& Associates. Inc.®

EMPLOYEE RIGHTS UNDER THE FAIR LABOR STANDARDS ACT

OFFICE OF LABOR STANDARDS

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.

At least 11/2 times the regular rate of pay for all hours worked over 40 in a workweek.

FED

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, nonmining, non-hazardous jobs with certain work hours restrictions. Different rules apply in

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

NURSING MOTHERS

The FLSA requires employers to provide reasonable break time for a nursing mothe employee who is subject to the FLSA's overtime requirements in order for the employee to express breast milk for her nursing child for one year after the child's birth each time

UNITED STATES

PR

DIGNITY AND HISTICF FOR WORK

DEPARTMENT OF LABOR AND HUMAN RESOURCES

GOVERNMENT OF PUERTO RICO

of Labor and Human Resources

www.trabajo.pr.gov

this legislation

WAGE AND HOUR DIVISION

We administer much of the current labor protection and disputes legislation

issued by the former Puerto Rican Minimum Wage Board and by the Secretary

Processing direct claims by employees or those that arise from an inspection.

Offering guidance through conferences and seminars for the general public.

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

Any employee of a company, industry or any other business or site of

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

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

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

addition to the wages that they may have earned, the terminated

of service; three (3) weeks for each year of service, after having

For those employees hired on or after January 26, 2017, in

employee will be entitled to an indemnification that shall he

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

Any agreement in which the employee waives his/her right to receive

indemnification for wrongful termination shall be void. However, once a claim

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

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

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

of an establishment that include, but are not limited to, the following:

has been made, the parties may compromise on the indemnification through a

We perform the following activities in order to assess and ensure compliance with

Inspections of workplaces, which includes files and payrolls

Addressing complaints that may be confidential.

Responding to personal, written or telephone queries.

TERMINATION ACT, 29 LPRA SEC. 185A, ET SEQ.

Indemnification for wrongful termination

fifteen (15) years of service;

computed as follows

of four (4) weeks.

ENFORCEMENT

quidated 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

such employee has a need to express breast milk. Employers are also required to 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.

The Department has authority to recover back wages and an equal amount in

ADDITIONAL INFORMATION Certain occupations and establishments are exempt from the minimum wage,

and/or overtime pay provisions. 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 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.

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

LAW NO. 289 OF APRIL 9, 1946, AS AMENDED, KNOWN AS THE SETTING OF

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

WORK SCHEDULE DAYS OFF ACT, 29 LPRA SEC. 295 ET SEQ.

29 LPRA SEC. 250 ET SEQ.

TTY: 1-877-889-5627



FED

EMPLOYEE POLYGRAPH PROTECTION ACT The Act also permits polygraph testing, subject to restrictions, of

EMPLOYEE RIGHTS

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

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

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.

DEPARTMENT OF LABOR UNITED STATES OF AMERICA

certain employees of private firms who are reasonably suspected of

involvement in a workplace incident (theft, embezzlement, etc.) that

The law does not preempt any provision of any State or local law or any

collective bargaining agreement which is more restrictive with respect

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

The Secretary of Labor may bring court actions to restrain violations

and assess civil penalties against violators. Employees or job applicants

THE LAW REQUIRES EMPLOYERS TO DISPLAY THIS POSTER WHERE

EMPLOYEES AND JOB APPLICANTS CAN READILY SEE IT.

resulted in economic loss to the employer.

to lie detector tests.

ENFORCEMENT

EXAMINEE RIGHTS

FED

EMPLOYEE RIGHTS UNDER THE FAMILY AND MEDICAL LEAVE ACT

Eligible employees who work for a covered employer can take up to 12 weeks of unpaid, job-protected leave in a 12-month period for the

> The birth of a child or placement of a child for adoption or foster To bond with a child (leave must be taken within 1 year of the

child's birth or placement); To care for the employee's spouse, child, or parent who has a

makes the employee unable to perform the employee's job; For qualifying exigencies related to the foreign deployment of a military member who is the employee's spouse, child, or parent. An eligible employee who is a covered servicemember's spouse, child,

An employee does not need to use leave in one block. When it is

insurance coverage as if the employees were not on leave. Upon return from FMLA leave, most employees must be restored to the

An employer may not interfere with an individual's FMLA rights or retaliate against someone for using or trying to use FMLA leave, opposing any

in order to be eligible for FMLA leave. The employee must:

For additional information or to file a complaint: 1-866-4-USWAGE (1-866-487-9243) TTY: 1-877-889-5627

www.dol.gov/whd

DIGNITY AND JUSTICE FOR WORK GOVERNMENT OF PUERTO RICO

DEPARTMENT OF LABOR

UNITED STATES OF AMERICA

ANTI-DISCRIMINATION UNIT

(a) The employee must voluntarily authorize this in writing. The payment shall be effective on the same day of payment at the

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 SEO.**

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 employees 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 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 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 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 lay 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

worked or records that reflect the names and addresses of all workers, the This regulation defines the terms "Manager", "Executive" and "Professional" for the effects 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 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 and the employer may use any method of storage, as long as the accessibility excludes these employees from some benefits, such as: provisions related to minimum and integrity of the information is ensured 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

Any claims transactions under the protection of Law No. 379 require verification by the Department of Labor and Human Resources. Any transaction from the employment contract or from agreements entered into with their employers.

