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# **Delaware & Federal Employment Notices**

# OTE: OSHA REQUIRES THAT REPRODUCTIONS OR FACSIMILES OF THE POSTER BE AT LEAST 8.5" X 14" INCHES WITH 10 POINT

DATE POSTED:\_ Labor Laws change often. Please call your distributor twice a year to confim if you are in compliance. All Rights Reserved, Unauthorized copies are ille

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

1.

Updated 11/21





### All workers have the right to:

- A safe workplace.
- Raise a safety or health concern with
- your employer or OSHA, or report a workrelated injury or illness, without being retaliated against.
- Receive information and training on job hazards, including all hazardous substances in your workplace.
- Request a confidential OSHA inspection of your workplace if you believe there are unsafe or unhealthy conditions. You have the right to have a representative contact OSHA on your behalf.
- Participate (or have your representative participate) in an OSHA inspection and speak in private to the inspector.
- File a complaint with OSHA within 30 days (by phone, online or by mail) if you have been retaliated against for using your rights.
- See any OSHA citations issued to your employer.
- Request copies of your medical records, tests that measure hazards in the workplace, and the workplace injury and illness log.

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.
- 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.

<b>Fan</b> Fan	nily Medical Leave Act	
	RIGHTS UNDER THE FAMILY AND MEDICAL LEAVE ACT ATES DEPARTMENT OF LABOR WAGE AND HOUR DIVISION	
LEAVE ENTITLEMENTS: Eligible employees	who work for a covered employer can take up to 12 weeks of unpaid, jol	b-protected leave in a
12-month period for the following reasons:		
• The birth of a child or placement of a child for		
• To bond with a child (leave must be taken with	parent who has a qualifying serious health condition;	
	ealth condition that makes the employee unable to perform the employee	e's ioh:
	in deployment of a military member who is the employee's spouse, child	
	member's spouse, child, parent, or next of kin may also take up to 26 w	eeks of FMLA leave in
a single 12-month period to care for the service		
An employee does not need to use leave in on intermittently or on a reduced schedule.	ne block. When it is medically necessary or otherwise permitted, employe	ees may take leave
	require, use of accrued paid leave while taking FMLA leave. If an employ	vee substitutes
	yee must comply with the employer's normal paid leave policies.	yoo oubouldioo
	ees are on FMLA leave, employers must continue health insurance cove	rage as if the
employees were not on leave.		
	is must be restored to the same job or one nearly identical to it with equi	ivalent pay, benefits,
and other employment terms and conditions.	ial's EMI A rights or retaliate against company for using or traing to use f	EMI A leave ennesing
	al's FMLA rights or retaliate against someone for using or trying to use F eing involved in any proceeding under or related to the FMLA.	rivita leave, opposing
	who works for a covered employer must meet three criteria in order to t	be eligible for FMLA
leave. The employee must:		
• Have worked for the employer for at least 12		
Have at least 1,250 hours of service in the 12		
	t least 50 employees within 75 miles of the employee's worksite.	
*Special "hours of service" requirements apply	must give 30-days' advance notice of the need for FMLA leave. If it is not	ot possible to give 30
	ployer as soon as possible and, generally, follow the employer's usual pro-	
Employees do not have to share a medical dia	ignosis, but must provide enough information to the employer so it can d	letermine if the leave
	ation could include informing an employer that the employee is o <mark>r will be</mark>	
	not perform daily activities, or that hospitalization or continuing medical t	
	ed for leave is for a reason for which FMLA leave was previously taken of a reason for which FMLA leave was previously taken of the applever determined for leave.	
	ic recertification supporting the need for leave. If the employer determine ndicating what additional information is required.	
	mployer becomes aware that an employee's need for leave is for a reas	on that may qualify
	employee if he or she is eligible for FMLA leave and, if eligible, must als	
rights and responsibilities under the FMLA. If the	he employee is not eligible, the employer must provide a reason for ineli	igibility. Employers
	nated as FMLA leave, and if so, how much leave will be designated as F	
	laint with the U.S. Department of Labor, Wage and Hour Division, or ma	y bring a private
lawsuit against an employer.	law prohibiting discrimination or supersede any state or local law or coll	ective bargaining
agreement that provides greater family or med		
		and a deal
	1-866-4-USWAGE (1-866-487-9243) TTY: 1-877-889-5627 <u>www.dol.go</u> 5. Department of Labor • Wage and Hour Division	ov/whd
0.5	. Department of Labor • Wage and Hour Division	Updated 8/16
	USERRA	
• FOR USE BY	PRIVATE SECTOR AND STATE GOVERNMENT EMPLOYERS •	
	HE UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT R	RIGHTS ACT
service or certain types of service in the Nat	Is who voluntarily or involuntarily leave employment positions to un tional Disaster Medical System. USERRA also prohibits employers fr iformed services, and applicants to the uniformed services.	
REEMPLOYMENT RIGHTS	If you leave your job to perform military service	a you have the right to

