

LABOR

LAWS

Since 1953

FEDERAL

DELAWARE

EMPLOYEE RIGHTS UNDER THE FAIR LABOR STANDARDS ACT

FEDERAL MINIMUM WAGE **\$7.25 PER HOUR**

BEGINNING JULY 24, 2009

The law requires employers to display this poster where employees can readily see it.

OVERTIME PAY

FED

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 employment.

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

DE

Regular Rate:

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/hour

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

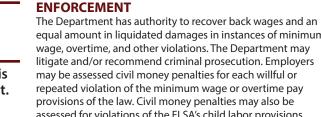
effective: 01-01-24 - \$13.25/hour

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

EMPLOYEES WHO RECEIVE TIPS

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.





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.

ADDITIONAL INFORMATION

Certain occupations and establishments are exempt from the minimum wage, and/or overtime pay provisions. Certain narrow exemptions also apply to the pump at work 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; employers must comply with both. Some employers incorrectly classify workers as

"independent contractors" when they are actually employees under the FLSA. It is important to know the difference between the two because employees (unless exempt) are entitled to the FLSA's minimum wage 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.

1-866-487-9243

Employees in domestic service in or about private

Employees engaged in fishing and fish processing

Volunteer workers (for educational, religious or

Employees of the United States Government.

Outside commission paid salespeople.

Bona fide executives, administrators, and

www.dol.gov/agencies/whd

EMPLOYEE RIGHTS EMPLOYEE POLYGRAPH PROTECTION ACT

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.

PROHIBITIONS

Employers are generally prohibited from requiring or requesting any employee or job applicant to take a lie detector test, and from discharging, disciplining, or discriminating against an employee or prospective employee for refusing to take a test or for exercising other rights under the Act.

EXEMPTIONS

FED

Federal, State and local governments are not affected by the law. Also, the law does not apply to tests given by the Federal Government to certain private individuals engaged in national security-related activities.

The Act permits polygraph (a kind of lie detector) tests to be administered in the private sector, subject to restrictions, to certain prospective employees of security service firms (armored car, alarm, and guard), and of pharmaceutical manufacturers, distributors and dispensers.

The Act also permits polygraph testing, subject to restrictions, of certain employees of private firms who are reasonably suspected of involvement in a workplace incident (theft, embezzlement, etc.) that resulted in economic loss to the employer

The 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.

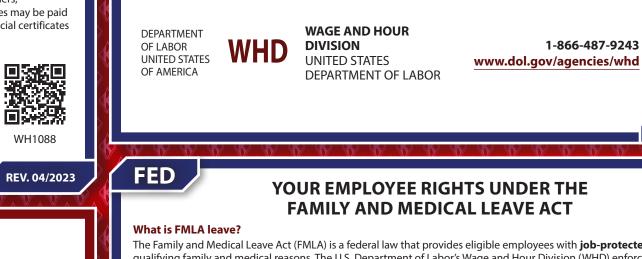
EXAMINEE RIGHTS

Where polygraph tests are permitted, they are subject to numerous strict standards concerning the conduct and length of the test. Examinees have a number of specific rights, including the right to a written notice before testing, the right to refuse or discontinue a test, and the right not to have test results disclosed to unauthorized persons.

ENFORCEMENT

The Secretary of Labor may bring court actions to restrain violations and assess civil penalties against violators. Employees or job applicants may also bring their own court actions.

THE LAW REQUIRES EMPLOYERS TO DISPLAY THIS POSTER WHERE **EMPLOYEES AND JOB APPLICANTS CAN READILY SEE IT.**



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 for most employees

- 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 you,
- 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 12-month period to care for the servicemember.

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

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.

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?

FED

- 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 immigration status, on the bases of:

- Race
- Color
- 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
- by Federal contractors. Disability discrimination includes not making reasonable participating in a discrimination lawsuit, investigation, or proceeding 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
- 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
- Assignment

WH1462

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- 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 accommodation

What can You Do if You Believe Discrimination has Occurred? Race, Color, National Origin, Sex

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: Submit
- https://publicportal.eeoc.gov/Portal/Login.aspx
 - -800-669-4000 (toll free

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 Origin

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

all levels of employment, including the executive level.

Protected Veteran Status

contractors under these Federal laws.

https://www.dol.gov/agencies/ofccp/contact.

