### DELAWARE & FEDERAL LABOR LAW POSTER

### Know Your Rights: Workplace Discrimination is Illegal The U.S. Equal Employment Opportunity Commission (EEOC) enforces Federal laws that protect you from discrimination in employment. If you believe you've been discriminated against at work or in applying for a job, the EEOC may be able to help.

lawsuit, investigation, or proceeding

All aspects of employment, including:

observance or practice

Benefits

Job training

Classification

o employ and advance in employment qualified individuals with disabilities at all levels https://www.dol.gov/agencies/ofccp/contact.

discrimination, or participating in a discrimination

What Employment Practices can be Challenged as

**EEOC - KNOW YOUR RIGHTS: WORKPLACE DISCRIMINATION IS ILLEGAL** 

• Retaliation for filing a charge, reasonably opposing · Employees (current and former), including managers and temporary employees • Interference, coercion, or threats related to exercising Job applicants Union members and applicants for membership in a union rights regarding disability discrimination or pregnancy

What Organizations are Covered? Most private employers State and local governments (as employers) Educational institutions (as employers)

• Discharge, firing, or lay-off Staffing agencies Harassment (including unwelcome verbal or physical conduct) What Types of Employment Discrimination are Illegal? Hiring or promotion Under the EEOC's laws, an employer may not discriminate against you, regardless of your immigration status, on the bases of: Pay (unequal wages or compensation) Race · Failure to provide reasonable accommodation for a disability; pregnancy, childbirth, or related medical Religion condition; or a sincerely-held religious belief,

National origin • Sex (including pregnancy, childbirth, and related medical conditions, sexual orientation, or gender identity) Age (40 and older)

Genetic information (including employer requests for, or purchase, use, or disclosure of genetic tests, genetic

other applicants or emplo

of employment, including the executive level.

 Referral • Obtaining or disclosing genetic information of employees services, or family medical history) of employees

Requesting or disclosing medical information

**EMPLOYERS HOLDING FEDERAL CONTRACTS OR SUBCONTRACTS** 

The Department of Labor's Office of Federal Contract Compliance Programs (OFCCP) Protected Veteran Status The Vietnam Era Veterans' Readjustment Assistance Act of enforces the nondiscrimination and affirmative action commitments of companies doing business with the Federal Government. If you are applying for a job with, or are an equires affirmative action to recruit, employ, and advance in employment, disabled mployee of, a company with a Federal contract or subcontract, you are protected under veterans, recently separated veterans (i.e., within three years of discharge or release from Federal law from discrimination on the following bases:

Race, Color, Religion, Sex, Sexual Orientation, Gender Identity, National Origin active duty), active duty wartime or campaign badge veterans, or Armed Forces service medal veterans. executive Order 11246, as amended, prohibits employment discrimination by Federal Retaliation Retaliation is prohibited against a person who files a complaint of contractors based on race, color, religion, sex, sexual orientation, gender identity, or national origin, and requires affirmative action to ensure equality of opportunity in all by Federal contractors under these Federal laws. Any person who believes a contractor nas violated its nondiscrimination or affirmative action obligations under OFCCP's Asking About, Disclosing, or Discussing Pay Executive Order 11246, as amended, protects applicants and employees of Federal contractors from discrimination based on The Office of Federal Contract Complete Compl The Office of Federal Contract Compliance Programs (OFCCP) nquiring about, disclosing, or discussing their compensation or the compensation of U.S. Department of Labor

200 Constitution Avenue, N.W. Disability Section 503 of the Rehabilitation Act of 1973, as amended, protects qualified Washington, D.C. 20210 ndividuals with disabilities from discrimination in hiring, promotion, discharge, pay, 1-800-397-6251 (toll-free) ringe benefits, job training, classification, referral, and other aspects of employment If you are deaf, hard of hearing, or have a speech disability, please dial 7–1–1 to access telecommunications. Disability discrimination includes not making reasonable telecommunications relay services. OFCCP may also be contacted by submitting a by Federal contractors. Disability discrimination includes not making reasonable odation to the known physical or mental limitations of an otherwise qualified question online to OFCCP's Help Desk at https://ofccphelpdesk.dol.gov/s/, or by calling individual with a disability who is an applicant or employee, barring undue hardship to the employer. Section 503 also requires that Federal contractors take affirmative action Government, Department of Labor and on OFCCP's "Contact Us" webpage at

PROGRAMS OR ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE

Race, Color, National Origin, Sex In addition to the protections of Title VII of the Civil Individuals with Disabilities Section 504 of the Rehabilitation Act of 1973, as amended Rights Act of 1964, as amended, Title VI of the Civil Rights Act of 1964, as amended, prohibits prohibits employment discrimination on the basis of disability in any program of discrimination on the basis of race, color or national origin in programs or activities receiving activity which receives Federal financial assistance. Discrimination is prohibited in ederal financial assistance. Employment discrimination is covered by Title VI if the primary all aspects of employment against persons with disabilities who, with or without objective of the financial assistance is provision of employment, or where employment reasonable accommodation, can perform the essential functions of the job. If you liscrimination causes or may cause discrimination in providing services under such programs. believe you have been discriminated against in a program of any institution which Fitle IX of the Education Amendments of 1972 prohibits employment discrimination on the receives Federal financial assistance, you should immediately contact the Federal agency basis of sex in educational programs or activities which receive Federal financial assistance. providing such assistance.

