Delaware State Postings



ELAWARE

TITLE 19 • Labor • General Provisions • CHAPTER 17.

WHISTLEBLOWERS' PROTECTION

§ 1701. Short title.

§ 1702. Definitions.

implied.

(3) "Person" means an individual, sole proprietoratip, partnership, ocrporation, association, or any other legal entity. (4) "Public body" means all of the following:

a. A state-wide selected citical, approx, department, division, bureau, board, commission, council, authority, or other body in the executive branch of state government or employer of them.

c or employee or them;
d. A law-enforcement agency or employee of that norcement agency; and e. A federal agency or yee of that federal agency.

where; or b. Materially inconsistent with, and a serious attion from, financial management or excounting darks from, financial management or excounting darks integlemently or surprise or a law, rule, or regulation regulated under the same or the Scale, a polytical season or this State, or the United States, to protect any lesses or this State, or the United States, to protect any the funder or season when the control of the employer. 14 Del. Lawne, c. 361, § 1,10

(1) Because the employee, or a person acting on behalf e employee, reports or is about to report to a public body e employee, reports or is about to report to a puests ways ally or in writing, a violation which the employee knows on about to occur, unless mployee knows or has reason to know that the report is

An employer may not do any of the following:

(3) Because an employee refuses to commit or assist in the commission of a violation, as defined in this chapter;

(74 Del. Laws, c. 361, § 1; 79 Del. Laws, c. 344, § 1; 83 Del. Laws, c. 488, § 1.)

Del. Lame, 4-48, § 1.)

§ 1704. Relief and damages.

III A person who ellowes a violation of this chapter may bring a roll extended required. A person who exposured in deciral relief and the second relief and the ellower of the alleged violation of this chapter.

§) An action commenced pursuant to subsection last or who extended relief and the extended relief and the section may be braight in Superior to cart it to subsect the section and the section may be braight in Superior to cart it to extend where the slegged violation occurred, the country where the person again when it is not complianted residence, the Country where the person again when it is not complianted residence, the Country where the person again when it is not complianted residence, the country where the person again when it is find residence in the time of the person again when it is not complianted residence, the country where the person again when the country when the country where the person again where the country when the

(c) As used in subsection (a) of this section, "damages" ears damages for injury or loss caused by each violation this chapter.

This chapter shall not be construed to diminish or impair the rights of a person under any collective bargaining agreement. (74 Del. Laws, c. 361, § 1.)

WAGE THEFT

. Employ an individual without reporting the individual's employment to all appropriate

Fail to properly withhold state and federal taxes from an employee. Fail to forward money withheld from an employee's wages to the appropriate state or federal agency within 7 days of the applicable pay period.

government agencies and paying all applicable taxes and fees for the individua

Pay an employee wages that are less than the minimum wage established under state and federal law for the work performed.

Misclassify a worker as an independent contractor for purposes of avoiding wage, tax, or workers 'compensation obligations under this title.

Following an investigation in which the Department makes an initial determination that an employer has violated one or more provisions of subsection (a) of this sect the Department may decide to impose a civil penalty.

An employer who violates this section is subject to a civil penalty of not less than \$2,000 and not more than \$20,000 for each violation.

· Each instance of a violation of subsection (a) of this section per employee is a

The Department may also refer cases to the Department of Justice for criminal prosecution consistent with § 841D of Title 11

a.Made a complaint or provided information to the Department. b.Caused, or is going to cause, an investigation to be instituted. c.Testified, or is going to testify, in a hearing.

. Knowingly conspire to assist, advise, or facilitate a violation of this section.

CHILD LABOR

General Provisions

- The minimum age for employment is 14.

 Work Permits are required for all employed min under the age of 18.
- Employers are required to keep Work Permits on file for each employed minor.
- . A new Work Permit is required when the employer of a

MINORS 14-15 YEARS OF AGE SHALL NOT

- · More than eight (8) hours per day on non-school days
- More than eighteen (18) hours in any week when school is in session for five (5) days
- More than six (6) days in any week More than forty (40) hours per week; and

May not work more than five (5) hours continuously without a non-work period of at least thirty (30) For a list of Prohibited Occupations,

MINIMUM WAGE Specific Provisions for Individuals 16 and 17 Years of Age:

Regular Rate: effective: 06-01-15 - \$8,25/hou

EMPLOYEES WHO RECEIVE TIPS

Tips may not be taken or retained by an employer except as required by law. Tip-pooling is perm conditions) in an amount not to exceed 15% of the actual tips received by the employee. MINIMUM WAGE EXEMPTIONS:

- Employees in domestic service in or about private homes.
- Employees of the United States Gove
- Outside commission paid salespeople.

 Bona fide executives, administrators, and profession
- Bona noe executives, administrators, and processionals.

 Employees engaged in fishing and fish processing at sea.

 Volunteer workers (for educational, religious or non-profit orga

 Junior camp counselors employed by non-profit summer cam

RECORD KEEPING REQUIREMENTS:

Employers must keep records (including rate of pay, hours worked, and amount paid for each employee for three (3) years.

www.dol.delaware.gov

The Delaware Discrimination in Employment Act

Sexual Harassment and the Law

Some Examples of Sexual Harassment

Report Sexual Harassment

OF THE STATE OF

DELAWARE

SEXUAL HARASSMENT NOTICE

The Delaware Discrimination in Employment Act protects all individuals against discrimination in the workplace based ongeried Sexuals harasment is a form of genetic discrimination. A new law against sexual harassment passed in 2018 extends protections to all individuals, in all workplaces, including employees, applicants, apprentices, staffing agency workers, independent contractors, elected officials and their staff, argicultural workers, domestic workers, and unpaid interns.

