

Puerto Rico Department of Labor Issues First Comprehensive Guidelines on Employment Laws

By Juan Felipe Santos & Tatiana Leal-González

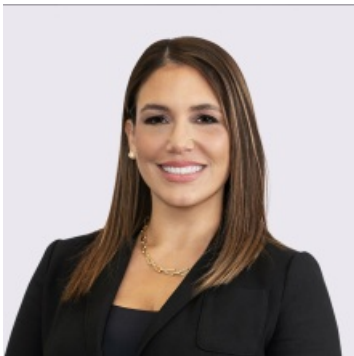
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The Secretary of the Puerto Rico Department of Labor (PR-DOL) issued the first edition of the “Guidelines for the Interpretation of Puerto Rico’s Employment Legislation” in an effort to provide guidance and a general overview of its position and interpretation of Puerto Rico’s employment statutes and regulations. Instead of having several publications by topic, the PR-DOL chose to compile in a single publication the interpretations that it has been carrying out for decades, as well as new ones.

The Guidelines, released on May 8, 2019, are focused mainly on the discussion, interpretation, and analysis of the changes introduced to the Puerto Rico’s employment legal system by Act 4-2017, known as the Labor Transformation and Flexibility Act of Puerto Rico. Thus, in the Guidelines one can find for the first time the position of the PR-DOL regarding several issues introduced by this legislation (*i.e.*, employment contract aspects, religious accommodation, vacation and sick leave, work schedules and overtime, probationary period, thorough discussion of just cause for dismissal of employment, and anti-discrimination laws, among others), as well as the compilation of several other opinions and regulatory documents published by the PR-DOL since the enactment of Act 4. The Guidelines are construed nearly in the same order as contained in Act 4.

The Guidelines are not intended to create any substantive nor procedural rights, as it serves only as a source of information for employers and employees to know their rights and obligations in a simple, fast, and effective manner. However, it would not be a surprise that courts use the Guidelines as persuasive authority to interpret Puerto Rico’s employment statutes and on issues of statutory construction.

Jackson Lewis attorneys are available to assist employers and answer inquiries regarding this and other workplace developments.

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