NAYAGÜEZ OFFICE CENTRO GUBERNAMENTAL #372, AVE. EDIF. VILLA CAPITÁN #2 Ave. Hostos 828. Suite 301. 3FR. Pisc José A. CEDEÑO RODRÍGUEZ — EDIF. B MAYAGÜEZ, **PR 00680-1536** [t] (787) 832-4578 • 832-1506 [f] (787) 831-0235

OFICINA 206, ARECIBO, PR 00612 [t] (787) 878-1284 • 878-1162 [f] (787) 817-7472

HUMACAO OFFICE CENTRO DE GOBIERNO, # 45 CRÚ ORTÍZ STELLA NORTE - SUITE 6 HUMACAO. PR 00791-3751 [t] (787) 842-2037 • 842-7395 [t] (787) 852-0242 • 852-0800

[f] (787) 285-2478

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

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

DIGNITY AND JUSTICE FOR WORL

WHAT DOES THE LAW COVER? On September 27, 2006, the Legislative Assembly approved Law No. 207, to prohibit the use of an

nployee's Social Security Number on identification cards or in any document for general or routine circulation, or for other purposes.

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

EXCEPTIONS The Social Security Number will only be requested in circumstances where collecting it is mandatory for a The Social Security Number will not be disclosed by the employer to entities, except under the following

When the employee grants the employer permission; and

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

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

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

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.

As per the rights and duties conferred to the Secretary

or his/her representative, the Labor Standards Inspector 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 Regulation

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

Violation of the provisions of this Law, including a failur

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)The Department of Labor and Human Resources shall

be the agency charged with policing compliance with ADDITIONAL INFORMATION

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

WAGE AND HOUR DIVISION

may also bring their own court actions.

1-866-487-9243 TTY: 1-877-889-5627

Have worked for the employer for at least 12 months; Have at least 1,250 hours of service in the 12 months before

taking leave;* and Work at a location where the employer has at least 50 employees within 75 miles of the employee's worksite. *Special "hours of service" requirements apply to airline flight crew

REQUESTING LEAVE

for FMLA leave. If it is not possible to give 30-days' notice, an employee must notify the employer as soon as possible and, generally, follow the Employees do not have to share a medical diagnosis, but must provide enough information to the employer so it can determine if the leave qualifies for FMLA protection. Sufficient information could include

necessary. Employees must inform the employer if the need for leave is for a reason for which FMLA leave was previously taken or certified. ployers can require a certification or periodic recertification supportir the need for leave. If the employer determines that the certification is incomplete, it must provide a written notice indicating what additional

EMPLOYER RESPONSIBILITIES

Once an employer becomes aware that an employee's need for leave is for a reason that may qualify under the FMLA, the employer must notify the employee if he or she is eligible for FMLA leave and, if eligible, must also provide a notice of rights and responsibilities under the FMLA. If the employee is not eligible, the employer must provide a reason for

and Hour Division, or may bring a private lawsuit against an employer. 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.

U.S. Department of Labor • Wage and Hour Division • WH1420

REV. 04/2016

DISCRIMINATION IS ILLEGAL

DEPARTMENT OF LABOR AND HUMAN RESOURCES

www.trabajo.pr.gov status, political affiliation, political or religious ideas, or for being a victim or being perceived as a victim of domestic violence, sexual

Law No. 100 of June 30, 1959, as amended, 29 L.P.R.A. Sec. 146 et seq. provides for the protection of employees and employment candidates against discriminatory acts by employers, labor organizations or joint worker-employer committees that control learning and training programs. It prohibits discrimination on the basis of age, race, color, gender, social or national origin, social status, marital status, political or religious ideas, sexual orientation and gender identification or due to being a victim or being perceived as a victim of domestic violence, sexual aggression or stalking; for being a soldier or ex-soldier, serving or having served in the United States Armed Forces or for the employee or employment applicant holding the status of veteran; dismissal, suspension or discrimination against one of its employees in relation to salary, wages, pay or compensation, terms, category, conditions or privileges such that tend to deprive a person of employment opportunities or that affect his/her status as an employee, publishing, circulating

SEXUAL DISCRIMINATION

The intent of Law No. 69 of July 6, 1985, 29 L.P.R.A. Sec. 1321 et seq. is to ensure the equality of the right to employment for men and women alike, prohibiting discriminatory actions, setting responsibilities and imposing penalties upon private and public employees, labor unions, joint worker-employer committees or employment agencies

The definition of: "on the basis of gender" includes, but is not limited to, pregnancy, childbirth or related medical conditions, and women affected by these circumstances shall receive equal treatment for all purposes related

March 13, 1942, as amended, 29 L.P.R.A. Sec. 467 et seq. In general terms, Female workers who are pregnant will be entitled to time off that will

> Abortions and premature births are covered by the Law The employer may not terminate, without just cause, a pregnant woman. Lower performance in work shall not be considered to be just cause. Any employer that terminates, suspends, reduces the wages of, or discriminates in any way against, a worker on the basis of a decline in her production or refuses to restore her after the delivery, shall incur civil liability for double the damages caused or between \$1,000 and \$5,000.

