

# McCONNELL VALDÉS

PO BOX 364225, SAN JUAN, PUERTO RICO 00936-4225

TELEPHONE (787) 759-9292 • FAX (787) 759-9225

<http://www.mcvpr.com>

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

TO : Clients and Friends

FROM : Labor and Employment Law Department of McConnell Valdés

RE : **Act No. 355 of 2004 / Amendment to Puerto Rico Disability  
Discrimination Statute**

DATE : October 15, 2004

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On September 16, 2004, the Governor signed Act No. 355 of 2004. This Act amends Act No. 44 of July 2, 1985, which prohibits discrimination against and requires reasonable accommodation for individuals with disabilities, among other things. Act No. 355 provides that the courts and administrative agencies of the government of Puerto Rico must interpret liberally the statutes related to the rights of disabled individuals.

Moreover, the Act forbids the use as legal precedent of federal case law and decisions from federal administrative agencies that have interpreted the Americans with Disabilities Act ("ADA") restrictively against the interests of disabled individuals. Prior to the enactment of Act No. 355, local courts had relied almost exclusively on federal case law interpreting the ADA when resolving claims under Act No. 44. Inasmuch as Act No. 355 does not explain what constitutes a restrictive interpretation of the ADA, local courts will now have to determine whether such decisions are restrictive and, if so, refrain from using them as legal precedent in cases under Act No. 44.

If you have any questions, or wish additional information regarding these matters, 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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ATTORNEY NAME	PHONE NUMBER	FAX NUMBER	E-MAIL
Jorge Antongiorgi	(787) 250-5659	(787) 759-2740	jab@mcvpr.com
María Antongiorgi	(787) 250-2624	(787) 759-2741	maj@mcvpr.com
José I. Ayala Santana	(787) 250-5617	(787) 759-2752	ja@mcvpr.com
Juan M. Casellas	(787) 250-5680	(787) 759-2743	jmc@mcvpr.com
Francisco Chévere	(787) 250-5615	(787) 759-2744	fc@mcvpr.com
Maggie Correa Avilés	(787) 250-5621	(787) 759-2745	mc@mcvpr.com
Iraida Diez	(787) 250-5817	(787) 759-2746	id@mcvpr.com
Agustín Fortuño-Fas	(787) 250-5631	(787) 759-2748	aff@mcvpr.com
Chloé S. Georas	(787) 250-5643	(787) 759-2707	csg@mcvpr.com
Alfredo M. Hopgood-Jovet	(787) 250-5689	(787) 759-2750	ah@mcvpr.com
Aníbal Irizarry	(787) 250-5646	(787) 759-2751	ai@mcvpr.com
Rica López de Alós	(787) 250-2632	(787) 759-2753	rla@mcvpr.com
Elaine Maldonado Matías	(787) 250-5670	(787) 759-2754	emm@mcvpr.com
Patricia M. Marvez	(787) 250-2636	(787) 759-2765	pm@mcvpr.com
Anita Montaner	(787) 250-5652	(787) 759-2756	ams@mcvpr.com
Karen Morales	(787) 250-3607	(787) 759-2757	kmr@mcvpr.com
Sandra L. Negrón Monge	(787) 250-2638	(787) 759-2759	sln@mcvpr.com
James D. Noël III	(787) 250-5673	(787) 759-2760	jdn@mcvpr.com
José A.B. Nolla	(787) 250-2613	(787) 759-2761	jan@mcvpr.com
Luis E. Palou Balsa	(787) 250-5671	(787) 759-2762	lpb@mcvpr.com
Miguel Palou Sabater	(787) 250-5686	(787) 759-2763	mps@mcvpr.com
Miguel A. Rivera Arce	(787) 250-5634	(787) 759-2717	mar@mcvpr.com
Javier Rivera Carbone	(787) 250-5619	(787) 759-2767	jrc@mcvpr.com
Rafael Rodríguez Nevárez	(787) 250-5610	(787) 759-2727	rrn@mcvpr.com
Juan Felipe Santos	(787) 250-5627	(787) 759-2795	jfs@mcvpr.com
Pedro J. Torres Díaz	(787) 250-2634	(787) 759-2768	pjt@mcvpr.com
Radamés (Rudy) A. Torruella	(787) 250-5679	(787) 759-2769	rat@mcvpr.com
Francisco A. Vargas López	(787) 250-2639	(787) 759-2773	fv@mcvpr.com

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