

Three Important Developments: Labor & Employment Law

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An McV Labor & Employment Law Alert

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P.R. Act 61 of August 1, 2017 now requires all businesses and employers that register as government service providers to certify they have an equal pay policy and have begun a self-evaluation of their compensation practice

Any person, corporation or employer interested in engaging in business with the Government of Puerto Rico must be registered in the Bidders Registry, and comply with a series of requirements. P.R. Act 61-2017 amends the General Services Administration's 2011 Reorganization Plan to establish additional requirements.

To be registered in the Bidders Registry, the bidder or potential bidder must certify and demonstrate that it has an equal pay policy in place and that it has at least begun a self-evaluation of its compensation practices through which it has achieved reasonable progress to eradicate salary inequality based on sex, in comparable jobs.

P.R. Act 61-2017 became effective immediately. However, bidders and potential bidders will have one year (until July 31, 2018) to adopt an equal pay policy and conduct a self-evaluation or audit of their compensation practices.

The P.R. Department of Labor issues a Uniform Guide for the Self Evaluation of Equal Pay in the Workplace

On August 10, 2017, the P.R. DOL approved a Uniform Guide for the Self Evaluation of Equal Pay in the Workplace ("Guide"), to instruct employers on how to conduct the self evaluation or audit required by P.R. Act 61-2017, and recommended by P.R. Act 16-2017, the P.R. Equal Pay Act (*see our* McV Alert.)

The purpose of the Guide is to aid employers in complying with their duty to have nondiscriminatory compensation practices in place. The Guide does not create substantive or procedural rights, nor does it impose specific obligations. It provides guidance regarding what employers should review during their self-audits under P.R. Act 16-2017 and P.R. Act 61-2017. The Guide recommends revising employers' practices regarding recruitment, job classification plans,

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salary determination, productivity bonus, and employee handbooks and manuals which should include equal pay and salary transparency policies, non-retaliation provisions and an internal mechanism for employees to channel questions on compensation and equal pay claims.

The USCIS issues revised Form I-9 (“Employment Eligibility Verification”)

On July 17, 2017, the United States Citizenship and Immigration Services released a revised version of Form I-9. Employers may continue using the version revised on November 14, 2016 until September 17, 2017. However, no later than September 18, 2017, employers must use the revised form with revision date of July 17, 2017. You may find the revised version in: <https://www.uscis.gov/i-9>

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