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TO : FRIENDS AND CLIENTS

FROM : JIMÉNEZ, GRAFFAM & LAUSELL

DATE : APRIL 17, 2020

MATTER : Puerto Rico Minimum Wage, Vacation, and Sick Leave Act Amended by  
New Law No. 37-2020

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On April 9, 2020, Governor Wanda Vázquez Garced signed Law No. 37-2020, which establishes a paid, emergency leave of up to 5 days. This law amends Law No.180-1998, known as the “Puerto Rico Minimum Wage, Vacation, and Sick Leave Act” which regulates sick and vacation leaves for nonexempt employees in the private sector.

This new leave is applicable during states of emergency decreed by the Governor or the Secretary of the Department of Health and it is available for all those non-exempt, private sector employees suffering from the pandemic disease or those suspected of suffering said disease. In order to claim the special leave, employees must first exhaust all other leaves available to them.

The amendment expressly prohibits any employer, supervisor, or their representatives from considering justified sick absences as an efficiency marker in their employee evaluation policies, nor as considered factor for a raises or promotions. Moreover, it prohibits disciplinary actions, such as suspensions and dismissals based on justified sick leaves, paid or unpaid, or on this emergency leave.

Law No. 37-2020 came into effect immediately upon its approval.

Should you have any questions in handling and implementing the complicated issues regarding COVID-19, please contact us at your convenience.

Please contact a Jimenez, Graffam & Lausell attorney with any questions about this or other issues.

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