DELAWARE & FEDERAL LABOR LAW POSTER

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.

EEOC - KNOW YOUR RIGHTS: WORKPLACE DISCRIMINATION IS ILLEGAL

discrimination, or participating in a discrimination

lawsuit, investigation, or proceeding

All aspects of employment, including:

condition; or a sincerely-held religious belief,

• Retaliation for filing a charge, reasonably opposing · Employees (current and former), including managers and temporary employees • Interference, coercion, or threats related to exercising Job applicants Union members and applicants for membership in a union rights regarding disability discrimination or pregnancy What Organizations are Covered? What Employment Practices can be Challenged as

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

• Discharge, firing, or lay-off Staffing agencies Harassment (including unwelcome verbal or physical conduct) What Types of Employment Discrimination are Illegal? Hiring or promotion Under the EEOC's laws, an employer may not discriminate against you, regardless of your immigration status, on the Pay (unequal wages or compensation) bases of: Race · Failure to provide reasonable accommodation for a disability; pregnancy, childbirth, or related medical

Religion National origin • Sex (including pregnancy, childbirth, and related medical conditions, sexual orientation, or gender identity) Age (40 and older)

of employment, including the executive level.

Genetic information (including employer requests for, or purchase, use, or disclosure of genetic tests, genetic

services, or family medical history)

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

observance or practice

Benefits

Job training

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? 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

Conduct that might reasonably discourage someone

days, depending on where you live/work). You can reach the EEOC in any of the following ways: **Submit** an inquiry through the EEOC's public portal: https://publicportal.eeoc.gov/Portal/Login.aspx **Call** 1–800–669–4000 (toll free) -800-669-6820 (TTY) 1-844-234-5122 (ASL video

Visit an EEOC field office (information at <u>www.eeoc.gov/field-office</u>) E-Mail info@eeoc.gov Additional information about the EEOC, including information about filing a charge of discrimination,

is available at www.eeoc.gov.

EMPLOYERS HOLDING FEDERAL CONTRACTS OR SUBCONTRACTS The Department of Labor's Office of Federal Contract Compliance Programs (OFCCP) Protected Veteran Status The Vietnam Era Veterans' Readjustment Assistance Act of enforces the nondiscrimination and affirmative action commitments of companies 1974, as amended, 38 U.S.C. 4212, prohibits employment discrimination against, and doing business with the Federal Government. If you are applying for a job with, or are an requires affirmative action to recruit, employ, and advance in employment, disabled imployee of, a company with a Federal contract or subcontract, you are protected under veterans, recently separated veterans (i.e., within three years of dischargé or release from Federal law from discrimination on the following bases:
Race, Color, Religion, Sex, Sexual Orientation, Gender Identity, National Origin

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 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 nas violated its nondiscrimination or affirmative action obligations under OFCCP's **Asking About, Disclosing, or Discussing Pay** Executive Order 11246, as amended, protects applicants and employees of Federal contractors from discrimination based on authorities should contact immediately: The Office of Federal Contract Compliance Programs (OFCCP) nquiring about, disclosing, or discussing their compensation or the compensation of

U.S. Department of Labor 200 Constitution Avenue, N.W. Washington, D.C. 20210 1-800-397-6251 (toll-free)

fringe benefits, job training, classification, referral, and other aspects of employment by Federal contractors. Disability discrimination includes not making reasonable telecommunications relay services. OFCCP may also be contacted by submitting a odation to the known physical or mental limitations of an otherwise qualified question online to OFCCP's Help Desk at https://ofccphelpdesk.dol.gov/s/, or by calling individual with a disability who is an applicant or employee, barring undue hardship to an OFCCP regional or district office, listed in most telephone directories under U.S. the employer. Section 503 also requires that Federal contractors take affirmative action Government, Department of Labor and on OFCCP's "Contact Us" webpage at o employ and advance in employment qualified individuals with disabilities at all levels https://www.dol.gov/agencies/ofccp/contact PROGRAMS OR ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE

FEDERAL MINIMUM WAGE

Race, Color, National Origin, Sex In addition to the protections of Title VII of the Civil Individuals with Disabilities Section 504 of the Rehabilitation Act of 1973, as amended,

Rights Act of 1964, as amended, Title VI of the Civil Rights Act of 1964, as amended, prohibits prohibits employment discrimination on the basis of disability in any program or

discrimination on the basis of race, color or national origin in programs or activities receiving activity which receives Federal financial assistance. Discrimination is prohibited in

