FED

## THE FAIR LABOR STANDARDS ACT **FEDERAL MINIMUM WAGE**

**EMPLOYEE RIGHTS UNDER** 

\$7.25 PER HOUR **BEGINNING JULY 24, 2009** The law requires employers to display this

poster where employees can readily see it. At least 1½ times the regular rate of pay for all hours worked over 40 in a workweek.

**CHILD LABOR** An employee must be at least 16 years old to work in most non-farm jobs and at least 18 to work in non-farm jobs declared hazardous by the Secretary of Labor. Youths 14 and 15 years old may work outside school hours in various nonmanufacturing, non-mining, non-hazardous jobs with certain

work hours restrictions. Different rules apply in agricultural 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

**NURSING MOTHERS** The FLSA requires employers to provide reasonable break

wage, the employer must make up the difference.

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

DEPARTMENT OF LABOR UNITED STATES

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**Regular Rate:** 

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

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

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

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

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

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

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

tips received by the employee.

**EMPLOYEES WHO RECEIVE TIPS** 

The minimum cash wage payable to employees who

ie employer must be able to prove that the employe

received the balance of the full minimum rate in tips.

employees is greater than the cash wage required by

federal law. Employers must pay Delaware's higher rate.

Tips may not be taken or retained by an employer except

conditions) in an amount not to exceed 15% of the actual

**NOTE:** Delaware's minimum cash wage for tipped

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



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

**MINIMUM WAGE** 

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 minimun wage, overtime, and other violations. The Department may litigate and/or recommend criminal prosecution. Employers may be assessed civil money penalties for each willful or repeated violation of the minimum wage or overtime pay provisions of the law. Civil money penalties may also be assessed for violations of the FLSA's child labor provisions. Heightened civil money penalties may be assessed for each child labor violation that results in the death or serious injury of any minor employee, and such assessments may be doubled when the violations are determined to be willful or repeated. The law also prohibits retaliating against or discharging workers who file a complaint or participate in any

**ADDITIONAL INFORMATION** Certain occupations and establishments are exempt

proceeding under the FLSA.

from the minimum wage, and/or overtime pay Special provisions apply to workers in American

Samoa, the Commonwealth of the Northern Mariana Islands, and the Commonwealth of Puerto Rico. Some state laws provide greater employee protections; employers must comply with both.

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

wage and overtime pay protections and correctly classified independent contractors are not. Certain full-time students, student learners, apprentices, and workers with disabilities may be paid

less than the minimum wage under special certificates issued by the Department of Labor. 1-866-487-9243 TTY: 1-877-889-5627



# **REV. 07/2016**

**MINIMUM WAGE EXEMPTIONS:** Employees in agriculture.

Employees in domestic service in or about private

Employees of the United States Government. Outside commission paid salespeople. Bona fide executives, administrators, and

professionals Employees engaged in fishing and fish processing

Volunteer workers (for educational, religious or non-profit organizations).

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

as required by law. Tip-pooling is permitted (under certain Employers must keep records (including the rate of pay, hours worked, and amount paid for each employee for three (3) years. Rev. 01/17/2023

**RECORD KEEPING REQUIREMENTS:** 

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

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

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

#### **Chapter 17. Whistleblowers' Protection** § 1701. Short title. This chapter may be cited as the "Delaware Whistleblowers"

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

§ 1702. Definitions. As used in this chapter:

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

independent contractors, and volunteer firefighters as defined in § 6651(c) of Title 16 "Employer" means any person, partnership, association, sole proprietorship, corporation or other business entity, including any department, agency, commission, committee, board, council, bureau, or authority or any subdivision of them in state, county

or municipal government. One shall employ another if services are performed for wages or under any contract of hire, written or oral, express or implied. "Person" means an individual, sole proprietorship, partnership, corporation, association, or any other

"Public body" means all of the following:

A state-wide elected official, agency, department, division, bureau, board, commission, council, authority, or other body in the executive branch of state government or employee of them;

A legislator or employee of the legislative branch of state government; An elected official of a county, city, or school

district or employee of them; A law-enforcement agency or employee of that law-enforcement agency; and A federal agency or employee of that federal

