

MEMORANDUM

TO: Mandatory Poster Agency
FROM: Rhonda R. Ames
RE: Delaware posters
DATE: August 15, 2008

POSTERS

I have researched Delaware required posters and provide you with the following URL address and information regarding each respective poster.

Minimum Wage, Breaks, Payment of Wages, Child Labor, Workers Compensation, and Discrimination,

<http://www.delawareworks.com/industrialaffairs/forms/pdf/07/posters/dol.poster.h.def.pdf>

The poster at this URL address has every poster that MPA currently has on its two Delaware state posters, except Unemployment Compensation and Sexual Harassment, which are discussed below. Changes as to the specific posters found on this website are as follows:

MINIMUM WAGE

The poster is correct as is.

PAYMENT OF WAGES

The following needs to be corrected for a typographical error. In the middle of the poster, the second bullet point under Payment of Wages, needs to read:

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

The remainder of the poster is correct as is.

DISCRIMINATION

In my October 2007 memo, I had indicated that the entire poster needed to be updated due to textual changes. From a review of MPA's 2008 poster, I do not see that the poster was updated. Therefore, please re-print it in its entirety.

BREAKS

The poster is correct as is.

CHILD LABOR

The poster is correct as is.

WORKERS COMPENSATION

The poster is correct as is.

RETALIATION

The text of the poster is correct as is.

SEXUAL HARASSMENT

I called and spoke to the Department of Labor regarding the required posters and asked if the Sexual Harassment was a required poster. I was told that Sexual Harassment is part of the Discrimination poster. Therefore, I do not find that MPA's Sexual Harassment poster is a necessity and would recommend deleting it.

UNEMPLOYMENT COMPENSATION

As I stated in October, I still have been unable to verify the poster as MPA has it printed. However, I do know that a poster is required. I have found Delaware Code, Title 19, Chapter 33, Subchapter II, that requires an employer to "post and maintain printed statements of such regulations in places readily accessible to individuals in the employer's service."

Therefore, I would continue to recommend that MPA keep the Unemployment Compensation poster.

FLYERS

There are a few textual changes that still need to be made to the Discrimination in Law flyer. **Please revise** the Discrimination in Employment flyer to read as follows:

□ Discrimination in Employment Law (Delaware Code Title 19, Ch. 7, §716)

"(a) Every employer, employment agency and labor organization, as the case may be, shall post and keep posted in conspicuous places upon its premises where notices to employees, and applicants for employment are customarily posted, a notice to be prepared or approved by the Department setting forth excerpts from or summaries of the pertinent provisions of this subchapter and subchapter III of this chapter and information pertinent to the filing of a complaint. (b) A wilful violation of this section shall be punishable by a fine of not more than \$100 for each separate offense."

In October 2007, I recommended that the Workers Compensation portion of the flyer needed to be revised due to textual changes. Unfortunately, the changes have not been made. Therefore, please revise the Workers Compensation to read as follows:

☐ **Workers' Compensation (Delaware Code Title 19, Ch. 23, §2306)**

“Every employer shall keep a summary of this chapter, approved by the Department, and any applicable regulations published thereunder or a summary thereof, approved by the Department, posted in a conspicuous and accessible location in or about the premises or place of employment and where employees normally pass.”

Please add to the flyer:

☐ **Unemployment Compensation (Title 19, Chapter 33, Sec 3317)**

“Each employer shall post and maintain printed statements of such regulations in places readily accessible to individuals in the employer’s service . . .”

Further recommendations from October 2007 that need to be implemented:

Also provided are the following which are not required but are recommended:

- Meal Break Law
- Child Labor Law

ASSURANCE OF VOLUNTARY COMPLIANCE

So that MPA is in compliance with the Order entered August 6, 2008, the following needs to be addressed on MPA’s flyer:

1. A clear and conspicuous disclosure that the solicitation is from a Michigan company;
2. A clear and conspicuous disclosure that the orders for merchandise pursuant to the solicitation will be mailed from the State of Michigan.

Further, MPA shall not to represent that the solicitations were sent via express mail, registered mail, special delivery, or any other form of mail or delivery other than that by the rate that actually applies, such as bulk rate or first class mail.

MPA shall not represent that it has some relationship with the state or federal government by referring to language such as: “mandatory”, “government information”, “official business”, “confidential”, “compliance centers”, “approved”, “urgent”, “immediate response requested”, “2nd, 3rd or Final Notice”, or words of similar import.

MPA shall not represent that it has some relationship with the state or federal government by including symbols such as the outline of the United States, the outline of the State of Delaware

or the seal of the State of Delaware or any reference to Delaware's agencies, departments or symbols that convey similar import.

MPA shall not represent or imply that it has the authority to levy or impose fines, penalties or sanctions for non-compliance with any state or federal posting requirements.

MPA may provide businesses with advice or recommendations, provided that the solicitations contain accurate information and include clear and conspicuous disclaimers including that (1) MPA is not acting on behalf of any State and Federal government to sell or supply workplace posters; and (2) mandatory workplace posters may be available free of charge from other sources, including governmental agencies.