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SEARCH INTERMEDIATE OF ARRESSMENT AND ARRESSMENT ARRESSM

universione or inspiroprises existent
 threatening or engingin in adverse action after someone refuses a sexual advance
 making leved or sexual comments about an individual's appearance, body, or style of dress condificeing promotions or other operaturities on esseal the condition of the con

Retallation is Prohibited Under the Law
It is a violation of the law for an employer to take action against you because you oppose or speak out
against secural harassement in the verdplace. The Deleawer Biotechnismation is Employment Act prohibits
ampliores from retallisation or discriminating against any person because that person opposed an unlevalul
discriminative practice. Relatiation can occur brough driest actions, such as demotion or terminations, o
more subtle behavior, such as an increased work load or being transferred to a less desirable location. The
Deleawer Discrimination in Employment Act protects individuals against relatiation who have a good faith
belief that their employer's conduct is illegal, even if it turns out that they were mistaken.

Report Sexual Harassment If you have witnessed or operinend escual harassment inform a manager, the equal employment opportunity officer all your workplace, or human resources as soon as possible. Report sexual harassment to the Delaware Department of Labor Office of Anti-Discrimination. Call 302-751-5200 or 302-424-1134 or visit https://dia.delawareworks.com/discrimination/ to learn how to the completant report discrimination. The Department can investigate or mediate your complaint and may be able to help you collect tost wages and other damages.

Rev 11/14

DEPARTMENT OF LABOR
DIVISION OF INDUSTRIAL AFFAIRS

DIVISION OF INDUSTRIAL AFFAIRS

Email: dol_dia_wc_compilance@delaware.gov

WORKERS COMPENSATION

Carry Workers' Compensation Insurance Coverage per Title 19, Chapter 23, 2303. Every employer shall keep of record of all injuries received by employees, and within 10 days, the a First Report of liqury with the Office of Workers Compensation as per Title 19, Chapter 23, 2313. In addition, the employer should notify their Workers' Compensation Insurance center of said flayir, First Report of Injury forms are available on our weetile listed above.

BREAKS

Notice to Employers / Employees

This Posting is for Informational Purposes Only

Must be after the first 2 hours of work and before the last 2 hours of work.

There is a collective bargaining agreement or other employer-employee written agreement which p

- Compliance would adversely affect public street.

 Only one II protypes may perform the duties of a position.

 An employer has fever than five (S) employees on a shift at one location (the exception would only apply to that shift).
- The continuous nature of an employer's operations, such as chemical production or research exper-requires employees to respond to urgent or unusual conditions at all times and the employees are compensated for their me

PAYMENT OF WAGES

EMPLOYERS OF FOUR (4) OR MORE EMPLOYEES ARE REQUIRED TO

- - Notify employees in writing at the time of hire 1. Rate of Pay
 - Day, hour and place of payment 3. Employer's fringe benefits policies
- Notify employees in writing of any reductions in the rate of pay, and any changes in the day, hour or place of payment or benefits.
- Furnish each employee with a pay statement showing:
 - Amount of wages due
 - 2. Pay period covered by the payment;
 - Amounts of deductions (separately specified) which have been made from the wages;
 Total number of hours worked in pay period (for employees who are paid at an hourly rate).
- PAYMENT OF WAGES
 - Wages must be paid at least once each month.

 Employees must be paid all wages within seven (7) days from the close of each pay period [with some exceptions, see §1102(b)].
 - If the payday falls on a non-work day, payment shall be made on the preceding work day If an employee is not present on the regular payday, payment shall be made on the next regular workday that the employee is present or by mail (only if requested by the employee).
- Wages may be paid to a bank account designated by an employee (upon the employee's written

IINI AWEIII DEDUCTIONS

- ers are not permitted to deduct or withhold wages for: Cash or inventory stortages; Cash advances or charges for goods and services (unless there is a signed agreement specifying the amount owed and the repayment schedule);



Delaware Department of Labor Division of Industrial Affairs

An employer is subject to a civil penalty of not less than \$20,000 and not more than \$50,000 for each violation if the employer discharges or in any manner retaliates or discriminates against an individual because that individual does any of the following under this section: THE EMPLOYEE SHALL:

THE EMPLOYEE SHALL:

Or someone on the employee's behalf, notify the employer as soon as possible of an accidental injury or occupational disease and request modical services if needed. Failure to give notice or to accept modical services may desprive the employee of the right to compensation for permit police interpolar, disease or through a supervisor, notice of any claim for compensation for the period of disability beyond the third day after the accident in case of thatial prices, note must be given by one or more dependents of the decease or by a person on their behalf. In case of failure to reach an agreement with the employer in regard to expense of the expense of the expense or by a person on their behalf. In case of failure to reach an agreement with the employer in regard to see that the expense of the expense

It is unlawful to retailate against an employee because (s)he has made a complaint or given information to the Dept of Labor about possible labor law violations.

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IMPORTANT THINGS TO DO IN CASE OF INJURY

Violations of Delaware Worker's Compensation Labor Laws could result in fines.

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UNEMPLOYMENT INSURANCE

Notice to Employers/Employees Employers: You must be a registered employer in this state in order to receive the official Unemployment Insurance posting. If you have any questions concerning this mandatory posting, please contact your local unemployment office. Employees: Contact your local unemployment office for your rights concerning

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