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LABOR LAWS

FEDERAL

PUERTO RICO

FED

EMPLOYEE RIGHTS UNDER THE FAIR LABOR STANDARDS ACT

FEDERAL MINIMUM WAGE
$7.25 PER HOUR
BEGINNING JULY 24, 2009

The law requires employers to display this poster where employees can readily see it.

OVERTIME PAY
At least 1½ times the regular rate of pay for all hours worked over 40 in a workweek.

CHILD LABOR
An employee must be at least 16 years old to work in most non-farm jobs and at least 18 to work in non-farm jobs declared hazardous by the Secretary of Labor. Youths 14 and 15 years old may work outside school hours in various non-manufacturing, non-mining, non-hazardous jobs with certain work hours restrictions. Different rules apply in agricultural employment.

TIP CREDIT
Employers of "tipped employees" who meet certain conditions may claim a partial wage credit based on tips received by their employees. Employers must pay tipped employees a cash wage of at least $2.13 per hour if they claim a tip credit against their minimum wage obligation. If an employee's tips combined with the employer's cash wage of at least $2.13 per hour do not equal the minimum hourly wage, the employer must make up the difference.

PUMP AT WORK
The FLSA requires employers to provide reasonable break time for a nursing employee to express breast milk for her nursing child for one year after the child's birth each time the employee needs to express breast milk. Employers must provide a place, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public, which may be used by the employee to express breast milk.

ENFORCEMENT
The Department has authority to recover back wages and an equal amount in liquidated damages in instances of minimum wage, overtime, and other violations. The Department may litigate and/or recommend criminal prosecution. Employers may be assessed civil money penalties for each willful or repeated violation of the minimum wage or overtime pay provisions of the law. Civil money penalties may also be assessed for violations of the FLSA's child labor provisions. Heightened civil money penalties may be assessed for each child labor violation that results in the death or serious injury of any minor employee, and such assessments may be doubled when the violations are determined to be willful or repeated. The law also prohibits retaliating against or discharging workers who file a complaint or participate in any proceeding under the FLSA.

ADDITIONAL INFORMATION
- Certain occupations and establishments are exempt from the minimum wage, and/or overtime pay provisions. Certain narrow exemptions also apply to the pump at work requirements.
- Special provisions apply to workers in American Samoa, the Commonwealth of the Northern Mariana Islands, and the Commonwealth of Puerto Rico.
- Some state laws provide greater employee protections; employers must comply with both.
- Some employers incorrectly classify workers as "independent contractors" when they are actually employees under the FLSA. It is important to know the difference between the two because employees (unless exempt) are entitled to the FLSA's minimum wage and overtime pay protections and correctly classified independent contractors are not.
- Certain full-time students, student learners, apprentices, and workers with disabilities may be paid less than the minimum wage under special certificates issued by the Department of Labor.

DEPARTMENT OF LABOR
UNITED STATES OF AMERICA

WHD

WAGE AND HOUR DIVISION
UNITED STATES DEPARTMENT OF LABOR

1-866-487-9243
www.dol.gov/agencies/whd

WH1088

REV. 04/2023

FED

EMPLOYEE RIGHTS
EMPLOYEE POLYGRAPH PROTECTION ACT

The Employee Polygraph Protection Act prohibits most private employers from using lie detector tests either for pre-employment screening or during the course of employment.

PROHIBITIONS
Employers are generally prohibited from requiring or requesting any employee or job applicant to take a lie detector test, and from discharging, disciplining, or discriminating against an employee or prospective employee for refusing to take a test or for exercising other rights under the Act.

EXEMPTIONS
Federal, State and local governments are not affected by the law. Also, the law does not apply to tests given by the Federal Government to certain private individuals engaged in national security-related activities.

The Act permits polygraph (a kind of lie detector) tests to be administered in the private sector, subject to restrictions, to certain prospective employees of security service firms (armored car, alarm, and guard), and of pharmaceutical manufacturers, distributors and dispensers.

The Act also permits polygraph testing, subject to restrictions, of certain employees of private firms who are reasonably suspected of involvement in a workplace incident (theft, embezzlement, etc.) that resulted in economic loss to the employer.

The law does not preempt any provision of any State or local law or any collective bargaining agreement which is more restrictive with respect to lie detector tests.

EXAMINEE RIGHTS
Where polygraph tests are permitted, they are subject to numerous strict standards concerning the conduct and length of the test. Examinees have a number of specific rights, including the right to a written notice before testing, the right to refuse or discontinue a test, and the right not to have test results disclosed to unauthorized persons.

ENFORCEMENT
The Secretary of Labor may bring court actions to restrain violations and assess civil penalties against violators. Employees or job applicants may also bring their own court actions.

THE LAW REQUIRES EMPLOYERS TO DISPLAY THIS POSTER WHERE EMPLOYEES AND JOB APPLICANTS CAN READILY SEE IT.

