

Puerto Rico Senate Considers Unpaid Emergency Leave for Pandemic Illness

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Following the outbreak of the Coronavirus (COVID-19) and the World Health Organization's declaration of a pandemic, on March 12, 2020, the Puerto Rico House of Representatives approved House Bill 2428 to establish a new unpaid emergency leave of 20 days for employees with a suspected or actual diagnosis of a pandemic illness.

HB 2428 seeks to amend Puerto Rico Law 180-1998, which establishes paid sick and vacation leave benefits to some private sector employees, excluding employees classified as executives, administrators, and professionals, among others.

If HB 2428 is enacted, employees who are sick or suspected of being sick as a result of a pandemic illness during a state of emergency declared by the Governor of Puerto Rico, or the Secretary of the Department of Health, must first use any accrued sick leave. Once accrued sick leave is exhausted, employees may use accrued vacation leave to receive pay during any absence. Should the employee need additional leave, HB 2428 provides an unpaid emergency leave of 20 working days. Under the bill, employers may allow employees to use the unpaid emergency leave before using accrued vacation leave.

HB 2428 is before the Puerto Rico Senate for consideration. We are monitoring its progress and will update you on any developments. In the meantime, if you have questions about how to handle employment issues related to the COVID-19 pandemic, please contact a Jackson Lewis attorney.

To better support clients as they respond to this challenging public health issue, Jackson Lewis has established a dedicated [COVID-19 Task Force](#) that is continually assessing risks, preparing employee communications, and providing practical advice on the compliance issues flowing from Coronavirus [workplace concerns](#) and the [travel restrictions and new facts](#) we are continuing to learn about COVID-19.

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