

Puerto Rico House Seeks Injunction on Court Decision Striking Down 2022 Labor Reform

By Sara E. Colón-Acevedo & José L. Maymí-González

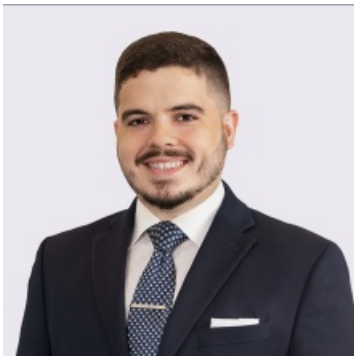
March 21, 2023

Meet the Authors



Sara E. Colón-Acevedo

Principal
(787) 522-7310
Sara.Colon-
Acevedo@jacksonlewis.com



**José L. Maymí-
González**

Associate
787-522-7317
Jose.Maymi-
Gonzalez@jacksonlewis.com

Related Services

Employee Benefits
Labor Relations
National Compliance and
Multi-State Solutions
Wage and Hour

The struggle to provide certainty on employment issues to the private sector in Puerto Rico is not over. The Speaker of the Puerto Rico House of Representatives is seeking an injunction to stay the district court decision declaring null and void the controversial 2022 labor reform, Act 41-2022.

Signed in June 2022, Act 41-2022 introduced changes to the statutory probationary period, vacation and sick leave accrual, and the way the annual Christmas Bonus is accumulated, among other requirements.

The federal court overseeing the Puerto Rico bankruptcy-like procedures had ruled that Act 41-2022 was null and void *ab initio*. *Financial Oversight and Management Board for Puerto Rico v. Pierluisi Urrutia*, No. 17 BK 3283-LTS (D. P.R. March 3, 2023). (For details on the decision and its consequences in the private employment sector, see our article, [Federal Court Strikes Down Amendments to Puerto Rico 2017 Employment Law Reform.](#))

Speaker Rafael Hernández-Montañez filed a motion on March 16, 2023, requesting an injunction to stay the federal court's decision pending appeal. If the motion is granted, Act 41-2022 would return as good law and become enforceable, once more leaving employers with a case of legal whiplash. Parties must respond to the speaker's motion by March 24. The speaker's request for injunction was filed just after Puerto Rico Governor Pedro Pierluisi-Urrutia filed a notice of appeal of the March 3 court decision.

In addition, members of the speaker's party have presented a bill in the Puerto Rico House of Representatives that would essentially revive the reform enacted under Act 41-2022.

Jackson Lewis attorneys are closely monitoring updates and changes to legal requirements and guidance and are available to help employers weed through the complexities.

If you have questions or need assistance, please reach out to the Jackson Lewis attorney with whom you regularly work.

©2023 Jackson Lewis P.C. This material is provided for informational purposes only. It is not intended to constitute legal advice nor does it create a client-lawyer relationship between Jackson Lewis and any recipient. Recipients should consult with counsel before taking any actions based on the information contained within this material. This material may be considered attorney advertising in some jurisdictions. Prior results do not guarantee a similar outcome.

Focused on labor and employment law since 1958, Jackson Lewis P.C.'s 1000+ attorneys located in major cities nationwide consistently identify and respond to new ways workplace law intersects business. We help employers develop proactive strategies, strong policies and business-oriented solutions to cultivate high-functioning workforces that are engaged, stable and diverse, and share our clients' goals to emphasize inclusivity and respect for the contribution of every employee. For more information, visit <https://www.jacksonlewis.com>.