

 $\star\star\star\star\star\star$  LABOR LAW POSTER  $\star\star\star\star\star\star$ 

Blue Hen Corporate Center

Fox Valley Offices

(302) 761-8200

Wilmington, DE 19802



Please post in a conspicuous place. **Date Posted:** 

Labor laws change frequently. Contact your distributor to ensure that you are in full compliance with required State and Federal posting requirements at least once a year. © LaborLawCenter LLC. All rights reserved.

disease and request medical services. 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 an application with the Industrial

Accident Board for a hearing on the matters at issue within two (2) years of the date

of accidental injury or one (1) year of knowledge of a diagnosis of an occupational

disease or an ionizing radiation injury. All forms can be obtained from the Office of

### CHILD LABOR LAWS

Fox Valley Offices 4425 North Market Street - 3rd Floor Wilmington, DE 19802

Georgetown American Job Center

8 Georgetown Plaza, Suite 2

Georgetown, DE 19947 (302) 856-5230

**General Provisions:** 

five (5) days

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

655 S Bay Road, Ste. 2H Dover, DE 19901 (302) 422-1134 **University Office Plaza** 252 Chapman Road, 2nd Floor Newark, DE 19702 (302) 761-8200

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

• More than five (5) hours continuously without a non-work period of at least • The minimum age for employment is 14. thirty (30) consecutive minutes. • Work Permits are required for all employed minors under the age of 18. Specific Provisions for Individuals 16 and 17 Years of Age: Employers are required to keep Work Permits on file for each employed minor.

• Not more than twelve (12) hours in a combination of school and work hours per

• 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

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

• If an employee is not present on the regular payday, payment shall be made on

• Wages may be paid to a bank account designated by an employee (upon the

Wages may be paid in cash or by check (provided that suitable arrangements

are made by the employer for cashing at a bank or other business establishment

Whenever an employee quits, resigns, is discharged, suspended or laid off, the

wages earned shall be paid on the next regularly scheduled payday(s) either

through the usual pay channels or by mail (if requested by the employee) as if

2. Cash advances or charges for goods and services (unless there is a signed

agreement specifying the amount owed and the repayment schedule);

employment had not been suspended or terminated.

Employers are not permitted to deduct or withhold wages for:

the next regular workday that the employee is present or by mail (only if

employer's obligation to comply with any provisions of federal law.

requested by the employee).

employee's written request).

convenient to the workplace).

3. Damaged Property

. Cash or inventory shortages;

4. Failure to return employer's property.

**UNLAWFUL DEDUCTIONS:** 

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.



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655 S Bay Road, Ste. 2H

**University Office Plaza** 

Dover, DE 19901

Newark, DE 19702

(302) 422-1134

(302) 761-8200

### PAYMENT OF WAGES

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

**DELAWARE DEPARTMENT OF LABOR DIVISION OF INDUSTRIAL AFFAIRS** 8 Georgetown Plaza, Suite 2 Georgetown, DE 19947

**PAYMENT OF WAGES** Email: wages@delaware.gov | Email: workpermits@delaware.gov | Website: Labor.delaware.gov

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

A new Work Permit is required when a minor changes employers.

• Before 7:00 a.m. or after 7:00 p.m.—except from June 1st through Labor Day

• More than eighteen (18) hours in any week when school is in session for

Provisions for Individuals 14 and 15 Years of Age:

MINORS 14 - 15 YEARS OF AGE SHALL NOT WORK:

• More than four (4) hours per day on school days

• More than six (6) days in any week

• More than forty (40) hours per week; and

when the evening hour shall be extended to 9:00 p.m.

• More than eight (8) hours per day on non-school days

- Notify employees in writing at the time of hire:
- 2. 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:
- 1. Amount of wages due; 2. Pay period covered by the payment;

work day

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Georgetown, DE 19947

- 3. Amounts of deductions (separately specified) which have been made from
- 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
- 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.

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

# **DISCRIMINATION**



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

Blue Hen Corporate Center

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

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 nonemployee, 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.

**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 accommodation, can perform the essential functions of a job.

**PREGNANCY:** Employers must provide reasonable accommodations to employees with respect to pregnancy, childbirth, 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 continue working.

ANY PERSON: who believes he or she has been discriminated against should contact the Delaware Department of Labor, 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 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. Revised 11/17/2021

# **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 Insurance laws. 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.

# **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

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

**WAGE THEFT** 

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

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.



## **WORKERS' COMPENSATION**



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

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

# **WORKERS' COMPENSATION**

### (302) 856-5230 **IMPORTANT THINGS TO DO IN CASE OF INJURY**

THE EMPLOYER SHOULD:

4425 North Market Street - 3rd Floor

Georgetown American Job Center

8 Georgetown Plaza, Suite 2 Georgetown, DE 19947

Carry Workers' Compensation insurance coverage. Provide all necessary medical, surgical, and hospital treatment from the accident date. Every employer shall keep a record of all injuries received by employees and make a report within ten (10) days thereof in writing to the Office of Workers' Compensation. Ascertain the average weekly wages of the employee and provide compensation in accordance with the provisions of the law, for disability beyond the third day after the accident. All agreements as to compensation must be submitted to the Office of Workers' Compensation for approval

THE EMPLOYEE SHOULD:

This chapter may be cited as the "Delaware Whistleblowers' Protection Act."