The employee shall also be entitled to reinstatement. The employer shall also be guilty of a misdemeanor for violation of the Leave benefits are granted when a child under the age of five (5) years, not matriculated in an academic institution, is adopted.

Law No. 427 of December 16, 2000, the "Breastfeeding or Breast Milk Extraction Time Regulation Act", as amended, grants a period for breastfeeding or extraction of breast milk to female employees both in private companies and in the government. For those employees with full-time working hours, the breastfeeding, or breast milk extraction, period shall be one hour and may be distributed into two thirty (30) minute periods or three twenty (20) minute periods. In the case of those employees with part-time working hours, and whose daily work schedule exceeds four (4) hours, the breastfeeding or breast milk extraction period will be thirty (30) minutes for each four (4) hours of work. The place provided for these purposes must be private, secure and hygienic. Furthermore, the place must have sufficient ventilation and electrical outlets. Employers that deny the benefits granted by the Law mentioned may be fined for damages that the employee may suffer, for a sum equal to: (1) three times the wages that the employee earns for each day that she is denied the period for breastfeeding or extraction of milk, or (2) a quantity no less than three thousand (3,000) dollars, whichever is greater.

specific purpose of protecting employees and employment candidates against sexual harassment at work, and its provisions apply to both private employers and Workplace sexual harassment consists of any type of approach, request for sexual favors, or any other type of verbal or physical conduct of a sexual nature, when one

or more of the following circumstances occur: When submitting to said conduct is implicitly or explicitly converted into a term or condition of employment of a person.

AVE. SANTIAGO DE LOS CABALLEROS #60 Calle Puerto Viejo, Sector Playita

Ponce, P.R 00718-8110

DIGNITY AND JUSTICE FOR WORK

GOVERNMENT OF PUERTO RICO

www.trabajo.pr.gov

DEPARTMENT OF LABOR AND HUMAN

[t] 787-284-2028 [f] 787-290-2090

45 CALLE CRUZ ORTIZ STELLA, NORTE Suite #13 Humacao P.R 00791-3751

Mayagüez

SINOT • TEMPORARY NON-OCCUPATIONAL LAW NO. 139 OF JUNE 26, 1968, AS AMENDED

> A person who is disabled by conditions unrelated to work or in an automobile accident may be entitled to the preservation of his/her job and to benefits for: **DISMEMBERMENT**

DEPARTMENT OF LABOR AND HUMAN RESOURCES | EDIFICIO PRUDENCIO RIVERA MARTÍNEZ Piso 10, 505 Ave. Muñoz Rivera **OFFICE OF WORKER BENEFITS** TEMPORARY NON-OCCUPATIONAL DIASABILITY INSURANCE PROGRAM [t] 787. 754.5850 ext 2504, 2506 FED

REEMPLOYMENT RIGHTS

particular employer;

You have the right to be reemployed in your civilian job if you leave that job to perform service in the

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

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

If you are eligible to be reemployed, you must be restored to the job and benefits you would have attained

are a past or present member of the uniformed • are obligated to serve in the uniformed service;

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

· promotion; or

· any benefit of employment

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

have applied for membership in the uniformed

then an employer may not deny you:

retention in employment;

person has no service connection.

initial employment;

reemployment;

because of this status.

FED

following bases:

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 in 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.

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

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 serviceconnected 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

You may also bypass the VETS process and bring a civil action against an employer for violations

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. 05/2022

Equal Employment Opportunity is THE LAW

Private Employers, State and Local Governments, **Educational Institutions, Employment Agencies and**

Applicants to and employees of most private employers, state and local WHAT TO DO IF YOU BELIEVE governments, educational institutions, employment agencies and labor organizations are protected under Federal law from discrimination on the **DISCRIMINATION HAS OCCURRED** There are strict time limits for filing charges of employment discrimination. RACE, COLOR, RELIGION, SEX, NATIONAL ORIGIN Title VII of the Civil Rights Act of 1964, as amended, protects applicants and employees from discrimination in hiring, promotion, discharge, pay,

fringe benefits, job training, classification, referral, and other aspects of employment, on the basis of race, color, religion, sex (including pregnancy), individuals with hearing impairments). EEOC field office information is or national origin. Religious discrimination includes failing to reasonably available at www.eeoc.gov or in most telephone directories in the U.S. accommodate an employee's religious practices where the accommodation Government or Federal Government section. Additional information does not impose undue hardship.