U.S. Department of Labor

Washington, D.C. 20210

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

200 Constitution Avenue, N.W.

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.

individuals with disabilities from discrimination in hiring, promotion, discharge, pay,

fringe benefits, job training, classification, referral, and other aspects of employment

action to employ and advance in employment qualified individuals with disabilities at

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,

action obligations under OFCCP's authorities should contact immediately:

The Office of Federal Contract Compliance Programs (OFCCP)

participates in an OFCCP proceeding, or otherwise opposes discrimination by Federal

Any person who believes a contractor has violated its nondiscrimination or affirmative

If you are deaf, hard of hearing, or have a speech disability, please dial 7–1–1 to access

calling an OFCCP regional or district office, listed in most telephone directories under

PROGRAMS OR ACTIVITIES RECEIVING FEDERAL

FINANCIAL ASSISTANCE

In addition to the protections of Title VII of the Civil Rights Act of 1964, as amended,

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

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

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

U.S. Government, Department of Labor and on OFCCP's "Contact Us" webpage at

Disability Section 503 of the Rehabilitation Act of 1973, as amended, protects qualified

Retaliation

he emplover must be able to prove that the employe received the balance of the full minimum rate in tips.

The minimum cash wage payable to employees who

receive tips is \$2.23 per hour, effective 10/1/96.

NOTE: Delaware's minimum cash wage for tipped employees is greater than the cash wage required by federal law. Employers must pay Delaware's higher rate.

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

non-profit organizations). Junior camp counselors employed by non-profit summer camp programs.

MINIMUM WAGE EXEMPTIONS:

Employees in agriculture.

homes.

at sea.

professionals

RECORD KEEPING REQUIREMENTS:

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.

MINIMUM WAGE

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 on how to claim unemployment benefits.

THIS NOTICE IS FOR INFORMATIONAL PURPOSES ONLY. IT DOES NOT FULFILL THIS STATE'S UNEMPLOYMENT INSURANCE POSTING REQUIREMENT.

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Chapter 17. Whistleblowers' Protection

(3)

(5)

Laws, c. 488, § 1.)

(c)

(d)

chapter; or

chapter; or

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

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

§ 1702. Definitions.

- As used in this chapter:
- "Employee" means a person employed full or part-(1) 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 Title 16
- "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, a. 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
- "Supervisor" means any individual to whom an (5) 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. "Violation" means an act or omission by an employer,
 - 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 while on the employer's premises or elsewhere;
 - Materially inconsistent with, and a serious deviation from, financial management or accounting standards implemented pursuant to a rule or regulation promulgated by

Employers must keep records (including the rate of pay, hours worked, and amount paid for each Rev. 01/17/2023

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.

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; 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

Am I eligible to take FMLA leave? You are an **eligible employee** if **all** of the following apply: You work for a covered employer, 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.

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

- You work for a **covered employer** if **one** of the following applies:
- You work for a private employer that had at least 50 employees during at least 20 workweeks in the current or previous 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 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.

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 qualifying reason,
- 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
- 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 investigation. 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

SCAN ME

WH1420

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.

DE

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

CHILD LABOR

- More than five (5) hours continuously without a **General Provisions** non-work period of at least thirty (30) consecutive The minimum age for employment is 14. Work Permits are required for all employed minors minutes under the age of 18. Specific Provisions for Individuals 16 and 17 Employers are required to keep Work Permits on Years of Age: file for each employed minor. Not more than twelve (12) hours in a combination A new Work Permit is required when the employer of school and work hours per day of a minor changes. Must have at least eight (8) consecutive hours of non-work, non-school time in each twenty-four Provisions for Individuals 14 and 15 Years of Age: (24) hour period MINORS 14-15 YEARS OF AGE SHALL NOT WORK: May not work more than five (5) hours continuously without a non-work period of at least thirty (30) Before 7:00 a.m. or after 7:00 p.m. - except from June 1st through Labor Day when the evening hour consecutive minutes. For a list of Prohibited Occupations, contact: shall be extended to 9:00 p.m.
 - More than four (4) hours per day on school days The Delaware Department of Labor, Division of More than eight (8) hours per day on non-school

- 1-800-669-6820 (TTY) 1-844-234-5122 (ASL video phone) an EEOC field office (information at Visit
- 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.

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.

REV. 06/27/2023

REV. 05/2022

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.

