discrimination on the following bases:

**INDIVIDUALS WITH DISABILITIES** 

**Employers Holding Federal Contracts or Subcontracts** 

Applicants to and employees of companies with a Federal government

Executive Order 11246, as amended, prohibits job discrimination on the

action to ensure equality of opportunity in all aspects of employment.

Section 503 of the Rehabilitation Act of 1973, as amended, protects

qualified individuals from discrimination on the basis of disability

in hiring, promotion, discharge, pay, fringe benefits, job training,

classification, referral, and other aspects of employment. Disability

Section 503 also requires that Federal contractors take affirmative

disabilities at all levels of employment, including the executive level.

DISABLED, RECENTLY SEPARATED, OTHER PROTECTED, AND

The Vietnam Era Veterans' Readjustment Assistance Act of 1974, as

amended, 38 U.S.C. 4212, prohibits job discrimination and requires

affirmative action to employ and advance in employment disabled

veterans, recently separated veterans (within three years of discharge or

release from active duty), other protected veterans (veterans who served

during a war or in a campaign or expedition for which a campaign badge

has been authorized), and Armed Forces service medal veterans (veterans

who, while on active duty, participated in a U.S. military operation for

Retaliation is prohibited against a person who files a complaint of

discrimination, participates in an OFCCP proceeding, or otherwise

Any person who believes a contractor has violated its nondiscrimination

or affirmative action obligations under the authorities above should

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) or (202) 693-1337 (TTY). OFCCP may also

be contacted by e-mail at OFCCP-Public@dol.gov, or by calling an OFCCP

regional or district office, listed in most telephone directories under U.S.

**Programs or Activities Receiving Federal Financial** 

Assistance

ARMED FORCES SERVICE MEDAL VETERANS

which an Armed Forces service medal was awarded).

opposes discrimination under these Federal laws.

**RETALIATION** 

contact immediately:

Government, Department of Labor.

RACE, COLOR, NATIONAL ORIGIN, SEX

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.

action to employ and advance in employment qualified individuals with

basis of race, color, religion, sex or national origin, and requires affirmative

contract or subcontract are protected under Federal law from

RACE, COLOR, RELIGION, SEX, NATIONAL ORIGIN

## FED

#### **EMPLOYEE RIGHTS UNDER** THE FAIR LABOR STANDARDS ACT

**ENFORCEMENT** 

The Department has authority to recover back wages.

and an equal amount in liquidated damages in instances

of minimum wage, overtime, and other violations. The

Department may litigate and/or recommend criminal

prosecution. Employers may be assessed civil money

penalties for each willful or repeated violation of the minimum wage or overtime pay provisions of the law. Civil

money penalties may also be assessed for violations of

penalties may be assessed for each child labor violation

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

Certain occupations and establishments are exempt

from the minimum wage, and/or overtime pay

Special provisions apply to workers in American

Mariana Islands, and the Commonwealth of Puerto

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

apprentices, and workers with disabilities may be

paid less than the minimum wage under special

certificates issued by the Department of Labor.

classified independent contractors are not.

Certain full-time students, student learners,

Samoa, the Commonwealth of the Northern

Some state laws provide greater employee

workers who file a complaint or participate in any

proceeding under the FLSA.

**ADDITIONAL INFORMATION** 

that results in the death or serious injury of any minor

the FLSA's child labor provisions. Heightened civil money

#### **FEDERAL MINIMUM WAGE** \$7.25 PER HOUR **BEGINNING JULY 24, 2009**

The law requires employers to display this poster where employees can readily see it.

#### At least 1½ times the regular rate of pay for all hours worked over 40 in a workweek.

# **CHILD LABOR**

An employee must be at least 16 years old to work in most non-farm jobs and at least 18 to work in non-farm jobs declared hazardous by the Secretary of Labor. Youths 14 and 15 years old may work outside school hours in various non-manufacturing, non-mining, non-hazardous jobs with certain work hours restrictions. Different rules apply in agricultural employment.

