FED

# **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 over 40 in a workweek

**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

**PUMP AT WORK** The FLSA requires employers to provide reasonable break time for a nursing employee to express breast milk for their nursing child for one year after the child's birth each time the employee needs to express breast milk. Employers must provide a place, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public which may be used by the employee to express breast milk.

wage, the employer must make up the difference.

OF LABOR UNITED STATES OF AMERICA

DE



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

UNDER THE FAIR LABOR STANDARDS ACT

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

Certain occupations and establishments are exempt from the minimum wage, and/or overtime pay

provisions. Certain narrow exemptions also apply to the pump at work requirements Special provisions apply to workers in American Samoa, the Commonwealth of the Northern Mariana Islands, and the Commonwealth of Puerto Rico.

Some state laws provide greater employee protections;

"independent contractors" when they are actually employees under the FLSA. It is important to know the difference between the two because employees (unless exempt) are entitled to the FLSA's minimum wage and overtime pay protections and correctly classified independent contractors are not. Certain full-time students, student learners, apprentices, and workers with disabilities may be paid

less than the minimum wage under special certificates issued by the Department of Labor.



## **MINIMUM WAGE**

### **MINIMUM WAGE EXEMPTIONS:**

- Employees in agriculture.
- Employees in domestic service in or about private
- Employees of the United States Government. Outside commission paid salespeople.
- Bona fide executives, administrators, and professionals Employees engaged in fishing and fish processing
- Volunteer workers (for educational, religious or non-profit organizations).
- Junior camp counselors employed by non-profit summer camp programs.
- **RECORD KEEPING REQUIREMENTS:**

hearing, or inquiry held by that public body, or a court

action, in connection with a violation as defined in this

Because an employee refuses to commit or assist

in the commission of a violation, as defined in this

Because the employee reports verbally or in writing

to the employer or to the employee's supervisor a

believes has occurred or is about to occur, unless

violation, which the employee knows or reasonably

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;

Because an employee reports or is about to report

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

or an infraction of Chapter 80 of Title 15; or refuses

to participate or assist in the noncompliance or an

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 civil complaint is

filed resides or has their principal place of business.

As used in subsection (a) of this section, "damages"

means damages for injury or loss caused by each

A court, in rendering a judgment in an action brought

under this chapter, shall order, as the court considers

payment of back wages, full reinstatement of fringe

benefits and seniority rights, expungement of records

relating to the disciplinary action or discharge, actual

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.

This chapter shall not be construed to diminish or impair

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

An employer shall post notices and use other appropriate

protections and obligations under this chapter.

act protected pursuant to § 1703 of this title.

requested by the employee)

convenient to the workplace).

(74 Del. Laws, c. 361, § 1; 70 Del. Laws, c. 186, § 1.)

means to keep the employer's employees informed of their

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

that the employee is present or by mail (only if

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

Whenever an employee quits, resigns, is discharged,

suspended or laid off, the wages earned shall be

the rights of a person under any collective bargaining

damages, or any combination of these remedies. A

court may also award, as part of a judgment in an

appropriate, reinstatement of the employee, the

infraction of Chapter 80 of Title 15.

§ 1704. Relief and damages.

violation of this chapter

(74 Del. Laws, c. 361, § 1.)

(74 Del. Laws, c. 361, § 1.)

§ 1706. Exemption.

(74 Del. Laws, c. 361, § 1.)

§ 1705. Collective bargaining.

accordance with § 1703 of this title.

§ 1707. Notices requirement.

§ 1708. Burden of proof.

(74 Del. Laws, c. 361, § 1.)

Laws, c. 488, § 1.)

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

entity other than employee, regarding noncompliance

to a public body, to the employer or the employee's

supervisor, verbally or in writing any noncompliance

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

**NOTICE:** This state has its own minimum wage law. Employers are also required to display the federal Employee Rights Under ne Fair Labor Standards Act posting, which indicates the federal minimum wage. Where federal and state rates both apply to an ployee, 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.

