

DELAWARE



LABOR LAW POSTINGS

Delaware Labor Law Postings

Thank you for using Paychex! Your order contains the following state posters:

Name of Poster	Poster Code	Posting Requirements	Agency Responsible
Delaware Labor Law Poster	LDE01	All employers	Division of Industrial Affairs
Delaware Labor Law Poster (Spanish*)	LDE05	All employers	Division of Industrial Affairs
Smoking Prohibited	LDE04	Recommended	Department of Labor
Smoking Permitted	LDE03	Required where smoking permitted	Department of Labor
Whistleblowers' Protection Act	LDE06	Required for all employers	Department of Labor
Sexual Harassment Notice	LDE07	Optional for all employers	Division of Industrial Affairs
Sexual Harassment Notice (Spanish*)	LDE08	Optional for all employers	Division of Industrial Affairs

*While they are not required, Spanish versions are recommended for employers of Spanish-speaking workers.

Printing and Posting Instructions

All files are print ready, according to size requirements from the issuing agency (if any). To ensure compliance, print all posters as provided. Posters requiring different paper size and/or color print are noted below as exceptions. Please note: In some cases, individual posters are set up to print on multiple pages.

- 1.) Print each of the posters listed above on 8.5"x11" paper.
- 2.) For multiple-page posters, we recommend taping the pages together before posting.
- 3.) Review each poster and posting instructions (above) carefully to check for special posting requirements that might apply to your business.
- 4.) Display all applicable posters in a conspicuous area accessible to all employees (such as an employee lounge, break room, or cafeteria).

Additional Postings that may be Required

Poster	Who Must Post?	How to Obtain?
Notice To Employees- Unemployment Compensation	All employers	Must be obtained from the DE Tax Services Office once the agency has confirmed your Employer ID# and your business' registration status

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

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



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

Delaware Department of Labor Division of Industrial Affairs

PAYMENT OF WAGES

EMPLOYERS OF FOUR (4) OR MORE EMPLOYEES ARE REQUIRED TO:

- **Notify employees in writing at the time of hire:**
 1. Rate of Pay
 2. Day, hour and place of payment
 3. 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.
- **Furnish each employee with a pay statement showing:**
 1. Amount of wages due;
 2. Pay period covered by the payment;
 3. Amounts of deductions (separately specified) which have been made from the wages;
 4. Total number of hours worked in pay period (for employees who are paid at an hourly rate).

PAYMENT OF WAGES

- Wages must be paid at least once each month.
- Employees must be paid all wages within seven (7) days from the close of each pay period [with some exceptions, see §1102(b)].
- If the payday falls on a non-work day payment shall be made on the preceding work day.
- If an employee is not present on the regular payday, payment shall be made on the next regular workday 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 workplace).
- 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);
3. Damaged Property
4. Failure to return employer's property.

MINIMUM WAGE

Regular Rate:

effective: 06-01-15 - \$8.25/hour
effective: 01-01-19 - \$8.75/hour
effective: 10-01-19 - \$9.25/hour

Youth Rate: (Ages 14-17) and Training Rate: (adults, 1st 90 days on the job)

effective: 01-01-19 - \$8.25/hour
effective: 10-01-19 - \$8.75/hour

EMPLOYEES WHO RECEIVE TIPS

The minimum cash wage payable to employees who receive tips is \$2.23 per hour, effective 10/1/96.

The employer must be able to prove that the employee received the balance of the full minimum rate in tips.

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

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

MINIMUM WAGE EXEMPTIONS:

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

RECORD KEEPING REQUIREMENTS:

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

BREAKS

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.

This rule does not apply when:

- The employee is a professional employee certified by the State Board of Education and employed by a local school board to work directly with children.
- There is a collective bargaining agreement or other employer-employee written agreement which 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 restroom facilities as reasonably necessary.

