

● HOUR LAWS

STATUTORY CITATION: 29 Laws P.R. Ann. §§ 271 – 299

GENERAL SUMMARY: Chapter 13 of the labor statutes governs working hours and related pay conditions in Puerto Rico, including, in part, the length of the workday and workweek, overtime compensation, employee meal periods, days of rest, and employer posting and recordkeeping duties. These provisions apply generally to both agricultural and non-agricultural employment, without distinction.

SPECIFIC TERMS AND CONDITIONS

WORKING HOURS — In all workplaces, 8 hours constitute a legal workday and 40 hours a legal workweek.

OVERTIME PAY — In general, an employer who permits a worker to work more than 8 hours on any workday or more than 40 hours in any workweek generally must pay the worker no less than 1½ times the worker's regular rate of pay for each hour of overtime; as used here, the term "regular rate of pay" means the applicable wage under the minimum wage law or whatever higher rate the worker receives from the employer during regular hours, without regard to the guaranteed income underwritten by the Commonwealth of Puerto Rico.

Exception — Through a written agreement between the employee and the employer, an alternate weekly work schedule may be established that allows the employee to complete a workweek of up to 40 hours, with daily shifts that may not exceed 10 hours per work day. But if the employee works more than 10 hours in a workday, the extra hours must be paid at a rate of 1½ times the regular pay rate.

MEAL PERIODS — An employer may not require employees to work more than 5 consecutive hours without a meal break of at least one hour; an employer and an employee may agree, in writing, to meal periods of no less than 30 minutes. Any authorized work during a meal period must be compensated at 1½ times the worker's regular pay rate. The meal break does not apply to workers employed for no more than 6 hours on a given day.

DAY OF REST — Except for persons employed on a piecework basis, agricultural and most other workers are entitled to one day of rest for every 6 workdays. Any authorized work on the day of rest must be compensated at 1½ times the worker's regular pay rate.

POSTING — There must be a printed notice at each workplace specifying the length of the workday, as well as the start and end times of the workday and meal period. Moreover, in any agricultural establishment where persons are employed at differing hours during the week, the employer must post a notice stating the name of each worker and the worker's hours on each day of the week.

RECORDKEEPING — Every employer is required to make and preserve a record for each worker employed, showing the wages earned, the regular and overtime hours worked, and other prescribed information.

SPECIAL NOTES OR ADVISORIES

RECENT AMENDMENTS — The summary above reflects significant amendments enacted in the Puerto Rico Labor Transformation and Flexibility Act, a measure intended to address chronic troubles plaguing the economy of Puerto Rico. Some provisions of the Labor Transformation and Flexibility Act apply only to workers hired after the law went into effect, on January 26, 2017. In general, however, employees hired before that date are entitled to the same rights and benefits that applied to them before.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY — *Bureau of Labor Standards, Puerto Rico Department of Labor and Human Resources, Hato Rey, Puerto Rico 00918 (787-754-2100).* In response to a complaint by a worker or on the agency's own initiative, representatives of the Department may inspect the payroll records of any employer in Puerto Rico in order to determine compliance with the hour laws. The Department is authorized to investigate claims for unpaid overtime and may order payment of damages as part of any settlement where an employer is found to have unlawfully withheld compensation for regular or overtime hours. The law also permits criminal prosecution for any such violation.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY — *None.*

PRIVATE CIVIL ACTION — A worker who does not receive full pay for regular or overtime hours consistent with these provisions may recover the unpaid sum, plus an additional equal amount as liquidated damages, in a civil suit against the employer. A judgment in the worker's favor may also include court costs and attorney's fees.