

Puerto Rico Senate Passes Reasonable Accommodation Bill for Certain Workers during COVID-19 Pandemic

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The Puerto Rico Senate has approved unanimously Senate Bill No. 1577 (SB 1577), which seeks to amend Section 9 of Puerto Rico Act No. 44 of July 2, 1985, known as the “Law Prohibiting Discrimination Against Disabled Persons,” to expand its protection and confer certain type of employees the right to a reasonable accommodation in the workplace during the COVID-19 pandemic. The House of Representatives is considering the bill.

SB 1577 would give employees the right to request a reasonable accommodation if the employee has a disease or health condition identified by the Centers for Disease Control and Prevention (CDC) or the Department of Health as one that increases the individual’s risk of becoming seriously ill or dying if they contract COVID-19.

Among covered employees are those over 65 years old, suffering from asthma, HIV, diabetes, chronic pulmonary disease, serious heart conditions, chronic kidney disease and undergoing dialysis, severe obesity, liver disease, or are immunocompromised.

SB 1577 establishes that a reasonable accommodation could include providing additional protective equipment (*i.e.*, gloves and masks), social distancing guarantees, and telework, among others.

If enacted, SB 1577 would also grant employees the right to request a reasonable accommodation if they are legal custodians of children under 14 years old while their school is closed because of the pandemic. Under this scenario, a reasonable accommodation could be to allow employees to telework, if possible.

SB 1577 provides that any reasonable accommodation granted will cease upon agreement between the employee and employer or when the pandemic has officially ended.

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