

(H. B. 695)  
(Conference)

**(No. 251-2015)**

(Approved December 31, 2015)

## **AN ACT**

To add new subsections (l) and (m) to Section 4, add a new subsection (n), amend and renumber current subsection (n) as subsection (o) of Section 6 of Act 180-1998, as amended, better known as the “Puerto Rico Minimum Wage, Vacation and Sick Leave Act,” in order to enable the employees in Puerto Rico who are covered under this Act to use up to a maximum of five (5) days of accrued sick leave to address situations of illness, treatment, or convalescence related to their children or spouses, or elderly persons or persons with disabilities of whom the employee is the legal guardian or has legal custody; and for other purposes.

### **STATEMENT OF MOTIVES**

Puerto Rico’s labor laws, in their effort to do social justice and improve the working conditions of employees, among other rights, have recognized the right to enjoy sick leave. Sick leave is authorized for workers when they are unable to go to work or discharge their duties adequately due to health reasons. Until the approval of Act No. 184-2004, as amended, known as the “Public Service Human Resources Administration Act of the Commonwealth of Puerto Rico,” this right was limited to the employee’s personal health. Act No. 184-2004 enables workers to use their sick leave, within certain parameters, to address situations of illness, treatment, or convalescence related to their children or elderly persons under their care or custody. However, by virtue of the Act’s legal framework, this right is only available to public service employees.

The thousands of working parents in the private sector face the same family situations as their counterparts in government agencies. However, they are not entitled to such right in the event they are forced to miss work on account of an immediate family member suffering a health problem or medical emergency. In many cases, such unavoidable absences affect their income since they have to go on leave without pay or it is left to employers' discretion who usually deduct it from their vacation leave which has a very different aim and purpose than the one indicated herein. This limitation mostly affects women who, in most cases, are the ones who shoulder the responsibility of taking care of their children, progenitors, and immediate family. Such limitation imposed on the enjoyment of sick leave diminishes their wages by forcing them to use their vacation leave or to go on leave without pay in order to fulfill family responsibilities.

This forward-thinking measure is consistent with the Employer Best Practices for Workers with Caregiving Responsibilities promulgated by the U.S. Equal Employment Opportunity Commission (EEOC). The EEOC establishes that the best practice that employers may adopt is to provide reasonable personal or sick leave to allow employees to engage in caregiving when necessary which shall have a positive impact on their work productivity. "Family caregiver" is defined as a person who has a significant support and care relationship with or provides a broad range of support and care services to a loved one without compensation.

In order to successfully overcome the challenges of a growing population of elderly persons and other persons who suffer from chronic illnesses that have significant care and support needs, this Legislative Assembly deems it necessary to allow family caregivers to continue to provide support to their loved ones in their homes and communities in order to reduce the expenses of the State's health system. This measure does not add a new leave, add leave days, or constitute a burden to

employers, but rather allows employees to use their accrued sick leave to provide care to family members.

This Legislative Assembly wants to do justice to the employees of the private sector by providing them with the tools to address situations involving sick loved ones without having to be concerned about being unfairly penalized financially or facing disciplinary actions at work for such absences.

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

Section 1.- New subsections (l) and (m) are hereby added to Section 4 of Act No. 180-1998, as amended, to read as follows:

“Section 4.- Definitions.

(a) ...

...

(k) ...

(l) “Elderly Persons”: means any person who is sixty (60) years of age or older.

(m) “Person with Disability”: means any person who has a physical, intellectual, or sensory disability that substantially limits one or more essential activities in his life.”

Section 2.- A new subsection (n) is hereby added and current subsection (n) is hereby amended and renumbered as subsection (o) of Section 6 of Act No. 180-1998, as amended, to read as follows:

“Section 6.- Provisions on Vacation and Sick Leave.

(a) Every...

(b) Vacation ...

(c) Vacation ...

(d) Vacation ...

(e) If a probation ...

- (f) An employee ...
- (g) Vacation leave...
- (h) Through...
- (i) Upon written request...
- (j) In the event...
- (k) The employer...
- (l) Sick leave...
- (m) Except ...

(n) Every employee may use up to a maximum of five (5) days per year of the accrued sick leave, insofar as they maintain a balance of five (5) days, in order:

- (1) To care and tend to their sick children, spouse, or parents;
- (2) To care and tend to sick minors, elderly persons or persons with disabilities of whom an employee is the legal guardian or has legal custody.

The provisions of subsection (n) above shall not apply to businesses that have fifteen (15) employees or less.

(o) The enjoyment of sick leave does not excuse compliance with those standards of conduct validly established by the employer, such as attendance, punctuality, medical certificates if the absence exceeds two (2) business days, and periodic reports on the continued illness. The medical certificate requirement shall also apply to illnesses or conditions of the employee's children, spouse, and parents, and of minors, elderly persons, or persons with disabilities of whom the employee is the legal guardian or has legal custody, as provided in subsection (n) of this Act.”

Section 3.- Effectiveness.

This Act shall take effect immediately after its approval.

## CERTIFICATION

I hereby certify to the Secretary of State that the following **Act No. 251-2015 (H. B. 695)** of the **6<sup>th</sup> Regular Session** of the **17<sup>th</sup> Legislative Assembly of Puerto Rico**:

**AN ACT** add new subsections (l) and (m) to Section 4, add a new subsection (n), amend and renumber current subsection (n) as subsection (o) of Section 6 of Act 180-1998, as amended, better known as the “Puerto Rico Minimum Wage, Vacation and Sick Leave Act,” in order to enable the employees in Puerto Rico who are covered under this Act to use up to a maximum of five (5) days of accrued sick leave to address situations of illness, treatment, or convalescence related to their children or spouses, or elderly persons or persons with disabilities of whom the employee is the legal guardian or has legal custody; and for other purposes.

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

In San Juan, Puerto Rico, on this 1<sup>st</sup> day of December, 2021.

Mónica Freire-Florit, Esq.  
Director