Employers of "tipped employees" who meet certain conditions may claim a partial wage credit based on tips received by their employees. Employers must pay tipped employees a cash wage of at least \$2.13 per hour if they claim a tip credit against their minimum wage obligation. If an employee's tips combined with the employer's cash wage of at least \$2.13 per hour do not equal the minimum hourly wage, the employer must make up the difference.

### **NURSING MOTHERS**

The FLSA requires employers to provide reasonable break time for a nursing mother employee who is subject to the FLSA's overtime requirements in order for the employee to express breast milk for her nursing child for one year after the child's birth each time such employee has a need to express breast milk. Employers are also required to provide a place, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public, which may be used by the employee to express breast milk

OF LABOR UNITED STATES OF AMERICA

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

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

as required by law. Tip-pooling is permitted (under certain

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

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

The employer must be able to prove that the employee

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

DE

Regular Rate:

**UNITED STATES DEPARTMENT OF LABOR** 

**WAGE AND HOUR DIVISION** 

TTY: 1-877-889-5627

1-866-487-9243 www.dol.gov/whd



# REV. 07/2016

## **MINIMUM WAGE**

#### **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.

**RECORD KEEPING REQUIREMENTS:** Employers must keep records (including rate of pay, hours worked, and amount paid for each employee for three (3) years.

Because an employee refuses to commit or assist

in the commission of a violation, as defined in this

Because the employee reports verbally or in writing

to the employer or to the employee's supervisor a

believes has occurred or is about to occur, unless

violation, which the employee knows or reasonably

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

or an infraction which the employee knows or

reasonably believes has occurred or is about to

to a public body, to the employer or the employee's

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

or an infraction of Chapter 80 of Title 15; or refuses

to participate or assist in the noncompliance or an

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

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

A court, in rendering a judgment in an action brought

under this chapter, shall order, as the court considers

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

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.

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

This chapter shall not be construed to require an employer

investigation, hearing or inquiry held by a public body in

An employer shall post notices and use other appropriate

means to keep the employer's employees informed of their

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

to compensate an employee for participation in an

court may also award, as part of a judgment in an

appropriate, reinstatement of the employee, the

where the person against whom the civil complaint is

infraction of Chapter 80 of Title 15.

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

§ 1704. Relief and damages.

violation of this chapter.

(74 Del. Laws, c. 361, § 1.)

(74 Del. Laws, c. 361, § 1.)

§ 1706. Exemption.

(74 Del. Laws, c. 361, § 1.)

§ 1705. Collective bargaining.

accordance with § 1703 of this title.

§ 1707. Notices requirement.

§ 1708. Burden of proof.

(74 Del. Laws, c. 361, § 1.)

protections and obligations under this chapter

act protected pursuant to § 1703 of this title.

(only if requested by the employee).

Wages may be paid to a bank account designated

by an employee (upon the employee's written

earned shall be paid on the next regularly

Employers are not permitted to deduct or withhold

Cash advances or charges for goods and services

amount owed and the repayment schedule);

(unless there is a signed agreement specifying the

EMAIL:

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

(74 Del. Laws, c. 361, § 1; 70 Del. Laws, c. 186, § 1.)

entity other than employee, regarding noncompliance

supervisor, verbally or in writing any noncompliance

Rev. 11/17/2021

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.

 $oldsymbol{\mathsf{NOTICE:}}$  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.

# DE

### **Chapter 17. Whistleblowers' Protection**

This chapter may be cited as the "Delaware Whistleblowers' Protection Act.' (74 Del. Laws, c. 361, § 1.)

### § 1702. Definitions.

§ 1701. Short title.

- As used in this chapter: (1) "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
- "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.

as defined in § 6651(c) of Title 16.

- "Person" means an individual, sole proprietorship, partnership, corporation, association, or any other legal entity.
- "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 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
  - 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.