(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 employees, independent

(2) "Employer" means any person, partnership, association, sole proprietorship,

corporation or other business entity, including any department, agency, commission,

committee, board, council, bureau, or authority or any subdivision of them in state,

 $county\, or\, municipal\, government.\, One\, shall\, employ\, another\, if\, services\, are\, performed$ 

(3) "Person" means an individual, sole proprietorship, partnership, corporation,

a. A state-wide elected official, agency, department, division, bureau, board,

commission, council, authority, or other body in the executive branch of state

contractors, and volunteer firefighters as defined in § 6651(c) of Title 16.

for wages or under any contract of hire, written or oral, express or implied.

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; and

(5) "Supervisor" means any individual to whom an employer has given the authority to

(6) "Violation" means an act or omission by an employer, or an agent thereof, that is:

direct and control the work performance of the affected employee or any individual

who has the authority to take corrective action regarding the violation of a law, rule

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

from fraud, deceit, or misappropriation of public or private funds or assets under

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 report an employee's

suspected or actual citizenship or immigration status or the suspected or actual

citizenship or immigration status of a family member of the employee to a federal, state,

(1) Because the employee, or a person acting on behalf of the employee, reports or is

the employee knows or has reason to know that the report is false; or

connection with a violation as defined in this chapter; or

about to report to a public body, verbally or in writing, a violation which the

employee knows or reasonably believes has occurred or is about to occur, unless

b. Materially inconsistent with, and a serious deviation from, financial management or

te a political subdivision of this State or the United States to prote

Workers' Compensation. Immediately notify the employer in writing of accidental injury or occupational 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.

Revised 11/17/2021

Fox Valley Offices

4425 North Market Street

Wilmington, DE 19802

### WHISTLEBLOWER PROTECTION ACT

Pencader Corporate Suites 225 Corporate Blvd,. Suite 104 Newark, DE 19702 (302) 451-3423

Delaware Helpline

§ 1701. Short title.

§ 1702 Definitions.

74 Del. Laws, c. 361, § 1;

As used in this chapter:

association, or any other legal entity.

government or employee of them;

premises or elsewhere; or

the control of the employer.

74 Del. Laws, c. 361, § 1;

§ 1703 Protection.

or local agency:

e. A federal agency or employee of that federal agency.

or regulation about which the employee complains.

(4) "Public body" means all of the following:

1-800-464-4357

TITLE 19 **Labor | General Provisions** 

**CHAPTER 17. Whistleblowers' Protection** 

(302) 761-8000 24 NW Front Street, Ste. 100 Milford, DE 19963 (302) 422-1134 (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 that if the report is verbally made, the employee must establish by clear 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 participates or is requested to participate in an investigation, hearing, trial or inquiry, of a person or entity other than employee, regarding noncompliance or an infraction of Chapter 80 of Title 15; or refuses to participate or assist in the noncompliance or an infraction of Chapter 80 of Title 15.

#### 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 years 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

accounting standards implemented pursuant to a rule or regulation promulgated § 1705 Collective bargaining. by the employer or a law, rule, or regulation promulgated under the laws of this This chapter shall not be construed to diminish or impair the rights of a person under

74 Del. Laws, c. 361, § 1.

any collective bargaining agreement. 74 Del. Laws, c. 361, § 1.; § 1706 Exemption

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 employer's

effective: 10-01-25 - \$15.00/hour

Employees in agriculture

Employees in domestic service in or about private homes.

· Bona fide executives, administrators, and professionals.

· Employees engaged in fishing and fish processing at sea.

· Volunteer workers (for educational, religious or non-profit organizations).

· Junior camp counselors employed by non-profit summer camp programs.

· Employees of the United States Government.

· Outside commission paid salespeople.

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 (2) Because an employee participates or is requested by a public body to participate in employee to show that the primary basis for the discharge, threats, or discrimination an investigation, hearing, or inquiry held by that public body, or a court action, in alleged to be in violation of this chapter was that the employee undertook an act protected pursuant to § 1703 of this title. (3) Because an employee refuses to commit or assist in the commission of a violation, 74 Del. Laws, c. 361, § 1.;

## **DELAWARE MINIMUM WAGE**

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

as defined in this chapter; or

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

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

**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: 01-01-24 - \$13.25/hour

effective: 01-01-19 - \$8.75/hour effective: 10-01-19 - \$9.25/hour effective: 01-01-22- \$10.50/hour

**EMPLOYEES WHO RECEIVE TIPS** MINIMUM WAGE EXEMPTIONS: 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.

• The employee is a professional employee certified by the State Board of Education and

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

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

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# **BREAK RULES**

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8 Georgetown Plaza, Suite 2 Georgetown, DE 19947

employed by a local school board to work directly with children.

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

**BREAKS** 

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 Rules have been issued granting exemptions when: the employee is scheduled to work 7.5 or more hours per day. Compliance would adversely affect public safety

Must be after the first 2 hours of work and before the last 2 hours of work. • Only one (1) employee may perform the duties of a position. • An employer has fewer than five (5) employees on a shift at one location (the This rule does not apply when:

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.

agreement which provides otherwise 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

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Revised 01/17/2023



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Revised 01/17/2023

### **DE-0223**