Federal financial assistance. Employment discrimination is covered by Title VI if the primary all aspects of employment against persons with disabilities who, with or without

bjective of the financial assistance is provision of employment, or where employment reasonable accommodation, can perform the essential functions of the job. If you

discrimination causes or may cause discrimination in providing services under such programs. believe you have been discriminated against in a program of any institution which Title IX of the Education Amendments of 1972 prohibits employment discrimination on the

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. money penalties may be assessed for each child labor violation that results in the death OVERTIME PAY At least 1 ½ times your regular rate of pay for all hours worked over 40 or serious injury of any minor employee, and such assessments may be doubled wh in a workweel CHILD LABOR An employee must be at least 16 years old to work in most non-farm jobs and at least 18 to work in non-farm jobs declared hazardous by the Secretary of Labor. Youths 14 and 15 years old may work outside school hours in various non-manufacturing,

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

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

asis of sex in educational programs or activities which receive Federal financial assistance. providing such assistance

non-mining, non-hazardous jobs with certain work hours restrictions. Different rules apply in agricultural employmen FIP CREDIT Employers of "tipped employees" who meet certain conditions may claim a partial wage credit based on tips received by their employees. Employers must pay tipped employees a cash wage of at least \$2.13 per hour if they claim a tip credit against their minimum wage obligation. If an employee's tips combined with the employer's cash wage of at least \$2.13 per hour do not equal the minimum hourly wage, the employer must make up the difference.

PUMP AT WORK The FLSA requires employers to provide reasonable break time for a nursing employee to express breast milk for 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 **ENFORCEMENT** The Department has authority to recover back wages and an equal amount in liquidated damages in instances of minimum wage, overtime, and other violations. The Department may litigate and/or recommend criminal prosecution. Employers may be assessed civil money penalties for each willful or repeated violation of the minimum wage or overtime pay provisions of the law. Civil money penalties may also be assessed for violations of the FLSA's child labor provisions. Heightened civil

the violations are determined to be willful or repeated. The law also prohibits retaliatin against or discharging workers who file a complaint or participate in any proceeding under the FLSA. ADDITIONAL INFORMATION

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 Some employers incorrectly classify workers as "independent contractors" when they

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

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 nimum wage and overtime pay protections and correctly classified independent 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.



WAGE THEFT

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

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

WAGE THEFT

Dover, DE 19901 University Office Plaza 252 Chapman Road, 2nd Floor Newark, DE 19702 (302) 761-8200

Blue Hen Corporate Center

655 S Bay Road, Ste. 2H

4425 North Market Street

24 NW Front Street, Ste. 100

ington, DE 19802

Milford, DE 19963

(302) 761-8000

Email: wages@delaware.gov | Email: workpermits@delaware.gov | Website: Labor.delaware.gov An employer may not do any of the following: • Employ an individual without reporting the individual's employment to all appropriate government agencies and paying all applicable taxes and fees for

DELAWARE DEPARTMENT OF LABOR

DIVISION OF INDUSTRIAL AFFAIRS

the individual. • Fail to properly withhold state and federal taxes from an employee. • Fail to forward money withheld from an employee's wages to the appropriate state or federal agency within 7 days of the applicable pay period.

 Pay an employee wages that are less than the minimum wage established under state and federal law for the work performed. · Misclassify a worker as an independent contractor for purposes of avoiding wage, tax, or workers 'compensation obligations under this title. • Knowingly conspire to assist, advise, or facilitate a violation of this section.

• Following an investigation in which the Department makes an initial determination that an employer has violated one or more provisions of subsection (a) of this section, the Department may decide to impose a civil penalty. An employer who violates this section is subject to a civil penalty of not less than \$2,000 and not more than \$20,000 for each violation.

• Each instance of a violation of subsection (a) of this section per employee is a separate violation. • The Department may also refer cases to the Department of Justice for criminal prosecution consistent with § 841D of Title 11

An employer is subject to a civil penalty of not less than \$20,000 and not more than \$50,000 for each violation if the employer discharges or in any manner retaliates or discriminates against an individual because that individual does any of the following under this section:

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

It is unlawful to retaliate against an employee because (s)he has made a complaint or given information to the Dept of Labor about possible labor law violations.

Employers Are Required By Law To Display This Official Poster In A Place Accessible To Employees And Where They Regularly Pass

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

violation, as defined in this chapter; or

(3) Because an employee refuses to commit or assist in the commission of a

(4) Because the employee reports verbally or in writing to the employer or to

the employee's supervisor a violation, which the employee knows or

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

knows or has reason to know that the report is false. Provided, however

that if the report is verbally made, the employee must establish by clear

employer or the employee's supervisor, verbally or in writing any

noncompliance or an infraction which the employee knows or reasonably

believes has occurred or is about to occur, of Chapter 80 of Title 15 unless the employee knows or has reason to believe the report is false; or participate

or is requested to participate in an investigation, hearing, trial or inquiry, of a

person or entity other than employee, regarding noncompliance or an

nfraction of Chapter 80 of Title 15; or refuses to participate or assist in the

74 Del. Laws, c. 361,§ 1; 79 Del. Laws, c. 344, § 1; 83 Del. Laws, c. 488, § 1;

vears after the occurrence of the alleged violation of this chapter.