OR SUBCONTRACTS The Department of Labor's Office of Federal Contract Compliance Programs (OFCCP)

enforces the nondiscrimination and affirmative action commitments of companies

EMPLOYERS HOLDING FEDERAL CONTRACTS

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

USERRA protects the job rights of individuals who voluntarily or involuntarily leave employment positions to undertake military service or certain types of service in the National Disaster Medical System. USERRA also prohibits employers from discriminating against past and present members of the uniformed services, and applicants to the uniformed services.

REEMPLOYMENT RIGHTS

FED

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 a past or present member of the are obligated to serve in the uniformed service; 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;

FOX VALLEY OFFICES

(302) 761-8200

3rd FLOOR

4425 NORTH MARKET STREET -

WILMINGTON, DE 19802

REV. 04/2023

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 connection.

GEORGETOWN AMERICAN JOB CENTER

8 GEORGETOWN PLAZA, SUITE 2

GEORGETOWN, DE 19947

(302) 856-5230

HEALTH INSURANCE PROTECTION

- If you leave your job to perform military service, you have the right to elect to continue your existing employer-based health plan coverage for you and your dependents for up to 24 months while in the military
- Even if you don't elect to continue coverage during your military service, you have the right to be reinstated in your employer's health plan when you are reemployed, generally without any waiting periods or exclusions (e.g., preexisting condition exclusions) except for service-connected illnesses or injuries.

ENFORCEMENT

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

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 notices for employees.

EMAIL:

WEBSITE:

wages@delaware.gov

Labor.delaware.gov

workpermits@delaware.gov

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

> **Department of Labor Division of Industrial Affairs**

> > BLUE HEN CORPORATE CENTER

655 S BAY ROAD, STE. 2H

Dover, DE 19901

(302) 422-1134

Industrial Affairs, Office of Labor Law Enforcement at § 1705. Collective bargaining. any of the addresses listed. days the employer or a law, rule, or regulation This chapter shall not be construed to diminish or impair /lore than eighteen (18) hours in any week when This poster provides only general informat promulgated under the laws of this State, a the rights of a person under any collective bargaining school is in session for five (5) days the provisions of Delaware's Child Labor Laws. The political subdivision of this State, or the United agreement. More than six (6) days in any week States, to protect any person from fraud, deceit, requirements of state law do not affect an employer's (74 Del. Laws, c. 361, § 1.) More than forty (40) hours per week; and or misappropriation of public or private funds obligation to comply with any provisions of federal law. or assets under the control of the employer. § 1706. Exemption. (74 Del. Laws, c. 361, § 1.) This chapter shall not be construed to require an employer to compensate an employee for participation in an Rev. 01/17/2023 § 1703. Protection. investigation, hearing or inquiry held by a public body in An employer shall not discharge, threaten, or otherwise accordance with § 1703 of this title. discriminate against an employee regarding the employee's (74 Del. Laws, c. 361, § 1.) DE compensation, terms, conditions, location, or privileges of employment, including reporting or threatening to report an § 1707. Notices requirement. employee's suspected or actual citizenship or immigration An employer shall post notices and use other appropriate All workers have the right to: FOX VALLEY OFFICES BLUE HEN CORPORATE CENTER status or the suspected or actual citizenship or immigration means to keep the employer's employees informed of their 4425 NORTH MARKET STREET- 3RD FLOOR 655 S BAY ROAD, STE. 2H status of a family member of the employee to a federal, state, WILMINGTON, DE 19802 Dover, DE 19901 protections and obligations under this chapter. A safe workplace. or local agency: (302) 761-8200 (302) 422-1134 (74 Del. Laws, c. 361, § 1; 70 Del. Laws, c. 186, § 1.) DEPARTMENT OF LABOR Because the employee, or a person acting on behalf of Raise a safety or health concern with § 1708. Burden of proof. the employee, reports or is about to report to a public DIVISION OF INDUSTRIAL AFFAIR GEORGETOWN AMERICAN JOB CENTER JNIVERSITY OFFICE PLAZA The burden of proof in any action brought under this chapter body, verbally or in writing, a violation which the 252 Chapman Road, 2nd Floor Newark, DE 19702 8 GEORGETOWN PLAZA, SUITE 2 shall be upon the employee to show that the primary basis employee knows or reasonably believes has occurred GEORGETOWN, DE 19947 for the discharge, threats, or discrimination alleged to be in or is about to occur, unless the employee knows or has (302) 856-5230 (302) 761-8200 violation of this chapter was that the employee undertook an reason to know that the report is false; or Email: dol_dia_workcomp@delaware.gov | Email: dol_dia_wc_compliance@delaware.gov | Website: Labor.delaware.gov act protected pursuant to § 1703 of this title. Because an employee participates or is requested retaliated against. by a public body to participate in an investigation, (74 Del. Laws, c. 361, § 1.) WORKERS COMPENSATION and request medical services if needed. Failure to give notice **IMPORTANT THINGS TO DO IN CASE OF INJURY** or to accept medical services may deprive the employee of the THE EMPLOYER SHALL: right to compensation. Give promptly to the employer, directly in your workplace. Carry Workers' Compensation Insurance Coverage per Title 19, or through a supervisor, notice of any claim for compensation for **PAYMENT OF WAGES** Chapter 23, 2303. Every employer shall keep of record of all the period of disability beyond the third day after the accident. In case of fatal injuries, notice must be given by one or more Request a confidential OSHA inspection injuries received by employees; and within 10 days, file a First **EMPLOYERS OF FOUR (4) OR MORE EMPLOYEES** that the employee is present or by mail (only if Report of Injury with the Office of Workers Compensation as dependents of the deceased or by a person on their behalf. per Title 19, Chapter 23, 2313. In addition, the employer should In case of failure to reach an agreement with the employer in requested by the employee) **ARE REQUIRED TO:** notify their Workers' compensation Insurance carrier of said regard to compensation under the law, file a petition with the Wages may be paid to a bank account designated by Notify employees in writing at the time of hire: injury. First Report of Injury forms are available on our website Industrial Accident Board for a hearing on the matters at issue an employee (upon the employee's written request). within two (2) years of the date of accidental injury. All forms can Rate of Pay listed above Wages may be paid in cash or by check (provided that be obtained from the Office of Workers' Compensation Day, hour, and place of payment suitable arrangements are made by the employer for (Email: dol_dia_workcomp@delaware.gov) THE EMPLOYEE SHALL: Employer's fringe benefits policies cashing at a bank or other business establishment Or someone on the employee's behalf, notify the employer as OSHA on your behalf. Notify employees in writing of any reductions in the soon as possible of an accidental injury or occupational disease convenient to the workplace). rate of pay, and any changes in the day, hour, or place Whenever an employee quits, resigns, is discharged, of payment or benefits. It is unlawful to retaliate against an DELAWARE Participate (or have your representative) suspended or laid off, the wages earned shall be Violations of Delaware Furnish each employee with a pay statement showing: employee because (s)he has made a **DEPARTMENT OF** Worker's Compensation Labor paid on the next regularly scheduled payday(s) complaint or given information to the Dept Amount of wages due; Laws could result in fines. either through the usual pay channels or by mail (if of Labor about possible labor law violations. LABOR Pay period covered by the payment; requested by the employee) as if employment had not speak in private to the inspector. Amounts of deductions (separately specified) been suspended or terminated. Rev. 01/27/2023 which have been made from the wages; UNLAWFUL DEDUCTIONS Total number of hours worked in the pay period Employers are not permitted to deduct or withhold (for employees who are paid at an hourly rate). wages for: PAYMENT OF WAGES DE Cash or inventory shortages; Wages must be paid at least once each month. BREAKS Cash advances or charges for goods and services Employees must be paid all wages within seven (7) (unless there is a signed agreement specifying the All employees must be offered a meal break of at least 30 Only one (1) employee may perform the duties of a days from the close of each pay period [with some amount owed and the repayment schedule); consecutive minutes if the employee is scheduled to work 7.5 position exceptions, see §1102(b)]. or more hours per day. An employer has fewer than five (5) employees on a shift Damaged Property employer. If the payday falls on a non-work day, payment shall Must be after the first 2 hours of work and before the last 2 hours at one location (the exception would only apply to that Failure to return employer's property shift). The continuous nature of an employer's operations, such This rule does not apply when: as chemical production or research experiments, requires The employee is a professional employee certified by the employees to respond to urgent or unusual conditions State Board of Education and employed by a local school at all times and the employees are compensated for their Rev. 01/17/2023 board to work directly with children. meal breaks There is a collective bargaining agreement or other Where exemptions are allowed, employees must be allowed employer-employee written agreement which provides to eat meals at their work stations or other authorized otherwise locations and use restroom facilities as reasonably necessary. Rules have been issued granting exemptions when: This poster is available free from OSHA. Compliance would adversely affect public safety. Labor about possible labor law violations. Rev. 01/17/2023 Employers Are Required By Law To Display This Official Poster In A Place Accessible To Employees And Where They **Regularly Pass** Violations of Delaware Labor Laws could result in fines of up to \$20,000 per violation. DE Discrimination Contact OSHA. We can help. Employers are prohibited by state law from discriminating against are responsible if the employee complained to the employer and **WAGE THEFT** mployees because of their RACE; COLOR; NATIONAL ORIGIN; the employer has taken no action to stop or correct the sexual SEX (INCLUDING PREGNANCY); RELIGION: DISABILITY; AGE (40+) harassment. Effective January 1, 2019, employers must distribute GENETIC INFORMATION: SEXUAL ORIENTATION: GENDER IDENTITY: the Department of Labor Sexual Harassment Informational this section, the Department may decide to impose a MARITAL STATUS: MEMBERSHIP IN VOLUNTEER EMERGENCY worksheet to all employees. Employers with 50 or more employees civil penalty RESPONDER ORGANIZATION (VOLUNTEER FIREFIGHTERS. must provide interactive sexual harassment training to all new An employer who violates this section is subject to a AMBULANCE PERSONNEL, LADIES AUXILIARY); VICTIM OF employees, and every two years after. civil penalty of not less than \$2,000 and not more than DOMESTIC VIOLENCE, SEXUAL ASSAULT, OR STALKING; FAMILY **DISABILITY:** Employers are prohibited by state law from and fees for the individual. \$20,000 for each violation. CARE RESPONSIBILITIES; REPRODUCTIVE HEALTH DECISIONS; and discriminating against any employee because of disability. State law Each instance of a violation of subsection (a) of this RETALIATION FOR INITIATING A COMPLAINT OF EMPLOYMENT requires the employment and advancement of qualified individuals section per employee is a separate violation. DISCRIMINATION, OR OPPOSING OR PARTICIPATING IN THE with a disability who, with or without reasonable accommodation.