MAKING UNAUTHORIZED COPIES IS AGAINST THE LAW AND MAY SUBJECT YOU TO CIVIL AND CRIMINAL LIABILITY

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

you have five years or less of cumulative service in the uniformed services while with that particular employer;

you return to work or apply for reemployment in a timely manner after conclusion of service; and you have not been senarated from service with a disqualifying

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

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

Service (VETS) is authorized to investigate and resolve complaints of

• 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

• You may also bypass the VETS process and bring a civil action

In addition, an employer may not retaliate against anyone assisting in

statement in connection with a proceeding under USERRA, even if that

the enforcement of USERRA rights, including testifying or making a

of Justice or the Office of Special Counsel, as applicable, for

against an employer for violations of USERRA.

person has no service connection.

effective: 01-01-24 - \$13.25/hour • Employees in domestic service in or about private homes. ve in a effective: 10-01-25 - \$15.00/hour • Employees of the United States Government. Outside commission paid salespeople **EMPLOYEES WHO RECEIVE TIPS**  Bona fide executives, administrators, and professionals. Employees engaged in fishing and fish processing at sea. The minimum cash wage payable to employees who receive tips is Volunteer workers (for educational, religious or non-profit \$2.23 per hour, effective 10/1/96. organizations). • Junior camp counselors employed by non-profit summer camp eave in The employer must be able to prove that the employee received the programs. balance of the full minimum rate in tips. eave **RECORD KEEPING REQUIREMENTS:** NOTE: Delaware's minimum cash wage for tipped employees is greater than the cash wage required by federal law. Employers must Employers must keep records (including rate of pay, hours pay Delaware's higher rate. worked, and amount paid for each employee for three (3) years. nefits, posing **IRS Withholding** MLA YOU MAY NEED TO CHECK YOUR WITHHOLDING If you can answer "yes"... Since you last filed Form W-4 with your employer did you... To any of these or you owed extra tax when you filed your last return, you may need to file a new Form W-4. See your employer Marry or divorce? Gain or lose a dependent? for a copy of Form W-4 or call the IRS at 1-800-829-3676. Now Change your name? is the time to check your withholding. For more details, get ive 30 Were there major changes to... leave Your nonwage income (interest, dividend, capital gains, etc.)? website.

Your family wage income (you or your spouse started or ended a job)? Your itemized deductions? Your tax credits?

Publication 919, How Do I Adjust My Tax Withholding?, or use the Withholding Calculator at www.irs.gov/individuals on the IRS

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

Employer: Please poster 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.

## **Breaks**

**State Minimum Wage** 

employee.

MINIMUM WAGE EXEMPTIONS:

• Employees in agriculture.

All employees must receive a meal break of at least 30 consecutive minutes if the employee is scheduled to work 7.5 or more hours per day.

Meal breaks must be given sometime after the first two (2) hours of work and before the last two (2) hours of work.

### This rule does not apply when:

2. day, hour and place of payment;

3. employer's fringe benefits policies

TO:

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

There is a collective bargaining agreement or other employer-employee written agreement which provides otherwise.

Rules have been issued granting exemptions when:

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

• An employer has fewer than five (5) employees on a shift at one location (the exception would only apply to that shift).

• The continuous nature of an employer's operations, such as chemical production or research experiments, requires employees to respond to urgent or unusual conditions at all times and the employees are compensated for their meal breaks. Where exemptions

are allowed, employees must be allowed to eat meals at their work stations or other authorized locations and use rest room facilities as reasonably necessary.

