

(S.B. 2386)

(No. 425)

(Approved October 28, 2000)

AN ACT

To amend the second and third paragraphs of Section 2 of Act No. 3 of March 13, 1942, as amended, known as the “Working Mothers Act,” with the purpose of establishing that working mothers shall receive their full salary, wages, day wages, or compensation when their rest period begins.

STATEMENT OF MOTIVES

Act No. 3 of March 13, 1942, as amended, known as the “Working Mothers Act,” was originally approved to do justice to expecting mothers, to provide them with the needed rest and their salaries. The abovementioned Act No. 3 has been subject to several amendments since it was approved fifty-eight (58) years ago; however, there are still some inequalities between the benefits granted to working mothers in the public sector and those in the private sectors.

It is of utmost importance that expecting mothers receive their full salary at the time when they need it the most. Act No. 5 of October 14, 1975, as amended, known as the “Puerto Rico Public Service Personnel Act,” recognizes maternity leave with full pay as a fringe benefit for female employees of the public sector. This legislation responds to the commitment of this Administration to grant social justice to working women, by correcting the inequity existing between the public and the private sectors,

granting female employees of the private sector the benefit of full pay when they avail themselves of maternity leave.

The benefits of this amendment shall be attuned to the provisions of Act No. 54 of March 10, 2000, which extends the benefits of said Act No. 3 to adopting mothers.

BE IT ENACTED BY THE LEGISLATURE OF PUERTO RICO:

Section 1.—The second and third paragraphs of Section 2 of Act No. 3 of March 13, 1942, as amended, are hereby amended to read as follows:

“Section 2.—...

The employer shall likewise be bound to pay the working mother during said rest period her full salary, wages, day wages or compensation that she has been receiving for her work. This payment shall be made at the time the employee begins to enjoy her maternity leave or maternity by adoption leave. Provided, that the average salary, wages, day wages or compensation that she has been receiving during the six (6) months prior to commencing her rest period, shall be used as the basis to compute her full salary, wages, day wages or compensation; or, if it is not possible to apply said six (6)-month period, the salary, wages, day wages or compensation the working woman was earning at the time she began to enjoy the leave or special rest period approved by law.

In the case of maternity by a birth which occurred before the weeks of prenatal rest to which the pregnant working woman is entitled have elapsed, or before she has begun said prenatal rest period, she may choose to extend the postnatal rest for a period of time equal to that which she failed to enjoy during the prenatal period, and it shall also be paid to her on a full salary basis; provided, that the working mother may request to be reinstated to her employment after the first two (2) weeks of the postnatal rest period, if a

medical certificate is presented to her employer certifying that she is able to work. In this case, the working woman shall be deemed to have waived the other weeks of postnatal rest to which she is entitled. When the probable date of the childbirth is mistakenly estimated, and the woman has enjoyed four (4) weeks of prenatal rest without having given birth, she shall be entitled to have the prenatal leave extended on a full salary basis until the birth occurs, in which case the additional period for which the prenatal rest is extended shall be paid in the same manner and terms established for the payment of regular salaries, wages, day wages or compensations. If the working woman suffers any postnatal complication which prevents her from working after the four (4)-week period, reckoning from the date of the childbirth, the employer shall be under the obligation to extend the rest period for a term which shall not exceed twelve (12) additional weeks, provided that before the expiration of the rest period, a medical certificate attesting to such facts is presented. In this case, the working woman shall not be entitled to receive additional compensation, but her position shall be reserved for her.

...”

Section 2.—This Act shall take effect immediately after its approval.

May 17, 2001

Dynorah R. Requena-Gallego, Esq., Acting Director of the Office of Legislative Services of the Legislature of Puerto Rico, hereby certifies to the Secretary of State that she has duly compared the English and Spanish texts of Act No. 425 (S.B. 2386) of the 5th Session of the 13th Legislature of Puerto Rico, entitled:

AN ACT to amend the second and third paragraphs of Section 2 of Act No. 3 of March 13, 1942, as amended, known as the “Working Mothers Act,” with the purpose of establishing that working mothers shall receive their full salary, wages, day wages, or compensation when their rest period begins,

and finds the same are complete, true and correct versions of each other.

Dynorah R. Requena-Gallego