

# Your Employee Rights Under the Family and Medical Leave Act

### What is FMLA leave?

The Family and Medical Leave Act (FMLA) is a federal law that provides eligible employees with job-protected leave for qualifying family and medical reasons. The U.S. Department of Labor's Wage and Hour Division (WHD) enforces the FMLA for most employers.

Eligible employees can take up to **12 workweeks** of FMLA leave in a 12-month period for:

- The birth, adoption or foster placement of a child with you.
- Your serious mental or physical health condition that makes you unable to work.
- To care for your spouse, child or parent with a serious mental or physical health condition, and
- Certain qualifying reasons related to the long-term care requirements of your spouse, child or parent who is a military servicemember.

An eligible employee who is the spouse, child, parent or next of kin of a covered servicemember with a serious injury or illness may take up to **26 workweeks** of FMLA leave in a single 12-month period to care for the servicemember.

You have the right to use FMLA leave in one block of time. When it is medically necessary or otherwise permitted, you may take FMLA leave **intermittently** in separate blocks of time, or on a **reduced schedule** by working less hours each day or week. Read Fact Sheet #2816(j) for more information.

FMLA leave is **not paid** leave, but you may choose, or be required by your employer, to use any employer-provided paid leave if your employer's paid leave policy covers the reason for which you need FMLA leave.

**Am I eligible to take FMLA leave?**

You are an eligible employee if all of the following apply:

- You work for a covered employer.
- You have worked for your employer at least 12 months.
- You have at least 1,250 hours of service for your employer during the 12 months before your leave, and
- Your employer has at least 50 employees within 75 miles of your work location.

**What does my employer need to do?**

If you are eligible for FMLA leave, your employer must:

- Allow you to take job-protected time off work for a qualifying reason.
- Continue your group health plan coverage while you are on leave on the same basis as if you had not taken leave, and
- Allow you to return to the same job, or a virtually identical job with the same pay, benefits and other working conditions, including shift and location, at the end of your leave.

Your employer **cannot interfere** with your FMLA rights or threaten or punish you for exercising your rights under the law. For example, your employer cannot retaliate against you for requesting FMLA leave or cooperating with a WHD investigation.

After becoming aware that your need for leave is for a reason that may qualify under the FMLA, your employer must confirm whether you are eligible or not eligible for FMLA leave. If your employer determines that you are eligible, your employer must notify you in writing.

How many FMLA rights and responsibilities, and

How much of your requested leave, if any, will be FMLA-protected leave.

**Where can I find more information?**

Call 1-866-487-9248 or visit [dol.gov/fmla](http://dol.gov/fmla) to learn more. If you believe your rights under the FMLA have been violated, you may file a complaint with WHD or file a private lawsuit against your employer in court. **Scan the QR code to learn about our WHD complaint process.**

State employees may be subject to certain limitations in pursuit of direct lawsuits regarding leave for their own serious health conditions. Most federal and certain congressional employees are also covered by the law but are subject to the jurisdiction of the U.S. Office of Personnel Management or Congress.

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

1-866-487-9248  
[www.dol.gov/eis/whd](http://www.dol.gov/eis/whd)

Ref: 19 Del. C. Ch. 5  
Revised 01/17/2023

## 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 the employer of a minor changes.

**Provisions for Individuals 14 and 15 Years of Age: MINORS 14-15 YEARS OF AGE SHALL NOT WORK:**

- Before 7:30 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 thirty (30) consecutive minutes
- 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.**

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.

Ref: 19 Del. C. Ch. 5  
Revised 01/17/2023

## EMPLOYEE RIGHTS UNDER THE FAIR LABOR STANDARDS ACT

### 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.

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

**CHILD LABOR** An employer 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 restrictions. Different rules apply to agricultural employment.

**TIP CREDIT** Employer of "food 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 credit against that minimum wage obligation. If an employer's tips combined with the employer's cash wage of at least \$2.13 per hour do not equal at least the minimum wage, the employer must make the difference up to the employee.

**PUMP AT WORK** The FLSA requires employers to provide reasonable break time for a nursing parent to express breast milk for their nursing child for one year after the child's birth each time the employee needs to express breast milk. Employers must 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.