# **Payment of Wages**

**EMPLOYERS OF 4 OR MORE EMPLOYEES ARE REQUIRED** • Notify employees in writing at the time of hire of: 1. rate of pay;

• If an employee is not present on the regular payday, payment shall be made on the next regular workday that the employee is present or by mail (only if requested by the employee). • Wages may be paid to a bank account designated by an employee (upon the employee's written request). Wages may be paid in cash or by check (provided that suitable arrangements are made by the employer for cashing at a bank or other business establishment convenient to the work place). • Whenever an employee quits, resigns, is discharged, suspended or laid off, the wages earned shall be paid on the next regularly scheduled payday(s) either through the usual pay channels or by mail (if requested by the employee) as if employment had not been suspended or terminated. UNLAWFUL DEDUCTIONS: Employers are not permitted to deduct or withhold wages for: 1. Cash or inventory shortages; 2. Cash advances or charges for goods and services (unless there is a signed agreement specifying the amount owed and the repayment schedule);

# Contact OSHA. We can help.



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

Employers subject to the state minimum wage law are obligated to pay the higher rate

### **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:**

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 non-manufacturing, non-mining, nonhazardous 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.

### NURSING MOTHERS:

The FLSA requires employers to provide reasonable break time for a nursing mother employee who is subject to the FLSA's overtime requirements in order for the employee to express breast milk for her nursing child for one year after the child's birth each time such employee has a need to express breast milk. Employers are also required to provide a place, other than a 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 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. • 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 unde special certificates issued by the Department of Labor.

1-866-487-9243 • TTY: 1-877-889-5627 • www.dol.gov/whd WAGE AND HOUR DIVISION • WAGE AND HOUR DIVISION • UNITED STATES DEPARTMENT OF LABOR

### **Equal Employment Opportunity**

### Know Your Rights: Workplace Discrimination is Illegal

The U.S. Equal Employment Opportunity Commission (EEOC) enforces Federal laws that protect you from discrimination in employment. If you believe you've been discriminated against at work or in applying for a job, the EEOC may be able to help.

### Who is Protected?

• Employees (current and former), including managers and temporary employees Job applicants

### 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 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 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** lf vou

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.

### **HEALTH INSURANCE PROTECTION**

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

ENFORCEMENT

USERRA violations

representation



## **Polygraph Protection**

### 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

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

WAGE AND HOUR DIVISION

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.

1-866-487-9243 • TTY: 1-877-889-5627 www.dol.gov/whd

UNITED STATES DEPARTMENT OF LABOR



### **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 mployers of four (4) or more employees, labor organizations, employment agencies and joint labor management committees for apprenticeship or training are covered by this law.

or non-employee, employers are responsible if the employee complained to the employer and the employer has taken no ac on 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.

· 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 a month. • Employees must be paid all wages within seven (7) days from the close of each pay period [with some exceptions, see §1102(b)]. • If the payday falls on a non-work day, payment shall be made on the preceding workday.

3. Damaged property; 4. Failure to return employer's property.

### **Workers' Compensation**

### IMPORTANT THINGS TO DO IN CASE OF INJURY

### THE EMPLOYER SHOULD:

Carry Workers' Compensation insurance coverage. Provide all necessary medical, surgical, and hospital treatment from the accident date. Every employer shall keep a record of all injuries received by employees and make a report within ten (10) days thereof in writing to the Office of Workers' Compensation. Ascertain the average weekly wages of the employee and provide compensation in accordance with the provisions of the law, for disability beyond the third day after the accident. All agreements as to compensation must be submitted to the Office of Workers' Compensation for approval.

### THE EMPLOYEE SHOULD:

Immediately notify the employer in writing of accidental injury or occupational disease and request medical services. Failure to give notice or to accept medical services may deprive the employee of the right to compensation. Give promptly to the employer, directly or through a supervisor, notice of any claim for compensation for the period of disability beyond the third day after the accident. In case of fatal injuries, notice must be given by one or more dependents of the deceased or by a person on their behalf. In case of failure to reach an agreement with the employer in regard to compensation under the law, file an application with the Industrial Accident Board for a hearing on the matters at issue within two (2) years of the date of accidental injury or one (1) year of knowledge of a diagnosis of an occupational disease or an ionizing radiation injury. All forms can be obtained from the Office of Workers' Compensation.

### **Whistleblowers' Protection Act**

### WHISTLEBLOWERS' PROTECTION

This chapter may be cited as the "Delaware Whistleblowers' Protection Act."

74 Del. Laws, c. 361, § 1.; § 1702 Definitions.

As used in this chapter

(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, 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.

(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 aovernment:

c. An elected official of a county, city, or school district or employee of them;

d. A law-enforcement agency or employee of that lawenforcement agency; and

e. A federal agency or employee of that federal agency. 5) "Supervisor" means any individual to whom an employer has given the authority to direct and control the work performance of the affected employee or any individual who has the authority to take corrective action regarding the violation of a law, rule or regulation about which the employee complains.

