

(S. B. 1341)

(No. 176-2019)

(Approved December 16, 2019)

AN ACT

To amend subsections (1) and (2) 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”; amend subsections 1(a) and 2(b) of Section 2.04 of Chapter 2 of Act No. 26-2017, as amended, known as the “Fiscal Plan Compliance Act,” in order to restore the vacation and sick leave days of government employees.

STATEMENT OF MOTIVES

Act No. 8-2017 which reduced the accrual rate of vacation and sick leave days for the employees of the Government of Puerto Rico was approved in 2017. The aforementioned Act was approved in order to make the Human Resources of the Government of Puerto Rico more flexible. In addition, Act No. 26-2017 was approved on April 27, 2019, and it also reduced the accrual rate of vacation and sick leave days for government employees.

A few months after the approval of this legislation, Puerto Rico lived through the passage of hurricane Maria which is one of the most devastating events in its history. The Island was destroyed and even though new job opportunities were created during the recovery process, in addition to other factors which affected the economy. [sic]

The provisions of this legislation which reduced vacation and sick leave benefits have negatively affected the public employees who are entering the workforce because they have no time to spend with their loved ones which, in turn, affects their family life.

In light of the foregoing and taking into account the negative impact that the reduction in vacation and sick leave days has had on the new generation of Puerto Rican public employees who are entering the workforce, this Legislative Assembly deems it meritorious to restore the former accrual rate of these benefits.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF PUERTO RICO:

Section 1.- Subsection 1 of Section 9.1 of Article 9 of Act No. 8-2017, as amended, is hereby amended to read as follows:

“Article 9. Fringe Benefits

Section 9.1-

Employees ...

1. Vacation Leave

a. All employees shall be entitled to accrue two and a half (2.5) days of vacation leave for each month of service, up to a maximum of sixty (60) workdays at the close of each calendar year. Vacation leave shall begin to accrue upon completion of a three (3)-month work period and said leave shall be retroactive to the employment commencement date. Part-time employees or those with reduced work hours shall accrue vacation leave proportionately to the number of hours regularly worked.

b. ...”

Section 2.- Subsection 2 of Section 9.1 of Article 9 of Act No. 8-2017, as amended, is hereby amended to read as follows:

“Section 9.1.-

Employees ...

2. Sick Leave

a. Every employee shall be entitled to accrue one and a half (1.5) days of sick leave for every month of service. Part-time employees or those with reduced work hours shall accrue sick leave proportionately to the number of hours

regularly worked. Said sick leave shall be used when the employee is sick, has a disability, or has been exposed to a contagious disease which requires him to be absent from work in order to protect his health or the health of others. Furthermore, all employees shall use up to ...

b. ...”

Section 3.- Subsection 1(a) of Section 2.04 of Chapter 2 of Act No. 26-2017, as amended, is hereby amended to read as follows:

“Section 2.04.- Fringe Benefits

1. Vacation Leave

a. As of the effectiveness of this Act, every government employee shall be entitled to accrue two and a half (2 ½) days of vacation leave for every month of service. ...

b. ...”

Section 4.- Subsection 2(b) of Section 2.04 of Chapter 2 of Act No. 26-2017, as amended, is hereby amended to read as follows:

“Section 2.04.- Sick Leave

a. ...

b. Every employee hired by the Government of Puerto Rico after the effective date of Act No. 8-2017, known as the “Government of Puerto Rico Human Resources Administration and Transformation Act,” shall be entitled to accrue one and a half (1 ½) days of sick leave for every month of service.

c. ...”

Section 5.- If any section, provision, paragraph, subsection, or part of this Act were held to be null or unconstitutional by a Court with jurisdiction, its remaining provisions shall remain in effect.

Section 6.- This Act shall take effect immediately after its approval.

CERTIFICATION

I hereby certify to the Secretary of State that the following **Act No. 176-2019 (S. B. 1341)** of the **6th Regular Session** of the **18th Legislative Assembly of Puerto Rico**:

AN ACT to amend subsections (1) and (2) 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”; amend subsections 1(a) and 2(b) of Section 2.04 of Chapter 2 of Act No. 26-2017, as amended, known as the “Fiscal Plan Compliance Act,” in order to restore the vacation and sick leave days of government employees.

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

In San Juan, Puerto Rico, on this 15th day of September, 2020.

Orlando Pagán-Ramírez
Director