Conduct that might reasonably discourage someone

Conduct that coerces, intimidates, threatens, or interferes

from opposing discrimination, filing a charge, or

with someone exercising their rights, or someone

assisting or encouraging someone else to exercise rights, regarding disability discrimination (including

accommodation) or pregnancy accommodation
What can You Do if You Believe Discrimination has

Occurred? Contact the EEOC promptly if you suspect

limits for filing a charge of discrimination (180 or 300

**Submit** an inquiry through the EEOC's public portal:

https://publicportal.eeoc.gov/Portal/Login.aspx

1–844–234–5122 (ASL video phone)

Visit an EEOC field office (information at

Additional information about the EEOC,

including information about filing a charge

of discrimination, is available at www.eeoc.gov.

the EEOC in any of the following ways:

**Call** 1–800–669–4000 (toll free)

www.eeoc.gov/field-office)

E-Mail info@eeoc.gov

days, depending on where you live/work). You can reach

discrimination. Do not delay, because there are strict time

participating in an investigation or proceeding

### FEDERAL MINIMUM WAGE

**EMPLOYEE RIGHTS UNDER THE FAIR LABOR STANDARDS ACT** 

## FEDERAL MINIMUM WAGE \$7.25 PER HOUR BEGINNING JULY 24, 2009

The law requires employers to display this poster where employees can readily see it. money penalties may be assessed for each child labor violation that results in the death OVERTIME PAY At least 1 ½ times your regular rate of pay for all hours worked over 40 or serious injury of any minor employee, and such assessments may be doubled wh in a workweel CHILD LABOR An employee must be at least 16 years old to work in most non-farm jobs and at least 18 to work in non-farm jobs declared hazardous by the Secretary of Labor. Youths 14 and 15 years old may work outside school hours in various non-manufacturing, non-mining, non-hazardous jobs with certain work hours restrictions. Different rules apply in agricultural employmen

FIP CREDIT Employers of "tipped employees" who meet certain conditions may claim a partial wage credit based on tips received by their employees. Employers must pay tipped employees a cash wage of at least \$2.13 per hour if they claim a tip credit against their minimum wage obligation. If an employee's tips combined with the employer's cash wage of at least \$2.13 per hour do not equal the minimum hourly wage, the PUMP AT WORK The FLSA requires employers to provide reasonable break time for a

employer must make up the difference. nursing employee to express breast milk for their nursing child for one year after the child's birth each time the employee needs to express breast milk. Employers must provide a place, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public, which may be used by the employee to express

breast milk **ENFORCEMENT** The Department has authority to recover back wages and an equal amount in liquidated damages in instances of minimum wage, overtime, and other violations. The Department may litigate and/or recommend criminal prosecution Employers may be assessed civil money penalties for each willful or repeated violation of the minimum wage or overtime pay provisions of the law. Civil money penalties may also be assessed for violations of the FLSA's child labor provisions. Heightened civil

the violations are determined to be willful or repeated. The law also prohibits retaliatin against or discharging workers who file a complaint or participate in any proceeding under the FLSA. ADDITIONAL INFORMATION • Certain occupations and establishments are exempt from the minimum wage, and/or overtime pay provisions. Certain narrow exemptions also apply to the pump at work

 Some state laws provide greater employee protections; employers must comply • Some employers incorrectly classify workers as "independent contractors" when they are actually employees under the FLSA. It is important to know the difference between the two because employees (unless exempt) are entitled to the FLSA's minimum wage ertime pay protections and correctly classified independent contractors are not. Certain full-time students, student learners, apprentices, and workers with disabilities may be paid less than the minimum wage under special certificates issued by the Department of Labor.

Special provisions apply to workers in American Samoa, the Commonwealth of the

Northern Mariana Islands, and the Commonwealth of Puerto Rico.

WAGE AND HOUR DIVISION JNITED STATES DEPARTMENT OF LABOR





## **WAGE THEFT**

**Fox Valley Offices** 4425 North Market Street- 3rd Floor Wilmington, DE 19802 (302) 761-8200 Georgetown American Job Center

8 Georgetown Plaza, Suite 2 Georgetown, DE 19947 (302) 856-5230

**DELAWARE DEPARTMENT OF LABOR DIVISION OF INDUSTRIAL AFFAIRS** WAGE THEFT

655 S Bay Road, Ste. 2H Dover, DE 19901 University Office Plaza 252 Chapman Road, 2nd Floor Newark, DE 19702 (302) 761-8200

Blue Hen Corporate Center

Email: wages@delaware.gov | Email: workpermits@delaware.gov | Website: Labor.delaware.gov An employer may not do any of the following: • Employ an individual without reporting the individual's employment to all appropriate government agencies and paying all applicable taxes and fees for

the individual. • 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. 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.

• Knowingly conspire to assist, advise, or facilitate a violation of this section. PENALTIES • 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 section, 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 separate violation. • The Department may also refer cases to the Department of Justice for criminal prosecution consistent with § 841D of Title 11

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: a. Made a complaint or provided information to the Department.

Caused, or is going to cause, an investigation to be instituted.

c. Testified, or is going to testify, in a hearing.

It is unlawful to retaliate against an employee because (s)he has made a complaint or given information to the Dept of Labor about possible labor law violations. Employers Are Required By Law To Display

This Official Poster In A Place Accessible To Employees And Where They Regularly Pass Violations of Delaware Labor Laws could result in fines of up to \$20,000 per violation.



