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## LABOR & EMPLOYMENT LAW ALERT

### ***Recent Legislation Affecting the Labor & Employment Law Area***

#### *Governor Fortuño Signs Senate Bill 2160 into Law Extending Protections of Act No. 100 to Military Status*

On September 13, 2012, Governor Luis Fortuño signed Senate Bill 2160 into law enacting Act No. 232 of 2012 ("Act No. 232").

Act No. 232 affords the protections against employment discrimination available under PR Act No. 100 of June 30, 1959, as amended ("Act No. 100") to employees based on their military status. This includes current, former, retired, and "ex-military" personnel as well as veterans. The protections of Act No. 232 extend to those employees who serve or previously served in the United States Army, Marine Corps, Navy, Air Force, Coast Guard, Public Health Service Commissioned Corps, and the National Oceanic and Atmospheric Administration Commissioned Corps as well as in the Military Reserves and National Guard. "Ex-military" refers specifically to those that served honorably in the military.

With this latest amendment to Act No. 100, employers may not discriminate against employees in relation to their salary, terms and conditions of employment, and privileges of employment based on their military status. Further, employers may not refuse to hire or re-hire a person, otherwise deny them employment opportunities, or affect their employment status based on the employee's military status. Additionally, employers may not publish advertisements denying job opportunities based on military status. Lastly, employers may not fail to train or re-train an employee based on his/her military status.

Employers who violate Act No. 232 are liable for double damages caused to the employee. Employers violating this Act also commit a misdemeanor punishable by no more than 90 days of imprisonment or a fine no greater than \$5,000, at the Court's discretion.

#### *Governor Fortuño vetoes Senate Bill 2381 Proposing Income Tax Exemption for Severance Indemnity Payments*

Last week, Governor Fortuño vetoed Senate Bill 2381. As explained in a previous McV Alert, Senate Bill 2381 proposed amendments to the Puerto Rico Internal Revenue Code making payments for separation indemnity under PR Act No. 80 of 1976 for wrongful termination exempt from income tax. For more information regarding this Bill, please refer to our [June 29, 2012 Alert](#).

If you have any questions or comments, or wish additional information regarding the above matters, please contact any of the following attorneys:

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