DEPARTMENT OF LABOR
UNITED STATES OF AMERICA

WHD

WAGE AND HOUR DIVISION
UNITED STATES DEPARTMENT OF LABOR

1-866-487-9243
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WH1462

REV. 02/2022

FED

YOUR RIGHTS UNDER USERRA
THE UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT

USERRA protects the job rights of individuals who voluntarily or involuntarily leave employment positions to undertake military service or certain types of service such as the National Disaster Medical System. USERRA also prohibits employers from discriminating against past and present members of the uniformed services, and applicants to the uniformed services.

REEMPLOYMENT RIGHTS
You have the right to be reemployed in your civilian job if you leave that job to perform service in the uniformed service and:
- you ensure that your employer receives advance written or verbal notice of your service;
- you have five years or less of cumulative service in the uniformed services while with that particular employer;
- you return to work or apply for reemployment in a timely manner after conclusion of service; and
- you have not been separated from service with a disqualifying discharge or under other than honorable conditions.

If you are eligible to be reemployed, you must be restored to the job and benefits you would have attained if you had not been absent due to military service or, in some cases, a comparable job.

RIGHT TO BE FREE FROM DISCRIMINATION AND RETALIATION
If you:
- are a past or present member of the uniformed service;
- have applied for membership in the uniformed service; or
- are obligated to serve in the uniformed service;

then an employer may not deny you:
- initial employment;
- reemployment;
- retention in employment;
- promotion; or
- any benefit of employment

because of this status.

In addition, an employer may not retaliate against anyone assisting in the enforcement of USERRA rights, including testifying or making a statement in connection with a proceeding under USERRA, even if that person has no service connection.

HEALTH INSURANCE PROTECTION
- If you leave your job to perform military service, you have the right to elect to continue your existing employer-based health plan coverage for you and your dependents for up to 24 months while in the military.
- Even if you don't elect to continue coverage during your military service, you have the right to be reinstated in your employer's health plan when you are reemployed, generally without any waiting periods or exclusions (e.g., pre-existing condition exclusions) except for service-connected illnesses or injuries.

ENFORCEMENT
- The U.S. Department of Labor, Veterans Employment and Training Service (VETS) is authorized to investigate and resolve complaints of USERRA violations.
- For assistance in filing a complaint, or for any other information on USERRA, contact VETS at **1-866-4-USA-DOL** or visit its website at https://www.dol.gov/agencies/vets/. An interactive online USERRA Advisor can be viewed at https://webapps.dol.gov/elaws/vets/userra.
- If you file a complaint with VETS and VETS is unable to resolve it, you may request that your case be referred to the Department of Justice or the Office of Special Counsel, as applicable, for representation.
- You may also bypass the VETS process and bring a civil action against an employer for violations of USERRA.

The rights listed here may vary depending on the circumstances. The text of this notice was prepared by VETS, and may be viewed on the internet at this address: https://www.dol.gov/agencies/vets/programs/userra/poster Federal law requires employers to notify employees of their rights under USERRA, and employers may meet this requirement by displaying the text of this notice where they customarily place notices for employees.

U.S. Department of Labor • 1-866-487-2365 U.S. Department of Justice Office of Special Counsel
Employer Support of the Guard and Reserve • 1-800-336-4590

REV. 07/2026

PR

OFFICE OF LABOR STANDARDS

DIGNITY AND JUSTICE FOR WORK
GOVERNMENT OF PUERTO RICO
DEPARTMENT OF LABOR AND HUMAN RESOURCES
www.trabajo.pr.gov

We administer much of the current labor protection and disputes legislation issued by the former Puerto Rican Minimum Wage Board and by the Secretary of Labor and Human Resources.

We perform the following activities in order to assess and ensure compliance with this legislation:
- Inspections of workplaces, which includes files and payrolls.
- Processing direct claims by employees or those that arise from an inspection.
- Addressing complaints that may be confidential.
- Offering guidance through conferences and seminars for the general public.
- Issuing permits.
- Responding to personal, written or telephone queries.

Summary of some of the Laws that the Office of Labor Standards administers for the protection of workers.

LAW NO. 80 OF MAY 30, 1976, AS AMENDED, KNOWN AS THE WRONGFUL TERMINATION ACT, 29 LPRA SEC. 185A, ET SEQ.

- **Indemnification for wrongful termination**

  Any employee of a company, industry or any other business or site of employment, where he or she works through remuneration of any kind and has been hired with no specified term, and who is terminated from his/her position with no interceding just cause, will be entitled to receive from his/her employer an indemnification or allowance, the amount of which shall depend on the time that he/she worked for his/her employer. For those employees hired before January 26, 2017, in addition to the wages that they may have earned, the terminated employee will be entitled to an indemnification that shall be computed as follows:

  (a) Wages corresponding to two (2) months for indemnification, if the termination occurs within the first five (5) years of service; wages corresponding to three (3) months if the termination occurs after five (5) years and up to fifteen (15) years of service; wages corresponding to six (6) months if the termination occurs after fifteen (15) years of service;

  (b) An additional progressive indemnification equivalent to (1) week for each year of service, if the termination occurs within the first five (5) years of service; two (2) weeks for each year of service, if the termination occurs after five (5) years and up to fifteen (15) years of service; three (3) weeks for each year of service, after having completed fifteen (15) years or more of service.