contract or subcontract are protected under Federal law from discrimination referral, and other aspects of employment. Disability discrimination includes on the following bases: 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. The Age Discrimination in Employment Act of 1967, as amended, protects

classification, referral, and other aspects of employment. SEX (WAGES) In addition to sex discrimination prohibited by Title VII of the Civil Rights Act, as amended, the Equal Pay Act of 1963, as amended, prohibits sex discrimination in the payment of wages to women and men performing substantially equal work, in jobs that require equal skill, effort, and

responsibility, under similar working conditions, in the same establishment

applicants and employees 40 years of age or older from discrimination based

on age in hiring, promotion, discharge, pay, fringe benefits, job training,

Labor Organizations

Title I and Title V of the Americans with Disabilities Act of 1990, as amended,

protect qualified individuals from discrimination on the basis of disability in

Title II of the Genetic Information Nondiscrimination Act of 2008 protects applicants and employees from discrimination based on genetic information in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment, GINA also restricts employers' acquisition of genetic information and strictly limits disclosure of genetic information. Genetic information includes information about genetic tests of applicants, employees, or their family members; the manifestation of diseases or disorders in family members (family medical history); and requests for or receipt of genetic services by applicants, employees, or their

All of these Federal laws prohibit covered entities from retaliating against a person who files a charge of discrimination, participates in a discrimination proceeding, or otherwise opposes an unlawful employment practice.

To preserve the ability of EEOC to act on your behalf and to protect your right to file a private lawsuit, should you ultimately need to, you should contact EEOC promptly when discrimination is suspected: The U.S. Equal Employment Opportunity Commission (EEOC), 1-800-669-4000 (toll-free) or 1-800-669-6820 (toll-free TTY number for

about EEOC, including information about charge filing, is available at **Employers Holding Federal Contracts or Subcontracts** Applicants to and employees of companies with a Federal government

RACE, COLOR, RELIGION, SEX, NATIONAL ORIGIN Executive Order 11246, as amended, prohibits job discrimination on the basis of race, color, religion, sex or national origin, and requires affirmative action to ensure equality of opportunity in all aspects of employment.

INDIVIDUALS WITH DISABILITIES

Section 503 of the Rehabilitation Act of 1973, as amended, protects qualified individuals from discrimination on the basis of disability in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. 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. 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.

DISABLED, RECENTLY SEPARATED, OTHER PROTECTED, AND ARMED FORCES SERVICE **MEDAL VETERANS** The Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended,

38 U.S.C. 4212, prohibits job discrimination and requires affirmative action to employ and advance in employment disabled veterans, recently separated veterans (within three years of discharge or release from active duty), other protected veterans (veterans who served during a war or in a campaign or expedition for which a campaign badge has been authorized), and

Armed Forces service medal veterans (veterans who, while on active duty. participated in a U.S. military operation for which an Armed Forces service medal was awarded)

RETALIATION Retaliation is prohibited against a person who files a complaint of

discrimination under these Federal laws.

Any person who believes a contractor has violated its nondiscrimination or affirmative action obligations under the authorities above 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) or (202) 693-1337 (TTY). OFCCP may also be contacted by e-mail at OFCCP-Public@dol.gov, or by calling an OFCCP

discrimination, participates in an OFCCP proceeding, or otherwise opposes

overnment, Department of Labor. **Programs or Activities Receiving**

regional or district office, listed in most telephone directories under U.S.

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 Rights Act of 1964, as amended, prohibits discrimination on the basis of race, color or national origin in programs or activities receiving Federal financial assistance. Employment discrimination is covered by Title VI if the primary objective of the financial assistance is provision of employment, or where employment discrimination causes or may cause discrimination in providing services under such programs. Title IX of the Education Amendments of 1972 prohibits employment discrimination

Federal financial assistance. INDIVIDUALS WITH DISABILITIES Section 504 of the Rehabilitation Act of 1973, as amended, prohibits employment discrimination on the basis of disability in any program or activity which receives Federal financial assistance. Discrimination is prohibited in all aspects of employment against persons with disabilities

If you believe you have been discriminated against in a program of

on the basis of sex in educational programs or activities which receive

who, with or without reasonable accommodation, can perform the essential

any institution which receives Federal financial assistance, you should immediately contact the Federal agency providing such assistance. EEOC 9/02 and OFCCP 8/08 Versions Useable With 11/09 Supplement

To be given a period of thirty (30) minutes per every period of four (4) consecutive hours of work to

breastfeed or to extract breast milk, in the case that she works a part-time work day that exceeds

To continue to be given these periods dedicated to breastfeeding or breast milk extraction for up to

That the employer establishes adequate and effective internal procedures to deal with sexual

To be provided with special leave without pay for up to fifteen (15) working days per year to attend to

situations related to domestic or gender violence, mistreatment of minors, sexual harassment in the

That no retaliation will be made against her for filing complaints, testifying or participating in an

This Charter of Rights is a general non-exhaustive compilation of rights that are recognized for working women in the

private sector in Puerto Rico and that shall serve as a quideline. The rights listed are subject to the applicability and

exceptions of the corresponding labor statute, so it is recommended to consult the complete text of the laws listed

investigation, legal proceeding or trial in relation to discriminatory employment practices.