(a) A person who alleges a violation of this chapter may bring a civil action

(b) An action commenced pursuant to subsection (a) of this section may be

for appropriate declaratory relief, or actual damages, or both within 3

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

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

(d) A court, in rendering a judgment in an action brought under this chapter,

shall order, as the court considers appropriate, reinstatement of the

employee, the payment of back wages, full reinstatement of fringe benefits

and seniority rights, expungement of records relating to the disciplinary

action or discharge, actual damages, or any combination of these remedies.

A court may also award, as part of a judgment in an action brought under

this chapter, all or a portion of the costs of litigation, including attorneys'

(5) Because an employee reports or is about to report to a public body, to the

and convincing evidence that such report was made; or

noncompliance or an infraction of Chapter 80 of Title 15.

injury or loss caused by each violation of this chapter.

WHISTLEBLOWER PROTECTION ACT

TITLE 19

Labor | General Provisions

CHAPTER 17. Whistleblowers' Protection

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

Delaware Helpline 1-800-464-4357 § 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

§ 1702 Definitions. (1) "Employee" means a person employed full or part-time by any employer, and shall include, but not be limited to, at-will employees, contract

employees, independent contractors, and volunteer firefighters as defined in § 6651(c) of Title 16. (2) "Employer" means any person, partnership, association, sole proprietorship, corporation or other business entity, including any department, agency, 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. (3) "Person" means an individual, sole proprietorship, partnership, corporation, association, or any other legal entity.

(4) "Public body" means all of the following a. A state-wide elected official, agency, department, division, bureau, board, commission, council, authority, or other body in the executive branch of state government or employee of them; b. A legislator or employee of the legislative branch of state government; c. An elected official of a county, city, or school district or employee of them;

d. A law-enforcement agency or employee of that law-enforcement agency; e. A federal agency or employee of that federal agency. (5) "Supervisor" means any individual to whom an employer has given the authority to direct and control the work performance of the affected

employee or any individual who has the authority to take corrective action regarding the violation of a law, rule or regulation about which the employee complains.

(6) "Violation" means an act or omission by an employer, or an agent thereof, a. Materially inconsistent with, and a serious deviation from, standards implemented pursuant to a law, rule, or regulation promulgated under

the laws of this State, a political subdivision of this State, or the United States, to protect employees or other persons from health, safety, or environmental hazards while on the employer's premises or elsewhere; or b. Materially inconsistent with, and a serious deviation from, financial management or accounting standards implemented pursuant to a rule or regulation promulgated by the employer or a law, rule, or regulation

promulgated under the laws of this State, a political subdivision of this State, or the United States, to protect any person from fraud, deceit, or misappropriation of public or private funds or assets under the control of the employer.

74 Del. Laws, c. 361, § 1

Fox Valley Offices

(302) 856-5230

An employer shall not discharge, threaten, or otherwise discriminate against an employee regarding the employee's compensation, terms, conditions, location, or privileges of employment, including reporting or threatening to report an employee's suspected or actual citizenship or immigration status or employer's employees informed of their protections and obligations under the suspected or actual citizenship or immigration status of a family member of the employee to a federal, state, or local agency (1) Because the employee, or a person acting on behalf of the employee, reports or is about to report to a public body, verbally or in writing, a

violation which the employee knows or reasonably believes has occurred or is about to occur, unless the employee knows or has reason to know that the report is false; or (2) Because an employee participates or is requested by a public body to participate in an investigation, hearing, or inquiry held by that public body, 74 Del. Laws, c. 361, § 1.; or a court action, in connection with a violation as defined in this chapter; or

This chapter shall not be construed to diminish or impair the rights of a person under any collective bargaining agreement. 74 Del. Laws, c. 361, § 1.; 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

fees, if the court determines that such an award is appropriate.

74 Del. Laws, c. 361, § 1.; § 1707 Notices requirement.

public body in accordance with § 1703 of this title.

74 Del. Laws, c. 361, § 1.;

§ 1705 Collective bargaining

§ 1704 Relief and damages.

their principal place of business.