  For those employees hired on or after January 26, 2017, in addition to the wages that they may have earned, the terminated employee will be entitled to an indemnification that shall be computed as follows:

  (a) An indemnification equivalent to three (3) months of wages;

  (b) An indemnification equivalent to (2) weeks of wages for each year of service completed. In no case shall the indemnification required by law for employees hired on or after January 26, 2017 exceed wages corresponding to nine (9) months. In addition, it shall be understood that for these employees, one (1) month is composed of four (4) weeks.

Any agreement in which the employee waives his/her right to receive indemnification for wrongful termination shall be void. However, once a claim has been made, the parties may compromise on the indemnification through a valid transaction agreement.

When there is just cause for the termination, the worker will not be entitled to the compensation mentioned. In this sense, terminations with just cause are those that are not motivated for legally prohibited reasons and that are not a product of mere caprice by the employer. Furthermore, just cause is understood to be those reasons that affect the proper and normal operation of an establishment that include, but are not limited to, the following:

(a) That the employee engages in an improper or disorderly pattern of conduct.

(b) That the employee engages in a pattern of deficient, inefficient, unsatisfactory, poor, late or negligent performance. This includes a failure to follow employer rules and standards for quality and safety, low productivity, a lack of competency or ability to perform the job at levels reasonably required by the employer, and repeated complaints from the employer's customers.

(c) Repeated violation by the employee of reasonable rules and regulations created for the operation of the establishment, provided that a written copy of the same has been provided in a timely manner to the employee.

(d) Complete, temporary or partial shutdown of establishment operations. In those cases where the employer has more than one office, factory, branch or plant, the complete, temporary or partial shutdown of operations of any of these establishments where the terminated employee works shall constitute just cause.

(e) Technological or reorganization changes, as well as those in the style, design or nature of the product that is produced or managed by the establishment, and changes in services rendered to the public.

(f) Reductions in employment that are made necessary due to a reduction in the volume of production, sales or profits, anticipated or that prevail when the termination occurs, or with the purpose of increasing the competitiveness or productivity of the establishment.

- **Probationary period**

  Any employee hired on or after January 26, 2017 will have an automatic probationary period of nine (9) months. This automatic period may not be increased or extended. Nonetheless, the employer and employee may agree to a shorter or no probationary period. Furthermore, nothing prohibits the employer from releasing the employee from the probationary period before expiration of the term, whether automatic or agreed to by the parties.

  In the specific case of "Managers", "Executives" or "Professionals", referred to jointly as exempt employees, their probationary period will be for twelve (12) months.

  Those employees that are terminated during the probationary period will not accrue the indemnification for wrongful termination granted by Law No. 80 of May 30, 1976, as amended.

LAW NO. 230 OF MAY 12, 1942, AS AMENDED, KNOWN AS THE CHILD EMPLOYMENT ACT, 29 LPRA SEC. 431 ET SEQ.

The employment of minors under the age of eighteen (18) years is regulated in Puerto Rico. It is necessary to obtain a working permit from the Department of Labor and Human Resources, which must establish that the occupation does not affect the school attendance of the minor, and is not harmful to his/her life, health or wellbeing.

LAW NO. 379 OF MAY 15, 1948, AS AMENDED, KNOWN AS THE WORK DAY ESTABLISHMENT IN PUERTO RICO ACT

This establishes the regular work hours in Puerto Rico; the type of wages for the hours worked in excess of the legal work hours and sets the meals period.

- **Established rights**

  (a) Eight (8) hours constitute the legal work day in Puerto Rico, and forty (40) hours of work constitute the work week. If there is an alternate weekly work schedule (flextime), the employer and employee may agree to a regular work day that does not exceed ten (10) hours per day. In addition, the hours that an employee works under the protection of an hours replacement agreement shall be considered as a regular workday as long as his/her workday does not exceed twelve (12) hours per day.

  (b) Hours worked in excess of eight (8) hours per day and forty (40) per week shall be compensated as overtime. If there is an alternate weekly work schedule, the hours worked in excess of ten (10) per workday shall be compensated as overtime. In the case where those periods are worked under an hours replacement agreement, the hours worked in excess of twelve (12) hours per day shall be compensated as overtime.

  (c) One hour for meals. This must not be before conclusion of the second nor after the start of the sixth hour of consecutive work. If the employee works during the period meant for his/her meals, the employer must compensate, as a penalty, that period as if it were overtime.