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

(3) Because an employee refuses to commit or assist in the commission of a violation, as defined in this chapter; or (4) Because the employee reports verbally or in writing to the employer or to the employee's supervisor a violation, which the employee knows or reasonably believes has occurred or is about to occur, unless the employee knows or has reason to know that the report is false. Provided, however that if the report is verbally made, the employee must establish by clear and convincing evidence that such report was made; or

(5) Because an employee reports or is about to report to a public body, to the employer or the employee's supervisor, verbally or in writing any noncompliance or an infraction which the employee knows or reasonably believes has occurred or is about to occur, of Chapter 80 of Title 15 unless the employee knows or has reason to believe the report is false; or participates or is requested to participate in an investigation, hearing, trial or inquiry, of a person or entity other than employee, regarding noncompliance or an infraction of Chapter 80 of Title 15; or refuses to participate or assist in the noncompliance or an infraction of Chapter 80 of Title 15. 74 Del. Laws, c. 361, § 1; 79 Del. Laws, c. 344, § 1.;

§ 1704 Relief and damages.

(a) A person who alleges a violation of this chapter may bring a civil action for appropriate declaratory relief, or actual damages, or both within 3 years after the occurrence of the alleged violation of this chapter.

(b) An action commenced pursuant to subsection (a) of this section may be brought in Superior Court in the county where the alleged violation occurred, the county where the complainant resides, or the county where the person against whom the civil complaint is filed resides or has their principal place of business. (c) As used in subsection (a) of this section, "damages" means damages for injury or loss caused by each violation of this chapter. (d) A court, in rendering a judgment in an action brought under this chapter, shall order, as the court considers appropriate, reinstatement of the employee, the payment of back wages, full reinstatement of fringe benefits and seniority rights, expungement of records relating to the disciplinary action or discharge, actual damages, or any combination of these remedies. A court may also award, as part of a judgment in an action brought under this chapter, all or a portion of the costs of litigation, including attorneys' fees, if the court determines that such an award is appropriate.

Updated 8/

Updated 6/22

§ 1701 Short title

### nion members and applicants for membership in a union

### What Organizations are Covered?

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

### 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 and related conditions, sexual orientation, or gender identity) • Age (40 and older) Disability Genetic information (including employer requests for, or purchase, use, or disclosure of genetic tests, genetic services, or family medical history)

 Retaliation for filing a charge, reasonably opposing discrimination, or participating in a discrimination lawsuit, investigation, or proceeding.

### 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 Pay (unequal wages or compensation) Failure to provide reasonable accommodation for a disability or a sincerelyheld 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.

What can You Do if You Believe Discrimination has Occurred? Contact the EEOC promptly if you suspect discrimination. Do not delay, because there are strict time limits for filing a charge of discrimination (180 or 300 days, depending on where you live/ work). You can reach the EEOC in any of the following ways:

Submit an inquiry through the EEOC's public portal: https:// publicportal.eeoc.gov/Portal/Login.aspx

**Call** 1–800–669–4000 (toll free) 1-800-669-6820 (TTY) 1-844-234-5122 (ASL video phone) Visit an EEOC field office (information at www.eeoc.gov/field-office) E-Mail info@eeoc.gov

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

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

The Department of Labor's Office of Federal Contract Compliance Programs (OFCCP) enforces the nondiscrimination and affirmative action commitments of companies doing business with the Federal Government. If you are applying for a job with,

### compensation of other applicants or employees

Disability

Section 503 of the Rehabilitation Act of 1973, as amended, protects gualified individuals with disabilities from discrimination in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment by Federal contractors. Disability discrimination includes not making reasonable accommodation to the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, barring undue hardship to the employer. Section 503 also requires that Federal contractors take affirmative action to employ and advance in employment qualified individuals with disabilities at all levels of employment, including the executive level.

### **Protected Veteran Status**

The Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, 38 U.S.C. 4212, prohibits employment discrimination against, and requires affirmative action to recruit, employ, and advance in employment, disabled veterans, recently separated veterans (i.e., within three years of discharge or release from active duty), active duty wartime or campaign badge veterans, or Armed Forces service medal veterans.

