



ESTADO LIBRE ASOCIADO DE PUERTO RICO
DEPARTAMENTO DEL TRABAJO Y RECURSOS HUMANOS
Oficina de la Procuradora del Trabajo

Lcda. María M. Crespo González
Procuradora del Trabajo

June 3, 2002

Re: Consultation Number 15019

We are responding to your letter of May 21, 2002, that reads like follow:

"Our company's manufacturing operation is in the production of cable assemblies consisting of wire and connectors for the electronic industry, production of kits of fasteners, and electronic components and assemblies to customer specifications. We are told that Mandatory Decree No. 81, which is applicable to the metal, machinery, electrical products, instruments and related products industry and related products industry, would be the Decree that Century Fasteners of P.R. Corporation should follow. Is the correct? If not, which decree are we subject to?

If this correct, when calculating vacation/sick leave for our employees, do we follow Mandatory Decree No. 81 superceded by Law 180? If Decree 81 was superceded by Law 180, what was the effective date? Would all of our employees be subject to Law 180 on the effective date or would they be subject to Law 180 depending on their hire date or position in the company? Century Fasteners of



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June 3, 2002

Mrs. Carmen Vega-Ingram
Human Resources Manager
Century Fasteners de Puerto Rico
114 El Tuque Industrial Park
Ponce, PR 00731-7600
Via Facsimile: (787) 898-4809

Re: Consultation Number 15019

Dear Mrs. Vega:

We are responding to your letter of May 21, 2002, that reads like follow:

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P.R. Corp. has several employees who were hired on different dates and we want to make sure that we are complying with the laws of Puerto Rico. . .”

You request to this Office that give an opinion related of what Mandatory Decree must applies to your company. Like you said, your company work in the “production of cable assemblies consisting of wire and connectors for the electronic industry, production of kits of fasteners, and electronic components and assemblies to customer specifications”, by that information, we understand that is correct the Mandatory Decree Number 81 is the one that must applies to your company.

At the time to calculate “vacation/sick leave” for your employees, you must use the Law Num. 180 of July 28, 1998, known by “Minimum Salary, Vacations and Sick Leave Act of Puerto Rico”. This Law intent unifies the vacation and sick days, which accumulates to all the employees.

The Article 5 of the Law Num. 180 establish that all employees who was covered at August 1, 1995, by a Mandatory Decree, which states the monthly accumulation rate for vacations and sick superiors to what this Law establish, or have the right to accumulate of this benefits with less working hours that this Law said, will be enjoy of these benefits under the same terms that exist before August 1, 1995.

By the other hand, if the Mandatory Decree Num. 81 has accumulation rates lesser than this Law Num. 180 establish, will be subject to this Mandatory Decree.


You, also, asked about if the Law Num. 180 superceded the Mandatory Decree Num. 80, and if it is, what was the effective date. The Law Num. 180 intents regulate by uniform manner, the “vacations and sick days” for all private workers, to who applied the Mandatory Decrees, in Puerto Rico. At the same time, protects the higher benefits of Mandatory Decrees that enjoy all the employees, which were contracted before of this Law Num. 180 was empowered.

This Law was effective immediately. But, also this law establishes the difference of the employees that were working before of August 1, 1995 and the employees that were not working before of this time. This date is very important to determine if applies the Law Num. 180, or the Mandatory Decree Num. 81 to calculate sick or vacation days.

In resume, Mandatory Decree Num. 81 will not apply to all employees. Only apply to those employees who work to the same employer before August 1, 1995 and the Mandatory Decree have granted more benefits that Law Num. 180.

We hope that the information mentioned above, can help you to answer your questions.

Cordially,



María M. Crespo-González, Esq.
Solicitor of Work

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We hope that the information mentioned above, can help you to answer your questions.

Cordially,


María M. Crespo-González, Esq.
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