BUREAU OF LABOR STANDARDS

Tel. (787) 754-2100

twelve (12) months starting from her return to her work duties;

To be protected against domestic violence in her workplace;

workplace, sexual assault, lewd acts or stalking classified as serious;

functions of the job.

Working women in the private sector shall enjoy the rights set forth in the Constitution of

Not be discriminated against by their employer, by employment agencies nor by labor organizations on the basis of their sex;

consideration stereotypical presumptions or characterizations related to their sex; Not be denied job placement due to the preference of co-workers, employers or clients; Not be discriminated against with regard to salary based on their sex, nor be asked about their salary history

when they are considered for a job position; Receive a month's pay if they are unfairly dismissed from their job; If a working woman becomes pregnant, she shall receive four (4) weeks maternity leave before and four (4) weeks after childbirth; with the presentation of a medical certificate to her employer, she may opt to take up to one (1) week off for prenatal rest and seven (7) weeks off for postnatal rest;

institution, she shall be entitled to the same maternity leave benefits as an employee who has given birth; If she adopts a child who is 6 years old or older, she shall be entitled to take maternity leave at full pay for a period of fifteen (15) days; To receive her full wages and to have her job position reserved for her by her employer if she takes

To have access in her workplace to a private, safe, hygienic area with ventilation and electricity to breastfeed her baby or to extract breast milk, and that said area will not be shared with an area

To be given a period of one (1) hour per full-time work day to breastfeed or to extract breast milk, which may be split into two (2) periods of thirty (30) minutes or three (3) periods of twenty (20) minutes;

Labor Standards at (787) 754-2100.

harassment complaints;

herein which are available on the websites: www.mujer.pr.gov and www.trabajo.pr.gov. You can also contact the helpline, 24 hours a day, 7 days a week, of the Attorney's Office for Women at (787) 722-2977 or the Department of Labor and Human Resources through the Anti-Discrimination Unit at (787) 625-3137 ext. 3231 and/or the Bureau of

ANTIDISCRIMINATION UNIT Tel. (787) 625-3137 ext. 3259

WORKPLACE SAFETY AND HEALTH ACT

DIGNITY AND JUSTICE FOR WORK

ATTORNEY'S OFFICE FOR WOMEN

Tel. (787) 722-2977

www.mujer.pr.gov

WORKPLACE SAFETY AND HEALTH ADMINISTRATION OF PUERTO RICO www.trabajo.pr.gov WHAT DOES THE LAW COVER?

THE EMPLOYER The employer must provide each of their employees with employment and a workplace that is free of known hazards that are causing or may cause, death or physical harm to employees. They must also comply with the

THE EMPLOYEE

standards, and furthermore, with all rules, regulations and orders issued under the Law which apply to his/her own actions and behavior at work.

Commonwealth of Puerto Rico, excluding employees in the maritime industry, the United States Postal Service (USPS) and Federal Agencies.

INSPECTION

The Law requires that an opportunity be given to a representative of the employer as well as a representative authorized by the employees to accompany the Compliance Officer for the purpose of helping with the inspection. If there is no representative authorized by the employees, the Compliance Officer must consult with a reasonable number of employees regarding the safety and health conditions at the workplace.

with reasonable promptness, alleging these violations. Each citation

must include a correction period for the alleged violation. This citation

must be visibly displayed at each site where the alleged violation has

occurred, or near it, to warn employees about the hazards that may exist

If after an inspection or investigation, PR OSHA has found that an employer has violated the Law, it will issue a citation to the employer,

at this location.

The Law stipulates mandatory fines of up to \$7,000 for each serious violation, and optional penalties of up to \$7,000 for each violation classified as not serious in nature. In addition, fines of up to \$7,000 per day may be imposed for each day that the employer does not correct the violation within the period established for its correction. Any employer that willfully or repeatedly violates the Law, may be fined by an amount that will not exceed \$70,000 for each violation. The Law also provides penalties for any employer that intentionally violates the law, and this violation causes the death of an employee. Once convicted, the punishment is a maximum fine of \$10,000 or imprisonment for a maximum term of three years, or both penalties. A repeated offense by an employer will double the fine, or there will be punishment by imprisonment for a period not to exceed four and a half years, or both penalties.

The Law encourages the joint efforts by employers and employees in lowering the number of occupational safety and health hazards. It further encourages both employers and employees alike to establish working conditions.

Resources nearest to their workplace. The complainant's name will not be

DISCRIMINATION COMPLAINTS

Puerto Rico or to the address for federal jurisdiction. **COMPLAINTS ABOUT THE ADMINISTRATION OF THE STATE**

FEDERAL JURISDICTION Puerto Rico Area Office

ADDITIONAL INFORMATION

writing the aforementioned Agency.