### Retaliation

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

Any person who believes a contractor has violated its nondiscrimination or affirmative action obligations under OFCCP's authorities should contact immediately:

The Office of Federal Contract Compliance Programs (OFCCP) U.S. Department of Labor 200 Constitution Avenue, N.W. Washington, D.C. 20210 1-800-397-6251 (toll-free)

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

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

### Race, Color, National Origin, Sex

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

### Individuals with Disabilities

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

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

**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 continue working.

**ANY PERSON:** who believes he or she has been discriminated against should contact the Delaware Department of Labor, Office of An -Discrimination at (302) 761-8200.

A Charge of Discrimination must be filled within 300 days of the alleged unlawful employment practice. Updated 9/18

# **Clean Indoor Air Act**

#### **General Provisions** No person shall smoke in any enclosed area in which the general public is invited or in which the general public is permitted, including but not limited to any workplace not exempted. Delaware's amended Clean Indoor Air Act, which goes into effect on November 27, 2002 prohibits smoking in any indoor enclosed area to which the general public is invited or in which the general public is permitted, including:

### **ALL WORKPLACES**

The following places are specifically excluded from the Clean Indoor Air Act: Private homes, private residences and private automobiles, except when such homes, residences or vehicles are used for child care or day care, or when the private vehicle is used for the public transportation of children or as part of health care or day care transportation; Any indoor area where private social functions are being held when seating arrangements are under the control of the sponsor of the function and not the owner, operator, manager or person in charge of such indoor area; Limousines under private hire; A hotel or motel room rented to one (1) or more guests provided the total percentage of such hotel or motel rooms does not exceed twenty-five percent (25%); Any fund raising activity or function sponsored by a volunteer fire company, auxiliary of a fire company, or a volunteer ambulance or volunteer rescue company; provided, however, that the fund raising activity or function takes place upon property owned or leased by the volunteer fire, rescue or ambulance company; Any fund raising activity or function sponsored by a fraternal benefit society as defined by 18 Del. C. §6201; provided, however, that the fund raising activity or function takes place upon property owned or leased by the fraternal benefit society.

### PENALTIES

• \$100 for a first violation; • Not less than \$250 for each subsequent violation; • Not less than \$2,000 nor more than \$10,000 for any employer who discharges or discriminates against an employee in any manner because that employee has provided information or assisted the Department of Labor.

## **Child Labor**

### **General Provisions:**

The minimum age for employment is 14. Work Permits are required for all employed minors under the age of 18.

- Employers are required to keep work permits on file for each employed minor.

- A new Work Permit is required when a minor changes employers.

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

MINORS 14-15 YEARS OF AGE SHALL NOT WORK: - Before 7:00 a.m. or after 7:00 p.m. - except from June 1st through Labor Day when the evening hour shall be extended to 9:00 p.m.; - More than 4 hours per day on school days; - More than 8 hours per day on non-school days; - More than 18 hours in any week when school is in session for 5 days; - More than 6 days in any week; - More than 40 hours per week; and - More than 5 hours continuously without a non-work period of at least 30 consecutive minutes.

Specific Provisions for Individuals 16 and 17 Years of Age: - Not more than 12 hours in a combination of school and work hours per day; Must have at least 8 consecutive hours of non-work, non-school

# **Payday Notice**

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.

#### '4 Del. Laws, c. 361, § 1.; § 1703 Protection.

An employer shall not discharge, threaten, or otherwise discriminate against an employee regarding the employee's compensation, terms, conditions, location, or privileges of employment: (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, or a court action, in connection with a violation as defined in this chapter: or

### 74 Del. Laws, c. 361, § 1.

§ 1705 Collective bargaining. 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.;

§ 1706 Exemption.

This chapter shall not be construed to require an employer to compensate an employee for participation in an investigation, hearing or inquiry held by a public body in accordance with § 1703 of this title.

74 Del. Laws, c. 361, § 1.;

§ 1707 Notices requirement.

An employer shall post notices and use other appropriate means to keep the employer's employees informed of their protections and obligations under this chapter.

