

Important Developments in Labor & Employment Laws

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An McV Labor & Employment Law Alert

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The following are important new developments related to Labor & Employment laws in Puerto Rico:

- **Immigration: New Version of Form I-9 Becomes Mandatory May 1, 2020**

The U.S. Citizenship and Immigration Services (USCIS) recently published a new version of Form I-9, dated 10/21/19, which will become mandatory starting on May 1, 2020. However, the USCIS recommends employers to begin using the new version immediately. A revised Spanish version of Form I-9 is also available for use in Puerto Rico only. The changes in the new version of Form I-9 are visible only when completing the electronic format. These changes include, among others: clarification on who can act as an authorized representative of an employer, and clarification that the Employment Authorization Document (EAD Form I-766) issued to certain foreign workers is a List A document (and not a List C document).

Employers should start using the new Form I-9 immediately. This is also a good time to preventively inspect your I-9 forms for compliance with USCIS requirements. Remember that penalties for technical and substantive violations range from \$230 to \$2,292 per violation!

- **Puerto Rico Department of Labor: New Regulation Issued Implements Salary Equity Program**

On February 13, 2020 the P.R. Department of Labor issued Regulation 9162 to establish and administer a Salary Equity Program, which purpose is to promote equal pay for equal work, pursuant to the mandate of P.R. Act 16 -2017, also known as the Equal Pay Act.

Regulation 9162 establishes a procedure for employers to participate in the Salary Equity Program, and to obtain a Certificate of Compliance with Equal Pay (“Certificate”) that will be valid for three (3) years.

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Employer participation in the Salary Equity Program and petition for the Certificate is voluntary. However, obtaining a Certificate serves to prevent or limit an employer's responsibility under the P.R. Equal Pay Act. Also, P.R. government contractors who want to enlist in the P.R. Bidders' Registry may use the Certificate to evidence their compliance with the equal pay requirements in P.R. Act No. 16-2017.

To apply for a Certificate employers must disclose to the P.R. DOL salary data, classification plans, job descriptions, ratios of women vs. men employees, bonus plans, benefits policies, evaluation policies, practices and other related information that will be evaluated by a Committee on Salary Equity. Regulation 9162 provides that the employer information will be deemed confidential, and will not be referred to or shared with other components of the P.R. DOL. If a Certificate is issued to the employer, the P.R. DOL will publish it in a virtual Registry.

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