# WHISTLEBLOWER PROTECTION ACT

### TITLE 19 **Labor | General Provisions**

**CHAPTER 17. Whistleblowers' Protection** 

This chapter may be cited as the "Delaware Whistleblowers' Protection Act." 74 Del. Laws, c. 361, § 1; § 1702 Definitions.

As used in this chapter (1) "Employee" means a person employed full or part-time by any employer, and shall include, but not be limited to, at-will employees, contract

§ 1701. Short title.

employees, independent contractors, and volunteer firefighters as defined in § 6651(c) of Title 16. (2) "Employer" means any person, partnership, association, sole proprietorship, corporation or other business entity, including any department, agency, subdivision of them in state, county or municipal government. One shall employ another if services are performed for wages or under any contract

of hire, written or oral, express or implied. (3) "Person" means an individual, sole proprietorship, partnership, corporation, association, or any other legal entity.

(4) "Public body" means all of the following a. A state-wide elected official, agency, department, division, bureau, board, commission, council, authority, or other body in the executive branch of state government or employee of them;

b. A legislator or employee of the legislative branch of state government; c. An elected official of a county, city, or school district or employee of them;

d. A law-enforcement agency or employee of that law-enforcement agency; e. A federal agency or employee of that federal agency. (5) "Supervisor" means any individual to whom an employer has given the

authority to direct and control the work performance of the affected employee or any individual who has the authority to take corrective action employee complains.

regarding the violation of a law, rule or regulation about which the (6) "Violation" means an act or omission by an employer, or an agent thereof, a. Materially inconsistent with, and a serious deviation from, standards

implemented pursuant to a law, rule, or regulation promulgated under the laws of this State, a political subdivision of this State, or the United States, to protect employees or other persons from health, safety, or environmental hazards while on the employer's premises or elsewhere; or Materially inconsistent with and a serious deviation from financial management or accounting standards implemented pursuant to a rule or regulation promulgated by the employer or a law, rule, or regulation

promulgated under the laws of this State, a political subdivision of this State, or the United States, to protect any person from fraud, deceit, or misappropriation of public or private funds or assets under the control of the employer.

## 74 Del. Laws, c. 361, § 1

An employer shall not discharge, threaten, or otherwise discriminate against an employee regarding the employee's compensation, terms, conditions, location, or privileges of employment, including reporting or threatening to the suspected or actual citizenship or immigration status of a family member of the employee to a federal, state, or local agency: (1) Because the employee, or a person acting on behalf of the employee,

violation which the employee knows or reasonably believes has occurred or is about to occur, unless the employee knows or has reason to know that the report is false or (2) Because an employee participates or is requested by a public body to participate in an investigation, hearing, or inquiry held by that public body, 74 Del. Laws, c. 361, § 1.; or a court action, in connection with a violation as defined in this chapter; or

reports or is about to report to a public body, verbally or in writing, a

(3) Because an employee refuses to commit or assist in the commission of a violation, as defined in this chapter; or (4) Because the employee reports verbally or in writing to the employer or to the employee's supervisor a violation, which the employee knows or reasonably believes has occurred or is about to occur, unless the employee knows or has reason to know that the report is false. Provided, however

and convincing evidence that such report was made; or (5) Because an employee reports or is about to report to a public body, to the employer or the employee's supervisor, verbally or in writing any noncompliance or an infraction which the employee knows or reasonably believes has occurred or is about to occur, of Chapter 80 of Title 15 unless the employee knows or has reason to believe the report is false; or participate or is requested to participate in an investigation, hearing, trial or inquiry, of a person or entity other than employee, regarding noncompliance or an nfraction of Chapter 80 of Title 15; or refuses to participate or assist in the noncompliance or an infraction of Chapter 80 of Title 15.

that if the report is verbally made, the employee must establish by clear

74 Del. Laws, c. 361,§ 1; 79 Del. Laws, c. 344, § 1; 83 Del. Laws, c. 488, § 1; § 1704 Relief and damages.

(a) A person who alleges a violation of this chapter may bring a civil action for appropriate declaratory relief, or actual damages, or both within 3 vears after the occurrence of the alleged violation of this chapter. (b) An action commenced pursuant to subsection (a) of this section may be brought in Superior Court in the county where the alleged violation occurred, the county where the complainant resides, or the county where the person against whom the civil complaint is filed resides or has

their principal place of business. (c) As used in subsection (a) of this section, "damages" means damages for injury or loss caused by each violation of this chapter. (d) A court, in rendering a judgment in an action brought under this chapter,

shall order, as the court considers appropriate, reinstatement of the employee, the payment of back wages, full reinstatement of fringe benefits and seniority rights, expungement of records relating to the disciplinary action or discharge, actual damages, or any combination of these remedies. A court may also award, as part of a judgment in an action brought under this chapter, all or a portion of the costs of litigation, including attorneys' fees, if the court determines that such an award is appropriate.

74 Del. Laws, c. 361, § 1.; § 1705 Collective bargaining

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.;

This chapter shall not be construed to require an employer to compensate an employee for participation in an investigation, hearing or inquiry held by a public body in accordance with § 1703 of this title.

74 Del. Laws, c. 361, § 1.; § 1707 Notices requirement.

An employer shall post notices and use other appropriate means to keep the report an employee's suspected or actual citizenship or immigration status or employer's employees informed of their protections and obligations under this chapter.

