



ESTADO LIBRE ASOCIADO DE PUERTO RICO
DEPARTAMENTO DEL TRABAJO Y RECURSOS HUMANOS
Oficina del Procurador del Trabajo

Hon. Román M. Velasco González
Secretario

April 24, de 2007

Opinion No. 15545

We acknowledge receipt of your of your communication wherein you requested information of any Puerto Rico law that states for holding a position if the worker already exhausted his Family and Medical Leave Act and hasn't return to work. Your letter read as follows:

"I am an HR manager for Behr Process and we have a part-time team member that has exhausted his FMLA time but is not ready to return to work.

Would you please let me know what local PR law states for holding the position and for what length of time? I would like to mail a letter to him and call him so he understands his rights, but I need to understand them as well. He is out for depression.

I tried to call the number listed on the DOL website, but it wont' go through. If you could e-mail me the information, fax, or call me, I would really appreciate it."

The Family and Medical Leave Act in Puerto Rico is administrated by the U.S. Department of Labor, Puerto Rico Wage and Hour Division.

Should you have any questions regarding this Act please contact:

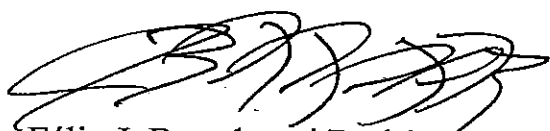
Sr. David Heffelginger
Director
U.S. Department of Labor
Wage and Hour Division
San Patricio Office Center
Suite 402
Calle Tabonuco Núm. 7
Guaynabo, PR 00968
Tel. (787) 775-1947

Also, in Puerto Rico are various acts that establish a temporary benefit plans for the workers. For example, Act Number 139 approved in June 26, 1968, amended; establish a benefit plan for the temporary disability to substitute the loss of wages as a result of disability due to illness or accident not connected with the employment. If you want more information regarding this plan please contact (787) 754-2142 or 2143.

Likewise, if the condition of the worker is related to his work he could be protected by the Section 5(a) of Act Number 45 of April 18, 1935, amended; he will have a one year of reserve employment. Should you have any questions regarding this Act you can access the English version at: www.cfse.gov.pr or call Normas del Trabajo Office (Puerto Rico State Wage and Hour Division) at (787) 754-2100-2106.

We trust this information will satisfy your needs. Should you have any questions on the foregoing, please do not hesitate to contact me at your convenience.

Sincerely,



Félix J. Bartolomei Rodríguez
Solicitor of Labor