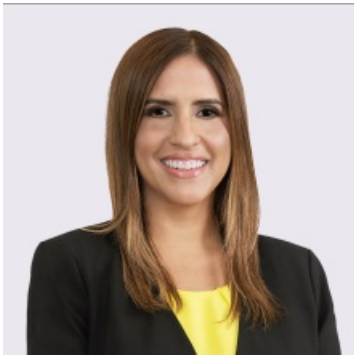


# New Puerto Rico Law Grants Workers Registered as Informal Caregivers Additional Rights

By Ana B. Rosado-Frontanés & José L. Maymí-González

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## Meet the Authors

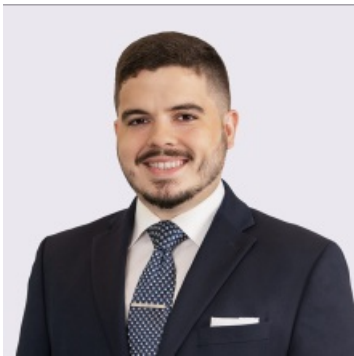


**Ana B. Rosado-Frontanés**

Of Counsel

787-522-7314

Ana.Rosado@jacksonlewis.com



**José L. Maymí-González**

Associate

787-522-7317

Jose.Maymi-

Gonzalez@jacksonlewis.com

## Related Services

Wage and Hour

Puerto Rico's Informal Care Public Policy Act (ICPPA) amends the Puerto Rico Working Hours and Days Act to establish new rights and protections for individuals duly certified as "informal caregivers."

The ICPPA took effect immediately upon Governor Pedro R. Pierluisi's signing it into law on August 8, 2023.

### Puerto Rico Working Hours and Days Act

The Puerto Rico Working Hours and Days Act (Article 8 of P.R. Act 379 of May 15, 1948) allows qualified employees to submit written requests for changes to their schedule, amount of assigned work hours, or the location of their work. (Written requests must specify the change being requested, its reasoning, the effective date, and duration of the change.) To be eligible, the employee must regularly work at least 30 hours per week and have been employed by the employer for at least a year.

After receiving a request, the employer has a 20-day term to respond. The response must be in writing if the employer has more than 15 employees. If the employer meets with the employee, then that term can be extended by 14 days from the date of the meeting.

The employer may grant the employee's request under the terms and conditions that it deems appropriate. If the request is denied, the employer must provide its reasoning and any alternative to the request.

Under Act 379, the employer must prioritize requests submitted by heads of households with custody or sole custody of underage children.

### ICPPA

With the amendments to Act 379 introduced by the ICPPA, employers must also prioritize requests for changes in work schedules of informal caregivers. In addition, to request a schedule change, informal caregivers are not required to have regularly worked at least 30 hours per week nor have been employed by the employer for at least a year.

To be eligible for these additional protections, the employee must be duly certified by the P.R. Department of Family and be registered in the Department's Informal Caregiver Registry.

An "informal caregiver" is defined in the ICPPA as a natural person, conservator, or person in charge of assisting or supporting a "recipient of care" (a senior adult 60 years or older with prolonged care needs, a person with a disability, or a person with developmental deficiencies) in one or more daily essential activities without receiving compensation for it. An informal caregiver may be a family member, partner, friend, neighbor, or any other person who has a significant relationship with the recipient of care.

The term “informal caregiver” does not apply to parents or legal guardians who take care of a minor whose needs coincide with those normally associated with the minor’s current development stage.

Jackson Lewis attorneys are closely monitoring updates and changes to legal requirements and guidance and are available to help employers weed through the complexities.

If you have questions or need assistance, please reach out to the Jackson Lewis attorney with whom you regularly work.

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