74 Del. Laws, c. 361, § 1; 70 Del. Laws, c. 186, § 1.; § 1708 Burden of proof

The burden of proof in any action brought under this chapter shall be upon the employee to show that the primary basis for the discharge, threats, or discrimination alleged to be in violation of this chapter was that the employee undertook an act protected pursuant to § 1703 of this title.

# **CHILD LABOR LAWS**

**Fox Valley Offices** 4425 North Market Street- 3rd Floor Wilmington, DE 19802 (302) 761-8200 Georgetown American Job Center

• The minimum age for employment is 14.

MINORS 14-15 YEARS OF AGE SHALL NOT WORK:

8Georgetown Plaza, Suite 2 Georgetown, DE 19947 (302) 856-5230

**Blue Hen Corporate Center** 655 S Bay Road, Ste. 2H Dover, DE 19901 (302) 422-1134 **University Office Plaza** 252 Chapman Road, 2nd Floor

**DELAWARE DEPARTMENT OF LABOR DIVISION OF INDUSTRIAL AFFAIRS** 

CHILD LABOR

### Email: wages@delaware.gov | Email: workpermits@delaware.gov | Website: Labor.delaware.gov **General Provisions**

· Before 7:00 a.m. or after 7:00 p.m. - except from June 1st through Labor Day when the evening hour shall be extended to 9:00 p.m. More than four

• Work Permits are required for all employed minors 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 minor change. Provisions for Individuals 14 and 15 Years of Age:

(4) hours per day on school days • 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 · More than five (5) hours continuously without a non-work period of at least thirty (30) consecutive minutes.

Specific Provisions for Individuals 16 and 17 Years of Age: • Not more than twelve (12) hours in a combination of school and work hours per day • Must have at least eight (8) consecutive hours of non-work, non-school time in each twenty-four (24) hour period

• May not work more than five (5) hours continuously without a non-work period of at least thirty (30) consecutive minutes.

For a list of Prohibited Occupations, contact: The Delaware Department of Labor, Division of Industrial Affairs, Office of Labor Law Enforcement at any of the addresses listed.

This poster provides only general information regarding the provisions of Delaware's Child Labor Laws. The requirements of state law do not affect an

employer's obligation to comply with any provisions of federal law. It is unlawful to retaliate against an employee because (s)he has made a complaint or given information to the

Dept of Labor about possible labor law violations. Employers Are Required By Law To Display This Official Poster In A Place Accessible To Employees And Where They Regularly Pass

Violations of Delaware Labor Laws could result in fines of up to \$20,000 per violation.



### PAYMENT OF WAGES

**Fox Valley Offices** 4425 North Market Street- 3rd Floor Wilmington, DE 19802 (302) 761-8200

**Georgetown American Job Center** 8Georgetown Plaza, Suite 2 Georgetown, DE 19947 (302) 856-5230

**DELAWARE DEPARTMENT OF LABOR DIVISION OF INDUSTRIAL AFFAIRS PAYMENT OF WAGES** 

(302) 761-8200 Email: wages@delaware.gov | Email: workpermits@delaware.gov | Website: Labor.delaware.gov payment shall be made on the next regular workday that the employee is present or by mail (only if

convenient to the workplace).

suspended or terminated.

1. Cash or inventory shortages;

**UNLAWFUL DEDUCTIONS:** 

3. Damaged Property

wages for:

suitable arrangements are made by the employer for

cashing at a bank or other business establishment

• Whenever an employee guits, resigns, is discharged,

on the next regularly scheduled payday(s) either

by the employee) as if employment had not been

**Employers are not permitted to deduct or withhold** 

2. Cash advances or charges for goods and services

amount owed and the repayment schedule);

4. Failure to return employer's property.

(unless there is a signed agreement specifying the

suspended or laid off, the wages earned shall be paid

**Blue Hen Corporate Center** 

252 Chapman Road, 2nd Floor

655 S Bay Road, Ste. 2H

**University Office Plaza** 

Dover, DE 19901

Newark, DE 19702

(302) 422-1134

EMPLOYERS OF FOUR (4) OR MORE EMPLOYEES ARE **REQUIRED TO:** requested by the employee).

Notify employees in writing at the time of hire: Wages may be paid to a bank account designated by 1. Rate of Pav an employee (upon the employee's written request).

2. Day, hour and place of payment Wages may be paid in cash or by check (provided that 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:

1. Amount of wages due:

2. Pay period covered by the payment; 3. Amounts of deductions (separately specified) which have been made from the wages;

4. 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,

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

Employers Are Required By Law To Display This Official Poster In A Place Accessible To **Employees And Where They Regularly Pass** Violations of Delaware Labor Laws could result in fines of up to \$20,000 per violation

Bi-Weekly

PAYDAY NOTICE

# Regular Paydays for Employees of

(Company Name)

Shall be as follows: Monthly Other

## WITHHOLDING STATUS

Since you last filed form W-4 with your employer did you... Marry or divorce?

Change your name? Were there major changes to... • Your nonwage income (interest, dividends, capital gains, etc.)? • Your family wage income (you or your spouse started or ended Your itemized deductions?

Gain or lose a dependent?

Your tax credits?

If you can answer "YES"... To any of these questions or you owed extra tax when you filed your last return, you may need to file a new form W-4.