For additional help and information, including copies of the Law, state occupational safety and health standards and other applicable regulations, contact the nearest PR OSHA Area Office. These are located in Arecibo, Caguas, Carolina, Mayagüez, Ponce and San Juan. Phone numbers for these Offices can be found in the corresponding telephone directories.

STATE JURISDICTION

PR OSHA 2013

62898

This poster is in compliance with federal and state posting requirements.

intimidating, hostile or offensive work environment. The employer has the duty to keep the workplace free from sexual harassment and intimidation. The employer must Clearly tell their supervisors and employees that the employer has a firm

harassment complaints. When made aware of any sexual harassment situation, the employer must immediately conduct an investigation. If you think that you are being discriminated against, you should not overlook the sexual harassment you may be subjected to. You should make notes of the sexual harassment incidents for your personal use. These notes should include: names of witnesses, date and place where the harassment act(s) took place. Bring the harassment situation to your supervisor's attention. If the supervisor

LAW NO. 44 OF JULY 2, 1985 Law No. 44 of July 2, 1985, as amended by Law 53 of August 30, 1992, L.P.R.A. Sec. 501 et seq., empowers the Secretary of Labor to asses compliance with this Law with regard to employment. It prohibits discrimination against persons with physical, mental or sensory

impairments at institutions whether or not they receive funds from the

Unit, in their representation, will discourage workplace discrimination through preventive action programs and may, on their own initiative, even without the involvement of a complaint, order investigations pursuant to the provisions of Law

All employers, labor organizations or joint worker-employer committees are required to keep adequate records on their recruitment practices, training programs, promotion plans or any other employment practices. These records and reports must be available for examination by Department officials. For this reason,

COMPLAINTS: Any person who is aware, or has personal knowledge, of discrimination having occurred against one or more workers, or one or several employment candidates, pursuant to Law No. 100, Law No. 69, Law No. 17, Law No. 3 and Law No. 44, may file a complaint with the Anti-Discrimination Unit within one year following the point at which he/she learned or should have learned of the alleged discriminatory action.

You may file your complaint in person or by mail. In view of the public interest covered by the laws we administer, the complaint may not be withdrawn or abandoned by the complainant without prior written authorization from the Secretary of Labor and Human Resources or his/her appointed deputy. Once the complaint is filed, the accused will be notified. He/she is invited to the alternate conflict resolution, mediation, process.

The appearance of witnesses shall be obligatory under penalty of contempt proceedings, as well as the presentation of any information required by the investigator within a reasonable period, not to exceed 15 days once it has been requested. If the complaint is determined to lack merit, a Notice of Determination of No Probable Cause of Discrimination will be issued and the parties

or several discriminatory practices, a Notice of Determination of Probable

Cause will be issued and the Unit will begin its mediation efforts. If no

agreement is reached, the case will be considered for litigation in the

courts of Puerto Rico with jurisdiction for the complainant

[t] 787-833-4110 787-787-833-4150 [f] 787-833-4131 Humacao

[t] 787-285-5071 [f] 787-285-5076

between the dependents of an insured person who dies due to a condition that may be

PO Box 195540, San Juan, PR 00919-5540

To not be exposed to sexual advances as a condition of being hired or to maintain her job position; To not be subjected, explicitly or implicitly, to unwanted verbal or physical sexual advances, including advances made by electronic means: That the employer keeps the workplace free of sexual harassment, including hostile, offensive or

If she adopts a pre-school age child, i.e. a child under the age of 5 years old who is not enrolled in a school

To not be dismissed from her job or suspended, be discriminated against, nor have her salary reduced based on decreased productivity as a result of being pregnant;

GOVERNMENT OF PUERTO RICO

DIGNITY AND JUSTICE FOR WORK **DEPARTMENT OF LABOR AND HUMAN RESOURCES**

TDD: (787) 756-5787

Filed with the State Commission on Elections, Application No. CEE-SA-2020-5391

new programs and enhance existing ones to provide safe and healthy COMPLAINTS Employees or their representatives who believe that the violation of a

disclosed to the employer unless authorized by the complainant.

The Law stipulates that employees may not be terminated or discriminated against by exercising their rights under the Law. Any employee who believes that he or she has been discriminated against under this Law or under the Federal Occupational Safety and Health Act of 1970 may file a complaint with the Occupational Safety and Health Administration of

The administration of this Law is being evaluated by OSHA. Any person may file complaints about the administration or operations by calling or

B7 Calle Tabonuco, Suite 1105 Guaynabo, PR 00968 [t] (787) 277-1560 [F] (787) 277-1567

PUERTO RICO

PO BOX 195540 San Juan, PR 00919-5540 [t] 787.754.2172 • [f] 787.767.6051

REV. 06/2017

parent, or next of kin may also take up to 26 weeks of FMLA leave in a single 12-month period to care for the servicemember with a serious

leave while taking FMLA leave. If an employee substitutes accrued paid leave for FMLA leave, the employee must comply with the employer's normal paid leave policies. **BENEFITS & PROTECTIONS**

other employment terms and conditions.

