

(H. B. 309)

(No. 95-2022)

(Approved October 31, 2022)

AN ACT

To amend Sections 1 and 2 of Act No. 134-1998, known as the “Leave for Parental Involvement in Education Act; as well as subsection 6 of Section 9.1 of Article 9 of Act No. 8-2017, as amended, known as the “Government of Puerto Rico Human Resources Administration and Transformation Act,” in order to adjust the parental involvement leave granted to public employees under Act No. 26-2017, as amended, known as the “Fiscal Plan Compliance Act,” to attend their children’s educational institutions and discuss their academic progress; and for other related purposes.

STATEMENT OF MOTIVES

Act No. 134-1998 granted public employees a leave for parental involvement in school, so that they may attend their children’s educational institutions to discuss their academic progress. According to its Statement of Motives, the basis for adopting said statute was *“that the participation of citizens is an essential resource in the educational process, and that parents play a fundamental role in such process.”* Thus, it provided that *“it is highly desirable for parents to visit the educational institutions which their children attend in order to check their children’s academic progress, talk to their teachers, and in a coordinated manner, attend to their children’s educational needs.”*

Twenty (20) years after the enactment of the statute, the Legislative Assembly deems it necessary to increase to four (4) hours the parental involvement leave established in Act No. 134, *supra*, at the beginning and end of each school semester. By increasing the number of hours granted per semester, we seek to ensure that

parents have a reasonable period of time to talk with their children's teachers without fear of being penalized in their jobs.

Executive Order No. 2013-057 signed by the Governor of the Commonwealth of Puerto Rico, the Hon. Alejandro García Padilla, directed the Department of Education and the Department of the Family to develop integration programs that allow for the involvement of family members in school activities, the assessment of the viability of incentive programs for parents or guardians, as well as the viability of establishing penalties for noncompliance. Furthermore, it ordered the Department of Education to create an integral family education support center to be known as the "Parent Academy" to provide parents with integrated educational support to promote students' academic achievement.

In addition, as part of the special leaves for good cause, Act No. 8-2017, as amended, known as the "Government of Puerto Rico Human Resources Administration and Transformation Act," in subsection 6 of Section 9.1 of Article 9, expressly provides for two (2) hours of parental involvement leave at the beginning and end of each school semester for parents to attend their children's schools to discuss their academic progress. The foregoing, in accordance with Act No. 134-1998, *supra*, herein amended. The time granted under said special leave to public employees for such purposes is extended hereunder to four (4) hours.

Therefore, this Legislative Assembly deems it appropriate to adjust the parental involvement leave granted under the laws in effect so that public employees may attend their children's schools for a period of four (4) hours at the beginning and end of each school semester as provided in Act No. 26-2017, as amended, known as the "Fiscal Plan Compliance Act." The uniform application of the laws that regulate the special leave for public employees to discuss the academic progress of their children is of utmost importance.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF PUERTO RICO:

Section 1.- Section 1 of Act No. 134-1998 is hereby amended to read as follows:

“Section 1.- Every employee of the Government of Puerto Rico, including those who render services in Departments and Agencies of the Executive, Legislative and Judicial Branches, shall be entitled to take four (4) hours off work, without reduction in pay or leave time, at the beginning and at the end of each school semester, to visit the educational institutions to which their children attend to learn about their children’s academic progress.

...”

Section 2.- Section 2 of Act No. 134-1998 is hereby amended to read as follows:

“Section 2.- The departments, agencies and instrumentalities of the Government of Puerto Rico are hereby authorized to grant their employees, including all probationary, regular, confidential, transitory and irregular employees with minor children in public or private schools, whether preschool, elementary or high schools, without reduction in pay or leave time, four (4) hours off work at the beginning and at the end of each school semester, to attend to the educational needs of their children. Persons who render their services under contract shall be exempted from this benefit.”

Section 3.- Subsection 6 of Section 9.1 of Article 9 of Act No. 8-2017, as amended, is hereby amended to read as follows:

“Section 9.- Fringe Benefits. -

Section 9.1.- Employees whose benefits, as of the effective date of this Act, are other than those provided for herein shall remain entitled thereto in accordance with the regulations, rules, or collective bargaining agreements providing therefor, as well as any emergency laws to be promulgated. The benefits established herein

shall apply prospectively only to newly-hired Government employees, except for the paternity leave, and the special breastfeeding leave with pay, which shall apply to all government employees.

Since fringe benefits constitute an area of utmost need and significant effects for government employees, in order to maintain a uniform and fair human resources administration, the following rules are hereby established:

Fringe benefits shall be:

1. ...
2. ...
3. ...
4. ...
5.

6. Furthermore, special leaves for a justified cause shall be granted, with or without pay, as the case may be, such as but not limited to: court leave; leave with pay to participate in activities where the employee is representing the country; military leave; four (4) work hours of parental involvement leave at the beginning and the end of each school semester; leave of absence for child immunization; leave for volunteer services to the Civil Defense Corps in cases of disaster; leave of absence for volunteer services with the American Red Cross; Sports leave; and blood donation leave. Provided, that the aforementioned leaves shall be governed by the special laws that grant them through regulations.”

Section 4.- A period of ninety (90) calendar days from the approval of this Act is hereby granted to departments and agencies covered under Act No. 134-1998 to amend existing regulations as are necessary for the proper implementation of the provisions of this Act.

Section 5.- Severability Clause

If any part of this Act were held to be unconstitutional by a competent Court, the judgment entered to such effect shall not affect, impair, or invalidate the remainder of this Act. The effect of said judgment shall be limited to the part of this Act thus held to be unconstitutional.

Section 6.- Effectiveness

This Act shall become effective upon its approval.

CERTIFICATION

I hereby certify to the Secretary of State that the following **Act No. 95-2022 (H. B. 309)** of the **4th Regular Session** of the **19th Legislative Assembly of Puerto Rico**:

AN ACT amend Sections 1 and 2 of Act No. 134-1998, known as the "Leave for Parental Involvement in Education Act; as well as subsection 6 of Section 9.1 of Article 9 of Act No. 8-2017, as amended, known as the "Government of Puerto Rico Human Resources Administration and Transformation Act," in order to adjust the parental involvement leave granted to public employees under Act No. 26-2017, as amended, known as the "Fiscal Plan Compliance Act," to attend their children's educational institutions and discuss their academic progress; 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 15th day of December, 2023.

Mónica Freire-Florit, Esq.
Director