**ENFORCEMENT** The Department has authority to review back wages and an equal amount in liquidated damages in instances of minimum wage, overtime, and other violations. The Department may litigate or seek enforcement of its provisions. Employers may be assessed civil penalties for each violation. The Department may also bring a civil action against an employer who willfully or repeatedly violates the minimum wage or overtime pay provisions of the law. Civil money penalties may also be assessed for violations of the FLSA child labor provisions. Heightened

**ADDITIONAL INFORMATION**

- Certain occupations and establishments are exempt from the minimum wage, and/or overtime provisions. Certain narrow exemptions also apply to the jump at work requirements.
- Special provisions apply to workers in agriculture (Florida), the Commonwealth of the Northern Mariana Islands, and the Commonwealth of Puerto Rico.
- Some state laws provide to waive employer provisions. Employers must comply with both.
- Some employees (notably classified workers as "independent contractors" when they are actually employees) are exempt from 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 provisions.
- Certain full-time students, student teachers, apprentices, and workers with disabilities may be paid less than the minimum wage under special certificates issued by the Department of Labor.

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

**University Office Plaza**  
252 Chapman Road, 2nd Floor  
Newark, DE 19702  
(302) 761-8200

Delaware Department of Labor  
Division of Industrial Affairs

Email: [wages@delaware.gov](mailto:wages@delaware.gov) | Email: [workpermits@delaware.gov](mailto:workpermits@delaware.gov) | Website: [Labor.delaware.gov](http://Labor.delaware.gov)

## WAGE THEFT

**An employer may not do any of the following: PENALTIES**

- Employ an individual without reporting the individual's employment to all appropriate government agencies and paying all applicable taxes and fees for the individual.
- Fail to properly withhold state and federal taxes from an employee.
- Fail to forward money withheld from an employee's wages to the appropriate state or federal agency within 7 days of the applicable pay period.
- Pay an employee wages that are less than the minimum wage established under state and federal law for the work performed.
- Misclassify a worker as an independent contractor for purposes of avoiding wage, tax, or workers' compensation obligations under this title.
- Knowingly conspire to assist, advise, or facilitate a violation of this section.

**RETALIATION**

An employer is subject to a civil penalty of not less than \$20,000 and not more than \$50,000 for each violation if the employer discharges or in any manner retaliates or discriminates against an individual because that individual does any of the following under this section:

- Made a complaint or provided information to the Department.
- Caused, or is going to cause, an investigation to be instituted.
- Testified, or is going to testify, in a hearing.

The Department may also refer cases to the Department of Justice for criminal prosecution consistent with § 841D of Title 11.

Ref: 19 Del. C. Ch. 11 § 1102A  
Revised 01/17/2023

## 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.

**PROHIBITIONS** Employers are generally prohibited from requiring or requesting any employee to take a lie detector test, and from discharging, disciplining, or discriminating against an employee or prospective employee for refusing to take a test for exercising other rights under the Act.

**EXEMPTIONS** 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 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 (armed 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.

**ENFORCEMENT** The Secretary of Labor may bring court actions to restrain violators and assess civil penalties against violators. Employers 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.**

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

1-866-487-9248  
[www.dol.gov/eis/whd](http://www.dol.gov/eis/whd)

Ref: 29 CFR §625.300  
WH1420 REV 04/23

## 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.

Ref: 19 Del. C. Ch. 7 § 707  
Revised 01/17/2023

**An employer may not do any of the following: PENALTIES**

- Following an investigation in which the Department makes an initial determination that an employer has violated one or more provisions of subsection (a) of this section, the Department may decide to impose a civil penalty.
- An employer who violates this section is subject to a civil penalty of not less than \$2,000 and not more than \$20,000 for each violation.
- Each instance of a violation of subsection (a) of this section per employee is a separate violation.
- The Department may also refer cases to the Department of Justice for criminal prosecution consistent with § 841D of Title 11.

**RETALIATION**

An employer is subject to a civil penalty of not less than \$20,000 and not more than \$50,000 for each violation if the employer discharges or in any manner retaliates or discriminates against an individual because that individual does any of the following under this section:

- Made a complaint or provided information to the Department.
- Caused, or is going to cause, an investigation to be instituted.
- Testified, or is going to testify, in a hearing.

The Department may also refer cases to the Department of Justice for criminal prosecution consistent with § 841D of Title 11.

Ref: 19 Del. C. Ch. 11 § 1102A  
Revised 01/17/2023

## 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**  
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**

**EMPLOYEES WHO RECEIVE TIPS**

The minimum cash wage payable to employees who receive tips is \$2.23 per hour, effective 10/1/95.

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 no 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 the rate of pay, hours worked, and amount paid for each employee for three (3) years).

