## \* \* \* \* \* \* \*

Blue Hen Corporate Center

655 S Bay Road, Ste. 2H

Dover, DE 19901

(302) 422-1134



## LaborLawCenter.com 1-800-745-9970 • Product ID: DE50

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**EEOC - EQUAL EMPLOYMENT OPPORTUNITY IS THE LAW** 

## EQUAL EMPLOYMENT OPPORTUNITY IS THE LAW

#### PRIVATE EMPLOYERS, STATE AND LOCAL GOVERNMENTS, EDUCATIONAL INSTITUTIONS, EMPLOYMENT AGENCIES AND LABOR ORGANIZATIONS

Applicants to and employees of most private employers, state and local governments, educational institutions, employment agencies and labor organizations are protected under Federal law from discrimination on the following bases:

in hiring, promotion, discharge, pay, fringe benefits, job training, classification, failing to reasonably accommodate an employee's religious practices where the accommodation does not impose undue hardship.

DELAWARE

disability in hiring, promotion, discharge, pay, fringe benefits, job training, discrimination includes not making reasonable accommodation to the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, barring undue hardship.

on age in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment.

Civil Rights Act, as amended, the Equal Pay Act of 1963, as amended, prohibits sex discrimination in the payment of wages to women and men performing under similar working conditions, in the same establishment.

RACE, COLOR, RELIGION, SEX, NATIONAL ORIGIN Title VII of the Civil Rights GENETICS Title II of the Genetic Information Nondiscrimination Act of 2008 Act of 1964, as amended, protects applicants and employees from discrimination protects applicants and employees from discrimination based on genetic information in hiring, promotion, discharge, pay, fringe benefits, job training, referral, and other aspects of employment, on the basis of race, color, religion, classification, referral, and other aspects of employment. GINA also restricts sex (including pregnancy), or national origin. Religious discrimination includes employers' acquisition of genetic information and strictly limits disclosure of genetic information. Genetic information includes information about genetic tests of applicants, employees, or their family members; the manifestation of **DISABILITY** Title I and Title V of the Americans with Disabilities Act of 1990, as diseases or disorders in family members (family medical history); and requests for amended, protect qualified individuals from discrimination on the basis of or receipt of genetic services by applicants, employees, or their family members. **RETALIATION** All of these Federal laws prohibit covered entities from retaliating classification, referral, and other aspects of employment. Disability against a person who files a charge of discrimination, participates in a discrimination proceeding, or otherwise opposes an unlawful employment practice. WHAT TO DO IF YOU BELIEVE DISCRIMINATION HAS OCCURRED There

are strict time limits for filing charges of employment discrimination. AGE The Age Discrimination in Employment Act of 1967, as amended, protects To preserve the ability of EEOC to act on your behalf and to protect your applicants and employees 40 years of age or older from discrimination based right to file a private lawsuit, should you ultimately need to, you should contact EEOC promptly when discrimination is suspected: The U.S. Equal Employment Opportunity Commission (EEOC), 1-800-669-4000 (toll-free) or SEX (WAGES) In addition to sex discrimination prohibited by Title VII of the 1-800-669-6820 (toll-free TTY number for individuals with hearing impairments). EEOC field office information is available at www.eeoc.gov or in most telephone directories in the U.S. Government or Federal Government section. Additional substantially equal work, in jobs that require equal skill, effort, and responsibility, information about EEOC, including information about charge filing, is available at www.eeoc.gov.

#### **EMPLOYERS HOLDING FEDERAL CONTRACTS OR SUBCONTRACTS**

Applicants to and employees of companies with a Federal government contract or subcontract are protected under Federal law from discrimination on the following bases:

RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, GENDER IDENTITY, disabilities at all levels of employment, including the executive level. NATIONAL ORIGIN Executive Order 11246, as amended, prohibits employment PROTECTED VETERANS The Vietnam Era Veterans' Readjustment Assistance discrimination based on race, color, religion, sex, sexual orientation, gender Act of 1974, as amended, 38 U.S.C. 4212, prohibits employment discrimination identity, or national origin, and requires affirmative action to ensure equality of opportunity in all aspects of employment.