  (d) By means of a written agreement between the employer and employee, the meal period may be reduced to thirty (30) minutes, except for "croupiers", nurses and security guards, which may be up to a minimum of twenty (20) minutes. In those cases where the work day does not exceed six (6) consecutive hours, the meal period may be omitted without need of having to sign a written agreement.

- **Creation and maintenance of registries and payrolls**

  All employers must maintain and keep registries, files, payrolls, lists of days worked or records that reflect the names and addresses of all workers, the hours of work rendered by each one and the wages paid to them. These archives must be kept by the employer for a term of no less than three (3) years and the employer may use any method of storage, as long as the accessibility and integrity of the information is ensured.

- **Claims transactions**

  Any claims transactions under the protection of Law No. 379 require verification by the Department of Labor and Human Resources. Any transaction that does not have this involvement shall be null and void.

In general, any transacting of a basic claim that does not exceed fifty thousand dollars ($50,000) may be verified by one of the attorneys of the Office of Legal Affairs. Those transactions on basic claims that exceed fifty thousand dollars ($50,000) will require the involvement of the Secretary of Labor and Human Resources.

LAW NO. 289 OF APRIL 9, 1946, AS AMENDED, KNOWN AS THE SETTING OF WORK SCHEDULE DAYS OFF ACT, 29 LPRA SEC. 295 ET SEQ.

Any employer that employs or allows an employee to work during the days off that this law establishes; shall be obligated to pay him/her for the hours worked during said day at a wage rate equal to double that for the agreed to time for regular hours for those employees hired before January 26, 2017. For those employees hired on or after January 26, 2017, the wage rate that must be paid shall be equivalent to the time and a half for the wage agreed to by the parties.

LAW NO. 180 OF JULY 27, 1998, AS AMENDED, KNOWN AS THE PUERTO RICO MINIMUM WAGE, VACATIONS AND SICK LEAVE ACT, 29 LPRA SEC. 250 ET SEQ.

This provides for the fact that the federal minimum wage shall automatically apply in Puerto Rico to workers covered by the federal Fair Labor Standards Act. Employers not covered by that legislation shall pay a minimum wage equivalent to seventy percent (70%) of the federal minimum wage in effect or of that which the mandatory decree establishes, whichever is higher. It also establishes the rules for accrual and use of vacation time and sick leave.

The Federal Fair Labor Standards Act applies to:

(a) Companies with a sales volume of $500,000.00 per year or more.

(b) Those employees that are in interstate commerce or in any process or occupation that is strictly related thereto are considered to be covered by the law, regardless of the sales volume of the company.

(c) Domestic service employees.

(d) Employees of hospitals and care institutions for children, the elderly or mental health patients that stay overnight on the premises of the institution.

(e) Employees of educational institutions, whether at the preschool, elementary, intermediate, secondary, or university level, with the exception of teachers and professors.

Employees in Puerto Rico hired before January 26, 2017 will accrue sick leave at a rate of one day per month worked and vacation at a rate of one and quarter (1¼) days per month. For those employees hired on or after January 26, 2017, they will accrue sick leave at a rate of one (1) day per month worked and vacation according to the time that they work for the same employer. As such, during the first year of service, the employee will accrue a half (½) day of vacation per month worked. After the first year of work and up to the completion of five (5) years of service for the same employer, the accrual rate will be three-quarters (¾) of a day per month worked. Subsequently, after completing five (5) years of service up to completing fifteen (15) years working for the same employer, the accrual rate will be one (1) day of vacation per month worked. Finally, once fifteen (15) years of service have been completed with the same employer, the accrual rate for vacation will be one and a quarter (1¼) days per month worked.

All employees must work no less than one hundred thirty (130) hours per month for the accrual of vacation and sick leave. It is hereby stipulated that the use of vacation and sick leave shall be considered as time worked for the purposes of accrual of these benefits.

Those industries where the effective date of this law may be regulated by mandatory decrees with monthly accrual rates for vacation and sick leave less than those stipulated in this law, or with requirements of minimum hours to be worked in order to be eligible for higher accrual rates than those provided for in this law, shall continue to be subject to the provisions by said mandatory decree with respect to those extremes. In the shortest time possible, and in accordance with the economic capacity of each industry, minimum vacation time and sick leave benefits established by these mandatory decrees will be adjusted to the levels stipulated by this law.

LAW NO. 17 OF APRIL 17, 1931, AS AMENDED, KNOWN AS THE WAGE PAYMENT ACT, 29 LPRA SEC. 171 ET SEQ.

This requires the payment of wages in the legal tender of the United States of America, in periods not longer than fifteen (15) days and may be done through:

(a) Cash

(b) Check

(c) Direct deposit

(d) Payroll card

(e) Electronic transfer of funds directly to the checking or savings accounts of the employees. Restrictions to the form of direct deposit and electronic transfer payments:

  (a) The employee must voluntarily authorize this in writing.

