



Government of Puerto Rico
DEPARTMENT OF LABOR AND HUMAN RESOURCES

July 19, 2000

Re: Inquiry No. 14786

This is in reference to your inquiry pertaining to vacation and sick leave benefits under the labor laws enforced by this Department. Your specific inquiry is the following:

I will [sic] like to know which are the local laws that governs [sic] in Puerto Rico regarding the vacation and sick leave days. I worked for an [A]merican company based in California and I am pueritorican [sic] living and working the entire year in Puerto Rico. For the past seven years they only let me take first year 5 days vacation and after the second year until now 10 days. I learned from other people that the law here is 15 days.

I will [sic] like to received [sic] in writing your opinion and which penalties if any my employer will have to paid [sic] to me for not accomplished [sic] with the law for so many years. Please your opinion should be in [E]nglish so I can sent [sic] it to the office for their cosideration [sic].

Vacation and sick leave benefits in Puerto Rico are governed by either a specific Mandatory Decree or by Act No. 180 of July 27, 1998, known as the Puerto Rico Minimum Wage, Vacation and Sick Leave Law, depending on the industry in which you are employed. Some mandatory decrees provide annual benefits as high as 18 days vacation and 18 days sick leave. Such higher benefits are guaranteed by law to employees hired prior to August 1, 1995 in industries covered by such mandatory decrees. On the other hand, employees in such industries hired since August 1, 1995 are entitled only to the benefits provided under Act No. 180, *supra*, i.e., 15 days vacation and 12 days sick leave per year, provided they work at least 115 hours per month.

At the opposite extreme, some industries are covered by mandatory decrees that provide no vacation or sick leave benefits whatsoever. Unfortunately, your letter contains no information that could enable us to determine the mandatory decree applicable to your company's operations. Should an employer fail to comply with this provision by not granting an employee the vacation benefits to which he or she is entitled, Article 6(h) of Act No. 180, *supra*, provides the following:

By agreement between the employer and the employee, up to a maximum of two (2) years of vacation leave may be accrued. An employer who does not grant the vacation leave after this maximum has been reached must grant the total amount accrued up to that point, and must also pay the employee double the salary corresponding to the period in excess of such maximum.

We trust the foregoing information will prove helpful to you.

Cordially,

A handwritten signature in black ink, appearing to read 'María C. Marina Durán', with a long horizontal flourish extending to the right.

María C. Marina Durán
Solicitor of Labor