

## New Law Provides Employees Additional Paid Leave

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### PRACTICE AREAS

- Labor & Employment
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### An McV Labor & Employment Law Alert

April 14, 2020

On April 9, 2020, the Governor of Puerto Rico signed into law the first local measure aimed to assist employees in the private sector during the coronavirus pandemic. Act No. 37-2020 provides non-exempt employees with a special emergency paid leave of five (5) working days during a public health emergency, as declared by the Governor of Puerto Rico or the Secretary of the Puerto Rico Department of Health.

Act No. 37-2020, which amends the Puerto Rico Minimum Wage, Vacation and Sick Leave Act, provides that any non-exempt employee who suffers or suspects that he/she suffers the health condition that provoked the State of Emergency will be able to use all other available and accrued leaves, after exhausting his/her accrued sick leave. If after exhausting all other available and accrued leaves the employee has not recovered from the health condition and continues to be unable to return to work, the employee will be entitled to an additional special emergency paid leave of up to five (5) working days.

Employers may not consider the use of justified sick leave or the special emergency leave as criteria during the performance evaluation process or to take disciplinary measures such as suspension or termination of employment.

Act No 37-2020 is effective immediately.

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