DISCRIMINATION

Employers are prohibited by state law from discriminating against employees because of their RACE; COLOR; NATIONAL ORIGIN; SEX (INCLUDING PREGNANCY); RELIGION; DISABILITY; AGE (40+); GENETIC

INFORMATION; SEXUAL ORIENTATION; GENDER IDENTITY; MARITAL STATUS; MEMBERSHIP IN VOLUNTEER EMERGENCY RESPONDER ORGANIZATION (VOLUNTEER FIREFIGHTERS, AMBULANCE PERSONNEL, LADIES AUXILIARY); VICTIM OF DOMESTIC VIOLENCE, SEXUAL ASSAULT, OR STALKING; FAMILY CARE RESPONSIBILITIES; REPRODUCTIVE HEALTH DECISIONS; and RETALIATION FOR INITIATING A COMPLAINT OF EMPLOYMENT DISCRIMINATION, OR OPPOSING OR PARTICIPATING IN THE INVESTIGATION OF A DISCRIMINATORY EMPLOYMENT PRACTICE. Employers of four (4) or more employees, labor organizations, employment agencies and joint labor management committees for apprenticeship or training are covered by this law.

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

DISABILITY: Employers are prohibited by state law from discriminating against any employee because of disability. State law requires the employment and advancement of qualified individuals with a disability who, with or without reasonable accommodation, can perform the essential functions of a job.

PREGNANCY: Employers must provide reasonable accommodations to employees with respect to pregnancy, childbirth, lactation and related conditions. Employers may not deny job applicants a position based on the need for a pregnancy-related workplace accommodation, make unnecessary changes to a pregnant employee's job functions or require a pregnant employee to take paid or unpaid leave when 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 Anti-Discrimination at (302) 761-8200.

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

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.

Provisions for Individuals 14 and 15 Years of Age:

MINORS 14-15 YEARS OF AGE SHALL NOT WORK:

- Before 7:00 a.m. or after 7:00 p.m.- except from June 1st through Labor Day when the evening hour shall be extended to 9:00 p.m.
- More than four (4) hours per day on school days
- More than eight (8) hours per day on non-school days
- More than eighteen (18) hours in any week when school is in session for five (5) days
- More than six (6) days in any week
- More than forty (40) hours per week; and
- More than five (5) hours continuously without a non-work period of at least thirty (30) consecutive minutes.

Specific Provisions for Individuals 16 and 17 Years of Age:

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

For a list of Prohibited Occupations, contact:

The Delaware Department of Labor, Division of Industrial Affairs, Office of Labor Law Enforcement at any of the addresses listed.

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

EMPLOYERS ARE REQUIRED BY LAW TO DISPLAY THIS OFFICIAL POSTER IN A PLACE ACCESSIBLE TO EMPLOYEES AND WHERE THEY REGULARLY PASS.

Violations of Delaware Labor Laws could result in fines of up to \$10,000 per violation.

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.

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.

Revised 9/28/2018

PAYCHEX
Print Date: 10/18



Departamento de Trabajo de Delaware
División de Asuntos Industriales

PAGO DE SALARIOS

LOS EMPLEADORES QUE TENGAN CUATRO (4) O MÁS EMPLEADOS DEBEN:

- ◆ **Notificar a los empleados por escrito al contratarlos acerca de los siguientes puntos:**
 1. Tarifa de pago
 2. Día, hora y lugar de pago
 3. Políticas de beneficios complementarios del empleador
- ◆ Notificar a los empleados por escrito de toda reducción en la tarifa de pago y de todo cambio en el día, hora o lugar de pago o beneficio
- ◆ **Entregar a todos los empleados un resumen de pago que muestre:**
 1. Monto de sueldos adeudados;
 2. Periodo salarial cubierto por el pago;
 3. Montos de las deducciones (detalladas aparte) que se hicieron del salario;
 4. Cantidad total de horas trabajadas en el periodo salarial (para empleados que cobran tarifa por hora).