"Supervisor" means any individual to whom an employer has given the authority to direct and control the work performance of the affected employee or any individual who has the authority to take corrective

action regarding the violation of a law, rule or regulation about which the employee complains. "Violation" means an act or omission by an employer, or an agent thereof, that is: Materially inconsistent with, and a serious pursuant to a law, rule, or regulation

promulgated under the laws of this State, a political subdivision of this State, or the United States, to protect employees or other persons from health, safety, or environmental hazards while on the employer's premises or elsewhere; Materially inconsistent with, and a serious

deviation from, financial management or accounting standards implemented pursuant to a rule or regulation promulgated by 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.) § 1703. Protection.

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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 the suspected or actual citizenship or immigration status of a family member of the employee to a federal, state, or local agency:

Because the employee, or a person acting on behalf of the employee, reports or is about to report to a public body, verbally or in writing, a violation which the employee knows or reasonably believes has occurred or is about to occur, unless the employee knows or has reason to know that the report is false; or Because an employee participates or is requested by a public body to participate in an investigation,

hearing, or inquiry held by that public body, or a court action, in connection with a violation as defined in this Because an employee refuses to commit or assist in the commission of a violation, as defined in this

> chapter; or 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; Because an employee reports or is about to report

to a public body, to the employer or the employee's supervisor, verbally or in writing any noncompliance or an infraction which the employee knows or reasonably believes has occurred or is about to occur, of Chapter 80 of Title 15 unless the employee knows or has reason to believe the report is false: or participates or is requested to participate in an investigation, hearing, trial or inquiry, of a person or entity other than employee, regarding noncompliance or an infraction of Chapter 80 of Title 15; or refuses to participate or assist in the noncompliance or an infraction of Chapter 80 of Title 15.

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

#### § 1704. Relief and damages. A person who alleges a violation of this chapter may

bring a civil action for appropriate declaratory relief, or actual damages, or both within 3 years after the occurrence of the alleged violation of this chapter. An action commenced pursuant to subsection (a)

of this section may be brought in Superior Court in the county where the alleged violation occurred, the county where the complainant resides, or the county where the person against whom the civil complaint is

filed resides or has their principal place of business. As used in subsection (a) of this section, "damages" means damages for injury or loss caused by each violation of this chapte 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.

## (74 Del. Laws, c. 361, § 1.) § 1705. Collective bargaining.

This chapter shall not be construed to diminish or impai the rights of a person under any collective bargaining (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.

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.)

that the employee is present or by mail (only if

Wages may be paid to a bank account designated by

an employee (upon the employee's written request).

Wages may be paid in cash or by check (provided that

suitable arrangements are made by the employer for

requested by the employee) as if employment had not

cashing at a bank or other business establishment

# **PAYMENT OF WAGES**

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

**WAGE THEFT** 

civil penalty

RETALIATION

\$20,000 for each violation.

consistent with § 841D of Title 11

does any of the following under this section:

#### **EMPLOYERS OF FOUR (4) OR MORE EMPLOYEES ARE REQUIRED TO:** Notify employees in writing at the time of hire:

Rate of Pay Day, hour, and place of payment

Employer's fringe benefits policies 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

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

Furnish each employee with a pay statement showing:

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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)

be made on the preceding work day.

An employer may not do any of the following:

and fees for the individual.

law for the work performed.

violation of this section.

**PENALTIES** 

Employ an individual without reporting the

individual's employment to all appropriate

government agencies and paying all applicable taxes

Fail to properly withhold state and federal taxes from

Fail to forward money withheld from an employee's

minimum wage established under state and federal

Misclassify a worker as an independent contractor

Knowingly conspire to assist, advise, or facilitate a

Following an investigation in which the Department

makes an initial determination that an employer has

violated one or more provisions of subsection (a) of

for purposes of avoiding wage, tax, or workers

'compensation obligations under this title.

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

Total number of hours worked in the pay period (for employees who are paid at an hourly rate).