74 Del. Laws, c. 361, § 1; 70 Del. Laws, c. 186, § 1.; § 1708 Burden of proof.

**Retaliation Is Prohibited Under the Law** 

Report Sexual Harassment

resources as soon as possible.

lost wages and other damages

WILMINGTON, DE 19802

(302) 761-8200

DOVER, DE 1990

(302) 422-1134

(302) 422-1134

https://dia.delawareworks.com/discrimination/

4425 N. MARKET STREET, 3 RD FLOOR

BLUE HEN CORPORATE CENTER

8 GEORGETOWN PLAZA, SUITE 2

655 S. BAY ROAD, SUITE 2H

GEORGETOWN, DE 19947

The burden of proof in any action brought under this chapter shall be upon the employee to show that the primary basis for the discharge, threats, or discrimination alleged to be in violation of this chapter was that the employee undertook an act protected pursuant to § 1703 of this title. 74 Del. Laws, c. 361, § 1.;

It is a violation of the law for an employer to take action against you

because you oppose or speak out against sexual harassment in the

workplace. The Delaware Discrimination in Employment Act prohibits

employers from retaliating or discriminating against any person because

that person opposed an unlawful discriminatory practice. Retaliation can

occur through direct actions, such as demotions or terminations, or more

less desirable location. The Delaware Discrimination in Employment Act

employer's conduct is illegal, even if it turns out that they were mistaken.

subtle behavior, such as an increased work load or being transferred to a

protects individuals against retaliation who have a good faith belief that their

If you have witnessed or experienced sexual harassment inform a manager,

Report sexual harassment to the Delaware Department of Labor Office

to learn how to file a complaint or report discrimination. The Department can

Updated 11/18

investigate or mediate your complaint and may be able to help you collect

the equal employment opportunity officer at your workplace, or human

of Anti-Discrimination. Call 302-761-8200 or 302-424-1134 or visit

### **Sexual Harassment**

### **DELAWARE SEXUAL HARASSMENT NOTICE**

STATE OF DELAWARE DEPARTMENT OF LABOR DIVISION OF INDUSTRIAL AFFAIRS

#### The Delaware Discrimination in Employment Act

The Delaware Discrimination in Employment Act protects all individuals against discrimination in the workplace based on gender. Sexual harassment is a form of gender discrimination. A new law against sexual harassment passed in 2018 extends protections to all individuals, in all workplaces, including employees, applicants, apprentices, staffing agency workers, independent contractors, elected officials and their staff. agricultural workers, domestic workers, and unpaid interns.

### Sexual Harassment and the Law

Sexual harassment of an employee is unlawful when the employee is subjected to conduct that includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when: (1) submission to such conduct is made either explicitly or implicitly a term or condition of an employee's employment; (2) submission to or rejection of such conduct is used as the basis for employment decisions affecting an employee; or (3) such conduct has the purpose or effect of unreasonably interfering with an employee's work performance or creating an intimidating, hostile, or offensive working environment.

Some Examples of Sexual Harassment unwelcome or inappropriate touching threatening or engaging in adverse action after someone refuses a sexual

- making lewd or sexual comments about an individual's appearance, body,
- or style of dress conditioning promotions or other opportunities on sexual favors
- displaying pornographic images, cartoons, or graffiti on computers, emails, cell phones, bulletin boards, etc.

making sexist remarks or derogatory comments based on gender



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.



### It is unlawful to retaliate against an employee because (s)he has made a complaint or given information to the Department of Labor about possible labor law violation. Violations of Delaware Labor Laws could result in fines of up to \$10,000 per violation.

**Penalty** 

period of at least 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.

Wilmington, DE 19802 • (302) 761-8200

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

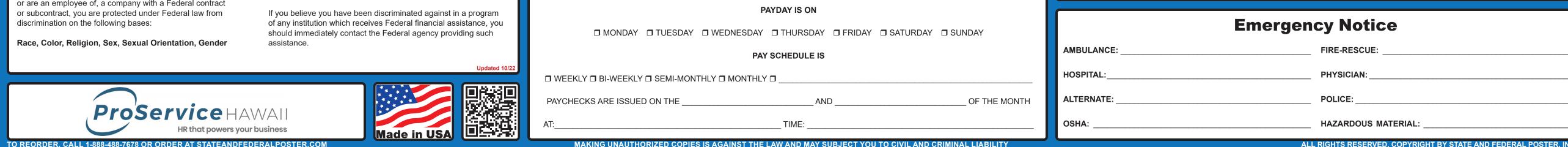
Blue Hen Corporate Center • 655 S Bay Road, Ste. 2H Dover, DE 19901 • (302) 422-1134

provisions of federal law.

This poster provides only general information regarding the provisions of Delaware's Child Labor Law. The requirements of state law do not affect an employer's obligation to comply with any

time in each 24 hour period; - May not work more than 5 hours continuously without a non-work advance

Fox Valley Offices • 4425 North Market Street - 3rd Floor



TO REORDER, CALL 1-888-488-7678 OR ORDER AT STATEANDFEDERALPOSTER.COI

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