PAGO DE SALARIOS

- ◆ Los salarios deben pagarse como mínimo todos los meses.
- ◆ Se debe pagar a los empleados el total de su salario dentro de los (7) días a partir del cierre del periodo salarial [con algunas excepciones consulte §1102(b)].
- ◆ Si el día de pago cae en un día no hábil, el pago se realizará el día anterior.
- ◆ Si un empleado no está presente el día de pago habitual, el pago se realizará al día hábil siguiente habitual en el que el empleado esté presente o por correo (solo si lo solicita el empleado).
- ◆ Los salarios deben pagarse en una cuenta bancaria designada por un empleado (a pedido por escrito del empleado).
- ◆ Los salarios deben pagarse en efectivo o con cheque (siempre que el empleador lo coordine adecuadamente para el cobro en el banco o en un establecimiento comercial conveniente al lugar de trabajo).
- ◆ Siempre que el empleado dimita, renuncie, sea dado de baja, suspendido o despedido, los salarios ganados se pagarán en los siguientes días de pago programados regularmente mediante los canales de pago habituales o por correo (si el empleado lo solicita) como si no se hubiera despedido o suspendido al empleado.

DEDUCCIONES ILÍCITAS

No se permite que los empleadores deduzcan no retengan salarios por:

1. Escasez de efectivo o de inventario;
2. Adelantos en efectivo o recargos por bienes y servicios (a menos que haya un acuerdo firmado que especifique el monto adeudado y el cronograma de devolución de pagos);
3. Daños a la propiedad;
4. Incapacidad de devolver bienes del empleador.

SALARIO MÍNIMO

Tarifa regular:

Tarifa juvenil: (edad 14-17) y Tarifa por capacitación: (adultos, primeros 90 días en el trabajo)

vigencia: 01-06-15 - \$8.25/hora

vigencia: 01-01-19 - \$8.75/hora

vigencia: 01-10-19 - \$9.25/hora

vigencia: 01-01-19 - \$8.25/hora

vigencia: 01-10-19 - \$8.75/hora

SALARIO MÍNIMO (continuación)

EMPLEADOS QUE RECIBEN PROPINAS

El salario mínimo en efectivo a pagar a los empleados que reciban propinas es de \$2.23 por hora, con vigencia desde el 1/10/96.

El empleador debe poder comprobar que el empleado recibió el saldo de la tarifa mínima completa en pagos seleccionados.

NOTA: El salario mínimo en efectivo de Delaware para empleados que reciben propinas es mayor que el salario en efectivo que exige la ley federal. Los empleadores deben pagar la tarifa mayor de Delaware.

El empleador no debe tomar ni retener las propinas excepto según lo exija la ley. Se permiten las propinas mancomunadas (bajo ciertas condiciones) que no superen el 15% de las propinas reales que reciba el empleado.

EXCEPCIONES DEL SALARIO MÍNIMO:

- ◆ Empleados en el sector agrícola.
- ◆ Empleados en el servicio doméstico en hogares privados o cerca de ellos.
- ◆ Empleados del gobierno de los Estados Unidos.
- ◆ Vendedores que cobran comisiones adicionales.
- ◆ Ejecutivos, administradores y profesionales de buena fe.
- ◆ Empleados que participen en actividades pesqueras o procesamiento de pescado en el mar.
- ◆ Trabajadores voluntarios (de organizaciones educativas, religiosas o sin fines de lucro).
- ◆ Asesores para campamentos juveniles empleados por programas de campamentos de verano sin fines de lucro.

REQUISITOS PARA MANTENER LOS REGISTROS: *Los empleadores deben mantener los registros (incluidos la tarifa salarial, las horas trabajadas y el monto pagado a cada empleado durante tres (3) años.*

DESCANSOS

Se debe ofrecer a todos los empleados un descanso de al menos 30 minutos seguidos para comer si el empleado tiene programado trabajar 7.5 o más horas por día.

