FED

over 40 in a workweek.

EMPLOYEE RIGHTS

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. At least 1½ times the 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 nonmanufacturing, non-mining, non-hazardous jobs with certain work hours restrictions. Different rules apply in agricultural

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 equal the minimum hourly wage, the employer must make up the difference. **PUMP AT WORK**

The FLSA requires employers to provide reasonable break time for a nursing employee to express breast milk for her 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.

DEPARTMENT OF LABOR UNITED STATES OF AMERICA

REEMPLOYMENT RIGHTS

verbal notice of your service;

manner after conclusion of service; and

you have not been separated from service with a

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

uniformed services while with that particular employer;

you return to work or apply for reemployment in a timely

disqualifying discharge or under other than honorable

If you are eligible to be reemployed, you must be restored to the

job and benefits you would have attained if you had not been

absent due to military service or, in some cases, a comparable

RIGHT TO BE FREE FROM DISCRIMINATION AND

In addition, an employer may not retaliate against anyone

assisting in the enforcement of USERRA rights, including

proceeding under USERRA, even if that person has no service

testifying or making a statement in connection with a

are obligated to serve in

the uniformed service;

anv benefit of

FED

WAGE AND HOUR DIVISION UNITED STATES DEPARTMENT OF LABOR

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.

U.S. Department of Labor • 1-866-487-2365 U.S. Department of Justice Office of Special Counsel

Employer Support of the Guard and Reserve • 1-800-336-4590

UNDER THE FAIR LABOR STANDARDS ACT

ENFORCEMENT The Employee Polygraph Protection Act prohibits most private employers from using lie detector tests either The Department has authority to recover back wages and an for pre-employment screening or during the course of equal amount in liquidated damages in instances of minimum wage, overtime, and other violations. The Department may litigate and/or recommend criminal prosecution. Employers **PROHIBITIONS**

LABOR

LAWS

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 money penalties may be assessed for each child labor violation that results in the death or serious injury of any minor employee, and such assessments may be doubled when the violations are determined to be willful or repeated. The law also prohibits retaliating against or

from the minimum wage, and/or overtime pay

Special provisions apply to workers in American

Islands, and the Commonwealth of Puerto Rico.

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

apprentices, and workers with disabilities may be paid

less than the minimum wage under special certificates

1-866-487-9243

wage and overtime pay protections and correctly

classified independent contractors are not.

Certain full-time students, student learners,

issued by the Department of Labor.

www.dol.gov/agencies/who

HEALTH INSURANCE PROTECTION

24 months while in the military.

ENFORCEMENT

Even if you don't elect to continue co

resolve complaints of USERRA violations.

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

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 requirement

by displaying the text of this notice where they customarily place

applicable, for representation.

• 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

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

The U.S. Department of Labor, Veterans Employment and

information on USERRA, contact VETS at 1-866-4-USA-DOL

resolve it, you may request that your case be referred to the

Department of Justice or the Office of Special Counsel, as

or visit its website at https://www.dol.gov/agencies/vets/.

An interactive online USERRA Advisor can be viewed at

If you file a complaint with VETS and VETS is unable to

You may also bypass the VETS process and bring a civil

action against an employer for violations of USERRA.

Training Service (VETS) is authorized to investigate and

For assistance in filing a complaint, or for any other

the pump at work requirements.

employers must comply with both.

provisions. Certain narrow exemptions also apply to

Samoa, the Commonwealth of the Northern Mariana

Some state laws provide greater employee protections;

security-related activities. discharging workers who file a complaint or participate in any proceeding under the FLSA. ADDITIONAL INFORMATION

WH1088

REV. 04/2023

Government to certain private individuals engaged in national 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 Certain occupations and establishments are exempt car, alarm, and guard), and of pharmaceutical manufacturers,

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DEPARTMENT OF LABOR UNITED STATES OF AMERICA

distributors and dispensers.

