



DELAWARE DEPARTMENT OF LABOR DIVISION OF INDUSTRIAL AFFAIRS

PAYMENT OF WAGES

EMPLOYERS OF 4 OR MORE EMPLOYEES ARE REQUIRED TO:

- Notify employees *in writing* at the time of hire of:
 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 workday.
- 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);
3. damaged property;
4. failure to return employer's property.

WORKERS' COMPENSATION

IMPORTANT THINGS TO DO IN CASE OF INJURY

THE EMPLOYER SHOULD:

1. Provide all necessary medical, surgical and hospital treatment from the date of accident.
2. Every employer shall keep a record of all injuries received by employees and make a report within 10 days thereof in writing to the Office of Workers' Compensation.
3. 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.

MINIMUM WAGE

MINIMUM WAGE RATE:
EFFECTIVE 01-01-07 - \$6.65 PER HOUR
EFFECTIVE 01-01-08 - \$7.15 PER 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:

Employers must keep records (including rate of pay, hours worked, and amount paid for each employee for three [3] years).

DISCRIMINATION

Employers are prohibited by State law from discriminating against employees because of their **RACE, COLOR, RELIGION, AGE (40+), SEX (INCLUDING PREGNANCY), MARITAL STATUS, NATIONAL ORIGIN, AND GENETIC INFORMATION**. Employers of 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 male or female employees is unlawful. Sexual harassment can be any unwelcome sexual advance, request for sexual favor, or other verbal or physical conduct of a sexual nature. If the harassment is by a supervisor, your employer may be responsible even if you have not complained. If the harassment is by a fellow worker or non-employee, employers are responsible if you have complained to the employer and the employer has taken no action to stop or correct the sexual harassment.

DISABILITY: Employers are prohibited by State law from discriminating against any employee because of disability and 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. This law applies to any employer with 15 or more employees.

ANY PERSON: who believes he or she has been discriminated against should contact the Delaware Department of Labor, Office of Labor Law Enforcement at any of the telephone numbers listed on this poster. Keep records of incidents. Look for witnesses. **A Charge of Discrimination must be filed within 120 days of the alleged unlawful employment practice.**

THE EMPLOYEE SHOULD:

1. 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.
2. 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.
3. In case of failure to reach an agreement with the employer in regard to compensation under the law, file application with the Industrial Accident Board for a hearing on the matters at issue within two years of the date of accidental injury or one year of knowledge of the diagnosis of an occupational disease or an ionizing radiation injury. All forms can be obtained from the Office of Workers' Compensation.

BREAKS

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:

- 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.

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 time in each 24 hour period;
- May not work more than 5 hours continuously without a non-work period of at least 30 consecutive minutes.

For a list of prohibited occupations contact: Delaware Department of Labor, Office of Labor Law Enforcement at the above address.

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 provisions of federal law.

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 violations.

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

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