Este debe tomarse después de las primeras 2 horas de trabajo y antes de las 2 últimas horas de trabajo.

Esta norma no se aplica cuando:

- ◆ El empleado es un profesional certificado por la Junta Estatal de Educación y está empleado en una junta escolar local para trabajar con niños directamente.
- ◆ Hay un convenio colectivo de trabajo u otro acuerdo escrito entre el empleado y el empleador que establezca lo contrario.

Se emitieron normas que conceden excepciones cuando:

- ◆ El cumplimiento afecte de manera adversa a la seguridad pública.
- ◆ Solo un (1) empleado puede realizar las tareas de un puesto.
- ◆ Un empleador tiene menos de cinco (5) empleados en un turno de un establecimiento (la excepción se aplicaría solo a ese turno).
- ◆ La naturaleza continua de las actividades del empleador, como producción de químicos o experimentos de investigación, exigen que el empleado responda a condiciones urgentes e inusuales en todo momento y los empleados son compensados con descansos para comer.

Cuando se permitan excepciones, se debe permitir a los empleados que coman en sus lugares de trabajo o en otros lugares autorizados y que usen el baño según sea razonablemente necesario.

Por ley estatal, se prohíbe a los empleadores discriminar a los empleados por su RAZA; COLOR; NACIONALIDAD; SEXO (INCLUSIVE EL EMBARAZO); RELIGIÓN; DISCAPACIDAD; EDAD (MÁS DE 40); INFORMACIÓN GENÉTICA; ORIENTACIÓN SEXUAL; IDENTIDAD DE GÉNERO; ESTADO CIVIL; PERTENENCIA A UNA ORGANIZACIÓN VOLUNTARIA DE EMERGENCIAS (BOMBEROS VOLUNTARIOS, PERSONAL DE AMBULANCIA, DAMAS AUXILIARES); VÍCTIMA DE VIOLENCIA DOMÉSTICA, AGRESIÓN SEXUAL O ACOSO; RESPONSABILIDADES DE CUIDADO FAMILIAR; DECISIONES DE SALUD REPRODUCTIVA y REPRESALIAS POR INICIAR UNA DEMANDA DE DISCRIMINACIÓN LABORAL O POR Oponerse o PARTICIPAR EN LA INVESTIGACIÓN DE UNA PRÁCTICA DISCRIMINATORIA EN EL TRABAJO. Los empleadores con cuatro (4) o más empleados, organizaciones laborales, agencias de empleo y comités conjuntos de gestión laboral para el aprendizaje o capacitación están afectados por esta ley.

ACOSO SEXUAL: El acoso sexual de empleados, postulantes, aprendices, trabajadores de agencias de dotación de personal, becarios sin goce de sueldo y contratistas independientes es ilegal. El acoso sexual puede constituir avances sexuales no deseados, solicitudes de favores sexuales u otro contacto físico o verbal de naturaleza sexual cuando (1) se espera que el empleado se someta a tal conducta, o (2) se usa la sumisión o rechazo de tal conducta por parte del empleado como fundamento para tomar decisiones laborales, o (3) tal conducta tiene el efecto de interferir de manera poco razonable con el desempeño laboral del empleado o generar un entorno laboral intimidante, hostil u ofensivo. Si el acoso es hecho por un supervisor, el empleador podrá ser responsable incluso si el empleado no lo ha denunciado. Si el acoso es hecho por un compañero de trabajo o una persona que no es un empleado, los empleadores son responsables si el empleado presentó la denuncia ante el empleador y este no tomó medidas para detener o corregir el acoso sexual. Con vigencia desde el 1.º de enero de 2019, los empleadores deben distribuir una ficha informativa sobre el Acoso Sexual del Departamento de Trabajo a todos los empleados. Los empleadores que tengan 50 empleados o más deben proporcionar una capacitación sobre el acoso sexual a todos los trabajadores recién contratados y hacerla cada dos años posteriormente.