WAGE AND HOUR DIVISION **UNITED STATES DEPARTMENT OF LABOR**

EMPLOYEE POLYGRAPH PROTECTION ACT The Act also permits polygraph testing, subject to restrictions, of certain employees of private firms who are reasonably suspected

with respect to lie detector tests.

of involvement in a workplace incident (theft, embezzlement, etc.) that resulted in economic loss to the employer. The law does not preempt any provision of any State or local law or any collective bargaining agreement which is more restrictive 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 **EXAMINEE RIGHTS** employee or prospective employee for refusing to take a test or Where polygraph tests are permitted, they are subject to for exercising other rights under the Act. 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 Federal, State and local governments are not affected by the discontinue a test, and the right not to have test results disclosed

EMPLOYEE RIGHTS

law. Also, the law does not apply to tests given by the Federal 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.

> 1-866-487-9243 www.dol.gov/agencies/whd



REV. 02/2022

THE LAW REQUIRES EMPLOYERS TO DISPLAY

THIS POSTER WHERE EMPLOYEES AND

JOB APPLICANTS CAN READILY SEE IT.

FED

for most employees.

YOUR EMPLOYEE RIGHTS UNDER THE **FAMILY AND MEDICAL LEAVE ACT**

What is FMLA leave? The Family and Medical Leave Act (FMLA) is a federal law that provides eligible employees with **job-protected leave** for qualifying family and medical reasons. The U.S. Department of Labor's Wage and Hour Division (WHD) enforces the FMLA

Eligible employees can take **up to 12 workweeks** of FMLA leave in a 12-month period for: The birth, adoption or foster placement of a child with

Your serious mental or physical health condition that makes you unable to work, To care for your spouse, child or parent with a serious mental or physical health condition, and Certain qualifying reasons related to the foreign deployment of your 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 servicemember with a serious injury or illness may take up to 26 workweeks of FMLA leave in a single $\overline{12\text{-m}}$ onth period to care for the servicemember. You have the right to 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

Am I eligible to take FMLA leave? You are an eligible employee if all of the following apply:

paid leave if your employer's paid leave policy covers the

reason for which you need FMLA leave.

You work for a covered employer, You have worked for your employer at least 12 You have at least 1,250 hours of service for your employer during the 12 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" You work for a **covered employer** if **one** of the following

You work for a private employer that had at least 50 employees during at least 20 workweeks in the current or previous 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 federal employees are covered by Title II of the FMLA, administered by

the Office of Personnel Management. How do I request FMLA leave? Generally, to request FMLA leave you must: Follow your employer's normal policies for requesting

Give notice at least 30 days before your need for FMLA

If advance notice is not possible, give notice as soon as possible. You do not have to share a medical diagnosis but must provide enough information to your employer so they can determine whether the leave qualifies for FMLA protection. You must also inform your employer if FMLA leave was **previously taken** or approved for the same reason when requesting additional leave.

Your **employer may request certification** from a health care provider to verify medical leave and may request certification of a qualifying exigency. The FMLA does not affect any federal or state law prohibiting

discrimination or supersede any state or local law or collective bargaining agreement that provides greater family or medical leave rights. State employees may be subject to certain limitations in pursuit of direct lawsuits regarding leave for their own serious health conditions. Most federal and certain congressional employees are also covered by the law but are subject to the jurisdiction of the U.S. Office of Personnel Management or Congress.

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 Continue 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 iob with the same pay, benefits and other working conditions, including shift and location, at the end of your leave. Your employer cannot interfere with your FMLA rights or

threaten or punish you for exercising your rights under the law. For example, your employer cannot retaliate against you for requesting FMLA leave or cooperating with a WHD After becoming aware that your need for leave is for a reason that may qualify under the FMLA, your **employer must**

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, if any, will be FMLA-protected leave.

Where can I find more information? 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 complaint with WHD or file a private lawsuit against your employer in court. Scan the QR code to learn about our WHD complaint process.