  (b) The payment shall be effective on the same day of payment at the bank selected by the employee.

  (c) Delivery of the proof of deposit or transfer to the employee with all deductions authorized by law.

  (d) The cost of the system is exclusively the responsibility of the employer. Furthermore, the legislation lists the deductions and withholdings that an employer may apply to the wages of the employee not exempted by mutual agreement.

LAW NO. 148 OF JUNE 30, 1969, AS AMENDED, PRIVATE COMPANY EMPLOYEE CHRISTMAS BONUS ACT, 29 LPRA SEC. 501 ET SEQ.

This establishes the payment of a bonus to certain private company employees. Any employee, except those persons employed in agricultural activities, in domestic service or in family residences, in charitable institutions, functionaries and employees of the Government of Puerto Rico, its public corporations and cities, are entitled to the protection of this law.

The period of coverage is from October 1 of any calendar year to September 30 of the following calendar year. Those employees hired before January 26, 2017 must have worked a minimum of seven hundred (700) hours during the coverage period in order to be eligible for the Christmas bonus granted under Law No. 148. In the specific case of dock workers hired before January 26, 2017, these workers must have worked a minimum of one hundred (100) hours during the coverage period in order to be eligible for the Christmas bonus. Any employee hired on or after January 26, 2017 must have worked a minimum of one thousand three hundred fifty (1,350) hours during the coverage period in order to be eligible for a Christmas bonus.

The bonus that an employee hired before January 26, 2017 must receive under the provisions of this law shall be equivalent to six percent (6%) of total wages, calculated up to a maximum of ten thousand dollars ($10,000), earned by the employee within the coverage period, as long as the employer employs sixteen (16) or more employees during any time of the coverage period. An employer that employs fifteen (15) or fewer employees shall grant a bonus equivalent to three percent (3%) of total wages, calculated up to a maximum of ten thousand dollars ($10,000), earned by the employee or worker within that amount of time.

The bonus that any employee hired on or after January 26, 2017 must receive, under the provisions of this law, shall be equivalent to two percent (2%) of total wages earned up to a maximum bonus of six hundred dollars ($600), if the employer employed twenty-one (21) or more employees during more than twenty-six (26) weeks within the coverage period. If the employer employed twenty (20) or fewer employees during more than twenty-six (26) weeks within the coverage period, it will be obligated to grant to each employee a compensation equivalent to two percent (2%) of total wages earned, up to a maximum bonus of three hundred dollars ($300). For these employees, and only during the first year of their employment, the required bonus will be fifty percent (50%) of that stipulated in Law No. 148.

The deadline for payment of this is between November 15 and December 15. If the payment of the bonus established under this law is not made in the manner and by the deadline indicated above, the employer will be obligated to pay, in addition to said bonus, a sum equal to half the bonus, as additional compensation, when the payment has been made within the first six (6) months of its non-fulfillment. If the employer is more than six (6) months late in making the payment, the employer will be obligated to pay another sum equal to said bonus, as a penalty. The employer may credit to its obligation to pay the Christmas bonus any other additional voluntary compensation, that does not form a part of the wage conditions of the employee, paid within the coverage period, as long as the employee has been notified in writing of the employer's intention to do so within a period of five (5) working days from the payment having been made. So that the employer may avail itself of the provisions contained in this law that exempt it from paying the Christmas bonus in whole or in part, when its business has not earned profits or when these are insufficient to cover all of the bonus without exceeding the limit of fifteen percent (15%) of net annual earnings, it must submit an exemption application to the Secretary of Labor and Human Resources no later than November 30 of each year. This application must be filed together with a balance sheet and profit and loss statement for the coverage period, prepared according to the generally accepted accounting principles and standards in Puerto Rico, and their respective notes, and with the corresponding revised or audited compiled report, signed and stamped as an original by a certified public accountant (CPA), with a currently valid license that has been issued by the Puerto Rico Accounting Board, as stipulated by Law No. 293 of May 15, 1945, the "Public Accounting Act of 1945", as amended, which demonstrates this financial situation. Furthermore, the Secretary may request any other information that Law No. 148 authorizes it to request and obtain for the sake of duly considering the exemption application.

DEPARTMENT OF LABOR AND HUMAN RESOURCES REGULATION NO. 7082 OF JANUARY 18, 2006, KNOWN AS REGULATION NO. 13 (FIFTH REVISION 2005)

This regulation defines the terms "Manager", "Executive" and "Professional" for the effects of labor legislation. Employees that are considered to be within the referenced terms are "exempt" employees for protected work labor legislation. In general, labor legislation excludes these employees from some benefits, such as: provisions related to minimum wage, extraordinary compensation for overtime, accrual of vacation, accrual of sick leave and meal periods. This means that the rights of these employees are those that arise from the employment contract or from agreements entered into with their employers.

