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## M E M O R A N D U M

TO : Clients and Friends

FROM : Labor and Employment Law Department of McConnell Valdés

RE : **Proposed Revision to Regulation 13 of the Puerto Rico Department of Labor**

DATE : January 24, 2005

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On January 21, 2005, the Puerto Rico Department of Labor ("PRDOL") published a notice announcing its Proposed Revision to Regulation 13, which defines the exemptions under local law for "Administrators," "Executives" and "Professionals."

The Proposed Revision seeks to conform Regulation 13 with the interpretations of the United States Department of Labor's ("DOL") exemption regulations for "white-collar" workers under the Fair Labor Standards Act ("FLSA") at 29 C.F.R. Part 541.

The Proposed Revision incorporates the minimum salary threshold of \$455 per week from the DOL regulations. This is a significant increase from the previous minimum salary threshold of \$295 per week under Regulation 13's current "short tests" for exemption. Likewise, the Proposed Revision eliminates the "long tests" for exemption as they were eliminated under the DOL regulations. It also incorporates a provision from the DOL regulations which allows deductions from an employee's weekly salary for unpaid leave under the Family and Medical Leave Act, without affecting the employee's salary basis.

The PRDOL has scheduled a public hearing for March 23, 2005, to discuss the Proposed Revision and entertain the comments or arguments submitted by interested parties. Such comments or arguments regarding the Proposed Revision may also be submitted to the Department of Labor by mail or electronic correspondence.

If you have any questions, wish additional information regarding this matter, or require assistance in submitting comments to the Proposed Revision, please contact any of the attorneys at the Labor and Employment Law Department of McConnell Valdés.

**McV LABOR AND EMPLOYMENT LAW DEPARTMENT**

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