YOU MAY NEED TO CHECK YOUR WITHHOLDING See your employer for a copy of Form W-4 or call the IRS at 1-800-829-3676. Now is the time to check your withholding. For more details, get

> **Employer:** Please post or publish this Bulletin Board Poster so that your employees will see it. Please indicate where they can get forms and information on this subject. (訓 IRS

(Rev. 8-2009) Department of the Treasury Cat. No. 11047P ANTI-DISCRIMINATION NOTICE

It is illegal to discriminate against work-authorized individuals. Employers CANNOT specify which document(s) they will accept from an employee. The refusal to hire an individual because the documents have a future expiration date may also constitute illegal discrimination. For information, please contact

## DELAWARE MINIMUM WAGE

The Office of Special Counsel for Immigration Related Unfair Employment Practices Office at 800-255-7688.

**Fox Valley Offices** 4425 North Market Street- 3rd Floor Wilmington, DE 19802 (302) 761-8200 Georgetown American Job Center

**DELAWARE DEPARTMENT OF LABOR** 8Georgetown Plaza, Suite 2 Georgetown, DE 19947 **DIVISION OF INDUSTRIAL AFFAIRS** (302) 856-5230

MINIMUM WAGE Email: wages@delaware.gov | Email: workpermits@delaware.gov | Website: Labor.delaware.gov

> **Regular Rate:** effective: 06-01-15 - \$8.25/hour effective: 01-01-23 - \$11.75/hour effective: 01-01-19 - \$8.75/hour effective: 01-01-24 - \$13.25/hour effective: 10-01-19 - \$9.25/hour effective: 01-01-25 - \$15.00/hour

effective: 01-01-22- \$10.50/hour **EMPLOYEES WHO RECEIVE TIPS** 

The minimum cash wage payable to employees who receive tips is \$ 2.23 per hour, effective 10/1/96. The employer must be able to prove that the employee received the balance of the full minimum rate in tips. NOTE: Delaware's minimum cash wage for tipped employees is greater than the cash wage required by federal law. Employers

must pay Delaware's higher rate. Tips may not be taken or retained by an employer except as required by law. Tip-pooling is permitted (under certain conditions) in an amount not to exceed 15% of the actual tips received by the employee.

Employees in agriculture. Employees in domestic service in or about private homes.

MINIMUM WAGE EXEMPTIONS:

**Fox Valley Offices** 

(302) 761-8200

Wilmington, DE 19802

8Georgetown Plaza, Suite 2

Georgetown, DE 19947

4425 North Market Street- 3rd Floor

 Volunteer workers (for educational, religious or non-profit Employees of the United States Government. Outside commission paid salespeople. Bona fide executives, administrators, and professionals.

camp programs. **RECORD KEEPING REQUIREMENTS:** Employers must keep records(including the rate of pay, hours worked, and amount paid for each employee for three (3) years.

Employees And Where They Regularly Pass

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

organizations)

Employers Are Required By Law To Display This Official Poster In A Place Accessible To

**Blue Hen Corporate Center** 

252 Chapman Road, 2nd Floor

655 S Bay Road, Ste. 2H

**Jniversity Office Plaza** 

Newark, DE 19702

Dover, DE 19901

(302) 422-1134

• Employees engaged in fishing and fish processing at sea.

Junior camp counselors employed by non-profit summer

# Violations of Delaware Labor Laws could result in fines of up to \$20,000 per violation. BREAK RULES

DELAWARE DEPARTMENT OF LABOR **DIVISION OF INDUSTRIAL AFFAIRS** 

**BREAKS** 

(302) 856-5230 (302) 761-8200 Email: wages@delaware.gov | Email: workpermits@delaware.gov | Website: Labor.delaware.gov All employees must be offered a meal break of at least 30 consecutive minutes if the employee is scheduled to work 7.5 or more hours per day.

Must be after the first 2 hours of work and before the last 2 hours of work. This rule does not apply when:

• The employee is a professional employee certified by the State Board of Education and employed by a local school board to work directly with children · There is a collective bargaining agreement or other employeremployee written agreement which provides otherwise. Rules have been issued granting exemptions when:

• An employer has fewer than five (5) 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 experiments, requires employees to respond to urgent or unusual conditions at all times and the employees are compensated for their meal breaks. Where exemptions are allowed, employees must be allowed to eat meals at their work stations or other authorized locations and use restroom facilities as reasonably necessary.

• Compliance would adversely affect public safety.

• Only one (1) employee may perform the duties of a position.

It is unlawful to retaliate against an employee because (s)he has made a complaint or given information to the Dept of Labor about possible labor law violations. Employers Are Required By Law To Display This Official Poster In A Place Accessible To **Employees And Where They Regularly Pass** 



# DISCRIMINATION

Fox Valley Offices 4425 North Market Street - 3rd Floor



**DISCRIMINATION** 

Blue Hen Corporate Center 655 S Bay Road, Ste. 2H Dover, DE 19901 (302) 422-1134

Employers are prohibited by state law from discriminating against employees because of their RACE; COLOR; NATIONAL ORIGIN; SEX (INCLUDING PREGNANCY); RELIGION; DISABILITY; AGE (40+); GENETIC INFORMATION: SEXUAL ORIENTATION; GENDER IDENTITY; MARITAL STATUS; MEMBERSHIP IN VOLUNTEER EMERGENCY RESPONDER ORGANIZATION (VOLUNTEER FIREFIGHTERS, AMBULANCE PERSONNEL, LADIES AUXILIARY); VICTIM OF DOMESTIC VIOLENCE, SEXUAL ASSAULT, OR STALKING; FAMILY CARE RESPONSIBILITIES; REPRODUCTIVE HEALTH DECISIONS; and RETALIATION FOR INITIATING A COMPLAINT OF EMPLOYMENT DISCRIMINATION, OR OPPOSING OR PARTICIPATING IN THE INVESTIGATION OF A DISCRIMINATORY EMPLOYMENT PRACTICE. Employers of four (4) or more employees, labor organizations, employment agencies and joint labor management committees for apprenticeship or training are covered by this law.