METRO OFFICE Edif. Nacional Plaza Ave. Ponce de León #431, Piso 11 Hato Rey, PR 00918 [t] (787) 754-6071 • 754-5832 [f] (787) 763-5676	**ARECIBO OFFICE** Centro Gubernamental #372, Ave. José A. Cedeño Rodríguez – Edif. B - Oficina 206, Arecibo, PR 00612 [t] (787) 878-1284 • 878-1162 [f] (787) 817-7472	**MAYAGÜEZ OFFICE** Edif. Villa Capitán #2 Ave. Hostos 828, Suite 301, 3er. Piso Mayagüez, PR 00680-1536 [t] (787) 832-4578 • 832-1506 [f] (787) 831-0235
PONCE OFFICE Ave. Santiago de los Caballeros Esq. Puerto Viejo Núm. 60 Ponce, PR 00716 [t] (787) 842-2037 • 842-7395 [f] (787) 844-4080	**HUMACAO OFFICE** Centro de Gobierno, # 45 Cruz Ortiz Stella Norte – Suite 6 Humacao, PR 00791-3751 [t] (787) 852-0242 • 852-0800 [f] (787) 285-2478	

PR

LAW NO. 207 OF SEPTEMBER 27, 2006, ON RESTRICTIONS IN THE USE OF SOCIAL SECURITY NUMBERS

DIGNITY AND JUSTICE FOR WORK
GOVERNMENT OF PUERTO RICO
DEPARTMENT OF LABOR AND HUMAN RESOURCES
OFFICE OF LABOR STANDARDS
www.trabajo.pr.gov

WHAT DOES THE LAW COVER?
On September 27, 2006, the Legislative Assembly approved Law No. 207, to prohibit the use of an employee's Social Security Number on identification cards or in any document for general or routine circulation, or for other purposes.

SCOPE
This law will apply to all private employers and to public corporations of the Commonwealth of Puerto Rico.

RESTRICTIONS
The Law requires that no employer, of a private company or of public corporations of the Commonwealth of Puerto Rico, may show or display an employee's Social Security Number, regardless of the nature of his/her position or appointment, on his/her identification card, nor may it show or display this data in any place visible to the general public or a generally circulating document.

The Social Security Number may not be included in personnel directories or in any similar list that is made available to persons that have no need or authority for access to this information.

EXCEPTIONS
The Social Security Number will only be requested in circumstances where collecting it is mandatory for a governmental entity.

The Social Security Number will not be disclosed by the employer to entities, except under the following circumstances:

i. When it is permitted by law; or

ii. When the employee grants the employer permission; and

iii. When the external entity acts as a contractor or agent of the employer and has adequate security measures in place to prevent disclosure.

In these cases, the employer shall maintain a list of entities approved for managing this information.

When a document that contains the Social Security Number of a worker must be made public for a purpose that does not require this information, that document will be edited so that this information is partially or completely illegible, without it being considered an alteration of the contents of the document.

The Social Security Number will only be transmitted in digital documents or electronically when there are mechanisms that guarantee confidentiality.

Any document or application of the employer in which the Social Security Number is collected shall indicate whether this requirement is a voluntary or mandatory one.

Any paper or electronic document that contains social security numbers shall be securely destroyed.

COMPLIANCE CERTIFICATION
The Law and its Regulations stipulate that employers and Public Corporations of the Commonwealth of Puerto Rico are granted a period of six (6) months starting from the recording date of the Regulation at the Department of State for all employers to certify implementation of the provisions of the Law with the Department or for them to submit a work plan for achieving this within a term of no more than one (1) year from the approval and coming into effect of the Regulations.

INSPECTIONS
As per the rights and duties conferred to the Secretary or his/her representative, the Labor Standards Inspector may, by his/her own initiative, through audits or by means of a complaint by an employee, verify any pertinent record or document in order to assess compliance with the Law.

In any case where the Investigator determines a violation of the Law, he/she shall notify the employer that it will be issued a fine under the provisions in the Regulations.

WAIVER
These protections may be waived, voluntarily and in writing, by the employee, but this waiver may not be imposed as a condition of employment.

PENALTIES
Violation of the provisions of this Law, including a failure to protect the confidentiality of the Social Security Number, shall bring with it a fine of no less than five hundred (500.00) and up to five thousand (5,000) dollars per case.

The Department of Labor and Human Resources shall be the agency charged with policing compliance with this Law.

ADDITIONAL INFORMATION
For more information, including a copy of the Law and its Regulations, contact your local branch of the Office of Labor Standards. These are located in San Juan, Arecibo, Mayagüez, Ponce, Caguas, Humacao, Carolina and Bayamón. Find the telephone numbers for these offices by visiting our web page www.trabajo.pr.gov

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YOUR EMPLOYEE RIGHTS UNDER THE FAMILY AND MEDICAL LEAVE ACT

What is FMLA leave?
The Family and Medical Leave Act (FMLA) is a federal law that provides eligible employees with **job-protected leave** for qualifying family and medical reasons. The U.S. Department of Labor's Wage and Hour Division (WHD) enforces the FMLA for most employees.