If an employee is not present on the regular payday,

payment shall be made on the next regular workday

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

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

been suspended or terminated.

convenient to the workplace).

requested by the employee)

**UNLAWFUL DEDUCTIONS** Employers are not permitted to deduct or withhold

Cash or inventory shortages;

amount owed and the repayment schedule);

**Damaged Property** Failure to return employer's property

this section, the Department may decide to impose a

An employer who violates this section is subject to a

Each instance of a violation of subsection (a) of this

section per employee is a separate violation.

The Department may also refer cases to the

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

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

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

discriminates against an individual because that individual

the employer discharges or in any manner retaliates or

Department of Justice for criminal prosecution

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

Cash advances or charges for goods and services (unless there is a signed agreement specifying the

Rev. 01/17/2023

The employee is a professional employee certified

local school board to work directly with children.

employer-employee written agreement which

by the State Board of Education and employed by a

There is a collective bargaining agreement or other

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

**BREAKS** 

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 restroom facilities as

Rules have been issued granting exemptions

provides otherwise.

This rule does not apply when:

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

Rev. 01/17/2023

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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,

r other verbal or physical conduct of a sexual nature when ( the employee is expected to submit to such conduct; or (2) the employee's submission to or rejection of such conduct is used as the basis for employment decisions; or (3) such conduct has the effect of unreasonably interfering with the employee's work 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

Discrimination

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

**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,

Rev. 11/17/2021

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U.S. Equal Employment Opportunity Commission

**Know Your Rights: Workplace Discrimination is Illegal** 

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

Who is Protected?

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

Union members and applicants for membership in a union

**What Organizations are Covered?** Most private employers

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

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)

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 sincerely-held

religious belief, observance or practice Benefits Job training

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Classification 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

What can You Do if You Believe Discrimination has Occurred?

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

an inquiry through the EEOC's public portal: https://publicportal.eeoc.gov/Portal/Login.aspx 1-800-669-4000 (toll free) Call

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

1–844–234–5122 (ASL video phone)

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** 

You have the right to be reemployed in your civilian job if you leave that job to

you ensure that your employer receives advance written or verbal notice of your

perform service in the uniformed service and:

conclusion of service; and

cases, a comparable job.

uniformed service;

uniformed service; or

initial employment;

reemployment;

because of this status.

WILMINGTON, DE 19802

(302) 761-8200

connection.

then an employer may not deny you:

retention in employment;

have applied for membership in the

If you:

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

#### an employee of, a company with a Federal contract or subcontract, you are protected under Federal law from discrimination on the following bases:

Race, Color, Religion, Sex, Sexual Orientation, Gender Identity, **National 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 compensation of other applicants or employees. **Disability**

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

#### 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

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

#### 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 ination causes or may cause discrimination in providing service. under such programs. Title IX of the Education Amendments of 1972 prohibits employment discrimination on the basis of sex in educational programs or activities

Federal financial assistance. Discrimination is prohibited in all aspects of employment

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.

against persons with disabilities who, with or without reasonable accommodation,

If you believe you have been discriminated against in a program of any institution

which receives Federal financial assistance, you should immediately contact the

#### **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

which receive Federal financial assistance.

can perform the essential functions of the job.

Federal agency providing such assistance.

## YOUR RIGHTS UNDER USERRA

THE UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT USERRA protects the job rights of individuals who voluntarily or involuntarily leave employment positions to undertake military

service or certain types of service in the National Disaster Medical System. USERRA also prohibits employers from discriminating against past and present members of the uniformed services, and applicants to the uniformed services. REEMPLOYMENT RIGHTS **HEALTH INSURANCE PROTECTION** 

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 you have five years or less of cumulative service in the uniformed services while reemployed, generally without any waiting periods or exclusions (e.g., prewith that particular employer; existing condition exclusions) except for service-connected illnesses or injuries. you return to work or apply for reemployment in a timely manner after

you have not been separated from service with a disqualifying discharge or The U.S. Department of Labor, Veterans Employment and Training Service (VETS) is authorized to investigate and resolve complaints of USERRA violations. under other than honorable conditions If you are eligible to be reemployed, you must be restored to the job and benefits you For assistance in filing a complaint, or for any other information on would have attained if you had not been absent due to military service or, in some 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 <a href="https://webapps.dol.gov/elaws/vets/userra">https://webapps.dol.gov/elaws/vets/userra</a>. RIGHT TO BE FREE FROM DISCRIMINATION AND RETALIATION 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 are a past or present member of the • are obligated to serve in the uniformed service;