SEXUAL HARASSMENT: Sexual harassment of employees, applicants, apprentices, staffing agency workers, unpaid interns, and independent contractors is unlawful. Sexual harassment can be unwelcome sexual advances, requests for sexual favor, or other verbal or physical conduct of a sexual nature when (1) the employee is expected to submit to such conduct; or (2) the employee's submission to or rejection of such conduct is used as the basis for employment decisions; or (3) such conduct has the effect of unreasonably interfering with the employee's work performance or creating an intimidating, hostile, or offensive working environment. If the harassment is by a supervisor, the employer may be responsible even if the employee has not complained. If the harassment is by a fellow worker or non-employee, employers are responsible if the employee complained to the employer and the employer has taken no action to stop or correct the sexual harassment. Effective January 1, 2019, employers must distribute the Department of Labor Sexual Harassment Informational worksheet to all employees. Employers with 50 or more employees must provide interactive sexual harassment training to all new employees, and every two years after.

accommodation, can perform the essential functions of a job. lactation and related conditions. Employers may not deny job applicants a position based on the need for a pregnancy-

related workplace accommodation, make unnecessary changes to a pregnant employee's job functions or require a pregnant employee to take paid or unpaid leave when a reasonable accommodation would permit the employee to ANY PERSON: who believes he or she has been discriminated against should contact the Delaware Department of Labor,

> or given information to the Dept of Labor about possible labor law violations. EMPLOYERS ARE REQUIRED BY LAW TO DISPLAY THIS OFFICIAL POSTER IN A PLACE ACCESSIBLE TO EMPLOYEES AND WHERE THEY REGULARLY PASS.

FMLA - FAMILY AND MEDICAL LEAVE ACT

Your Employee Rights Under the Family and Medical Leave Act

Vhat is FMLA leave? The Family and Medical Leave Act (FMLA) is a federal law that You do not have to share a medical diagnosis but must provide enough information provides eligible employees with **job-protected leave** for qualifying family and medical to your employer so they can determine whether the leave qualifies for FMLA protection. easons. The U.S. Department of Labor's Wage and Hour Division (WHD) enforces the You must also inform your employer if FMLA leave was previously taken or approved FMLA for most employees. Eligible employees can take up to 12 workweeks of FMLA for the same reason when requesting additional leave. Your employer may request leave in a 12-month period for: • The birth, adoption or foster placement of a child with certification from a health care provider to verify medical leave and may request you, • Your serious mental or physical health condition that makes you unable to work, • certification of a qualifying exigency. The FMLA does not affect any federal or state law To care for your spouse, child or parent with a serious mental or physical health prohibiting discrimination or supersede any state or local law or collective bargaining condition, and • Certain qualifying reasons related to the foreign deployment of your agreement that provides greater family or medical leave rights. State employees may be spouse, child or parent who is a military servicemember. An eligible employee who is the spouse, child, parent or next of kin of a covered serious health conditions. Most federal and certain congressional employees are also ervicemember with a serious injury or illness may take up to 26 workweeks of FMLA covered by the law but are subject to the jurisdiction of the U.S. Office of Personnel leave in a single 12-month period to care for the servicemember. You have the right to Management or Congress. use FMLA leave in one block of time. When it is medically necessary or otherwise permitted, you may take FMLA leave intermittently in separate blocks of time, or on a

reduced schedule by working less hours each day or week. Read Fact Sheet #28M(c) for

more information. FMLA leave is **not paid leave,** but you may choose, or be required by

your employer, to use any employer-provided paid leave if your employer's paid leave policy covers the reason for which you need FMLA leave. Am I eligible to take FMLA leave? You are an eligible employee if all of the following months before your leave, and • Your employer has at least 50 employees within 75 miles of your work location. Airline flight crew employees have different "hours of service" requirements. You work for a **covered employer** if <u>one</u> of the following applies: • You work for a private employer that had at least 50 employees during at least 20 workweeks in the current or previous — if any, will be FMLA-protected leave.

calendar year, • You work for an elementary or public or private secondary school, or • You work for a public agency, such as a local, state or federal government agency. Most through the usual pay channels or by mail (if requested federal employees are covered by Title II of the FMLA, administered by the Office of

low do I request FMLA leave? Generally, to request FMLA leave you must: • Follow your complaint with WHD or file a private lawsuit against employer's normal policies for requesting leave, • Give notice at least 30 days before your your employer in court. Scan the QR code to learn eed for FMLA leave, or • If advance notice is not possible, give notice as soon as possible. about our WHD complaint process.

subject to certain limitations in pursuit of direct lawsuits regarding leave for their own