Eligible employees can take **up to 12 workweeks** of FMLA leave in a 12-month period for:
- The birth, adoption or foster placement of a child with you,
- Your serious mental or physical health condition that makes you unable to work,
- To care for your spouse, child or parent with a serious mental or physical health condition, and
- Certain qualifying reasons related to the foreign deployment of your spouse, child or parent who is a military servicemember.

An eligible employee who is the spouse, child, parent or next of kin of a covered servicemember with a serious injury or illness **may take up to 26 workweeks** of FMLA leave in a single 12-month period to care for the servicemember.

You have the right to use FMLA leave in **one block of time**. When it is medically necessary or otherwise permitted, you may take FMLA leave **intermittently in separate blocks of time, or on a reduced schedule** by working less hours each day or week. Read Fact Sheet #28M(c) for more information.

FMLA leave is **not paid leave**, but you may choose, or be required by your employer, to use any employer-provided paid leave if your employer's paid leave policy covers the reason for which you need FMLA leave.

Am I eligible to take FMLA leave?
You are an **eligible employee** if **all** of the following apply:
- You work for a covered employer,
- You have worked for your employer at least 12 months,
- You have at least 1,250 hours of service for your employer during the 12 months before your leave, and
- Your employer has at least 50 employees within 75 miles of your work location.

Airline flight crew employees have different "hours of service" requirements.

You work for a **covered employer** if **one** of the following applies:
- You work for a private employer that had at least 50 employees during at least 20 workweeks in the current or previous calendar year,
- You work for an elementary or public or private secondary school, or
- You work for a public agency, such as a local, state or federal government agency. Most federal employees are covered by Title II of the FMLA, administered by the Office of Personnel Management.

How do I request FMLA leave?
Generally, **to request FMLA leave you must**:
- Follow your employer's normal policies for requesting leave,
- Give notice at least 30 days before your need for FMLA leave, or
- If advance notice is not possible, give notice as soon as possible.

You **do not have to share a medical diagnosis** but must provide enough information to your employer so they can determine whether the leave qualifies for FMLA protection. You **must also inform your employer if FMLA leave was previously taken** or approved for the same reason when requesting additional leave.

Your **employer may request certification** from a health care provider to verify medical leave and may request certification of a qualifying exigency.

The FMLA does not affect any federal or state law prohibiting discrimination or supersede any state or local law or collective bargaining agreement that provides greater family or medical leave rights.

State employees may be subject to certain limitations in pursuit of direct lawsuits regarding leave for their own serious health conditions. Most federal and certain congressional employees are also covered by the law but are subject to the jurisdiction of the U.S. Office of Personnel Management or Congress.

What does my employer need to do?
If you are eligible for FMLA leave, your **employer must**:
- Allow you to take job-protected time off work for a qualifying reason,
- Continue your group health plan coverage while you are on leave on the same basis as if you had not taken leave, and
- Allow you to return to the same job, or a virtually identical job with the same pay, benefits and other working conditions, including shift and location, at the end of your leave.

Your **employer cannot interfere with your FMLA rights** or threaten or punish you for exercising your rights under the law. For example, your employer cannot retaliate against you for requesting FMLA leave or cooperating with a WHD investigation.

After becoming aware that your need for leave is for a reason that may qualify under the FMLA, your **employer must confirm whether you are eligible** or not eligible for FMLA leave. If your employer determines that you are eligible, your **employer must notify you in writing**:
- About your FMLA rights and responsibilities, and
- How much of your requested leave, if any, will be FMLA-protected leave.

Where can I find more information?
Call **1-866-487-9243** or visit **dol.gov/fmla** to learn more.

If you believe your rights under the FMLA have been violated, you may file a complaint with WHD or file a private lawsuit against your employer in court. **Scan the QR code to learn about our WHD complaint process.**

DEPARTMENT OF LABOR
UNITED STATES OF AMERICA

WAGE AND HOUR DIVISION
UNITED STATES DEPARTMENT OF LABOR

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U.S. Equal Employment Opportunity Commission

Know Your Rights: Workplace Discrimination is Illegal

The U.S. Equal Employment Opportunity Commission (EEOC) enforces Federal laws that protect you from discrimination in employment. If you believe you've been discriminated against at work or in applying for a job, the EEOC may be able to help.