An employer shall post notices and use other appropriate means to keep the this chapter. 74 Del. Laws, c. 361, § 1; 70 Del. Laws, c. 186, § 1.;

§ 1708 Burden of proof

The burden of proof in any action brought under this chapter shall be upon the employee to show that the primary basis for the discharge, threats, or discrimination alleged to be in violation of this chapter was that the employee undertook an act protected pursuant to § 1703 of this title.

CHILD LABOR LAWS

4425 North Market Street- 3rd Floor Wilmington, DE 19802 (302) 761-8200 Georgetown American Job Center 8Georgetown Plaza, Suite 2 Georgetown, DE 19947

Provisions for Individuals 14 and 15 Years of Age:

• More than six (6) days in any week

DELAWARE DEPARTMENT OF LABOR DIVISION OF INDUSTRIAL AFFAIRS CHILD LABOR

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

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

General Provisions

• The minimum age for employment is 14. • Work Permits are required for all employed minors under the age of 18. • Employers are required to keep Work Permits on file for each employed minor.

MINORS 14-15 YEARS OF AGE SHALL NOT WORK: · Before 7:00 a.m. or after 7:00 p.m. - except from June 1st through Labor Day when the evening hour shall be extended to 9:00 p.m. More than four (4) hours per day on school days

• More than eighteen (18) hours in any week when school is in session for five (5) days

• More than forty (40) hours per week; and · More than five (5) hours continuously without a non-work period of at least thirty (30) consecutive minutes.

Specific Provisions for Individuals 16 and 17 Years of Age:

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

• A new Work Permit is required when the employer of a minor change.

• Not more than twelve (12) hours in a combination of school and work hours per day • Must have at least eight (8) consecutive hours of non-work, non-school time in each twenty-four (24) hour period • May not work more than five (5) hours continuously without a non-work period of at least thirty (30) consecutive minutes.

For a list of Prohibited Occupations, contact:

The Delaware Department of Labor, Division of Industrial Affairs, Office of Labor Law Enforcement at any of the addresses listed. This poster provides only general information regarding the provisions of Delaware's Child Labor Laws. The requirements of state law do not affect an employer's obligation to comply with any provisions of federal law.

It is unlawful to retaliate against an employee because (s)he has made a complaint or given information to the Dept of Labor about possible labor law violations.

> Employers Are Required By Law To Display This Official Poster In A Place Accessible To Employees And Where They Regularly Pass Violations of Delaware Labor Laws could result in fines of up to \$20,000 per violation.



PAYMENT OF WAGES

DELAWARE DEPARTMENT OF LABOR DIVISION OF INDUSTRIAL AFFAIRS

252 Chapman Road, 2nd Floor Newark, DE 19702 **PAYMENT OF WAGES** (302) 761-8200 Email: wages@delaware.gov | Email: workpermits@delaware.gov | Website: Labor.delaware.gov

convenient to the workplace).

suspended or terminated.

1. Cash or inventory shortages;

UNLAWFUL DEDUCTIONS:

3. Damaged Property

wages for:

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 guits, resigns, is discharged,

on the next regularly scheduled payday(s) either

by the employee) as if employment had not been

Employers are not permitted to deduct or withhold

2. Cash advances or charges for goods and services

amount owed and the repayment schedule);

4. Failure to return employer's property.

(unless there is a signed agreement specifying the

Blue Hen Corporate Center

655 S Bay Road, Ste. 2H

University Office Plaza

Dover, DE 19901

(302) 422-1134

EMPLOYERS OF FOUR (4) OR MORE EMPLOYEES ARE payment shall be made on the next regular workday **REQUIRED TO:** that the employee is present or by mail (only if requested by the employee) Wages may be paid to a bank account designated by

Notify employees in writing at the time of hire: 1. Rate of Pav

2. Day, hour and place of payment 3. Employer's fringe benefits policies

Fox Valley Offices

(302) 761-8200

(302) 856-5230

Wilmington, DE 19802

4425 North Market Street- 3rd Floor

Georgetown American Job Center

8Georgetown Plaza, Suite 2

Georgetown, DE 19947

Notify employees in writing of any reductions in the rate of pay, and any changes in the day, hour or place of payment or benefits.

Furnish each employee with a pay statement showing: 1. Amount of wages due:

2. Pay period covered by the payment; 3. Amounts of deductions (separately specified)

which have been made from the wages;

4. Total number of hours worked in pay period (for employees who are paid at an hourly rate). **PAYMENT OF WAGES:**

 Wages must be paid at least once each month. Employees must be paid all wages within seven (7) days from the close of each pay period [with some exceptions, see §1102(b)].

made on the preceding work day. If an employee is not present on the regular payday,

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

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Employees And Where They Regularly Pass Violations of Delaware Labor Laws could result in fines of up to \$20,000 per violation

PAYDAY NOTICE Regular Paydays for Employees of

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

web site.