DE

An employer shall not discharge, threaten, or otherwise discriminate against an employee regarding the employee's compensation, terms, conditions, location, or privileges of employment:

- 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

FED

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

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

Federal, State and local governments are not affected by the law. Also, the law does not apply to tests given by the Federal Government to certain private individuals engaged in national security-related activities. The Act permits polygraph (a kind of lie detector) tests to be administered in the private sector, subject to

restrictions, to certain prospective employees of security service firms (armored car, alarm, and guard), and of

pharmaceutical manufacturers, distributors and dispensers. The Act also permits polygraph testing, subject to restrictions, of certain employees of private firms who are reasonably suspected of involvement in a workplace incident (theft, embezzlement, etc.) that resulted in economic loss to the employer

The law does not preempt any provision of any State or local law or any collective bargaining agreement which is more restrictive with respect to lie detector tests.

### **EXAMINEE RIGHTS**

Where polygraph tests are permitted, they are subject to numerous strict standards concerning the conduct and length of the test. Examinees have a number of specific rights, including the right to a written notice before testing, the right to refuse or discontinue a test, and the right not to have test results disclosed to unauthorized persons.

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.**

OF LABOR UNITED STATES OF AMERICA

**DEPARTMENT** 

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

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



REV. 07/2016

# FED

### **EMPLOYEE RIGHTS UNDER THE FAMILY AND MEDICAL LEAVE ACT**

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

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

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 policies. **BENEFITS & PROTECTIONS** 

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

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

- 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
- Work at a location where the employer has at least 50 employees within 75 miles of the employee's worksite. \*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 the need for leave is for a reason for which FMLA leave was previously taken or certified. 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 <mark>may</mark> bring a private lawsuit against an employer The FMLA does not affect any federal or state law prohibiting discrimination or supersede any state or local law or

**DEPARTMENT** 

UNITED STATES

OF AMERICA

OF LABOR

collective bargaining agreement that provides greater family or medical leave rights. For additional information or to file a complaint: 1-866-4-USWAGE

(1-866-487-9243) TTY: 1-877-889-5627



U.S. Department of Labor • Wage and Hour Division • WH1420

**CHILD LABOR** 

Years of Age:

(24) hour period

consecutive minutes

# REV. 04/2016

# DE

# The minimum age for employment is 14.

# **General Provisions:**

- 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 employer.

#### **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 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

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

For a list of Prohibited Occupations, contact:

obligation to comply with any provisions of federal law.

**Specific Provisions for Individuals 16 and 17** 

of school and work hours per day

Not more than twelve (12) hours in a combination

Must have at least eight (8) consecutive hours of

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

without a non-work period of at least thirty (30)

May not work more than five (5) hours continuously

# Rev. 11/17/2021

Rev. 11/17/2021

Rev. 11/17/2021

# DE

### **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.

#### **EMPLOYERS OF FOUR (4) OR MORE EMPLOYEES** 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

**PAYMENT OF WAGES** 

### **ARE REQUIRED TO:** Notify employees in writing at the time of hire:

- Day, hour and place of payment
  - Employer's fringe benefits policies Notify employees in writing of any reductions in Wages may be paid in cash or by check (provided the rate of pay, and any changes in the day, hour or that suitable arrangements are made by the
  - place of payment or benefits. employer for cashing at a bank or other business Furnish each employee with a pay statement establishment convenient to the workplace). showing: Whenever an employee quits, resigns, is Amount of wages due; discharged, suspended or laid off, the wages Pay period covered by the payment;
  - Total number of hours worked in pay period (for employees who are paid at an hourly

Amounts of deductions (separately specified) which have been made from the

# **PAYMENT OF WAGES**

Fox Valley Offices

(302) 761-8200

WILMINGTON, DE 19802

3RD FLOOR

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 3. be made on the preceding work day.

Wages must be paid at least once each month.

**Department of Labor** 

WHERE THEY REGULARLY PASS.

- Damaged Property Failure to return employer's property.

# Rev. 11/17/2021

#### **Division of Industrial Affairs** BLUE HEN CORPORATE CENTER GEORGETOWN AMERICAN JOB 655 S Bay Road, Ste. 2H Dover, DE 19901 (302) 422-1134

4425 NORTH MARKET STREET -8 GEORGETOWN PLAZA, SUITE 2 GEORGETOWN, DE 19947 (302) 856-5230

terminated.