Who is Protected?
- Employees (current and former), including managers and temporary employees
- Job applicants
- Union members and applicants for membership in a union

What Types of Employment Discrimination are Illegal?
Under the EEOC's laws, an employer may not discriminate against you, regardless of your immigration status, on the bases of:
- Race
- Color
- Religion
- National origin
- Sex (including pregnancy, childbirth, and related medical conditions, sexual orientation, or gender identity)
- Age (40 and older)
- Disability
- Genetic information (including employer requests for, or purchase, use, or disclosure of genetic tests, genetic services, or family medical history)
- Retaliation for filing a charge, reasonably opposing discrimination, or participating in a discrimination lawsuit, investigation, or proceeding
- Interference, coercion, or threats related to exercising rights regarding disability discrimination or pregnancy accommodation

What Organizations are Covered?
- Most private employers
- State and local governments (as employers)
- Educational institutions (as employers)
- Unions
- Staffing agencies

What Employment Practices can be Challenged as Discriminatory?
All aspects of employment, including:
- Discharge, firing, or lay-off
- Harassment (including unwelcome verbal or physical conduct)
- Hiring or promotion
- Assignment
- Pay (unequal wages or compensation)
- Failure to provide reasonable accommodation for a disability; pregnancy, childbirth, or related medical condition; or a sincerely-held religious belief, observance or practice
- Benefits
- Job training
- Classification
- Referral
- Obtaining or disclosing genetic information of employees
- Requesting or disclosing medical information of employees
- Conduct that might reasonably discourage someone from opposing discrimination, filing a charge, or participating in an investigation or proceeding
- Conduct that coerces, intimidates, threatens, or interferes with someone exercising their rights, or someone assisting or encouraging someone else to exercise rights, regarding disability discrimination (including accommodation) or pregnancy accommodation

What can You Do if You Believe Discrimination has Occurred?
Contact the EEOC promptly if you suspect discrimination. Do not delay, because there are strict time limits for filing a charge of discrimination (180 or 300 days, depending on where you live/work). You can reach the EEOC in any of the following ways:

Submit an inquiry through the EEOC's public portal: *https://publicportal.eeoc.gov/Portal/Login.aspx*

Call 1–800–669–4000 (toll free)
1–800–669–6820 (TTY)
1–844–234–5122 (ASL video phone)

Visit an EEOC field office (information at *www.eeoc.gov/field-office*)

E-Mail *info@eeoc.gov*

Additional information about the EEOC, including information about filing a charge of discrimination, is available at *www.eeoc.gov*.

EMPLOYERS HOLDING FEDERAL CONTRACTS OR SUBCONTRACTS
The Department of Labor's Office of Federal Contract Compliance Programs (OFCCP) enforces the nondiscrimination and affirmative action commitments of companies doing business with the Federal Government. If you are applying for a job with, or are an employee of, a company with a Federal contract or subcontract, you are protected under Federal law from discrimination on the following bases:

Race, Color, Religion, Sex, Sexual Orientation, Gender Identity, National Origin
Executive Order 11246, as amended, prohibits employment discrimination by Federal contractors based on race, color, religion, sex, sexual orientation, gender identity, or national origin, and requires affirmative action to ensure equality of opportunity in all aspects of employment.

Asking About, Disclosing, or Discussing Pay
Executive Order 11246, as amended, protects applicants and employees of Federal contractors from discrimination based on inquiring about, disclosing, or discussing their compensation or the compensation of other applicants or employees.

Disability
Section 503 of the Rehabilitation Act of 1973, as amended, protects qualified individuals with disabilities from discrimination in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment by Federal contractors. Disability discrimination includes not making reasonable accommodation to the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, barring undue hardship to the employer. Section 503 also requires that Federal contractors take affirmative action to employ and advance in employment qualified individuals with disabilities at all levels of employment, including the executive level.

Protected Veteran Status
The Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, 38 U.S.C. 4212, prohibits employment discrimination against, and requires affirmative action to recruit, employ, and advance in employment, disabled veterans, recently separated veterans (i.e., within three years of discharge or release from active duty), active duty wartime or campaign badge veterans, or Armed Forces service medal veterans.

Retaliation
Retaliation is prohibited against a person who files a complaint of discrimination, participates in an OFCCP proceeding, or otherwise opposes discrimination by Federal contractors under these Federal laws.

Any person who believes a contractor has violated its nondiscrimination or affirmative action obligations under OFCCP's authorities should contact immediately:

The Office of Federal Contract Compliance Programs (OFCCP)
U.S. Department of Labor
200 Constitution Avenue, N.W.
Washington, D.C. 20210
1–800–397–6251 (toll-free)

If you are deaf, hard of hearing, or have a speech disability, please dial 7–1–1 to access telecommunications relay services. OFCCP may also be contacted by submitting a question online to OFCCP's Help Desk at *https://ofccphelpdesk.dol.gov/s/*, or by calling an OFCCP regional or district office, listed in most telephone directories under U.S. Government, Department of Labor and on OFCCP's "Contact Us" webpage at *https://www.dol.gov/agencies/ofccp/contact*.

PROGRAMS OR ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE

Race, Color, National Origin, Sex
In addition to the protections of Title VII of the Civil Rights Act of 1964, as amended, Title VI of the Civil