Special Counsel, as applicable, for representation. You may also bypass the VETS process and bring a civil action against an employer for violations of USERRA. The rights listed here may vary depending on the circumstances. The text of this notice was prepared by VETS, and may be viewed on the internet at this address: https://www.dol.gov/agencies/vets/programs/userra/poster Federal law requires employers to notify employees of their rights under USERRA, and employers may

meet this requirement by displaying the text of this notice where they customarily

In addition, an employer may not retaliate against anyone assisting in the enforcement of USERRA rights, including testifying or making a statement in connection with a proceeding under USERRA, even if that person has no service

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

place notices for employees.

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

(302) 856-5230

Fox Valley Offices 4425 North Market Street -3RD FLOOR

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

promotion: or

any benefit of employment

**Department of Labor Division of Industrial Affairs** 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 workpermits@delaware.gov

WERSITE:

Labor.delaware.gov

**REV. 05/2022** 



# **Job Safety and Health** IT'S THE LAW!

All workers have the right to:

 A safe workplace. Raise a safety or health concern with your employer or OSHA, or report a workrelated injury or illness, without being

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

 Request a confidential OSHA inspection of your workplace if you believe there are unsafe or unhealthy conditions. You have the right to have a representative contact OSHA on your behalf.

Participate (or have your representative)

participate) in an OSHA inspection and speak in private to the inspector. • File a complaint with OSHA within 30 days

(by phone, online or by mail) if you have been retaliated against for using your rights. See any OSHA citations issued to your

that measure hazards in the workplace, and

This poster is available free from OSHA.

the workplace injury and illness log.

Contact OSHA. We can help.

employer.

**ONLINE** 

# **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.

language and vocabulary they can understand. Prominently display this poster in the workplace.

Provide required training to all workers in a

 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.





JJKeller.com/laborlaw 800-327-6868 65734F FED-DE-ENG

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Made a complaint or provided information to the Caused, or is going to cause, an investigation to be REV. 01/17/2023

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**DEPARTMENT** 

UNITED STATES

**LEAVE ENTITLEMENTS** 

12-month period for the following reasons:

The birth of a child or placement of a child for adoption or foster care;

To bond with a child (leave must be taken within 1 year of the child's birth or placement);

OF AMERICA

OF LABOR

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policies.

**BENEFITS & PROTECTIONS** 

**ELIGIBILITY REQUIREMENTS** 

lawsuit against an employer

DEPARTMENT

UNITED STATES

OF AMERICA

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**General Provisions** 

under the age of 18.

of a minor changes.

file for each employed minor.

shall be extended to 9:00 p.m.

school is in session for five (5) days

More than six (6) days in any week

More than forty (40) hours per week; and

The minimum age for employment is 14.

Work Permits are required for all employed minors

Employers are required to keep Work Permits on

A new Work Permit is required when the employer

Provisions for Individuals 14 and 15 Years of Age:

Before 7:00 a.m. or after 7:00 p.m. – except from

More than four (4) hours per day on school days

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

More than eighteen (18) hours in any week when

MINORS 14-15 YEARS OF AGE SHALL NOT WORK:

OF LABOR

Have worked for the employer for at least 12 months;

Have at least 1,250 hours of service in the 12 months before taking leave;\* and

the need for leave is for a reason for which FMLA leave was previously taken or certified.

collective bargaining agreement that provides greater family or medical leave rights.

LABOR

LAWS

## **EMPLOYEE RIGHTS**

**EMPLOYEE POLYGRAPH PROTECTION ACT** 

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

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.

for refusing to take a test or for exercising other rights under the Act.

more restrictive with respect to lie detector tests.

