



**GOVERNMENT OF PUERTO RICO
DEPARTMENT OF LABOR & HUMAN RESOURCES**

December 1, 1999

Re: Inquiry No. 14704

This is in reply to your inquiry regarding nonpayment of sales commissions you earned during your employment in Puerto Rico. The relevant facts are as follows:

I worked for a company in Puerto Rico this year. At time of quitting there were commissions owed me for two months[] worth of sales. The problem stands [sic] that four months have gone by and I have only received partial payment of those commissions.

I am turning to your organization as a resource to help me not only collect, but also inform me as to what legal rights I have to persue [sic] this matter through legal proceedings.

Please advice [sic] me on this matter.

Pursuant to § 3 of Act No. 17 of April 17, 1931, as amended, "[t]he whole amount due to a laborer for wages shall be paid in lawful money of the United States of America". The term "wages", as defined in Article 4(h) of Act No. 180 of July 27, 1998, "includes salary, day wages, and every form of compensation". It is well settled in the courts that commissions are "wages" within the meaning of the law. *Junta de Relaciones del Trabajo v. Orange Crush of Puerto Rico, Inc.*, 86 DPR 652.

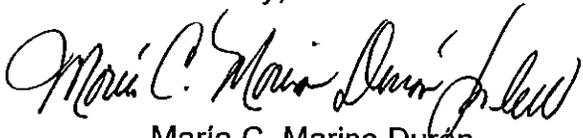
Failure to pay commissions that constitute "wages" is thus a violation of both Act No. 17, *supra*, and of Act No. 180, *supra*. Pursuant to Article 11(a) of Act No. 180, *supra*, an employee who has been paid less than the wages to which he is entitled may file a civil suit for the full amount due, plus an equal amount as damages, in addition to court costs and attorney's fees. A two-year statute of limitations applies to wage claims under Act No. 180,

supra. If the employee so chooses, a claim for the unpaid wages may be filed with this Department's Bureau of Labor Standards, at the following address:

Department of Labor and Human Resources
Bureau of Labor Standards
Prudencio Rivera Martínez Building, 9th floor
505 Muñoz Rivera Avenue
Hato Rey, Puerto Rico 00918

We trust the foregoing is responsive to your inquiry.

Cordially,

A handwritten signature in cursive script, appearing to read "María C. Marina Durán".

María C. Marina Durán
Solicitor of Labor