DISCAPACIDAD: Los empleadores tienen prohibido por la ley estatal discriminar a un empleado por su discapacidad. La ley estatal exige que el trabajo y los progresos de personas calificadas que tengan una discapacidad y requieran adaptaciones razonables, o no, puedan desempeñar las funciones fundamentales de un trabajo.

EMBARAZO: Los empleadores deben brindar adaptaciones razonables con respecto al embarazo, el nacimiento, la lactancia y situaciones relacionadas. Los empleadores no pueden negar un puesto laboral a postulantes por una adaptación en el lugar de trabajo relacionada con el embarazo, hacer cambios innecesarios a las funciones laborales de una empleada embarazada ni exigirle a una empleada embarazada que se tome una licencia con o sin goce de sueldo cuando una adaptación razonable permitiría que la empleada siguiera trabajando.

TODA PERSONA que considere que ha sido víctima de discriminación debe comunicarse con el Departamento de Trabajo de Delaware, Oficina Anti-Discriminación, al (302) 761-8200.

Se debe presentar cargos por discriminación dentro de los 300 días siguientes a la presunta práctica laboral ilícita.

TRABAJO INFANTIL

Disposiciones generales:

- ♦ La edad mínima para tener un empleo es de 14 años.
- ♦ Se exigen permisos de trabajo para todos los menores de edad empleados que tengan menos de 18 años.
- ♦ Los empleadores deben mantener archivados los permisos de trabajo para todos los menores de edad empleados.
- ♦ Se requiere un nuevo permiso de trabajo cuando el menor de edad cambie de empleador.

Son ilegales las represalias contra un empleado porque ha presentado una denuncia o dado información al Dpto. de Trabajo sobre posibles violaciones a las leyes laborales.

POR LEY, LOS EMPLEADORES DEBEN EXHIBIR ESTE AFICHE EN UN LUGAR ACCESIBLE A LOS EMPLEADOS Y POR DONDE PASEN HABITUALMENTE.

Las violaciones de las Leyes Laborales de Delaware podrían dar como resultado multas de hasta \$10,000.00 por violación.

TRABAJO INFANTIL (continuación)

Disposiciones para menores de 14 y 15 años de edad:

LOS MENORES DE 14-15 AÑOS NO DEBEN TRABAJAR:

- ♦ Antes de las 7:00 a.m. ni después de las 7:00 p.m. – excepto del 1.º de junio hasta el Día del Trabajo en que la jornada nocturna se amplía hasta las 9:00 p.m.
- ♦ Más de cuatro (4) horas por día en días de escuela
- ♦ Más de ocho (8) horas por día en días que no sean de escuela
- ♦ Más de dieciocho (18) horas en una semana cuando hay actividad escolar durante cinco (5) días
- ♦ Más de seis (6) días en una semana
- ♦ Más de cuarenta (40) horas por semana, y
- ♦ Más de cinco (5) horas continuas sin un periodo de descanso de al menos treinta (30) minutos seguidos.

Disposiciones específicas para menores de 16 y 17 años:

- ♦ No más de doce (12) horas combinadas con la escuela y las horas de trabajo por día
- ♦ Deben estar al menos ocho (8) horas seguidas sin trabajar ni ir a la escuela por cada periodo de veinticuatro (24) horas
- ♦ No podrán trabajar más de cinco (5) horas seguidas sin tener un periodo de descanso de al menos treinta (30) minutos seguidos.

Para conocer una lista de ocupaciones prohibidas, comuníquese con:

El Departamento de Trabajo de Delaware, División de Asuntos Industriales, Oficina de Aplicación de la Ley Laboral en cualquiera de las direcciones detalladas.

Este afiche brinda información general sobre las disposiciones de las Leyes de Trabajo Infantil de Delaware. Los requisitos de la ley estatal no afectan las obligaciones del empleador para cumplir con las disposiciones de la ley federal.