WITHHOLDING STATUS

YOU MAY NEED TO CHECK YOUR WITHHOLDING

Since you last filed form W-4 with your employer did you... Marry or divorce? Gain or lose a dependent? Change your name?

 Your nonwage income (interest, dividends, capital gains, etc.)? • Your family wage income (you or your spouse started or ended Your itemized deductions? Your tax credits? If you can answer "YES"...

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

your last return, you may need to file a new form W-4.

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

Employer: Please post or publish this Bulletin Board Poster so that your employees will see it. Please indicate where they can get forms and information on this subject. IRS Publication 213

Withholding Calculator at www.irs.gov/individuals on the IRS

Department of the Treasury Cat. No. 11047P Internal Revenue Service www.irs.gov

ANTI-DISCRIMINATION NOTICE

It is illegal to discriminate against work-authorized individuals. Employers CANNOT specify which document(s) they will accept from an employee. The refusal to hire an individual because the documents have a future expiration date may also constitute illegal discrimination. For information, please contact

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

DELAWARE MINIMUM WAGE

Fox Valley Offices 4425 North Market Street- 3rd Floor Wilmington, DE 19802 (302) 761-8200 Georgetown American Job Center 8Georgetown Plaza, Suite 2

MINIMUM WAGE EXEMPTIONS:

Fox Valley Offices

(302) 761-8200

Fox Valley Offices

(302) 761-8200

(302) 856-5230

Wilmington, DE 19802

Georgetown, DE 19947

4425 North Market Street - 3rd Floor

Georgetown American Job Center

8 Georgetown Plaza, Suite 2

Wilmington, DE 19802

8Georgetown Plaza, Suite 2

This rule does not apply when:

Georgetown, DE 19947

4425 North Market Street- 3rd Floor

Were there major changes to...

DELAWARE DEPARTMENT OF LABOR Georgetown, DE 19947 **DIVISION OF INDUSTRIAL AFFAIRS** (302) 856-5230 MINIMUM WAGE

(302) 422-1134 **University Office Plaza** 252 Chapman Road, 2nd Floor Newark, DE 19702 (302) 761-8200

Blue Hen Corporate Center

655 S Bay Road, Ste. 2H

Dover, DE 19901

(302) 856-5230

(Rev. 8-2009)

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

Regular Rate: effective: 06-01-15 - \$8.25/hour effective: 01-01-23 - \$11.75/hour effective: 01-01-19 - \$8.75/hour effective: 01-01-24 - \$13.25/hour effective: 10-01-19 - \$9.25/hour effective: 10-01-25 - \$15.00/hour

effective: 01-01-22- \$10.50/hour **EMPLOYEES WHO RECEIVE TIPS** The minimum cash wage payable to employees who receive tips is \$2.23 per hour, effective 10/1/96

The employer must be able to prove that the employee received the balance of the full minimum rate in tips. NOTE: Delaware's minimum cash wage for tipped employees is greater than the cash wage required by federal law. Employers must pay Delaware's higher rate. Tips may not be taken or retained by an employer except as required by law. Tip-pooling is permitted (under certain

 Employees in agriculture. · Employees in domestic service in or about private homes. Employees of the United States Government.

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

· Outside commission paid salespeople. · Bona fide executives, administrators, and professionals. Employees engaged in fishing and fish processing at sea. Volunteer workers (for educational, religious or non-profit organizations). Junior camp counselors employed by non-profit summer camp programs.

RECORD KEEPING REQUIREMENTS: Employers must keep records(including the rate of pay, hours worked, and amount paid for each employee for

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





655 S Bay Road, Ste. 2H

252 Chapman Road, 2nd Floor

Dover, DE 19901

Newark, DE 19702

(302) 422-1134

BREAK RULES **Blue Hen Corporate Center**

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

BREAKS

(302) 856-5230 (302) 761-8200 Email: wages@delaware.gov | Email: workpermits@delaware.gov | Website: Labor.delaware.gov All employees must be offered a meal break of at least 30 consecutive minutes if the employee is scheduled to work 7.5 or more hours per day.

• 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 employeremployee written agreement which provides otherwise.

• An employer has fewer than five (5) employees on a shift at one location (the exception would only apply to that shift). • The continuous nature of an employer's operations, such as chemical production or research experiments, requires employees to respond to urgent or unusual conditions at all times and the employees are compensated for their meal breaks. Where exemptions are allowed, employees must be allowed to eat meals at their work stations or other authorized

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Must be after the first 2 hours of work and before the last 2 hours of work.