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

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

**Chapter 17. Whistleblowers' Protection** 

chapter; or

### § 1701. Short title. This chapter may be cited as the "Delaware Whistleblowers"

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

## As used in this chapter:

"Employee" means a person employed full or parttime by any employer, and shall include, but not be limited to, at-will employees, contract employees,

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

"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

"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.

or an agent thereof, that is: 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

Materially inconsistent with, and a serious deviation from, financial management or accounting standards implemented pursuant to a rule or regulation promulgated by the employer or a law, rule, or regulation promulgated under the laws of this State, a political subdivision of this State, or the United States, to protect any person from fraud, deceit, or misappropriation of public or private funds or assets under the control of the employer.

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

or local agency: Because the employee, or a person acting on behalf of body, verbally or in writing, a violation which the

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,

the employee, reports or is about to report to a public 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

# ARE REQUIRED TO:

Notify employees in writing at the time of hire:

Day, hour, and place of payment Employer's fringe benefits policies of payment or benefits.

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

Total number of hours worked in the 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

Labor about possible labor law violations.

Regularly Pass

civil penalty

RETALIATION

instituted.

\$20,000 for each violation.

consistent with § 841D of Title 11

Cash or inventory shortages;

Cash advances or charges for goods and services amount owed and the repayment schedule);

Damaged Property Failure to return employer's property

(unless there is a signed agreement specifying the

this section, the Department may decide to impose a

An employer who violates this section is subject to a

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

An employer is subject to a civil penalty of not less than

\$20,000 and not more than \$50,000 for each violation if

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

discriminates against an individual because that individual

Made a complaint or provided information to the

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

REV. 01/17/2023

the employer discharges or in any manner retaliates or

Department of Justice for criminal prosecution

civil penalty of not less than \$2,000 and not more than

It is unlawful to retaliate against an employee because (s)he has made a complaint or given information to the Dept o Employers Are Required By Law To Display This Official Poster In A Place Accessible To Employees And Where They

Rev. 01/17/2023

All employees must be offered a meal break of at least

as to compensation must be submitted to the Office of

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,

Workers' Compensation for approval.

THE EMPLOYEE SHOULD:

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

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

apply to that shift).

An employer has fewer than five (5) employees on

a shift at one location (the exception would only

Rules have been issued granting exemptions

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

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

Compliance would adversely affect public safety. Only one (1) employee may perform the duties of

Discrimination

Employers are prohibited by state law from discriminating complained to the employer and the employer has taken against employees because of their RACE; COLOR; NATIONAL no action to stop or correct the sexual harassment. Effective ORIGIN; SEX (INCLUDING PREGNANCY); RELIGION; DISABILITY; January 1, 2019, employers must distribute the Department AGE (40+); GENETIC INFORMATION; SEXUAL ORIENTATION; of Labor Sexual Harassment Informational worksheet to all GENDER IDENTITY: MARITAL STATUS: MEMBERSHIP IN **VOLUNTEER EMERGENCY RESPONDER ORGANIZATION** (VOLUNTEER FIREFIGHTERS, AMBULANCE PERSONNEL employees, and every two years after. 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 **PREGNANCY:** Employers must provide reasonable agencies and joint labor management committees for accommodations to employees with respect to pregnancy, apprenticeship or training are covered by this law.

childbirth, lactation and related conditions. Employers may not deny job applicants a position based on the need for SEXUAL HARASSMENT: Sexual harassment of employees, a pregnancy-related workplace accommodation, make applicants, apprentices, staffing agency workers, unpaid interns, unnecessary changes to a pregnant employee's job functions or 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 ( 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

the alleged unlawful employment practice.

