

■ PUERTO RICO MINIMUM WAGE, VACATION AND SICK LEAVE ACT

TERMS:

Minimum Wage — The minimum wage set by the U.S. Congress under the Fair Labor Standards Act (FLSA) applies to workers in Puerto Rico, subject to the same exemptions, exclusions and exceptions. The current minimum wage is \$7.25 an hour.

Workers Covered by FLSA — Farmworkers are entitled to the \$7.25 minimum wage only if they work for an agricultural establishment that used more than 500 worker-days of agricultural labor during any calendar quarter of the preceding calendar year (for example, 50 workers employed for 10 days, 20 workers employed for 25 days, or any other such combination).

Workers Not Covered by FLSA — Farmworkers who are employed by an agricultural establishment that does not meet the 500 worker-day test described above must generally be paid no less than 70 percent of the current minimum wage, or \$5.08 an hour.

Vacation and Sick Leave —

Workers Covered by FLSA — Farmworkers employed by an agricultural establishment that used more than 500 worker-days of agricultural labor during any calendar quarter of the preceding calendar year are generally entitled to accrue vacation and sick leave, provided they work no less than 130 hours a month. Vacation leave accrues at a rate of 1/2 day per month during the first year of employment, 3/4 day per month from the second through the fifth year, 1 day per month from the sixth through the 15th year, and 1 1/4 days each month thereafter. Sick leave accrues at a rate of one day each month.

Exception — In the case of employers who are residents of Puerto Rico and who employ no more than 12 workers, vacation leave accrues at the rate of 1/2 day per month for as long as the employer's workforce does not exceed 12 employees.

Workers Not Covered by FLSA — Farmworkers who are employed by an agricultural establishment that does not meet the 500 worker-day test described above are not entitled to accrue vacation and sick leave.

ENFORCEMENT: *Bureau of Labor Standards, Puerto Rico Department of Labor and Human Resources, Hato Rey, Puerto Rico 00918 (787-754-2100).* A worker who does not receive the required minimum wage, or is not credited with vacation or sick leave as required, may file a claim with the Department.

A worker has the option of collecting unpaid minimum wages by taking legal action against the employer in civil court, using a private attorney or a public legal service provider. Such an action must be initiated within one year after the unpaid wages were due.

SPECIAL NOTE: The summary above includes certain changes in the law brought about by the Labor Transformation and Flexibility Act. Some of the changes apply only to workers hired after the new law went into effect, on January 26, 2017, but workers hired before that date generally are entitled to the same rights and benefits that applied to them before.

SPECIAL NOTE: The minimum wage rates indicated above may be effectively preempted by Puerto Rico's "guaranteed income," described in the next entry. Where the guaranteed income is higher than the minimum wage, the farm operator pays the guaranteed income to the worker and the government reimburses the employer for the difference between the guaranteed income and the minimum wage.