Rules have been issued granting exemptions when:

• Compliance would adversely affect public safety.

• Only one (1) employee may perform the duties of a position.

locations and use restroom facilities as reasonably necessary. It is unlawful to retaliate against an employee because (s)he has made a complaint or given information to the Dept of Labor about possible labor law violations. Employers Are Required By Law To Display This Official Poster In A Place Accessible To **Employees And Where They Regularly Pass**



DISCRIMINATION

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

Revised 11/17/2021

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

Employers are prohibited by state law from discriminating against employees because of their RACE; COLOR; NATIONAL ORIGIN; SEX (INCLUDING PREGNANCY); RELIGION; DISABILITY; AGE (40+); GENETIC INFORMATION: SEXUAL ORIENTATION; GENDER IDENTITY; MARITAL STATUS; MEMBERSHIP IN VOLUNTEER EMERGENCY RESPONDER ORGANIZATION (VOLUNTEER FIREFIGHTERS, AMBULANCE PERSONNEL, LADIES AUXILIARY); VICTIM OF DOMESTIC VIOLENCE, SEXUAL ASSAULT, OR STALKING; FAMILY CARE RESPONSIBILITIES; REPRODUCTIVE HEALTH DECISIONS; and RETALIATION FOR INITIATING A COMPLAINT OF EMPLOYMENT DISCRIMINATION, OR OPPOSING OR PARTICIPATING IN THE INVESTIGATION OF A DISCRIMINATORY EMPLOYMENT PRACTICE. Employers of four (4) or more employees, labor organizations, employment agencies and joint labor management committees for apprenticeship or training are covered by this law.

SEXUAL HARASSMENT: Sexual harassment of employees, applicants, apprentices, staffing agency workers, unpaid interns, and independent contractors is unlawful. Sexual harassment can be unwelcome sexual advances, requests for sexual favor, or other verbal or physical conduct of a sexual nature when (1) the employee is expected to submit to such conduct; or (2) the employee's submission to or rejection of such conduct is used as the basis for employment decisions; or (3) such conduct has the effect of unreasonably interfering with the employee's work performance or creating an intimidating, hostile, or offensive working environment. If the harassment is by a supervisor, the employer may be responsible even if the employee has not complained. If the harassment is by a fellow worker or non-employee, employers are responsible if the employee complained to the employer and the employer has taken no action to stop or correct the sexual harassment. Effective January 1, 2019, employers must distribute the Department of Labor Sexual Harassment Informational worksheet to all employees. Employers with 50 or more employees must provide interactive sexual harassment training to all new employees, and every two years after. **DISABILITY:** Employers are prohibited by state law from discriminating against any employee because of disability. State

law requires the employment and advancement of qualified individuals with a disability who, with or without reasonable accommodation, can perform the essential functions of a job. **PREGNANCY:** Employers must provide reasonable accommodations to employees with respect to pregnancy, childbirth, lactation and related conditions. Employers may not deny job applicants a position based on the need for a pregnancy-

related workplace accommodation, make unnecessary changes to a pregnant employee's job functions or require a pregnant employee to take paid or unpaid leave when a reasonable accommodation would permit the employee to ANY PERSON: who believes he or she has been discriminated against should contact the Delaware Department of Labor, Office of Anti-Discrimination at (302) 761-8200.

A Charge of Discrimination must be filed within 300 days of the alleged unlawful employment practice.

or given information to the Dept of Labor about possible labor law violations. EMPLOYERS ARE REQUIRED BY LAW TO DISPLAY THIS OFFICIAL POSTER IN A PLACE ACCESSIBLE TO EMPLOYEES AND WHERE THEY REGULARLY PASS. Violations of Delaware Labor Laws could result in fines of up to \$20,000 per violation.

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

FMLA - FAMILY AND MEDICAL LEAVE ACT

Your Employee Rights Under the Family and Medical Leave Act

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 ervicemember with a serious injury or illness may take up to 26 workweeks of FMLA covered by the law but are subject to the jurisdiction of the U.S. Office of Personnel leave in a single 12-month period to care for the servicemember. You have the right to Management or Congress. use FMLA leave in one block of time. When it is medically necessary or otherwise permitted, you may take FMLA leave intermittently in separate blocks of time, or on a reduced schedule by working less hours each day or week. Read Fact Sheet #28M(c) for more information. FMLA leave is **not paid leave**, but you may choose, or be required by

your employer, to use any employer-provided paid leave if your employer's paid leave policy covers the reason for which you need FMLA leave. 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 exercising your rights under the law. For example, your employer cannot retaliate against 12 months, • You have at least 1,250 hours of service for your employer during the 12 you for requesting FMLA leave or cooperating with a WHD investigation. After becoming nonths 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 **covered employer** if **one** of the following applies: • You work for a private employer

suspended or laid off, the wages earned shall be paid that had at least 50 employees during at least 20 workweeks in the current or previous—if any, will be FMLA-protected leave. 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 through the usual pay channels or by mail (if requested federal employees are covered by Title II of the FMLA, administered by the Office of

low do I request FMLA leave? Generally, to request FMLA leave you must: • Follow your complaint with WHD or file a private lawsuit against employer's normal policies for requesting leave, • Give notice at least 30 days before your your employer in court. Scan the QR code to learn