Rev. 11/17/2021

FED

Job applicants

Color

Religion

Disability

National origin

Age (40 and older)

your immigration status, on the bases of:

orientation, or gender identity)

**What Organizations are Covered?** 

Most private employers

All aspects of employment, including:

Discharge, firing, or lay-off

Hiring or promotion

observance or practice

or pregnancy accommodation

1-800-669-6820 (TTY)

www.eeoc.gov/field-office)

info@eeoc.gov

Additional information about the EEOC,

including information about filing a charge of

discrimination, is available at www.eeoc.gov.

Benefits

Referral

Visit

E-Mail

FED

connection.

REV. 04/2023

Rev. 01/17/2023

Rev. 11/17/2021

More than five (5) hours continuously without a

Specific Provisions for Individuals 16 and 17

of school and work hours per day

For a list of Prohibited Occupations, contact:

This poster provides only general informati

The Delaware Department of Labor, Division of

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.

Industrial Affairs, Office of Labor Law Enforcement at

(24) hour period

consecutive minutes.

any of the addresses listed.

non-work period of at least thirty (30) consecutive

Not more than twelve (12) hours in a combination

Must have at least eight (8) consecutive hours of

non-work, non-school time in each twenty-four

without a non-work period of at least thirty (30)

May not work more than five (5) hours continuously

Job training

Classification

Staffing agencies

discrimination or pregnancy accommodation

State and local governments (as employers)

Educational institutions (as employers)

Pay (unequal wages or compensation)

Union members and applicants for membership in a union

Under the EEOC's laws, an employer may not discriminate against you, regardless of

Sex (including pregnancy, childbirth, and related medical conditions, sexual

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

What Employment Practices can be Challenged as Discriminatory?

Harassment (including unwelcome verbal or physical conduct)

Obtaining or disclosing genetic information of employees

Requesting or disclosing medical information of employees

Conduct that might reasonably discourage someone from opposing

Conduct that coerces, intimidates, threatens, or interferes with someone

discrimination, filing a charge, or participating in an investigation or proceeding

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

What can You Do if You Believe Discrimination has Occurred?

Contact the EEOC promptly if you suspect discrimination. Do not delay, because there

**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

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:

1-844-234-5122 (ASL video phone)

an EEOC field office (information at

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

exercise rights, regarding disability discrimination (including accommodation)

Failure to provide reasonable accommodation for a disability; pregnancy,

childbirth, or related medical condition; or a sincerely-held religious belief,

What Types of Employment Discrimination are Illegal?

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?

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 Employees (current and former), including managers and temporary employees 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 Interference, coercion, or threats related to exercising rights regarding disability 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 level.

## **Protected Veteran Status**

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 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 200 Constitution Avenue, N.W. Washington, D.C. 20210

1-800-397-6251 (toll-free) 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

### https://www.dol.gov/agencies/ofccp/contact. PROGRAMS OR ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE

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

# Race, Color, National Origin, Sex

which receive Federal financial assistance.

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

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.

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

YOUR RIGHTS UNDER USERRA

THE UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT

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

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

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 job.

RIGHT TO BE FREE FROM DISCRIMINATION AND RETALIATION If you: are obligated to serve in the

are a past or present member of the • uniformed service; have applied for membership in the

uniformed service; or then an employer may not deny you: initial employment;

promotion; or any benefit of employment reemployment; retention in employment; because of this status. In addition, an employer may not retaliate against anyone assisting in the

### enforcement of USERRA rights, including testifying or making a statement in connection with a proceeding under USERRA, even if that person has no service

place notices for employees.

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

**Department of Labor** 

FOX VALLEY OFFICES 4425 North Market Street -3RD FLOOR WILMINGTON, DE 19802 (302) 856-5230 (302) 761-8200

GEORGETOWN AMERICAN JOB CENTER 8 GEORGETOWN PLAZA, SUITE 2 GEORGETOWN, DE 19947

**Dover, DE 19901** (302) 422-1134

**Division of Industrial Affairs** BLUE HEN CORPORATE CENTER 655 S Bay Road, Ste. 2H

UNIVERSITY OFFICE PLAZA 252 CHAPMAN ROAD, 2ND FLOOR **Newark, DE 19702** (302) 761-8200

wages@delaware.gov workpermits@delaware.gov



# **Job Safety and Health**

# All workers have the right to:

- 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.
- Participate (or have your representative) participate) in an OSHA inspection and speak in private to the inspector.
- (by phone, online or by mail) if you have been retaliated against for using your rights.
- that measure hazards in the workplace, and the workplace injury and illness log.

