

(S. B. 1432)
(Conference)

(No. 82-2020)

(Approved August 3, 2020)

AN ACT

To amend Section 2.11 of Act No. 26-2017, as amended, known as the “Fiscal Plan Compliance Act,” in order to establish that participants of the Teachers’ Retirement System may authorize the transfer of the preexisting balance and/or excess of sick leave to their Retirement System to be credited as time worked, after having exhausted their total vacation leave balance available for such purposes.

STATEMENT OF MOTIVES

Puerto Rico is undergoing an unprecedented fiscal, economic, and social crisis, which has had an impact on all sectors of our society, but especially on the pensioners and teachers. Despite this, teachers have continued to honor their commitment to their profession and to educate future generations. However, they have forfeited rights and benefits in order to set Puerto Rico on a path to recovery.

Moreover, it is our responsibility to recognize their commitment and daily work by seeking alternatives to address a real concern shared by hundreds of public employees who are close to retiring. For such reason, this measure seeks to do justice by treating teachers more fairly to prevent them from forfeiting their unused accrued sick leave after decades of working for the education of our island.

Act No. 26-2017, as amended, known as the “Fiscal Plan Compliance Act,” implemented several measures that affected teachers who were close to retiring. For instance, the payment on account of the liquidation of sick leave accrued in excess was eliminated. Hence, this Act seeks to do justice to teachers who are close to retiring. Certainly, the decision to eliminate said leave liquidation as a palliative for

the fiscal crisis we were undergoing at the time was the correct one. However, this Legislative Assembly deems it fair and pertinent to afford them an opportunity to transfer the sick leave accrued in excess and have it credited as time worked for retirement purposes.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF PUERTO RICO:

Section 1.- Section 2.11 of Act No. 26-2017, as amended, known as the “Fiscal Plan Compliance Act,” is hereby amended to read as follows:

“Section 2.11.- Lump-Sum Payments for Accrued Vacation and/or Sick Leave Upon Separation from Public Service

As of the effective date of this Act, any government employee, whether union or nonunion, shall only be entitled to a lump-sum payment for accrued vacation leave as of the date of separation from service, which shall in no case exceed sixty (60) days. The employee may authorize the transfer of said balance and/or excess existing prior to the approval of this Act to the Retirement System to be credited as time worked. In the case of participants of the Teacher’s Retirement System, they may authorize the transfer of the preexisting balance and/or excess of sick leave to their Retirement System to be credited as time worked, after having exhausted their total vacation leave balance available for such purposes.”

Section 2.- Effectiveness

This Act shall take effect immediately after its approval.