DEPARTMENT OF LABOR UNITED STATES OF AMERICA **WAGE AND HOUR DIVISION** UNITED STATES DEPARTMENT OF LABOR



REV. 04/2023

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RETALIATION

service;

are a past or present

membership in the

initial employment;

reemployment:

because of this status

uniformed service; or

have applied for

member of the uniformed

then an employer may not deny you:

retention in employment;

U.S. Equal Employment Opportunity Commission **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. Who is Protected? Employees (current and former), including managers and temporary employees Job applicants

Union members and applicants for membership in a union What Types of Employment Discrimination are Illegal? Under the EEOC's laws, an employer may not discriminate against you, regardless of your mmigration status, on the bases of:

Religion National origin Sex (including pregnancy, childbirth, and related medical conditions, sexual orientation, or gender identity)

Age (40 and older) Disability Genetic information (including employer requests for, or purchase, use, or disclosure of genetic tests, genetic services, or family medical history) Retaliation for filing a charge, reasonably opposing discrimination, or participating in a discrimination lawsuit, investigation, or proceeding

Interference, coercion, or threats related to exercising rights regarding disability discrimination or pregnancy accommodation What Organizations are Covered?

Most private employers

State and local governments (as employers) Educational institutions (as employers)

Staffing agencies

What Employment Practices can be Challenged as Discriminatory? All aspects of employment, including: Discharge, firing, or lay-off

Harassment (including unwelcome verbal or physical conduct) Hiring or promotion Assianment

Pay (unequal wages or compensation) Failure to provide reasonable accommodation for a disability; pregnancy, childbirth,

or related medical condition; or a sincerely-held religious belief, observance or practice Benefits Job training

Classification Referral Obtaining or disclosing genetic information of employees Requesting or disclosing medical information of employees

Conduct that might reasonably discourage someone from opposing discrimination, filing a charge, or participating in an investigation or proceeding Conduct that coerces, intimidates, threatens, or interferes with someone exercising

their rights, or someone assisting or encouraging someone else to exercise rights,

regarding disability discrimination (including accommodation) or pregnancy

What can You Do if You Believe Discrimination has Occurred?

Contact the EEOC promptly if you suspect discrimination. Do not delay, because there are strict time limits for filing a charge of discrimination (180 or 300 days, depending on where

you live/work). You can reach the EEOC in any of the following ways: an inquiry through the EEOC's public portal: https://publicportal.eeoc.gov/Portal/Login.aspx 1-800-669-4000 (toll free) 1-800-669-6820 (TTY)

1–844–234–5122 (ASL video phone)

REV. 05/2022

an EEOC field office (information at www.eeoc.gov/field-office) E-Mail info@eeoc.gov

Additional information about the EEOC, including information about filing a charge of discrimination, is available at www.eeoc.gov.



EMPLOYERS HOLDING FEDERAL CONTRACTS OR SUBCONTRACTS

The Department of Labor's Office of Federal Contract Compliance Programs (OFCCP) 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 employee of, a company with a Federal contract or subcontract, you are protected under Federal law from discrimination on the following bases:

Race, Color, Religion, Sex, Sexual Orientation, Gender Identity, National Executive Order 11246, as amended, prohibits employment discrimination by Federal 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 aspects of employment

Asking About, Disclosing, or Discussing Pay Executive Order 11246, as amended, protects applicants and employees of Federal contractors from discrimination based on inquiring about, disclosing, or discussing their compensation or the compensation of other applicants or employees. Disability

Section 503 of the Rehabilitation Act of 1973, as amended, protects qualified individuals with disabilities from discrimination in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment by Federal contractors. Disability 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 to the employer. Section 503 also requires that Federal contractors take affirmative action to employ and advance in employment qualified individuals with disabilities at all levels of employment, including the executive

The Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, 38 U.S.C. 4212,

prohibits employment discrimination against, and requires affirmative action to recruit. employ, and advance in employment, disabled veterans, recently separated veterans (i.e., within three years of discharge or release from active duty). active duty wartime or campaign badge veterans, or Armed Forces service medal veterans.