This poster is available free from OSHA.

Contact OSHA. We can help.

**TWO** ways to verify poster compliance!

**QR CODE** Scan with phone camera:

# The U.S. Department of Labor, Veterans Employment and Training Service

(VETS) is authorized to investigate and resolve complaints of USERRA violations. For assistance in filing a complaint, or for any other information on USERRA, contact VETS at **1-866-4-USA-DOL** or visit its website at

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

existing condition exclusions) except for service-connected illnesses or injuries.

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

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

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

Labor.delaware.gov



# IT'S THE LAW!

- A safe workplace. Raise a safety or health concern with
- 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.
- File a complaint with OSHA within 30 days
- See any OSHA citations issued to your
- Request copies of your medical records, tests

# **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
- of an eye. Provide required training to all workers in a
- Prominently display this poster in the workplace. Post OSHA citations at or near the place of the alleged violations.

language and vocabulary they can understand.

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





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LABOR

LAWS

## ADDITIONAL INFORMATION

employers must comply with both. Some employers incorrectly classify workers as

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



Rev. 01/17/2023

# **REV. 04/2023**

FED

### **Regular Rate:** effective: 06-01-15 - \$8.25/hour effective: 01-01-19 - \$8.75/hour effective: 10-01-19 - \$9.25/hour

The minimum cash wage payable to employees who receive tips is \$2.23 per hour, effective 10/1/96. he emplover must be able to prove that the employe received the balance of the full minimum rate in tips. **NOTE:** Delaware's minimum cash wage for tipped

effective: 01-01-24 - \$13.25/hour effective: 01-01-25 - \$15.00/hour **EMPLOYEES WHO RECEIVE TIPS** 

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

# effective: 01-01-22 - \$10.50/hour effective: 01-01-23 - \$11.75/hour

# conditions) in an amount not to exceed 15% of the actual tips received by the employee.

§ 1702. Definitions.

DE

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

"Violation" means an act or omission by an employer, while on the employer's premises or elsewhere;

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

Because an employee participates or is requested by a public body to participate in an investigation,

DE **PAYMENT OF WAGES EMPLOYERS OF FOUR (4) OR MORE EMPLOYEES** Rate of Pay

### Notify employees in writing of any reductions in the rate of pay, and any changes in the day, hour, or place Furnish each employee with a pay statement showing:

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

DE

within 7 days of the applicable pay period. Pay an employee wages that are less than the minimum wage established under state and federal

law for the work performed.

An employer may not do any of the following:

Employ an individual without reporting the

individual's employment to all appropriate

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

# **WAGE THEFT**

government agencies and paying all applicable taxes and fees for the individual. Fail to properly withhold state and federal taxes from Fail to forward money withheld from an employee's wages to the appropriate state or federal agency

Misclassify a worker as an independent contractor

for purposes of avoiding wage, tax, or workers

'compensation obligations under this title. does any of the following under this section: Knowingly conspire to assist, advise, or facilitate a violation of this section. **PENALTIES** Following an investigation in which the Department makes an initial determination that an employer has violated one or more provisions of subsection (a) of

FED

# **EMPLOYEE RIGHTS**

The Employee Polygraph Protection Act prohibits most private employers from using lie detector tests either for pre-employment screening or during the course of employment.

**EMPLOYEE POLYGRAPH PROTECTION ACT** 

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. 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

The law does not preempt any provision of any State or local law or any collective bargaining agreement which is more restrictive with respect to lie detector tests.