When submitting or rejecting said conduct by the person is converted into a basis for making decisions on the employment or with regard to employment, that affects that person. When that conduct has the effect or purpose of wrongfully interfering with the performance of the work of that person or when it creates an

aggression or stalking, for being a soldier or ex-soldier serving or having served in the United States Armed Forces or for holding the

The Anti-Discrimination Unit also administers, among others, Law No. 3 of

Law No. 17 of April 22, 1988, 29 L.P.R.A. Sec. 155 et seq., was created with the

431 Ave. Ponce de León, PISO 11 EDIFICIO NATIONAL PLAZA HATO REY, P.R 00917 [t] 787-625-3137 Ext. 3259/ 3232

agricultural workers and up to \$ 1 1 3 for

CENTRO GUBERNAMENTAI

A maximum benefit of \$4,000 prorated

PR

is the harasser, alert someone else who has authority in the company about this situation. The employer may not retaliate for participation in an investigation process or for opposing discriminatory practices. When bringing the harassment problem to the employer's attention, the latter is responsible for taking necessary measures for correcting the problem. **IMPAIRED PERSONS**

By virtue of the powers conferred upon them by the laws that they administer, the Secretary of Labor and Human Resources or the Director of the Anti-Discrimination

they must be kept for a period of no less than two (2) years. ANTI-DISCRIMINATION UNIT GENERAL REGULATION The Anti-Discrimination Unit General Regulation No. 6236 of November 21, 2000,

If a satisfactory agreement is not reached between the parties during this process, the investigation will be continued. The parties are usually scheduled for an evidence discovery meeting The official in charge of the investigation will act on behalf and representation of the Secretary of Labor and Human Resources, with all of the powers conferred upon the Secretary in Law No. 100.

EDIFICIO VILLA CAPITÁN II TERCER PISO, 828 AVE. HOSTOS Suite #301 Mayagüez, P.R 00682-1536

On August 5, 1975, the Legislature approved Law 16, in order to guarantee, to the extent possible, safe and healthy work conditions to all employees in the Commonwealth of Puerto Rico so as preserve our human resources.

DEPARTMENT OF LABOR AND HUMAN RESOURCES

The employee must comply with all occupational safety and health

This Law will apply to all work performed at every work site in the

occupational safety and health standards provided by the Law.

CITATIONS

TWO ways to verify poster compliance!

QR CODE Scan with phone camera:

ONLINE

Go to: JJKeller.com/LLPverify

Enter this code: 62898-042020

VOLUNTARY ACTIVITY

safety and health standard exists may request an inspection, by filing

DEPARTMENT OF LABOR AND HUMAN RESOURCES, OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION OF PUERTO RICO

FED-PR-ENG

same job or one nearly identical to it with equivalent pay, benefits, and

occupation that is strictly related thereto are considered to be covered by the law, regardless of the sales volume of the company. Employees of hospitals and care institutions for children, the elderly or mental health patients that stay overnight on the premises of the institution. Employees of educational institutions, whether at the preschool, elementary, intermediate, secondary, or university level, with the exception of teachers 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 (11/4) 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

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 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

adjusted to the levels stipulated by this law.

Check

Direct deposit

Payroll card

transfer payments:

PAYMENT ACT, 29 LPRA SEC. 171 ET SEQ.

complaints from the employer's customers. 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. 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

Technological or reorganization changes, as well as those in the style

design or nature of the product that is produced or managed by the

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.

terminated employee works shall constitute just cause.

establishment, and changes in services rendered to

Reductions in employment that are made necessary due to a

the public.

Probationary period

May 30, 1976, as amended.

ESTABLISHMENT IN PUERTO RICO ACT

Established right

EMPLOYMENT ACT. 29 LPRA SEC. 431 ET SEO.

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

Those employees that are terminated during the probationary period will not

accrue the indemnification for wrongful termination granted by Law No. 80 of

LAW NO. 230 OF MAY 12, 1942, AS AMENDED, KNOWN AS THE CHILD

The employment of minors under the age of eighteen (18) years is regulated in Puerto

Human Resources, which must establish that the occupation does not affect the school

LAW NO. 379 OF MAY 15, 1948, AS AMENDED, KNOWN AS THE WORK DAY

This establishes the regular work hours in Puerto Rico; the type of wages for the hours

Rico. It is necessary to obtain a working permit from the Department of Labor and

attendance of the minor, and is not harmful to his/her life, health or wellbeing.

worked in excess of the legal work hours and sets the meals period.

compensated as overtime

Eight (8) hours constitute the legal work day in Puerto Rico, and 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 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

those periods are worked under an hours replacement agreement.