Retaliation is prohibited against a person who files a complaint of discrimination, participates in an OFCCP proceeding, or otherwise opposes discrimination by Federal contractors under these Federal laws.

Any person who believes a contractor has violated its nondiscrimination or affirmative action obligations under OFCCP's authorities should contact immediately: The Office of Federal Contract Compliance Programs (OFCCP) U.S. Department of Labor Washington, D.C. 20210

If you are deaf, hard of hearing, or have a speech disability, please dial 7-1-1 to access telecommunications relay services. OFCCP may also be contacted by submitting a question online to OFCCP's Help Desk at https://ofccphelpdesk.dol.gov/s/, or by calling an OFCCP regional or district office, listed in most telephone directories under U.S. Government, Department of Labor and on OFCCP's "Contact Us" webpage at https://www.dol.gov/agencies/ofccp/contact

PROGRAMS OR ACTIVITIES RECEIVING FEDERAL FINANCIAL **ASSISTANCE**

Race, Color, National Origin, Sex

In addition to the protections of Title VII of the Civil Rights Act of 1964, as amended, Title VI of the Civil Rights Act of 1964, as amended, prohibits discrimination on the basis of race, color or national origin in programs or activities receiving Federal financial assistance. Employment discrimination is covered by Title VI if the primary objective of the financial assistance is provision of employment, or where employment discrimination causes or may cause discrimination in providing services under such programs. Title IX of the Education Amendments of 1972 prohibits employment discrimination on the basis of sex in educational programs or activities which receive Federal financial assistance.

Individuals with Disabilities Section 504 of the Rehabilitation Act of 1973, as amended, prohibits employment discrimination on the basis of disability in any program or activity which receives Federal financial assistance. Discrimination is prohibited in all aspects of employment against persons with disabilities who, with or without reasonable accommodation, can perform the essential functions of the job.

If you believe you have been discriminated against in a program of any institution which receives Federal financial assistance, you should immediately contact the Federal agency providing such assistance

§ 1701. Short title. This chapter may be cited as the "Delaware Whistleblowers' Protection Act."

(74 Del. Laws, c. 361, § 1.)

DE

(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 in § 6651(c) of

"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

under any contract of hire, written or oral, express or implied. "Public body" means all of the following:

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; A legislator or employee of the legislative branch of state government;

An elected official of a county, city, or school district or employee of them; A law-enforcement agency or employee of that law-enforcement agency; and

A federal agency or employee of that federal agency.

violation of a law, rule or regulation about which the employee complains. "Violation" means an act or omission by an employer, or an agent thereof, that is:

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

(74 Del. Laws, c. 361, § 1.) § 1703. Protection.

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, or local agency:

Because the employee, or a person acting on behalf of the employee, reports 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, unless the employee knows or has reason to know that the report is false; or

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

Chapter 17. Whistleblowers' Protection

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

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 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 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

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

§ 1705. Collective bargaining. This chapter shall not be construed to diminish or impair the rights of a person under any collective bargaining agreement.

civil complaint is filed resides or has their principal place of business.

(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,

(74 Del. Laws, c. 361, § 1.)

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 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. (74 Del. Laws, c. 361, § 1.)

DE **Discrimination** Employers are prohibited by state law from discriminating

AGE (40+); GENETIC INFORMATION; SEXUAL ORIENTATION; GENDER IDENTITY; MARITAL STATUS; MEMBERSHIP IN VOLUNTEER EMERGENCY RESPONDER ORGANIZATION (VOLUNTEER FIREFIGHTERS, AMBULANCE PERSONNEL 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

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sexual harassment, Effective January 1, 2019, employers against employees because of their RACE; COLOR; NATIONAL ORIGIN; SEX (INCLUDING PREGNANCY); RELIGION; DISABILITY;

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 **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

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 Discrimination at (302) 761-8200. A Charge of Discrimination must be filed within 300 days of the alleged unlawful employment practice.