**UNLAWFUL DEDUCTIONS:** 

1. Cash or inventory shortages;

Wages@delaware.gov

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

# DE

provides otherwise.

2 hours of work.

DE

### 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

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

Where exemptions are allowed, employees must be allowed to eat meals at their work stations or other Rules have been issued granting exemptions

authorized locations and use restroom facilities as

**BREAKS** 

reasonably necessary.

An employer has fewer than five (5) employees on

The continuous nature of an employer's operations,

experiments, requires employees to respond to

urgent or unusual conditions at all times and the

employees are compensated for their meal breaks.

such as chemical production or research

a shift at one location (the exception would only

apply to that shift).

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

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

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

LADIES AUXILIARY); VICTIM OF DOMESTIC VIOLENCE, SEXUAL

INITIATING A COMPLAINT OF EMPLOYMENT DISCRIMINATION,

OR OPPOSING OR PARTICIPATING IN THE INVESTIGATION OF

ASSAULT, OR STALKING: FAMILY CARE RESPONSIBILITIES:

REPRODUCTIVE HEALTH DECISIONS: and RETALIATION FOR

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

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

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,

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

Rev. 11/17/2021

JAN2022

## FED

## **Equal Employment Opportunity is THE LAW**

### Private Employers, State and Local Governments, **Educational Institutions, Employment Agencies and Labor Organizations**

Applicants to and employees of most private employers, state and local governments, educational institutions, employment agencies and labor organizations are protected under Federal law from discrimination on the

## RACE, COLOR, RELIGION, SEX, NATIONAL ORIGIN

Title VII of the Civil Rights Act of 1964, as amended, protects applicants and employees from discrimination in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment, on the basis of race, color, religion, sex (including pregnancy), or national origin. Religious discrimination includes failing to reasonably accommodate an employee's religious practices where the accommodation does not impose undue hardship.

establishment.

RETALIATION

**DISABILITY** Title I and Title V of the Americans with Disabilities Act of 1990, as amended, protect qualified individuals from discrimination on the basis of disability in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. 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.

The Age Discrimination in Employment Act of 1967, as amended, protects applicants and employees 40 years of age or older from discrimination based on age in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment.

#### **SEX (WAGES)** In addition to sex discrimination prohibited by Title VII of the Civil Rights Act, as amended, the Equal Pay Act of 1963, as amended, prohibits sex discrimination in the payment of wages to women and men performing substantially equal work, in jobs that require equal skill,

effort, and responsibility, under similar working conditions, in the same

**GENETICS** Title II of the Genetic Information Nondiscrimination Act of 2008 protects applicants and employees from discrimination based on genetic information in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. GINA also restricts employers' acquisition of genetic information and strictly limits disclosure of genetic information. Genetic information includes information about genetic tests of applicants, employees, or their family members; the manifestation of diseases or disorders in family members

(family medical history); and requests for or receipt of genetic services by

#### All of these Federal laws prohibit covered entities from retaliating against a person who files a charge of discrimination, participates in a discrimination proceeding, or otherwise opposes an unlawful

applicants, employees, or their family members.

employment practice. WHAT TO DO IF YOU BELIEVE DISCRIMINATION HAS OCCURRED There are strict time limits for filing charges of employment discrimination. To preserve the ability of EEOC to act on your behalf and to protect your right to file a private lawsuit, should you ultimately need

to, you should contact EEOC promptly when discrimination is suspected:

The U.S. Equal Employment Opportunity Commission (EEOC) 1-800-669-4000 (toll-free) or 1-800-669-6820 (toll-free TTY number for individuals with hearing impairments). EEOC field office information is available at www.eeoc.gov or in most telephone directories in the U.S. Government or Federal Government section. Additional information about EEOC, including information about charge filing, is available at

EEOC 9/02 and OFCCP 8/08 Versions Useable With 11/09 Supplement EEOC-P/E-1

# YOUR RIGHTS UNDER USERRA

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

## **REEMPLOYMENT RIGHTS**

notice of your service;

uniformed services.

