

While said procceding for review may be pending at the Superior Court, the effects of the order or decision of the Secretary shall not be suspended, except in such cases where it is shown to the satisfaction of said Court that execution of the order or decision reviewed will cause irreparable injury to the party affected.

Article VIII- Penalties

Any natural or juridical person who may have received any reimbursement of supplementary payments on the basis of false or incorrect information given in connection with facts relating to elegibility, or to payments of income supplement made, or to the amount thereof, shall be bound to return the total amount of the reimbursements in the first case, or the corresponding amount in the other cases, without prejudice to being subject to criminal prosecution for any offense incurred by such acts.

Article IX- Legal Authority and Effectiveness

This Regulation is promulgated in accordance with the powers vested in the Secretary of Agriculture by Act No. 141 of June 29, 1969. The same shall take effect thirty (30) days after filing in the Office of the Secretary of State of Puerto Rico the original and two copies of its Spanish and English texts pursuant to the provisions of Act No. 112 of June 30, 1957, as amended.

Approved at San Juan, Puerto Rico, this 30th day of September, 1969.

Luis Rivera Brenes
Secretary of Agriculture