INDEMNIZACIÓN LABORAL

COSAS IMPORTANTES QUE SE DEBEN HACER EN CASO DE LESIÓN

EL EMPLEADOR DEBE:

Tener una cobertura de seguro para indemnización laboral. Proporcionar todo el tratamiento necesario a nivel médico, quirúrgico y hospitalario desde la fecha del accidente. Cada empleador debe llevar registro de todas las lesiones sufridas por los empleados y realizar un informe por escrito dentro de los diez (10) días del mismo para la Oficina de Indemnizaciones Laborales. Determinar los salarios semanales promedio del empleado y dar una indemnización según las disposiciones de la ley por una discapacidad que pase el tercer día del accidente. Se deben presentar todos los acuerdos con respecto a indemnizaciones ante la Oficina de Indemnizaciones Laborales para su aprobación.

EL EMPLEADO DEBE:

Notificar de inmediato al empleador por escrito de una lesión accidental o enfermedad ocupacional y solicitar servicios médicos. En caso de no dar aviso ni aceptar los servicios médicos, se podrá privar al empleado de su derecho a indemnización. Avisar rápidamente al empleador, directamente o mediante un supervisor, de una demanda por indemnización por el periodo de discapacidad que pase el tercer día de un accidente. En caso de lesiones mortales, uno o más familiares a cargo del difunto o una persona en su nombre deben dar aviso. En caso de que no se llegue a un acuerdo con el empleador respecto a la indemnización según la ley, presentar una solicitud ante la Junta de Accidentes Industriales para tener una audiencia sobre la cuestión dentro de los dos (2) años a partir de la fecha de la lesión accidental o un (1) año a partir del conocimiento del diagnóstico de una enfermedad ocupacional o una lesión con radiación ionizante. Se pueden conseguir todos los formularios en la Oficina de Indemnizaciones laborales.

NO SMOKING



Delaware Clean Indoor Act - 16 DelawareCode Chapter29

WARNING:

SMOKING

PERMITTED

Delaware Clean Indoor Act - 16 DelawareCode Chapter29

Delaware Whistleblowers' Protection Act

§ 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 government;
 - c. An elected official of a county, city, or school district or employee of them;
 - d. A law-enforcement agency or employee of that law-enforcement agency; 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 agent thereof, that is:
 - 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.

§ 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
- (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.

§ 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.

§ 1705. Collective bargaining

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

§ 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.

§ 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.

§ 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.

Takes effect January 1, 2019



Employers must distribute this information sheet to new employees at the commencement of employment and to existing employees by July 1, 2019

Download this Notice at www.dol.delaware.gov

STATE OF DELAWARE DEPARTMENT OF LABOR
DIVISION OF INDUSTRIAL AFFAIRS

4425 N. MARKET STREET, 3RD FLOOR
WILMINGTON, DE 19802
(302) 761-8200

BLUE HEN CORPORATE CENTER
655 BAY S. ROAD, SUITE 2H
DOVER, DE 19901
(302) 422-1134

8 GEORGETOWN PLAZA, SUITE 2
GEORGETOWN, DE 19947
(302) 422-1134

DELAWARE SEXUAL HARASSMENT NOTICE

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 extend 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 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 advance
- 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

Retaliation Is Prohibited Under the Law

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 subtle behavior, such as an increased work load or being transferred to a less desirable location. The Delaware Discrimination in Employment Act protects individuals against retaliation who have a good faith belief that their employer's conduct is illegal, even if it turns out that they were mistaken.

Report Sexual Harassment

If you have witnessed or experienced sexual harassment inform a manager, the equal employment opportunity officer at your workplace, or human resources as soon as possible.

Report sexual harassment to the Delaware Department of Labor Office of Anti-Discrimination. Call 302-761-8200 or 302-424-1134 or visit <https://dia.delawareworks.com/discrimination/> to learn how to file a complaint or report discrimination. The Department can investigate or mediate your complaint and may be able to help you collect lost wages and other damages.