FED

You have the right to be reemployed in your civilian job if you leave that job to perform service in the uniformed service and:

you ensure that your employer receives advance written or verbal

you have five years or less of cumulative service in the uniformed

services while with that particular employer; you return to work or apply for reemployment in a timely manner after conclusion of service; and you have not been separated from service with a disqualifying

discharge or under other than honorable conditions. If you are eligible to be reemployed, you must be restored to the job and benefits you would have attained if you had not been absent due to military service or, in some cases, a comparable job.

RIGHT TO BE FREE FROM DISCRIMINATION AND RETALIATION

are a past or present member of the uniformed service; have applied for membership

reemployment;

because of this status.

retention in employment;

in the uniformed service; or then an employer may not deny you: initial employment; promotion; or

are obligated to serve in the uniformed service;

any benefit of employment

may request that your case be referred to the Department of Justice or the Office of Special Counsel, as applicable, for representation. an employer for violations of USERRA.

service-connected illnesses or injuries.

**ENFORCEMENT** 

USERRA violations.

You may also bypass the VETS process and bring a civil action against 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: <a href="http://www.dol.gov/vets/programs/userra/poster.htm">http://www.dol.gov/vets/programs/userra/poster.htm</a>. Federal law requires employers to notify employees of their rights under USERRA, and

where they customarily place notices for employees.

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

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

THE UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT



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

- A safe workplace. Raise a safety or health concern with
- retaliated against. Receive information and training on job hazards, including all hazardous substances
- 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.
- 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

the workplace injury and illness log.

Contact OSHA. We can help.

**TWO** ways to verify poster compliance!

QR CODE) Scan with phone camera:

**ONLINE** 

Go to: JJKeller.com/LLPverify

Enter this code: 62776-012022

This poster is available free from OSHA.

# **Employers must:**

 Provide employees a workplace free from recognized hazards. It is illegal to retaliate against an employee for using any of their rights under the law, including raising a health and safety concern with you or with OSHA, or reporting a work-related injury or illness.

Comply with all applicable OSHA standards.

inpatient hospitalization, amputation, or loss

language and vocabulary they can understand.

- Notify OSHA within 8 hours of a workplace fatality or within 24 hours of any work-related
- of an eye. Provide required training to all workers in a
- Prominently display this poster in the workplace. Post OSHA citations at or near the place of the alleged violations.

On-Site Consultation services are available to small and medium-sized employers, without citation or penalty, through OSHA-supported consultation programs in every state.



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

800-327-6868 65734F

FED-DE-ENG

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

**REV. 11/2009** 

programs or activities which receive Federal financial assistance. INDIVIDUALS WITH DISABILITIES Section 504 of the Rehabilitation Act of 1973, as amended, prohibits

employment discrimination on the basis of disability in any program or activity which receives Federal financial assistance. Discrimination is prohibited in all aspects of employment against persons with disabilities who, with or without reasonable accommodation, can perform the essential functions of the job. If you believe you have been discriminated against in a program of

any institution which receives Federal financial assistance, you should

immediately contact the Federal agency providing such assistance.

enforcement of USERRA rights, including testifying or making a statement in connection with a proceeding under USERRA, even if that person has no service connection. **HEALTH INSURANCE PROTECTION** 

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

If you leave your job to perform military service, you have the right to

elect to continue your existing employer-based health plan coverage

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

for you and your dependents for up to 24 months while in the

For assistance in filing a complaint, or for any other information on USERRA, contact VETS at 1-866-4-USA-DOL or visit its website at http://www.dol.gov/vets. An interactive online USERRA Advisor can be viewed at <a href="http://www.dol.gov/elaws/userra.htm">http://www.dol.gov/elaws/userra.htm</a>. If you file a complaint with VETS and VETS is unable to resolve it, you

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

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

employers may meet this requirement by displaying the text of this notice

REV. 04/2017

- All workers have the right to:
- your employer or OSHA, or report a workrelated injury or illness, without being
- in your workplace.
- Participate (or have your representative) participate) in an OSHA inspection and
- Request copies of your medical records, tests that measure hazards in the workplace, and

To update your labor law posters contact J. J. Keller & Associates, Inc. JJKeller.com/laborlaw

62776

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