DE

4425 NORTH MARKET STREET- 3RD FLOOR WILMINGTON, DE 19802

DEPARTMENT OF LABOR DIVISION OF INDUSTRIAL AFFAIR

 $\textbf{Email:} \ \underline{dol_dia_workcomp@delaware.gov} \ | \ \textbf{Email:} \ \underline{dol_dia_wc_compliance@delaware.gov} \ | \ \textbf{Website:} \ \underline{Labor.delaware.gov} \ | \ \underline{dol_dia_workcomp@delaware.gov} \ | \ \underline{dol_dia_workcomp@dela$

WORKERS COMPENSATION

IMPORTANT THINGS TO DO IN CASE OF INJURY THE EMPLOYER SHALL: 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

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 the (Email: dol_dia_workcomp@delaware.gov) Or someone on the employee's behalf, notify the employer as

soon as possible of an accidental injury or occupational disease 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.

LABOR

Rev. 01/27/2023

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

Georgetown American Job Center

• Notify employees in writing at the time of hire

· Furnish each employee with a pay statement showing

Wages must be paid at least once each month.

mail (only if requested by the employee).

the employee's written request).

each pay period [with some exceptions, see §1102(b)].

business establishment convenient to the workplace).

Employers are not permitted to deduct or withhold wages for

3. Amounts of deductions (separately specified) which have

4. Total number of hours worked in the pay period (for employees who are

• Employees must be paid all wages within seven (7) days from the close of

• If the payday falls on a non-work day, payment shall be made on the

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

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

• 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

• 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.

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

agreement specifying the amount owed and the repayment schedule);

MINIMUM WAGE

The minimum cash wage payable to employees who receive tips is \$ 2.23 per

The employer must be able to prove that the employee received the balance of

made on the next regular workday that the employee is present or by

2. Day, hour, and place of payment

1. Amount of wages due;

paid at an hourly rate).

preceding work day.

UNLAWFUL DEDUCTIONS

1. Cash or inventory shortages

effective: 06-01-15 - \$8.25/hour

effective: 01-01-19 - \$8.75/hour

effective: 10-01-19 - \$9.25/hour

effective: 01-01-22- \$10.50/hou

EMPLOYEES WHO RECEIVE TIPS

hour effective 10/1/96

the full minimum rate in tips.

Fox Valley Offices

General Provisions

4. Failure to return employer's property

3. Damaged Property

Regular Rate:

PAYMENT OF WAGES

3. Employer's fringe benefits policies

2. Pay period covered by the payment

been made from the wages;

PAYMENT OF WAGES

8 Georgetown Plaza, Suite 2

Georgetown, DE 19947

(302) 856-5230



DELAWARE DEPARTMENT OF LABO DIVISION OF INDUSTRIAL AFFAIRS

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

252 Chapman Road, 2nd Floor

University Office Plaza Newark, DE 19702

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

MINIMUM WAGE EXEMPTIONS

 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

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

All employees must be offered a meal break of at least 30 consecutive

inutes 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:

• There is a collective bargaining agreement or other employer employee written agreement which provides otherwis

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).

Where exemptions are allowed, employees must be allowed to eat meals at their work stations or other authorized locations and use

The continuous nature of an employer's operations, such as chemical

production or research experiments, requires employees to respond





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

effective: 01-01-23 - \$11.75/hour

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

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

Georgetown American Job Center 8 Georgetown Plaza, Suite 2 Georgetown. DE 19947 **DELAWARE DEPARTMENT OF LABOR** (302) 856-5230 **DIVISION OF INDUSTRIAL AFFAIRS** Email: wages@delaware.gov | Email: workpermits@delaware.gov | Website: Labor.delaware.gov

• Employers are required to keep Work Permits on file for each employed • A new Work Permit is required when the employer of a minor changes.

• The minimum age for employment is 14.

Provisions for Individuals 14 and 15 Years of Age:

thirty (30) consecutive minutes.

