



Commonwealth of Puerto Rico
DEPARTMENT OF LABOR AND HUMAN RESOURCES

June 7, 2000

Re: Inquiry No. 14763

This is in reply to your inquiry addressed to the Hon. Aura L. González Ríos, Secretary of Labor and Human Resources. Secretary González has referred your letter to the Office of the Solicitor of Labor for review and response. Your specific inquiry is as follows:

An employer wishes to implement a policy whereby it would provide its employees with pay-stub information via computer as opposed to providing written statements. Pursuant to the employer's policy, each employee would have access only to their own pay information via their personal computer or computers which are centrally located at the office. Employees would also have the ability to print out their pay information and retain a copy for their files if they so desire. Please provide a written opinion as to whether an employer's policy of providing electronic pay statements via computer would violate the provisions of Puerto Rico Statute Section 171.

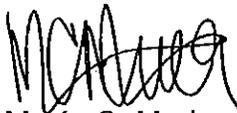
As you are aware, Act No. 17 of April 17, 1931, as amended, 29 LPRA § 171 et seq., regulates the payment of wages in Puerto Rico. The most recent amendment to the Act came through the enactment of Act No. 74 of June 30, 1995, which among other things authorized payment of wages through direct deposit or electronic funds transfer. Pursuant to Section 1 of the amended act, when wages are paid through direct deposit or EFT, the employer must provide each employee with a written statement of the wages paid and deductions made therefrom.

For purposes of this response, it will be assumed that the pay statements to be provided to the employees will contain all the information required by the applicable regulations, specifically at § 516.2, 29 CFR Part 516. In the instant case, there is no indication that the employees' wages are to be paid through either direct deposit or EFT. Nonetheless, the clear legislative intent underlying the 1995 amendments to the Act was to take into account

the widespread use of computer technology in today's workplace. That being the case, it is our opinion that an employer policy of providing electronic pay statements by means of a computer, to which employees have individual access and the option to print and retain a copy for their files, does not violate the spirit or the letter of Act No. 17, *supra*.

We trust the foregoing information is responsive to your inquiry.

Cordially,



María C. Marina Durán
Solicitor of Labor