Ref: 19 Del. C. Ch. 9 § 908  
Revised 01/17/2023

## STATE AND FEDERAL LABOR LAW

**What is paid leave under the Healthy Delaware Families Act?**

The Healthy Delaware Families Act (Act) is a state law that provides covered individuals with wage replacement and job-protection during leave for qualifying family and medical reasons. Beginning January 1, 2020, Delaware workers can take paid job-protected leave:

- Under the Act, Covered Individuals may take:
  - up to 12 workweeks of paid leave in a 12-month period for the birth, adoption, or foster placement of a child with the Covered Individual;
  - up to 6 workweeks of paid leave in a 24-month period:
    - for the Covered Individual's own serious mental or physical health condition that prevents them from working;
    - to care for the Covered Individual's spouse, child, or parent with a serious mental or physical health condition; and
    - for qualifying reasons relating to the overseas deployment of the Covered Individual's spouse, child, or parent who is a military servicemember.

Covered individuals are entitled to receive 80% of their average weekly wage with an approved leave, up to \$500 per week. Average weekly wage consists of all income received from an employer including base salary, commissions, tips, and bonuses.

**Am I eligible to take paid leave?**

You are a covered individual eligible for paid leave if all of the following apply:

- You work for a covered employer.
- You have worked for your employer for at least 12 months;
- You have at least 1,250 hours of service with your employer during the 12 months before your leave (hours of service are hours actually worked and does not include time off for vacation, illness, or any other leave); and
- Your employer has at least 60% of those 1,250 hours; and
- Your employer has at least 10 Delaware-based employees (for parental leave) or 25 Delaware-based employees (for family caregiving, medical, or qualified caregiver leave).

You work for a covered employer if:

- You work in Delaware for an employer (except the federal government) that has at least 10 employees; and
- Your employer's business does not close for more than 30 consecutive days in a 12-month period.

**How do I request paid leave?**

Generally, to request leave you must:

- Follow your employer's normal policies for requesting leave;
- Give notice to your employer at least 30 days before your need for leave; or
- If providing advanced notice is not possible, notify your employer as soon as possible.

**How do I know what type of paid leave insurance coverage my employer provides?**

Your employer will notify you whether your paid leave insurance coverage is through the DPL insurance program or an approved private insurance plan. Private insurance plans include an employer's self-insured plan and an insurance carrier's approved plan. Depending on the type of coverage provided by your employer, benefit payments will be made through the DPL insurance program or your employer's approved private insurance plan.

If paid leave coverage is provided through the DPL insurance program, you file a claim for benefits using the Division's online administrative system, LaborFirst, a link to which can be found at [dol.gov/adaidave](http://dol.gov/adaidave). If your claim is for paid medical leave or family caregiving leave, LaborFirst will notify your health care provider of your request for a certification of serious health condition in support of your claim. Although you do not have to get a medical diagnosis with your employer, you may need enough information in your claim so that your employer can determine whether your requested leave qualifies under the Act. You may also be required to provide documentation verifying a qualifying exigency or your family relationship for family caregiving, qualifying exigency, or parental leave.

If your employer provides paid leave coverage through an approved private plan, you must follow the plan's policies and procedures to file a claim.

**What does my employer need to do?**

If you are eligible for paid leave, your employer must:

- Maintain confidentiality of your or your family members' private medical information;
- Allow you to take job-protected time off work for a qualifying reason;
- Continue your group health insurance plan coverage while you are on leave on the same basis as if you had not taken leave. If you pay a portion of the cost of your group health insurance, you are still required to pay your portion while on paid leave; and
- Allow you to return to the same job, or a virtually identical job with the same pay, benefits, and other working conditions, including shift and location, at the end of your leave.

Your employer cannot interfere with your rights under the Act or threaten or punish you for exercising your rights under this law. For example, your employer cannot retaliate against you for requesting paid leave or cooperating with a Division of Paid Leave investigation.

**Where can I find more information?**

Call 302-761-8375 or visit [dol.gov/adaidave](http://dol.gov/adaidave). If you believe your rights under the Healthy Delaware Families Act have been violated, you may file a complaint with the Delaware Department of Labor, Division of Paid Leave or file a private lawsuit against your employer in court.