the hours worked in excess of twelve (12) hours per day shall be

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

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

day does not exceed six (6) consecutive hours, the meal period may

to a minimum of twenty (20) minutes. In those cases where the work

One hour for meals. This must not be before conclusion of the

workday shall be compensated as overtime. In the case where

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

METRO OFFICE

EDIF. NACIONAL PLAZA

HATO REY, PR 00918

[f] (787) 763-5676

Ave. Santiago de los Caball

Eso. Puerto Viejo Núm. 60

PONCE OFFICE

Ponce, PR 00716

[f] (787) 844-4080

Ave. Ponce de León #431, Piso 11

[t] (787) 754-6071 • 754-5832

This law will apply to all private employers and to public corporations of the Commonwealth of Puerto Rico. The Law requires that no employer, of a private company

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

For more information, including a copy of the Law

LEAVE ENTITLEMENTS following reasons:

qualifying serious health condition For the employee's own qualifying serious health condition that

medically necessary or otherwise permitted, employees may take leave Employees may choose, or an employer may require, use of accrued paid

While employees are on FMLA leave, employers must continue health

practice made unlawful by the FMLA, or being involved in any proceeding under or related to the FMLA. **ELIGIBILITY REQUIREMENTS** An employee who works for a covered employer must meet three criteria

Discrimination on the basis of age, race, color, gender, sexual orientation, gender identification, social or national origin, social status, marital

or allowing to be published or circulated announcements, notifications or any other form of distribution denying employment opportunities, directly or indirectly, to all persons equally; limiting or excluding a person to be admitted or employed in any learning or other training program.

include four (4) weeks before the delivery and four (4) weeks after; at The employee may opt to take the leave up to only (1) week before the delivery and seven (7) weeks after, or may opt to return to work after two (2) weeks of postnatal time off. In choosing one of these options, she must submit medical proof that she is capable of working

Hato Rey Central Office

DISABILITY INSURANCE HELPING YOU

Benefits, between \$2,000 and \$4,000 for Weekly benefits from \$12 to \$55 for amputation or partial amputation of limbs, or a total or partial loss of sight in one or both eyes. **non-agricultural workers.**

APR2020

Charter of Rights for the Working Woman — Private Sector Puerto Rico and in applicable laws and regulations. Specifically, they shall have a right to: Be considered and employed based on their individual capabilities without employers taking into

ATTORNEY'S OFFICE FOR WOMEN

OF PUERTO RICO

a complaint with the Area Office of the Occupational Safety and Health Administration of Puerto Rico of the Department of Labor and Human

OSHA

65858F

To update your labor law posters contact

J. J. Keller & Associates, Inc.

JJKeller.com/laborlaw 800-327-6868

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at a wage rate equal to double that for the agreed to time for regular hours for those mployees hired before January 26, 2017. For those employees hired on or after Januar 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, 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

The Federal Fair Labor Standards Act applies to Companies with a sales volume of \$500,000.00 per year or more. Those employees that are in interstate commerce or in any process or

they work for the same employer. As such, during the first year of service, the employee will accrue a half (1/2) 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 (11/4) 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

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, minimur

vacation time and sick leave benefits established by these mandatory decrees will be

This requires the payment of wages in the legal tender of the United States of America,

Electronic transfer of funds directly to the checking or savings accounts

of the employees. Restrictions to the form of direct deposit and electronic

LAW NO. 17 OF APRIL 17, 1931, AS AMENDED, KNOWN AS THE WAGE

in periods not longer than fifteen (15) days and may be done through:

bank selected by the employee Delivery of the proof of deposit or transfer to the employee with all deductions authorized by law.

The bonus that any employee hired on or after January 26, 2017 must receive, under

Generally, employees must give 30-days' advance notice of the need employer's usual procedures.

> informing an employer that the employee is or will be unable to perform his or her job functions, that a family member cannot perform daily activities, or that hospitalization or continuing medical treatment is information is required.

Employers must notify its employees if leave will be designated as FMLA leave, and if so, how much leave will be designated as FMLA leave. Employees may file a complaint with the U.S. Department of Labor, Wage

policy against sexual harassment in the workplace. Implement all necessary means aimed at creating awareness and make the ban on sexual harassment in the workplace widely known. Sufficiently publicize the rights and protection conferred by law banning sexual harassment for the benefit of employment candidates. Establish adequate and effective internal procedures to deal with sexual

Commonwealth of Puerto Rico, in activities such as recruitment, promotion, suspension or termination; in wages, training, benefits and other aspects PREVENTATIVE ACTION:

> As a delegate agency of the federal "Equal Employment Opportunity Commission" the Anti-Discrimination Unit receives claims under other

provisions of federal laws that prohibit discrimination in employment and

that establish shorter jurisdictional terms for filing a complaint.

will be notified. The complainant will be notified of his/her right to request a review of this determination by the Secretary of Labor and If it is determined that the accused has committed or is committing one