For a list of Prohibited Occupations, contact:

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

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

• Work Permits are required for all employed minors under the age of 18.

• 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 • 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

• 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

Specific Provisions for Individuals 16 and 17 Years of Age:

period of at least thirty (30) consecutive minutes.

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.

· 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 an employee wages that are less than the minimum wage

• Misclassify a worker as an independent contractor for purposes of avoiding wage, tax, or workers' compensation obligations under this • Knowingly conspire to assist, advise, or facilitate a violation of this

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

· 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

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

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

NOTICE: This state has its own minimum wage law. Employers are also required to display the federal Employee Rights Under the Fair Labor Standards Act posting, which indicates the federal mum wage. Where federal and state rates both apply to an employee, the U.S. Department of Labor dictates that the employee is entitled to the higher minimum wage rate.

THIS NOTICE IS FOR INFORMATIONAL PURPOSES ONLY.

IT DOES NOT FULFILL THIS STATE'S UNEMPLOYMENT INSURANCE POSTING REQUIREMENT.

NOTICE: Employers must contact their local unemployment office or the state agency responsible for unemployment compensation to receive the official Unemployment Insurance posting. Employees should contact their local unemployment office for information on how to claim unemployment benefits. THIS NOTICE IS FOR INFORMATIONAL PURPOSES ONLY



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

Request copies of your medical records, tests

that measure hazards in the workplace, and

This poster is available free from OSHA.

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.



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



EMPLOYERS OF FOUR (4) OR MORE EMPLOYEES ARE REQUIRED TO: Tips may not be taken or retained by an employer except as required by • Notify employees in writing of any reductions in the rate of pay, law. Tip-pooling is permitted (under certain conditions) in an amount and any changes in the day, hour, or place of payment or benefits.

(302) 761-8200

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

not to exceed 15% of the actual tips received by the employee

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

programs. RECORD KEEPING REQUIREMENTS:

• The employee is a professional employee certified by the State Board of Education and employed by a local school board to work directly

to urgent or unusual conditions at all times and the employees are pensated for their meal breaks.







Blue Hen Corporate Center 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

An employer may not do any of the following:

decide to impose a civil penalty.

established under state and federal law for the work performed.

for criminal prosecution consistent with § 841D of Title 11

pay period.

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

\$20,000 per violation

§ 1702. Definitions. As used in this chapter:

of them in state, county or municipal government. One shall employ another if services are performed for wages or "Person" means an individual, sole proprietorship, partnership, corporation, association, or any other legal entity.

"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 Materially inconsistent with, and a serious deviation from, standards implemented pursuant to a law, rule, or

An employer shall not discharge, threaten, or otherwise discriminate against an employee regarding the employee's

easonable accommodation, can perform the essential functions of a job. **PREGNANCY:** Employers must provide reasonable accommodations to employees with respect to pregnancy,

Rev. 11/17/2021

(302) 761-8200 GEORGETOWN AMERICAN JOB CENTER 8 GEORGETOWN PLAZA, SUITE 2 (302) 856-5230

THE EMPLOYEE SHALL:

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 are available on our website

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 obtained from the Office of Workers' Compensation **DELAWARE** Violations of Delaware **DEPARTMENT OF** Worker's Compensation Labor Laws could result in fines.

BLUE HEN CORPORATE CENTER

NIVERSITY OFFICE PLAZA

Newark, DE 19702

and request medical services if needed. Failure to give notice

or to accept medical services may deprive the employee of the

252 CHAPMAN ROAD, 2ND FLOOR

655 S BAY ROAD, STE, 2H

Dover, DE 19901

ONLINE

Contact OSHA. We can help.

To update your labor law posters contact **TWO** ways to verify poster compliance! QR CODE Scan with phone camera: Go to: JJKeller.com/LLPverify Enter this code: 69342-072025

FED-DE-ENG

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

62776

This poster is in compliance with federal and state posting requirements.