employees from discrimination based on inquiring about, disclosing, or discussing 👘 campaign badge veterans, or Armed Forces service medal veterans. their compensation or the compensation of other applicants or employees. **INDIVIDUALS WITH DISABILITIES** Section 503 of the Rehabilitation Act of complaint of discrimination, participates in an OFCCP proceeding, or otherwise 1973, as amended, protects qualified individuals with disabilities from opposes discrimination under these Federal laws. Any person who believes discrimination in hiring, promotion, discharge, pay, fringe benefits, job a contractor has violated its nondiscrimination or affirmative action training, classification, referral, and other aspects of employment. Disability obligations under the authorities above should contact immediately: The discrimination includes not making reasonable accommodation to the known Office of Federal Contract Compliance Programs (OFCCP), U.S. Department of physical or mental limitations of an otherwise qualified individual with a Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210, 1-800-397-6251 disability who is an applicant or employee, barring undue hardship to the (toll-free) or (202) 693-1337 (TTY). OFCCP may also be contacted by e-mail at employer. Section 503 also requires that Federal contractors take affirmative OFCCP-Public@dol.gov, or by calling an OFCCP regional or district office, listed action to employ and advance in employment qualified individuals with in most telephone directories under U.S. Government, Department of Labor.

#### **PROGRAMS OR ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE**

RACE, COLOR, NATIONAL ORIGIN, SEX In addition to the protections of Title activities which receive Federal financial assistance. employment discrimination on the basis of sex in educational programs or immediately contact the Federal agency providing such assistance. EEOC 9/02 and OFCCP 8/08 Versions Useable With 11/09 Supplement

employment, disabled veterans, recently separated veterans (i.e., within **PAY SECRECY** Executive Order 11246, as amended, protects applicants and three years of discharge or release from active duty), active duty wartime or **RETALIATION** Retaliation is prohibited against a person who files a

against, and requires affirmative action to recruit, employ, and advance in

If you believe that you have experienced discrimination contact OFCCP: 1-800-397-6251 | TTY 1-877-889-5627 | www.dol.gov.

VII of the Civil Rights Act of 1964, as amended, Title VI of the Civil Rights Act of INDIVIDUALS WITH DISABILITIES Section 504 of the Rehabilitation Act of 1973, 1964, as amended, prohibits discrimination on the basis of race, color or as amended, prohibits employment discrimination on the basis of disability in national origin in programs or activities receiving Federal financial assistance. any program or activity which receives Federal financial assistance. Discrimination Employment discrimination is covered by Title VI if the primary objective of the is prohibited in all aspects of employment against persons with disabilities who, financial assistance is provision of employment, or where employment with or without reasonable accommodation, can perform the essential functions discrimination causes or may cause discrimination in providing services under of the job. If you believe you have been discriminated against in a program of such programs. Title IX of the Education Amendments of 1972 prohibits any institution which receives Federal financial assistance, you should Mandatory Supplement to EEOC P/E-1(Revised 11/09) "EEO is the Law" Poster

## **PAYMENT OF WAGES**

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

#### **Division of Industrial Affairs** PAYMENT OF WAGES

**Delaware Department of Labor** 

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

- Notify employees in writing at the time of hire:
  - 1. Rate of Pay
- 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;
- 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, 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 request).
- 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 convenient to the workplace).
- 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 employment had not been suspended or terminated.

#### UNLAWFUL DEDUCTIONS:

Weekly

Marry or divorce?

• Your tax credits?

Fox Valley Offices

a job)?

Change your name?

· Gain or lose a dependent?

Your itemized deductions?

If you can answer "YES"...

Were there major changes to...

• Your nonwage income (interest, dividends, capital gains, etc.)?

To any of these questions or you owed extra tax when you filed

#### Employers are not permitted to deduct or withhold wages for:

- 2. Cash advances or charges for goods and services (unless there is a signed agreement specifying the amount owed and the repayment schedule);
- - or given information to the Dept of Labor about possible labor law violations.

A PLACE ACCESSIBLE TO EMPLOYEES AND WHERE THEY REGULARLY PASS.

Revised 11/17/2021

### **Regular Paydays for Employees of**

(Company Name) Shall be as follows: Bi-Weekly Monthly Other

## FMLA - FAMILY AND MEDICAL LEAVE ACT

#### **EMPLOYEE RIGHTS UNDER THE FAMILY AND MEDICAL LEAVE ACT** THE UNITED STATES DEPARTMENT OF LABOR WAGE AND HOUR DIVISION

LEAVE ENTITLEMENTS Eligible employees who work for a covered employer \*Special "hours of service" requirements apply to airline flight crew employees. can take up to 12 weeks of unpaid, job-protected leave in a 12-month period

- for the following reasons: • The birth of a child or placement of a child for adoption or foster care; To bond with a child (leave must be taken within 1 year of the child's birth
- or placement);
- To care for the employee's spouse, child, or parent who has a qualifying serious health condition;
- For the employee's own qualifying serious health condition that makes the employee unable to perform the employee's job;
- For qualifying exigencies related to the foreign deployment of a military member who is the employee's spouse, child, or parent.
- An eligible employee who is a covered servicemember's spouse, child, parent, or next of kin may also take up to 26 weeks of FMLA leave in a single 12-month period to care for the servicemember with a serious injury or illness. An employee does not need to use leave in one block. When it is medically
- necessary or otherwise permitted, employees may take leave intermittently or on a reduced schedule.