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

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, • Cor 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 Your employer cannot interfere with your FMLA rights or threaten or punish you for aware that your need for leave is for a reason that may qualify under the FMLA, your **employer <u>must</u> confirm whether you are eligible** or not eligible for FMLA leave. If your employer determines that you are eligible, your **employer must notify you in writing**. · About your FMLA rights and responsibilities, and · How much of your requested leave

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 **WAGE AND HOUR**

USERRA - UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT

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

REEMPLOYMENT RIGHTS You have the right to be reemployed in your civilian job if you leave that job to perform service in the uniformed service and: vou ensure that your employer receives advance written or verbal notice of your service:

you return to work or apply for reemployment in a timely manner after conclusion of service: and you have not been separated from service with a disqualifying discharge or under other than honorable conditions f you are eligible to be reemployed, you must be restored to the job and 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 uniformed service: • have applied for membership in the uniformed service; or • are obligated to serve in the uniformed service; then an employer may not deny you: • initial employment; • reemployment; • retention in employment; • promotion; or • any benefit of employment, because of this status. n addition, an employer may not retaliate against anyone assisting in the enforcement of USERRA rights, including testifying or making a statement in connection with a proceeding under USERRA, even if that person has no service connection.

kind of lie detector) tests to be administered in the private sector, subject to restrictions,

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

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 ment by displaying the text of this notice where they customarily place notices for employees

using lie detector tests either for pre-employment screening or during the course 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 PROHIBITIONS Employers are generally prohibited from requiring or requesting any of specific rights, including the right to a written notice before testing, the right to refuse or employee or job applicant to take a lie detector test, and from discharging, disciplining, discontinue a test, and the right not to have test results disclosed to unauthorized persons. or discriminating against an employee or prospective employee for refusing to take a **ENFORCEMENT** The Secretary of Labor may bring court actions to restrain violations test or for exercising other rights under the Act. **EXEMPTIONS** Federal, State and local governments are not affected by the law. Also, the their own court actions. aw does not apply to tests given by the Federal Government to certain private

ndividuals engaged in national security-related activities. The Act permits polygraph (a THE LAW REQUIRES EMPLOYERS TO DISPLAY THIS POSTER WHERE EMPLOYEES AND JOB APPLICANTS CAN READILY SEE IT to certain prospective employees of security service firms (armored car, alarm, and guard), and of pharmaceutical manufacturers, distributors and dispensers. The Act also UNITED STATES DEPARTMENT OF LABOR permits polygraph testing, subject to restrictions, of certain employees of private firms

1-866-487-9243

www.dol.gov/agencies/whd

655 S Bay Road, Ste. 2H

Dover, DE 19901

(302) 422-1134

Revised 9/28/2018

UNEMPLOYMENT INSURANCE

The state of Delaware states, "Each liable employer (except household employers) must display the poster, Notice of Coverage (Form UC-6), with the employer's name printed on it in a place customarily frequented by employees." This poster is furnished by the Division

of Unemployment Insurance after liability is established; it informs employees that employment is covered under the Unemployment Household employers must provide each employee with a facsimile of the poster with the employer's name printed on it. The Division of Unemployment Insurance furnishes a facsimile of the full-size poster after liability is established; it informs employees that employment

is covered under the Unemployment Insurance laws. Please contact Employer Services at 302-761-8446 to obtain your Unemployment Poster.

Fox Valley Offices 4425 North Market Street - 3rd Floor Wilmington, DE 19802 (302) 761-8200 Georgetown American Job Center 8 Georgetown Plaza, Suite 2 Georgetown, DE 19947

> **Division of Industrial Affairs WORKERS' COMPENSATION**

IMPORTANT THINGS TO DO IN CASE OF INJURY

with the provisions of the law, for disability beyond the third day after the accident. All agreements as to compensation must be submitted to the Office of Workers' Compensation for approval. THE EMPLOYEE SHOULD: Immediately notify the employer in writing of accidental injury or occupational disease and request medical services. Failure to give notice or to accept medical services may deprive the employee of the right to compensation. Give promptly to the employer, directly or

through a supervisor, notice of any claim for compensation for the period of disability beyond the third day after the accident. In case

of fatal injuries, notice must be given by one or more dependents of the deceased or by a person on their behalf. In case of failure to

reach an agreement with the employer in regard to compensation under the law, file an application with the Industrial Accident Board

or given information to the Dept of Labor about possible labor law violations. EMPLOYERS ARE REQUIRED BY LAW TO DISPLAY THIS OFFICIAL POSTER IN A PLACE ACCESSIBLE TO EMPLOYEES AND WHERE THEY REGULARLY PASS.