Job Safety and Health IT'S THE LAW!

UNIVERSITY OFFICE PLAZA

Newark, DE 19702

(302) 761-8200

252 CHAPMAN ROAD, 2ND FLOOR

- your employer or OSHA, or report a workrelated injury or illness, without being
- Receive information and training on job hazards, including all hazardous substances
- of your workplace if you believe there are unsafe or unhealthy conditions. You have the right to have a representative contact
- participate) in an OSHA inspection and
- 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 the workplace injury and illness log.

Employers must:

- Provide employees a workplace free from recognized hazards. It is illegal to retaliate against an employee for using any of their rights under the law, including raising a health and safety concern with you or with OSHA, or reporting a work-related injury or illness.
- Comply with all applicable OSHA standards.
- Notify OSHA within 8 hours of a workplace fatality or within 24 hours of any work-related inpatient hospitalization, amputation, or loss of an eye.
- Provide required training to all workers in a language and vocabulary they can understand.
- Prominently display this poster in the workplace.
- Post OSHA citations at or near the place of the alleged violations.

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



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

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

It is unlawful to retaliate against an employee because (s)he has made a complaint or given information to the Dept of

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- An employer may not do any of the following: Employ an individual without reporting the individual's employment to all appropriate government agencies and paying all applicable taxes
- Fail to properly withhold state and federal taxes from an employee
- Fail to forward money withheld from an employee's wages to the appropriate state or federal agency within 7 days of the applicable pay period.
- Pay an employee wages that are less than the minimum wage established under state and federal
- law for the work performed.
- The Department may also refer cases to the

Department of Justice for criminal prosecution consistent with § 841D of Title 11 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

INVESTIGATION OF A DISCRIMINATORY EMPLOYMENT PRACTICE . Employers of four (4) or more employees, labor organizations, employment agencies and joint labor management committees for

enticeship 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

can perform the essential functions of a job.

PREGNANCY: Employers must provide reasonable accommodations to employees with respect to pregnancy, childbirth, lactation and related conditions. Employers may not deny job applicants a position based on the need for a pregnancyrelated workplace accommodation, make unnecessary changes to a