Employees may choose, or an employer may require, use of accrued paid leave while taking FMLA leave. If an employee substitutes accrued paid leave for FMLA If the employee is not eligible, the employer must provide a reason for ineligibility. leave, the employee must comply with the employer's normal paid leave policies. Employers must notify its employees if leave will be designated as FMLA leave, BENEFITS & PROTECTIONS While employees are on FMLA leave, employers must continue health insurance coverage as if the employees were not on leave. Upon return from FMLA leave, most employees must be restored to the same of Labor, Wage and Hour Division, or may bring a private lawsuit against job or one nearly identical to it with equivalent pay, benefits, and other an employer.

employment terms and conditions. An employer may not interfere with an individual's FMLA rights or retaliate against someone for using or trying to use FMLA leave, opposing any practice provides greater family or medical leave rights. made unlawful by the FMLA, or being involved in any proceeding under or related to the FMLA.

ELIGIBILITY REQUIREMENTS An employee who works for a covered employer must meet three criteria in order to be eligible for FMLA leave. The employee must: Have worked for the employer for at least 12 months; Have at least 1,250 hours of service in the 12 months before taking leave;\* and Work at a location where the employer has at least 50 employees within 75 miles of the employee's worksite.

**REQUESTING LEAVE** Generally, employees must give 30-days' advance notice of the need for FMLA leave. If it is not possible to give 30-days' notice, an employee must notify the employer as soon as possible and, generally, follow the employer's usual procedures.

Employees do not have to share a medical diagnosis, but must provide enough information to the employer so it can determine if the leave qualifies for FMLA protection. Sufficient information could include informing an employer that the employee is or will be unable to perform his or her job functions, that a family member cannot perform daily activities, or that hospitalization or continuing medical treatment is necessary. Employees must inform the employer if the need for leave is for a reason for which FMLA leave was previously taken or certified. Employers can require a certification or periodic recertification supporting the need for leave. If the employer determines that the certification is incomplete, it must provide a written notice indicating what additional information is required. EMPLOYER RESPONSIBILITIES Once an employer becomes aware that an employee's need for leave is for a reason that may qualify under the FMLA, the employer must notify the employee if he or she is eligible for FMLA leave and, if eligible, must also provide a notice of rights and responsibilities under the FMLA.

and if so, how much leave will be designated as FMLA leave. **ENFORCEMENT** Employees may file a complaint with the U.S. Department

The FMLA does not affect any federal or state law prohibiting discrimination or supersede any state or local law or collective bargaining agreement that

WH1420a REV 04/16 For additional information or to file a complaint 1-866-4-USWAGE 1-866-487-9243) TTY: 1-877-889-5627 WWW.WAGEHOUR.DOL.GOV U.S. Department of Labor | Wage and Hour Division

## **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.

#### REEMPLOYMENT RIGHTS

You have the right to be reemployed in your civilian job if you leave that job to perform service in the uniformed service and: · you 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 employer;

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 penefits you would have attained if you had not been absent due to military • For assistance in filing a complaint, or for any other information on USERRA, e or in some cases, a comparable iob 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 n connection with a proceeding under USERRA, even if that person has no service connection.

#### **HEALTH INSURANCE PROTECTION**

• If you leave your job to perform military service, you have the right to elect to continue your existing employer-based health plan coverage for you and your dependents for up to 24 months while in the military.

• Even if you don't elect to continue coverage during your military service, you have the right to be reinstated in your employer's health plan when you are reemployed, generally without any waiting periods or exclusions (e.g., pre-existing condition exclusions) except for service-connected illnesses or injuries.

#### **ENFORCEMENT**

• The U.S. Department of Labor, Veterans Employment and Training Service (VETS) is authorized to investigate and resolve complaints of USERRA violations. contact VETS at 1-866-4-USA-DOL or visit its website at http://www.dol.gov/vets. An interactive online USERRA Advisor can be viewed at http://www.dol.gov/elaws/userra.htm • If you file a complaint with VETS and VETS is unable to resolve it, you may request that your case be referred to the Department of Justice or the Office of Special Counsel, as applicable, for representation. • You may also bypass the VETS process and bring a civil action against an employer for violations of USERRA.

