

**PAID LEAVE FOR EMPLOYEES WORKING ON ELECTION DAY**

Private sector employers that choose to operate on Election Day must provide certain employees scheduled to work on that day paid time off during their scheduled work hours to exercise their right to vote.

With a few exceptions (such as Good Friday and Easter Sunday), private businesses may operate on days designated as holidays. The Puerto Rico Electoral Code of 2020, Act No. 58-2020 ("Electoral Code"), deems general election day a holiday. Consequently, employers may operate on Election Day during regular business hours or any special schedule the employer wishes to establish. If an employer operates during Election Day, it must compensate its non-exempt employees who work on that day at their regular hourly rate unless they exceed eight hours on Election Day, 40 hours on that week, or if the employee works during their day of rest (seventh consecutive workday).

Likewise, employers may choose to remain closed on Election Day. In that event, the employer will not have to compensate non-exempt employees for the hours they would have worked on that day unless provided in a collective bargaining agreement, an individual employment contract, or when the employer's holiday policy designates Election Day as a paid holiday.

Employers operating on Election Day are responsible for scheduling their employees' work shifts to allow any employee who did not vote before Election Day to visit and vote at their designated polling center. In the event of an unforeseen conflict between the work schedule notified to an employee and the employee's ability to visit and vote at their designated polling center, the employer must then grant the employee up to two hours with pay during their scheduled work shift to vote at their Polling Center. This special leave is in addition to and separate from any other leave to which the employee may be entitled, such as vacation leave.

An employer's failure to grant this paid leave violates the Electoral Code. It may be penalized with a fine of up to \$5,000, one-year imprisonment, or both penalties at the Court's discretion. Further, any affected employee may file a claim against their employer before the Puerto Rico Court of First Instance.

Election Day will be Tuesday, November 5, 2024, and the polling centers will be open from 9:00 a.m. to 5:00 p.m.

If you require additional information or have any questions, please contact us.

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