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PUERTO RICO IMPLEMENTS DOMESTIC VIOLENCE LEAVE FOR EMPLOYEES

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Effective Aug. 1, employers in Puerto Rico must allow up to 15 days of "special leave" per year for situations arising from violent acts against an employee or a spouse, child, parent, or another minor, elderly person or person with a disability in the employee's care. The new law — [2019 PR Laws 83](#) (Spanish) — specifically permits special leave for domestic violence, sexual harassment and assault, lewd acts, stalking, and child abuse.

HIGHLIGHTS

- Employees can use special leave to deal with specific issues that victims of violence could face, such as handling legal issues, obtaining medical care and finding accommodations.
- Unused special leave does not carry over to the next year.
- Employees must give the employer at least two business days' written notice of plans to take special leave. In emergencies, employees must notify the employer within two days of the first leave day used. Other individuals, such as lawyers or religious leaders, may give notice on an employee's behalf.
- Employers can ask employees to provide proof as to how and when they used the leave within two days after the absence has ended. Examples of proof includes police reports, court orders, court attendance certificates, and documentation provided by lawyers and social workers. Employers must maintain the confidentiality of an employee's need for special leave.
- Employees can take intermittent leave, request reasonable accommodation or seek flexible work arrangements, including changes to the work location, job duties or work schedule. Employers can only refuse these requests if the accommodation is unreasonable after considering all other options.
- Employers must keep an employee's job open during special leave and take no retaliatory action against the employee (including on performance appraisals).

- Employers that fail to keep an employee's job open during leave must pay any salary due and could be liable for damages. Employers also face fines of up to \$5,000 for breaches of the law.

RELATED RESOURCES

- [2019 PR Laws 83](#) (Spanish) (Puerto Rico Government, Aug. 19, 2019)

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