## ANTI-DISCRIMINATION NOTICE

1. Cash or inventory shortages; 3. Damaged Property 4. Failure to return employer's property.

It is unlawful to retaliate against an employee because (s)he has made a complaint

EMPLOYERS ARE REQUIRED BY LAW TO DISPLAY THIS OFFICIAL POSTER IN

Violations of Delaware Labor Laws could result in fines of up to \$10,000 per violation.

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

## **EMPLOYEE POLYGRAPH PROTECTION ACT**

#### EMPLOYEE RIGHTS | EMPLOYEE POLYGRAPH PROTECTION ACT

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 law. Civil money penalties may also be assessed for violations of the FLSA's

The Employee Polygraph Protection Act prohibits most private employers law does not preempt any provision of any State or local law or any collective from using lie detector tests either for pre-employment screening or bargaining agreement which is more restrictive with respect to lie detector tests. during the course of employment.

**PROHIBITIONS** Employers are generally prohibited from requiring or requesting any 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 law does not apply to tests given by the Federal Government to certain private individuals engaged in national security-related activities. The Act permits polygraph (a 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 who are reasonably suspected of involvement in a workplace incident (theft, embezzlement, etc.) that resulted in economic loss to the employer. The

**OVERTIME PAY** At least 1 ½ times your regular rate of pay for all hours worked

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

TIP 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

NURSING MOTHERS The FLSA requires employers to provide reasonable break

time for a nursing mother employee who is subject to the FLSA's overtime

requirements in order for the employee to express breast milk for her nursing

child for one year after the child's birth each time such employee has a need to

express breast milk. Employers are also required to provide a place, other than a

and the public, which may be used by the employee to express breast milk.

bathroom, that is shielded from view and free from intrusion from coworkers

**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

(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 contractors, and volunteer firefighters as defined

(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 for wages or under any contract

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

equal the minimum hourly wage, the employer must make up the difference.

work hours restrictions. Different rules apply in agricultural employment.

readily see it.

over 40 in a workweek.

Pencader Corporate Suites

Newark, DE 19702

Delaware Helpline

§ 1702 Definitions

As used in this chapter:

in § 6651(c) of Title 16.

1-800-464-4357

(302) 451-3423

225 Corporate Blvd,. Suite 104

**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 of specific rights, including the right to a written notice before testing, the right to refuse or 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 AND JOB APPLICANTS CAN READILY SEE IT.** 



child labor provisions. Heightened civil money penalties may be assessed for

each child labor violation that results in the death or serious injury of any

ninor employee, and such assessments may be doubled when the violations

are determined to be willful or repeated. The law also prohibits retaliating

against or discharging workers who file a complaint or participate in any

• Certain occupations and establishments are exempt from the minimum

Special provisions apply to workers in American Samoa, the Commonwealth

Some state laws provide greater employee protections; employers must

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

WAGE AND HOUR DIVISION

1-866-487-9243

www.dol.gov/whd

**D STATES DEPARTMENT OF LABOR** 

of the Northern Mariana Islands, and the Commonwealth of Puerto Rico.

## WITHHOLDING STATUS

## YOU MAY NEED TO CHECK YOUR WITHHOLDING

See your employer for a copy of Form W-4 or call the IRS at Since you last filed form W-4 with your employer did you... 1-800-829-3676. Now is the time to check your withholding. For more details, get Publication 919, How Do I Adjust My Tax Withholding?, or use the

Withholding Calculator at *www.irs.gov/individuals* on the IRS web site. • Your family wage income (you or your spouse started or ended 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. Publication 213

🔊 IRS Department of the Treasury

(Rev. 8-2009)

Cat. No. 11047P

Blue Hen Corporate Center

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Dover, DE 19901

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(302) 422-1134

your last return, you may need to file a new form W-4. Internal Revenue Service www.irs.gov

## **DELAWARE MINIMUM WAGE**



Wilmington, DE 19802 (302) 761-8200 Georgetown American Job Center 8 Georgetown Plaza, Suite 2 Georgetown, DE 19947 (302) 856-5230

4425 North Market Street - 3rd Floor

**Delaware Department of Labor** 

**Division of Industrial Affairs** MINIMUM WAGE

#### **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: 10-01-25 - \$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.