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



Job Safety and Health IT'S THE LAW!

All workers have the right to:

A safe workplace.

 Raise a safety or health concern with your employer or OSHA, or report a workrelated injury or illness, without being retaliated against.

Receive information and training on job hazards, including all hazardous substances in your workplace.

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.

speak in private to the inspector. File a complaint with OSHA within 30 days (by phone, online or by mail) if you have been retaliated against for using your

employer. Reguest copies of your medical records, tests that measure hazards in the

workplace, and the workplace injury and

This poster is available free from OSHA.

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.

Notify OSHA within 8 hours of a any work-related inpatient hospitalization,

amputation, or loss of an eye.

Prominently display this poster in the

 Post OSHA citations at or near the place of the alleged violations.

On-Site Consultation services are available

to small and medium-sized employers, without citation or penalty, through OSHAsupported consultation programs in every state.



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

DE-0723-F04

Vhat is FMLA leave? The Family and Medical Leave Act (FMLA) is a federal law that You do not have to share a medical diagnosis but must provide enough information provides eligible employees with **job-protected leave** for qualifying family and medical to your employer so they can determine whether the leave qualifies for FMLA protection. easons. The U.S. Department of Labor's Wage and Hour Division (WHD) enforces the You must also inform your employer if FMLA leave was previously taken or approved FMLA for most employees. Eligible employees can take up to 12 workweeks of FMLA for the same reason when requesting additional leave. Your employer may request leave in a 12-month period for: • The birth, adoption or foster placement of a child with certification from a health care provider to verify medical leave and may request you, • Your serious mental or physical health condition that makes you unable to work, • certification of a qualifying exigency. The FMLA does not affect any federal or state law To care for your spouse, child or parent with a serious mental or physical health prohibiting discrimination or supersede any state or local law or collective bargaining condition, and • Certain qualifying reasons related to the foreign deployment of your agreement that provides greater family or medical leave rights. State employees may be





eed for FMLA leave, or • If advance notice is not possible, give notice as soon as possible. about our WHD complaint process.

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. **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 you have five years or less of cumulative service in the uniformed services while with the right to be reinstated in your employer's health plan when you are reemployed. that particular employe

generally without any waiting periods or exclusions (e.g., pre-existing condition exclusions) except for service-connected illnesses or injuries. **ENFORCEMENT** • The U.S. Department of Labor, Veterans Employment and Training Service (VETS) is authorized to investigate and resolve complaints of USERRA violations. 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

applicable, for representation • You may also bypass the VETS process and bring a civil action against an employer for violations of USFRRA Publication Date — May 2022

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



EMPLOYEE RIGHTS | EMPLOYEE POLYGRAPH PROTECTION ACT The Employee Polygraph Protection Act prohibits most private employers from preempt any provision of any State or local law or any collective bargaining agreement

and assess civil penalties against violators. Employees or job applicants may also bring



WORKERS' COMPENSATION Blue Hen Corporate Center

Delaware Department of Labor

THE EMPLOYER SHOULD: Carry Workers' Compensation insurance coverage. Provide all necessary medical, surgical, and hospital treatment from the accident date. Every employer shall keep a record of all injuries received by employees and make a report within ten (10) days thereof in writing to the Office of Workers' Compensation. Ascertain the average weekly wages of the employee and provide compensation in accordance

for a hearing on the matters at issue within two (2) years of the date of accidental injury or one (1) year of knowledge of a diagnosis of an occupational disease or an ionizing radiation injury. All forms can be obtained from the Office of Workers' Compensation. It is unlawful to retaliate against an employee because (s)he has made a complaint

OSHA - THE OCCUPATIONAL SAFETY AND HEALTH ACT



Request a confidential OSHA inspection

Participate (or have your representative participate) in an OSHA inspection and

See any OSHA citations issued to your

illness log.

Contact OSHA. We can help.

 Comply with all applicable OSHA standards. workplace fatality or within 24 hours of

in a language and vocabulary they can understand.

Provide required training to all workers

workplace.