



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

Hon. Román M. Velasco González  
Secretario

February 6, 2008

**Opinion Number 15621**

We acknowledge receipt of your communication wherein you requested information if employers in Puerto Rico are allowed to deduct monies from an employee's wages to correct payroll error which resulted in the employee being overpaid and also, if it is required to pay for some minimum amount for calling in an employee and then sending them home when there is no work.

In Puerto Rico, Act Number 17 of April 17, 1931, as amended, also known as *Payment of Wages* (29 L.P.R.A. § 171 et seq.) prohibits any deduction of the salary except in the cases provided in section 175. Some of these exemptions are deductions of sum for the purchase of savings bonds issued by the Government of the United States or the Union, among others. In this case, employer shall ask for the reimbursement of the money overpaid but cannot deduct from the employee salary.

In regards of your second question, in the Construction Industry there is a Guarantee of Minimum Daily Compensation in cases of heavy rain, floods,

surfs, fire or earthquakes which may hinder his work and the employee shall be entitled to receive the salary corresponding to four hours of work, if for any cause beyond his control, any of the following situations occurs: (a) his employer fails to notify the employee at or before the end of his previous work period not to report to work the next day and the employee reports to duty at the usual time and site of work; or (b) his work is suspended before the lapse of the first four hours. In any one of the said situations, the employer may keep the employee during the said four hours either waiting for the opportunity to resume his work or performing another task similar to the one he has been doing.

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