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

**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.

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

**EMPLOYEE RIGHTS UNDER THE** 

# REV. 07/2016

**FAMILY AND MEDICAL LEAVE ACT** 

THE UNITED STATES DEPARTMENT OF LABOR WAGE AND HOUR DIVISION Eligible employees who work for a covered employer can take up to 12 weeks of unpaid, job-protected leave in a

To care for the employee's spouse, child, or parent who has a qualifying serious health condition; For the employee's own qualifying serious health condition that makes the employee unable to perform the For qualifying exigencies related to the foreign deployment of a military member who is the employee's spouse,

weeks of FMLA leave in a single 12-month period to care for the servicemember with a serious injury or illness. An employee does not need to use leave in one block. When it is medically necessary or otherwise permitted, employees may take leave intermittently or on a reduced schedule. Employees may choose, or an employer may require, use of accrued paid leave while taking FMLA leave. If an employee substitutes accrued paid leave for FMLA leave, the employee must comply with the employer's normal paid leave

An eligible employee who is a covered servicemember's spouse, child, parent, or next of kin may also take up to 26

Upon return from FMLA leave, most employees must be restored to the same job or one nearly identical to it with equivalent pay, benefits, and other employment terms and conditions. An employer may not interfere with an individual's FMLA rights or retaliate against someone for using or trying to use FMLA leave, opposing any practice made unlawful by the FMLA, or being involved in any proceeding under or related

An employee who works for a covered employer must meet three criteria in order to be eligible for FMLA leave. The

While employees are on FMLA leave, employers must continue health insurance coverage as if the employees were not

Special "hours of service" requirements apply to airline flight crew employees. Generally, employees must give 30-days' advance notice of the need for FMLA leave. If it is not possible to give 30-days' notice, an employee must notify the employer as soon as possible and, generally, follow the employer's usual Employees do not have to share a medical diagnosis, but must provide enough information to the employer so it

can determine if the leave qualifies for FMLA protection. Sufficient information could include informing an employer

that the employee is or will be unable to perform his or her job functions, that a family member cannot <mark>perfo</mark>rm daily

activities, or that hospitalization or continuing medical treatment is necessary. Employees must inform the employer if

Work at a location where the employer has at least 50 employees within 75 miles of the employee's worksite.

Employers can require a certification or periodic recertification supporting the need for leave. If the employer determines that the certification is incomplete, it must provide a written notice indicating what additional information **EMPLOYER RESPONSIBILITIES** Once an employer becomes aware that an employee's need for leave is for a reason that may qualify under the FMLA, the employer must notify the employee if he or she is eligible for FMLA leave and, if eligible, must also provide a notice of rights and responsibilities under the FMLA. If the employee is not eligible, the employer must provide a reason for

Employers must notify its employees if leave will be designated as FMLA leave, and if so, how much leave will be

Employees may file a complaint with the U.S. Department of Labor, Wage and Hour Division, or may bring a private

The FMLA does not affect any federal or state law prohibiting discrimination or supersede any state or local law or

For additional information or to file a complaint: 1-866-4-USWAGE (1-866-487-9243) TTY: 1-877-889-5627

**CHILD LABOR** 

**WORKERS COMPENSATION** 

U.S. Department of Labor • Wage and Hour Division • WH1420 REV. 04/2016

non-work period of at least thirty (30) consecutive **Specific Provisions for Individuals 16 and 17** Years of Age: Not more than twelve (12) hours in a combination

of school and work hours per day

(24) hour period

any of the addresses listed.

More than five (5) hours continuously without a

Must have at least eight (8) consecutive hours of

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

May not work more than five (5) hours continuously without a non-work period of at least thirty (30) June 1st through Labor Day when the evening hour consecutive minutes For a list of Prohibited Occupations, contact: The Delaware Department of Labor, Division of Industrial Affairs, Office of Labor Law Enforcement at

> 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.

# Rev. 01/17/2023

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

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,

Workers' Compensation for approval.

THE EMPLOYEE SHOULD:

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.

directly or through a supervisor, notice of any claim

Rev. 11/17/2021

reasonably necessary.

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.

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

## JAN2023 This poster is in compliance with federal and state posting requirements.