What does my employer need to do? If you are eligible for FMLA leave, your employer must: • Allow you to take job-protected time off work for a qualifying reason, • Con your group health plan coverage while you are on leave on the same basis as if you had not taken leave, and • Allow you to return to the same job, or a virtually identical job with the same pay, benefits and other working conditions, including shift and location, at the Your employer cannot interfere with your FMLA rights or threaten or punish you for apply: • You work for a covered employer, • You have worked for your employer at least exercising your rights under the law. For example, your employer cannot retaliate against 12 months, • You have at least 1,250 hours of service for your employer during the 12 you for requesting FMLA leave or cooperating with a WHD investigation. After becoming aware that your need for leave is for a reason that may qualify under the FMLA, your **employer <u>must</u> confirm whether you are eligible** or not eligible for FMLA leave. If your employer determines that you are eligible, your employer must notify you in writing · About your FMLA rights and responsibilities, and · How much of your requested leave

continue your existing employer-based health plan coverage for you and your

• Even if you don't elect to continue coverage during your military service, you have

generally without any waiting periods or exclusions (e.g., pre-existing condition

• The U.S. Department of Labor, Veterans Employment and Training Service (VETS) is

For assistance in filing a complaint, or for any other information on USERRA, contact

https://www.dol.gov/agencies/vets/. An interactive online USERRA Advisor can be

If you file a complaint with VETS and VETS is unable to resolve it, you may request that

• You may also bypass the VETS process and bring a civil action against an employer for

your case be referred to the Department of Justice or the Office of Special Counsel, as

authorized to investigate and resolve complaints of USERRA violations.

the right to be reinstated in your employer's health plan when you are reemployed.

dependents for up to 24 months while in the military.

VETS at 1-866-4-USA-DOL or visit its website at

applicable, for representation

violations of USFRRA

exclusions) except for service-connected illnesses or injuries.

viewed at https://webapps.dol.gov/elaws/vets/userra

Call 1-866-487-9243 or visit dol.gov/fmla to learn more. If you believe your rights under the FMLA have been violated, you may file a



### USERRA - UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT

**YOUR RIGHTS UNDER USERRA** THE UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT

USERRA protects the job rights of individuals who voluntarily or involuntarily leave employment positions to undertake military service or certain types of service in the National Disaster Medical System. USERRA also prohibits employers from discriminating against past and present members of the uniformed services, and applicants to the uniformed services. **HEALTH INSURANCE PROTECTION** REEMPLOYMENT RIGHTS • If you leave your job to perform military service, you have the right to elect to You have the right to be reemployed in your civilian job if you leave that job to perform service in the uniformed service and:

vou ensure that your employer receives advance written or verbal notice of your service: you have five years or less of cumulative service in the uniformed services while with that particular employe you return to work or apply for reemployment in a timely manner after conclusion of service: and you have not been separated from service with a disqualifying discharge or under other than honorable conditions f you are eligible to be reemployed, you must be restored to the job and benefits you

cases, a comparable job. RIGHT TO BE FREE FROM DISCRIMINATION AND RETALIATION If you: • are a past or present member of the uniformed service: • have applied for membership in the uniformed service; or • are obligated to serve in the uniformed service; then an employer may not deny you: • initial employment; • reemployment; • retention in employment; • promotion; or • any benefit of employment, because of this status. n addition, an employer may not retaliate against anyone assisting in the enforcement of USERRA rights, including testifying or making a statement in connection with a proceeding under USERRA, even if that person has no service connection.

kind of lie detector) tests to be administered in the private sector, subject to restrictions,

to certain prospective employees of security service firms (armored car, alarm, and

guard), and of pharmaceutical manufacturers, distributors and dispensers. The Act also

permits polygraph testing, subject to restrictions, of certain employees of private firms

would have attained if you had not been absent due to military service or, in some

Publication Date — May 2022 The rights listed here may vary depending on the circumstances. The text of this notice was prepared by VETS, and may be viewed on the internet at this address https://www.dol.gov/agencies/vets/programs/userra/poster. Federal law requires employers to notify employees of their rights under USERRA, and employers may meet this ment by displaying the text of this notice where they customarily place notices for employees

**ENFORCEMENT** 

EMPLOYEE RIGHTS | EMPLOYEE POLYGRAPH PROTECTION ACT

U.S. Department of Justice

The Employee Polygraph Protection Act prohibits most private employers from preempt any provision of any State or local law or any collective bargaining agreement which is more restrictive with respect to lie detector tests. using lie detector tests either for pre-employment screening or during the course **EXAMINEE RIGHTS** Where polygraph tests are permitted, they are subject to numerous strict standards concerning the conduct and length of the test. Examinees have a number PROHIBITIONS Employers are generally prohibited from requiring or requesting any of specific rights, including the right to a written notice before testing, the right to refuse or employee or job applicant to take a lie detector test, and from discharging, disciplining, or discriminating against an employee or prospective employee for refusing to take a test or for exercising other rights under the Act. **EXEMPTIONS** Federal, State and local governments are not affected by the law. Also, the aw does not apply to tests given by the Federal Government to certain private

discontinue a test, and the right not to have test results disclosed to unauthorized persons. **ENFORCEMENT** The Secretary of Labor may bring court actions to restrain violations and assess civil penalties against violators. Employees or job applicants may also bring their own court actions. THE LAW REQUIRES EMPLOYERS TO DISPLAY THIS POSTER WHERE EMPLOYEES ndividuals engaged in national security-related activities. The Act permits polygraph (a AND JOB APPLICANTS CAN READILY SEE IT

ITED STATES DEPARTMENT OF LABOR

1-866-487-9243

who are reasonably suspected of involvement in a workplace incident (theft, embezzlement, etc.) that resulted in economic loss to the employer. The law does not UNEMPLOYMENT INSURANCE

# **UNEMPLOYMENT POSTER**

The state of Delaware states, "Each liable employer (except household employers) must display the poster, Notice of Coverage (Form UC-6), with the employer's name printed on it in a place customarily frequented by employees." This poster is furnished by the Division of Unemployment Insurance after liability is established; it informs employees that employment is covered under the Unemployment

Household employers must provide each employee with a facsimile of the poster with the employer's name printed on it. The Division of Unemployment Insurance furnishes a facsimile of the full-size poster after liability is established; it informs employees that employment is covered under the Unemployment Insurance laws.

