

(H. B. 2424)  
(Conference)

**(No. 95-2020)**

(Approved August 8, 2020)

### **AN ACT**

To amend Section 2 of Act No. 3 of March 13, 1942, as amended, known as the “Working Mothers’ Protection Act”; amend subsection 3 of Section 2.04 of Act No. 26-2017, as amended, known as the “Fiscal Plan Compliance Act,” in order to extend this protection to working women who adopt children age six (6) and older, establish the period; and for other related purposes.

### **STATEMENT OF MOTIVES**

The purpose of this Act is to promote the adoption of children age six (6) and older and to extend the protection granted under Act No. 3 of March 13, 1942, as amended, known as the “Working Mothers’ Protection Act,” and Act No. 26-2017, as amended, known as the “Fiscal Plan Compliance Act,” to the working women who adopt them. In an effort to encourage working women to adopt, a period shall be granted in order for them to be able to give their children the necessary care and attention. During this period of up to five (5) weeks of maternity leave, working women shall have the opportunity to address any school, health, or family matters related to their children.

In its report entitled “Women’s Labor Force Participation Rate” of May 2019, the Department of Labor and Human Resources of the Government of Puerto Rico stated that Puerto Rican working women made up forty-four percent (44%) of the Island’s labor force which represents a twelve point six percent (12.6%) increase in comparison to the thirty-one percent (31%) recorded in 1970. The adaptation process of an adopted child, regardless of his age, entails a transition period.

According to data provided by the Assistant Administration for Adoption and Foster Care of the Administration of Families and Children within the Department of the Family, in August 2019 there were three hundred thirty-eight (338) children ages four (4) and older whose parents had been deprived of parental rights. These children are ready to be placed for adoption and become part of a family that loves them, cares for them, and improves their quality of life.

The adoption of children, especially children age six (6) and older, is a priority for this Legislative Assembly. Therefore, we encourage working women to adopt these children, thus strengthening the Puerto Rican family unit. Moreover, during the leave period provided by this Act, a working mother may deal with any government- or education-related matters for the benefit of the child and her family.

This is a forward-thinking legislative measure that addresses two issues of great importance to this Legislative Assembly: adoption and the rights of working women. In light of the foregoing, we deem it necessary to extend the benefit granted under the “Working Mothers’ Protection Act” to working women who adopt children age (6) and older.

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

Section 1.- Section 2 of Act No. 3 of March 13, 1942, as amended, known as the “Working Mother’s Protection Act,” is hereby amended to read as follows:

“Pregnant working women shall be entitled to a rest period which shall include four (4) weeks before and four (4) weeks after childbirth. A working woman may opt to take only one (1) week of prenatal rest and extend up to seven (7) weeks the postnatal rest she is entitled to; provided, that she presents a medical certification to her employer attesting that she is able to work up to one (1) week before childbirth. The physician shall take into consideration the type of work performed by the female worker. The rest period provided herein and all the rights

or benefits provided under this Act, shall be applicable to every female worker who is at work or who is enjoying vacation or sick leave, as well as any other special leave or rest period authorized by law in which the employer-employee relationship continues to be in effect. Provided, that every female worker who adopts a preschool-aged child, that is, a child who is five (5) years of age or younger, who is not enrolled in school pursuant to the legislation and legal procedures in effect in Puerto Rico, shall be entitled to the same maternity leave benefits as a female worker has who gives birth to a child. A female employee who adopts a child age six (6) or older shall be entitled to a maternity leave of up to five (5) weeks. In such cases, the leave shall begin as of the date on which the child joins the family unit. In order to claim said right, the female employee must notify the employer of her intent to adopt a child, avail herself of maternity leave, and of her plans to return to work, at least thirty (30) days in advance. Furthermore, she shall submit evidence of the adoption procedures, issued by the pertinent organization, to her employer.

...”

Section 2.- Subsection 3 of Section 2.04 of Act No. 26-2017, as amended, known as the “Fiscal Plan Compliance Act,” is hereby amended to read as follows:

“Section 2.04.- Fringe Benefits.

The Government of Puerto Rico shall be responsible for ensuring that employees are able to enjoy the fringe benefits granted to them, and overseeing that they do so in accordance with a plan that maintains a proper balance between the needs for service, the employees’ needs, and the responsible use of the available resources. In order to manage human resources uniformly, responsibly, reasonably, equitably, and fairly, the following fringe benefits shall be available to union or nonunion employees or officials of the Government of Puerto Rico, including public corporations, subject to the provisions of Section 2.03 of this Act.

1. ...

...

3. Maternity Leave

a. ...

...

k. Any female employee who adopts a preschooler, that is, a child who is five (5) years of age or younger, who is not enrolled in any school, in accordance with the legislation and legal procedures in effect in Puerto Rico or any U.S. jurisdiction shall be entitled to the same full pay maternity leave benefits as an employee who gives birth. A female employee who adopts a child age six (6) or older shall be entitled to a maternity leave of up to five (5) weeks. This leave shall begin from the date on which the child is placed in the family, which shall be certified in writing.

...”

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

## CERTIFICATION

I hereby certify to the Secretary of State that the following **Act No. 95-2020 (H. B. 2424) (Conference)** of the **7<sup>th</sup> Regular Session** of the **18<sup>th</sup> Legislative Assembly of Puerto Rico**:

**AN ACT** amend Section 2 of Act No. 3 of March 13, 1942, as amended, known as the “Working Mothers’ Protection Act”; amend subsection 3 of Section 2.04 of Act No. 26-2017, as amended, known as the “Fiscal Plan Compliance Act,” in order to extend this protection to working women who adopt children age six (6) and older, establish the period; 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 18<sup>th</sup> day of April, 2022.

Mónica Freire-Florit, Esq.  
Director