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

THE LAW REQUIRES EMPLOYERS TO DISPLAY THIS POSTER WHERE

**EMPLOYEES AND JOB APPLICANTS CAN READILY SEE IT.** 

**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.

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

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

WH1462

**REV. 02/2022** 

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

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 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 12-month 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

FMLA leave is not paid leave, but you may choose, or be required by your employer, to use any employer-provided paid leave

The Family and Medical Leave Act (FMLA) is a federal law that provides eligible employees with job-protected leave for

Eligible employees can take **up to 12 workweeks** of FMLA leave in a 12-month period for:

if your employer's paid leave policy covers the reason for which you need FMLA leave.

Your serious mental or physical health condition that makes you unable to work,

The birth, adoption or foster placement of a child with you,

Am I eligible to take FMLA leave?

You work for a covered employer,

What does my employer need to do?

must notify you in writing:

DE

DE

DE

DE

**General Provisions** 

If you are eligible for FMLA leave, your employer must:

You are an **eligible employee** if **all** of the following apply:

You work for a **covered employer** if **one** of the following applies:

qualifying family and medical reasons. The U.S. Department of Labor's Wage and Hour Division (WHD) enforces the FMLA for

You have worked for your employer at least 12 months, 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" requirements.

You work for a private employer that had at least 50 employees during at least 20 workweeks in the current or previous

You work for a public agency, such as a local, state or federal government agency. Most federal employees are covered

Generally, to request FMLA leave you must: Follow your employer's normal policies for requesting leave, Give notice at least 30 days before your need for FMLA leave, or

If advance notice is not possible, give notice as soon as possible.

previously taken or approved for the same reason when requesting additional leave

Allow you to take job-protected time off work for a qualifying reason,

conditions, including shift and location, at the end of your leave.

You work for an elementary or public or private secondary school, or

by Title II of the FMLA, administered by the Office of Personnel Management.

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.

Your employer may request certification from a health care provider to verify medical leave and may request certification of

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 job with the same pay, benefits and other working

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 investigation.

whether you are eligible or not eligible for FMLA leave. If your employer determines that you are eligible, your employer

After becoming aware that your need for leave is for a reason that may qualify under the FMLA, your **employer must confirm** 

**CHILD LABOR** 

**WORKERS COMPENSATION** 

**Years of Age:** 

SCAN ME

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

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

About your FMLA rights and responsibilities, and

UNITED STATES DEPARTMENT OF LABOR

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 the employer of a minor changes.

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

> Nore than eighteen (18) hours in anv 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 eight (8) hours per day on non-school

IMPORTANT THINGS TO DO IN CASE OF INJURY directly or through a supervisor, notice of any claim THE EMPLOYER SHOULD: for compensation for the period of disability beyond Carry Workers' Compensation insurance coverage. Provide the third day after the accident. In case of fatal injuries, all necessary medical, surgical, and hospital treatment notice must be given by one or more dependents of the 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

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. Immediately notify the employer in writing of accidental

> authorized locations and use restroom facilities as reasonably necessary.

**BREAKS** 

employees. Employers with 50 or more employees must provide interactive sexual harassment training to all new **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.

require a pregnant employee to take paid or unpaid leave when a reasonable accommodation would permit the employee to ANY PERSON: who believes he or she has been discriminated against should contact the Delaware Department of Labor, Office of Discrimination at (302) 761-8200. A Charge of Discrimination must be filed within 300 days of

# ONLINE

# Go to: JJKeller.com/LLPverify Enter this code: 69342-062023

### 65734F JUN2023

- fatality or within 24 hours of any work-related inpatient hospitalization, amputation, or loss



To update your labor law posters contact

against past and present members of the uniformed services, and applicants to the uniformed services. **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

> https://www.dol.gov/agencies/vets/. An interactive online USERRA Advisor can be viewed at <a href="https://webapps.dol.gov/elaws/vets/userra">https://webapps.dol.gov/elaws/vets/userra</a>. request that your case be referred to the Department of Justice or the Office of

> > **REV. 05/2022**