En vigencia a partir del 1.º de enero de 2019



Los empleadores deben distribuir esta información a los empleados nuevos cuando comienzan a trabajar y a los empleados existentes a más tardar el 1.º de julio de 2019

Para descargar este Aviso, visite www.dol.delaware.gov

SECRETARÍA DE TRABAJO DEL ESTADO DE DELAWARE
DIVISIÓN DE ASUNTOS INDUSTRIALES

4425 N. MARKET STREET, 3RD FLOOR
WILMINGTON, DE 19802
(302) 761-8200

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AVISO SOBRE ACOSO SEXUAL EN DELAWARE

La ley sobre discriminación en el empleo de Delaware

La Ley sobre discriminación en el empleo de Delaware protege a todas las personas contra la discriminación en el lugar de trabajo por motivos relacionados con el género. El acoso sexual es una forma de discriminación relacionada con el género. En 2018, se aprobó una nueva ley contra el acoso sexual que amplía las protecciones para todas las personas, en todos los lugares de trabajo, que incluye a empleados, postulantes, estudiantes, trabajadores de agencias de empleo temporario, contratistas independientes, funcionarios electos y su personal, trabajadores agrícolas, empleados domésticos y pasantes sin goce de sueldo.

El acoso sexual y la ley

El acoso sexual de un empleado es ilegal cuando el empleado está sujeto a una conducta que incluye insinuaciones sexuales no deseadas, solicitudes de favores sexuales y otra conducta verbal o física de naturaleza sexual cuando: (1) la sumisión a tal conducta se hace de forma explícita o implícita un término o una condición para el empleo del empleado; (2) la sumisión o el rechazo ante tal conducta se utiliza como base para decisiones pertinentes al empleo que afectan a un empleado; o (3) tal conducta tiene el propósito o efecto de interferir injustificadamente con el desempeño laboral de un empleado o crea un entorno laboral intimidante, hostil u ofensivo.

Algunos ejemplos de acoso sexual

- Tocar a alguien de manera inapropiada o indeseable
- Amenazar o tomar una medida desfavorable después de que alguien se niega ante insinuaciones sexuales
- Hacer comentarios lascivos o sexuales sobre el aspecto, cuerpo o modo de vestir de una persona

- Condicionar ascensos u otras oportunidades a favores sexuales
- Mostrar imágenes, caricaturas o grafitis pornográficos en computadoras, correos electrónicos, teléfonos celulares, tableros de anuncios, etc.
- Hacer comentarios sexistas o despectivos basados en cuestiones de género

Las represalias están prohibidas por la ley

Es contrario a la ley que un empleado tome una medida contra usted porque se opone o denuncia un acoso sexual en el lugar de trabajo. La Ley sobre discriminación en el empleo de Delaware prohíbe a los empleadores que discriminen o tomen represalias contra ninguna persona porque se opongan a una práctica discriminatoria ilegal. Las represalias pueden producirse a través de medidas directas, como degradaciones o desvinculaciones, o un comportamiento más sutil, como una mayor carga laboral o ser transferido a una ubicación menos conveniente. La Ley sobre discriminación en el empleo de Delaware protege a las personas contra represalias que tienen la creencia de buena fe de que la conducta de su empleador es ilegal, incluso si resulta ser una confusión.

Denuncia de acoso sexual

Si ha presenciado o experimentado un acoso sexual informe lo antes posible a su gerente, al responsable de igualdad de oportunidades en el empleo en su lugar de trabajo o al departamento de recursos humanos.

Denuncie el acoso sexual a la Oficina Antidiscriminación de la Secretaría de Trabajo de Delaware. Llame al 302-761-8200 o 302-424-1134 o visite <https://dia.delawareworks.com/discrimination/> para averiguar cómo presentar una denuncia o informar un caso de discriminación. El Departamento puede investigar o mediar su denuncia y podría ser capaz de ayudarle a cobrar salarios perdidos u otros daños.