

New Special Leave Law for Employees with Serious Catastrophic Illnesses

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On January 31, 2018, Governor Ricardo Rosselló signed the “Special Leave for Employees with Serious Catastrophic Illnesses Act” to provide a special paid leave of six (6) additional days per year for both public and private sector employees, who suffer any of the following catastrophic illnesses: AIDS, tuberculosis, leprosy, lupus, cystic fibrosis, cancer, hemophilia, aplastic anemia, rheumatoid arthritis, autism, post organ transplant, scleroderma, multiple sclerosis, amyotrophic lateral sclerosis (ALS), and chronic renal disease, stages 3, 4 and 5.

To be eligible for this special leave, an employee must have worked for the same employer for more than twelve (12) months and must have worked an average of at least 130 hours per month during said period. This special leave is to be used after an employee has exhausted all her or his accrued sick leave under P.R. Act 180-1998, as amended. It may not be transferred or rolled over to the following year, and it will not be cashed-out upon an employee’s termination of employment.

Employers may not consider an employee’s use of this special leave to issue unfavorable evaluations or to take adverse actions against an employee, such as reducing his or her workday, reclassifying the employee to a new position or changing his or her work shift.

Employers who fail to comply with this Act, or interfere with the enjoyment of this special leave, are subject to an administrative fine of up to \$2,000.00.

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