

(S. B. 1520)

(No. 91-2020)

(Approved August 7, 2020)

## **AN ACT**

To amend Section 2.09 of, and add a new Section 3.05A to, Act No. 20-2017, as amended, known as the “Puerto Rico Department of Public Safety Act,” in order to conform the Firefighters work schedule to the Police work schedules; and for other related purposes.

### **STATEMENT OF MOTIVES**

Act No. 20-2017, as amended, known as the “Puerto Rico Department of Public Safety Act,” was approved for the purpose of integrating several agencies into a single department in order to generate savings and improve the services these bureaus render to our communities. As a result, the different laws that created these agencies were repealed, including Act No. 43 of June 21, 1988, known as the “Puerto Rico Firefighters Corps Act.”

The Bureau of the Puerto Rico Firefighters Corps consists of Firefighters, Sergeants, Lieutenants, Captains, and Inspectors I and II who work in rotating shifts in order to keep the People of Puerto Rico safe twenty-four (24) hours a day. The members of the Bureau of the Puerto Rico Firefighters Corps are among the first responders in times of emergency. The Bureau performs tasks directed at guaranteeing that citizens are protected against fires, preventing and fighting fires, saving lives and determine the source and cause of the fire. They also work during other emergencies such as earthquakes, hurricanes, and accidents, among others.

Although these public servants have an established work schedule of forty (40) hours a week, we know that, in practice, it is extended due to service needs as it is a bureau which renders essential and first response services in emergencies.

In addition to complying with the established work schedule, most firefighters work twelve (12)- hour shifts or shifts longer than eight (8) hours, in the event of large-scale fires, accidents, catastrophic weather events or any other emergency. However, due to service needs, they are always on stand-by pursuant to the authority conferred by the Department of Public Safety Act.

Upon an evaluation of the tasks and duties performed by the committed and devoted men and women who work in the Bureau of the Puerto Rico Firefighters Corps, we found that they were similar to those of the men and women of the Puerto Rico Police Bureau, since both are compulsorily activated in the event of any emergency and/or high-risk event. This forces them to work extended schedules for long periods of time in which they are physically exerted continuously. Section 3.05 is hereby added to clarify the work schedule benefit of the members of the Bureau of the Puerto Rico Firefighters Corps.

In light of the foregoing, this Legislative Assembly deems it necessary to amend Act No. 20-2017, as amended, known as the “Puerto Rico Department of Public Safety Act,” to clarify the aforementioned provisions.

***BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF PUERTO RICO:***

Section 1.- Section 2.09 of Act No. 20-2017, as amended, better known as the “Puerto Rico Public Safety Act,” is hereby amended to read as follows:

Section 2.09.- Work Schedule

(a) The Police legal work schedule shall not exceed eight (8) hours a day, nor exceed forty (40) hours a week. Members of the Police who render administrative, executive, and supervisory services, and those who are undergoing training courses offered or sponsored by the Department, shall be exempted from the provisions of this Section. The Commissioner shall be responsible for preparing their respective daily or weekly work schedules and rest days. Other members of the

Police who work beyond the work schedule established herein shall be entitled to one and-one half times their rate of pay.

...”

Section 2.- A new Section 3.05A is hereby added to Act No. 20-2017, as amended, better known as the “Puerto Rico Public Safety Act,” to read as follows:

“Section 3.05A.-Work Schedule

(a) The Firefighters legal work schedule shall not exceed eight (8) hours a day, nor exceed forty (40) hours a week. The Puerto Rico Firefighters who work beyond the work schedule established herein shall be entitled to one and-one half times their rate of pay.

(b) The Commissioner of the Bureau of the Puerto Rico Firefighters Corps shall apply the procedures adopted by the Department through Regulations for authorizing, justifying, and paying overtime. Any request for overtime pay that fails to meet all the requirements set forth in the regulations shall be void and payment shall not proceed.

(c) Any alteration that exceeds the regular daily or weekly work schedule is considered overtime and shall be compensated as provided in this Act.

(d) Overtime shall be paid within a maximum period of forty-five (45) days. Compliance with the period stated above is exempted when the hours worked in excess of the regular work schedule are rendered in a situation that warrants, for reasons of national security, the rendering of extraordinary services.

(e) The overtime income earned by a Firefighter for working extra hours, as this public official is defined in this Act, shall not be included in the gross income and shall be exempt from taxation.

(f) Firefighters shall be required to work beyond the legal work schedule established herein, in the following cases:

(1) In case of force majeure or emergencies, such as earthquakes, fires, floods, hurricanes, elections, riots, and any other events declared as such by the Governor.

(2) When necessary due to service needs and for the benefit of public service, as determined by the Secretary and the Commissioner of the Bureau of the Puerto Rico Firefighters Corps.

(g) The time spent by firefighters in the courts of justice as witnesses, summoned through an order to appear in their official capacity before any government or municipal official, body or commission, shall be deemed to be official in nature and shall be computed for purposes of the legal work schedule.”

Section 3.- This Act shall take effect upon its approval.

## CERTIFICATION

I hereby certify to the Secretary of State that the following **Act No. 91-2020 (S. B. 1520)** of the **7<sup>th</sup> Regular Session** of the **18<sup>th</sup> Legislative Assembly of Puerto Rico**:

**AN ACT** amend Section 2.09 of, and add a new Section 3.05A to Act No. 20-2017, as amended, known as the “Puerto Rico Department of Public Safety Act,” in order to conform the Firefighters work schedule to the Police work schedules; and for other related purposes.

has been translated from Spanish to English and that the English version is correct.

In San Juan, Puerto Rico, on this 29<sup>th</sup> day of April, 2022.

Mónica Freire-Florit, Esq.  
Director