Please contact Employer Services at 302-761-8446 to obtain your Unemployment Poster.

## **WORKERS' COMPENSATION**

4425 North Market Street - 3rd Floor Wilmington, DE 19802 (302) 761-8200

8 Georgetown Plaza, Suite 2

Georgetown, DE 19947 **DEPARTMENT OF LABOR** (302) 856-5230

Email: dol\_dia\_workcomp@delaware.gov | Email: dol\_dia\_wc\_compliance@delaware.gov | Website: Labor.delaware.gov **WORKERS' COMPENSATION** IMPORTANT THINGS TO DO IN CASE OF INJURY

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, file a First Report of Injury with the Office of Workers Compensation as per Title 19, Chapter 23, 2313. In addition, the employer should notify their Workers' compensation Insurance carrier of said injury. First Report of Injury forms

# THE EMPLOYEE SHALL:

obtained from the Office of Workers' Compensation. ( Email: dol\_dia\_workcomp@delaware.gov) It is unlawful to retaliate against an employee because (s)he has made a complaint or given

labor law violations.



the Industrial Accident Board for a hearing on the matters at issue within two (2) years of the date of accidental injury. All forms can be

All workers have the right to:

retaliated against. Receive information and training on job hazards, including all hazardous

substances in your workplace. Request a confidential OSHA inspection of your workplace if you believe there are unsafe or unhealthy conditions. You have the right to have a representative contact

participate) in an OSHA inspection and speak in private to the inspector. • File a complaint with OSHA within 30

days (by phone, online or by mail) if you

employer. Reguest copies of your medical records, tests that measure hazards in the workplace, and the workplace injury and illness log.

# **Employers must:**

 Provide employees a workplace free from recognized hazards. It is illegal to retaliate against an employee for using any of their rights under the law, including raising a health and safety concern with you or with OSHA, or reporting a work-related injury or illness.

Notify OSHA within 8 hours of a

in a language and vocabulary they can

 Post OSHA citations at or near the place of the alleged violations.

On-Site Consultation services are available to small and medium-sized employers, without citation or penalty, through OSHAsupported consultation programs in every state.



# This poster is available free from OSHA.

DE-0324-F04

Violations of Delaware Labor Laws could result in fines of up to \$20,000 per violation.

Newark, DE 19702

(302) 761-8200

Wilmington, DE 19802 (302) 761-8200 Georgetown American Job Center 8 Georgetown Plaza, Suite 2 Georgetown, DE 19947

(302) 856-5230

**Delaware Department of Labor** Division of Industrial Affairs

**DISABILITY:** Employers are prohibited by state law from discriminating against any employee because of disability. State law requires the employment and advancement of qualified individuals with a disability who, with or without reasonable **PREGNANCY:** Employers must provide reasonable accommodations to employees with respect to pregnancy, childbirth,

Office of Anti-Discrimination at (302) 761-8200. A Charge of Discrimination must be filed within 300 days of the alleged unlawful employment practice. It is unlawful to retaliate against an employee because (s)he has made a complaint

Violations of Delaware Labor Laws could result in fines of up to \$20,000 per violation.

Publication 919, How Do I Adjust My Tax Withholding?, or use the Withholding Calculator at www.irs.gov/individuals on the IRS web site.

Publication 213

**Blue Hen Corporate Center** 

655 S Bay Road, Ste. 2H

**University Office Plaza** 

252 Chapman Road, 2nd Floor

Dover, DE 19901

Newark, DE 19702

(302) 422-1134

(302) 761-8200 Fox Valley Offices

Georgetown American Job Center

**DIVISION OF INDUSTRIAL AFFAIR** 

are available on our website listed above Or someone on the employee's behalf, notify the employer as soon as possible of an accidental injury or occupational disease and request

information to the Dept of Labor about possible



 Raise a safety or health concern with your employer or OSHA, or report a workrelated injury or illness, without being

A safe workplace.

OSHA on your behalf. Participate (or have your representative

have been retaliated against for using your See any OSHA citations issued to your

Contact OSHA. We can help.

any work-related inpatient hospitalization, amputation, or loss of an eye. Provide required training to all workers

workplace.

Revised 11/17/2021

medical services if needed. Failure to give notice or to accept medical services may deprive the employee of the right to compensation. Give promptly to the employer, directly 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 fatal injuries, notice must be given by one or more dependents of the deceased or by a person on their behalf. In case of failure to reach an agreement with the employer in regard to compensation under the law, file a petition with

OSHA - THE OCCUPATIONAL SAFETY AND HEALTH ACT

Job Safety and Health IT'S THE LAW!

 Comply with all applicable OSHA standards. workplace fatality or within 24 hours of

understand. Prominently display this poster in the

1-800-321-OSHA (6742) • TTY 1-877-889-5627 • www.osha.gov

Blue Hen Corporate Center

252 Chapman Road, 2nd Floor

Violations of Delaware Worker's

Compensation Labor Laws could

Revised 1/27/2023

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Dover, DE 19901

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