#### **MINIMUM WAGE EXEMPTIONS:**

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

#### **RECORD KEEPING REQUIREMENTS:**

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

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 \$10,000 per violation. Revised 11/17/2021

## **BREAK RULES**

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

Publication Date — April 2017

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: http://www.dol.gov/vets/programs/userra/poster.htm. Federal law requires employers to notify employees of their rights under USERRA, and employers may meet this requirement by displaying the text of this notice where they customarily place notices for employees.



## **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.

#### 04/02

## WORKERS' COMPENSATION

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



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

Revised 9/28/2018

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

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

## WORKERS' COMPENSATION

#### **IMPORTANT THINGS TO DO IN CASE OF INJURY**

#### **THE EMPLOYER SHOULD:**

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:**

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

> 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 \$10,000 per violation.

**OSHA - THE OCCUPATIONAL SAFETY AND HEALTH ACT** 

TITLE 19 **Labor General Provisions** 

**Delaware Whistleblowers' Protection Act.** 

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

WHISTLEBLOWER PROTECTION ACT

proceeding under the FLSA.

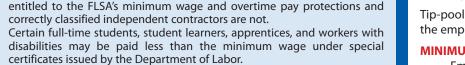
comply with both.

ADDITIONAL INFORMATION

wage, and/or overtime pay provisions.

(302) 422-1134





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Fox Valley Offices

ninaton, DE 19802

Milford, DE 19963

(302) 761-8000

4425 North Market Street

24 NW Front Street, Ste. 100

#### association, or any other legal entity. (4) "Public body" means all of the following:

of hire, written or oral, express or implied.

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;

and 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 regarding the violation of a law, rule or regulation about which the employee complains

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

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 b. Materially inconsistent with, and a serious deviation from, financial management or accounting standards implemented pursuant to a rule or This chapter shall not be construed to diminish or impair the rights of a person

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.;

#### § 1703 Protection

An employer shall not discharge, threaten, or otherwise discriminate against an employee regarding the employee's compensation, terms, conditions, location, or privileges of employment:

or is 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, 74 Del. Laws, c. 361, § 1; 70 Del. Laws, c. 186, § 1.; 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, or a court action, in connection with a violation as defined in this chapter; or (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

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

## **Division of Industrial Affairs CHILD LABOR**

**CHILD LABOR LAWS** 

#### General Provisions

 The minimum age for employment is 14. • 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 a minor changes employers.

#### Provisions for Individuals 14 and 15 Years of Age:

MINORS 14 - 15 YEARS OF AGE SHALL NOT WORK: • 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 (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 above addresses

This poster provides only general information regarding the provisions of Delaware's Child Labor Laws.

noncompliance or an infraction of Chapter 80 of Title 15. 74 Del. Laws, c. 361, § 1; 79 Del. Laws, c. 344, § 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. <u>74 Del. Laws, c. 361, § 1.;</u>

#### § 1705 Collective bargaining

under 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 (1) Because the employee, or a person acting on behalf of the employee, reports employee's employees informed of their protections and obligations under this chapter.

#### § 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. 74 Del. Laws, c. 361, § 1.;

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

# **BREAKS**

#### 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 employer-employee written agreement which provides otherwise.

#### Rules have been issued granting exemptions when:

 Compliance would adversely affect public safety. • 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 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.

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 \$10,000 per violation. Revised 11/17/2021

## DISCRIMINATION

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

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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.

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 pregnancyrelated 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.



# **Job Safety and Health** IT'S THE LAW!

## All workers have the right to:

- A safe workplace.
- Raise a safety or health concern with your employer or OSHA, or report a workrelated injury or illness, without being 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 OSHA on your behalf.
- Participate (or have your representative) 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 have been retaliated against for using your rights.
- See any OSHA citations issued to your employer.
- Request 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.
- Comply with all applicable OSHA standards.
- Notify OSHA within 8 hours of a workplace fatality or within 24 hours of any work-related inpatient hospitalization, amputation, or loss of an eye.
- Provide required training to all workers in a language and vocabulary they can understand.
- Prominently display this poster in the workplace.
- 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.



Dover, DE 19901 (302) 422-1134

**Delaware Department of Labor** 

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.

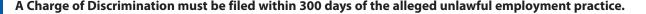
#### EMPLOYERS ARE REQUIRED BY LAW TO DISPLAY THIS OFFICIAL POSTER IN A PLACE ACCESSIBLE TO EMPLOYEES AND WHERE THEY REGULARLY PASS.

Violations of Delaware Labor Laws could result in fines of up to \$10,000 per violation.



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