Ref: 19 Del. C. § 3710  
Revised 01/17/2023

## PAYMENT OF WAGES

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

- Notify employees in writing at the time of hire:
  - Rate of pay.
  - Day, hour and place of payment.
  - Employer's fringe benefits policies.
- Notify employees in writing of any reductions in the rate of pay, and any changes in the day, hour or place of payment or benefits.
- Furnish each employee with a pay statement showing:
  - Amount of wages due.
  - Pay period covered by the payment.
  - Amounts of deductions (separately specified) which have been made from the wages.
  - Total number of hours worked in the 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 (e) 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:

- Cash or inventory shortages.
- Cash advances or charges for goods and services (unless there is a signed agreement specifying the amount owed and the repayment schedule).
- Damaged Property.
- Failure to return employer's property.

Ref: 19 Del. C. Ch. 7 § 716  
Revised 01/17/2023

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

**All workers have the right to:**

- A safe workplace.
- Raise a safety or health concern with your employer or OSHA, or report a work-related injury or illness, without being retaliated against.
- Receive information and training on job hazards, including all hazardous substances in your workplace.
- Request a confidential OSHA inspection of your workplace if you believe there are unsafe or unhealthy conditions. You have the right to have a representative contact OSHA on your behalf.
- Participate (or have your representative participate) in an OSHA inspection and speak in private to the inspector.
- File a complaint with OSHA within 30 days (by phone, online or by mail) if you have been retaliated against for using your rights.
- See any OSHA citations issued to you or your employer.
- Request copies of your medical records, tests that measure hazards in the workplace, and the workplace injury and illness log.

**Employers must:**

- Provide employees a workplace free from recognized hazards. It is illegal to retaliate against an employee for using any of their rights under the law, including raising a health and safety concern with you or with OSHA, or reporting a work-related injury or illness.
- Comply with all applicable OSHA standards.
- Notify OSHA within 8 hours of a workplace fatality or within 24 hours of any work-related inpatient hospitalization, amputation, or loss of an eye.
- Provide required training to all workers in a language and vocabulary they can understand.
- 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.**

**Contact OSHA. We can help.**

1-800-325-OSHA (6742) • TTY 1-877-889-5627 • [www.osha.gov](http://www.osha.gov)

U.S. Department of Labor  
**OSHA**  
Occupational Safety and Health Administration

Ref: 19 Del. C. Ch. 9 § 908  
Revised 01/17/2023

## WORKERS COMPENSATION

**IMPORTANT THINGS TO DO IN CASE OF INJURY**

**THE EMPLOYER SHALL:**

Carry Workers' Compensation Insurance Coverage per Title 19, Chapter 23, 2303. Every employer shall keep record of all injuries received by employees and within 10 days file a First Report of Injury with the Office of Workers Compensation per Title 19, Chapter 23, 2313. In addition, the employer should notify their Workers' Compensation insurance carrier of said injury. First Report of Injury forms are available on our website listed above.

**THE EMPLOYEE SHALL:**

Or someone on the employee's behalf, notify the employer as soon as possible of an accidental injury or occupational disease and request medical services if needed. 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 a petition with the Industrial Accident Board for a hearing on the matter at issue within two (2) years of the date of accidental injury. All forms can be obtained from the Office of Workers' Compensation. (Email: [dol\\_wa\\_comp@deldelaware.gov](mailto:dol_wa_comp@deldelaware.gov))

**Violations of Delaware Workers' Compensation Labor Laws could result in fines.**

**DELAWARE DEPARTMENT OF LABOR**

Ref: 19 Del. C. Ch. 23 § 2306(c)

## NOTICE TO EMPLOYERS

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.

Employers Are Required By Law To Display This Official Poster In A Place Accessible To Employees And Where They Regularly Pass.

Violations of Delaware Labor Laws could result in fines of up to \$20,000 per violation.

**DELAWARE DEPARTMENT OF LABOR**

**ATTENTION DELAWARE EMPLOYERS**

It is your responsibility as a Delaware employer to post the mandatory Unemployment poster. This can ONLY be obtained by calling the State of Delaware, Department of Labor, Division of Unemployment Insurance at (302) 761-8482.

Ref: 19 Del. C. Ch. 7 § 716  
Revised 01/17/2023

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

**All workers have the right to:**

- A safe workplace.
- Raise a safety or health concern with your employer or OSHA, or report a work-related injury or illness, without being retaliated against.
- Receive information and training on job hazards, including all hazardous substances in your workplace.
- Request a confidential OSHA inspection of your workplace if you believe there are unsafe or unhealthy conditions. You have the right to have a representative contact OSHA on your behalf.
- Participate (or have your representative participate) in an OSHA inspection and speak in private to the inspector.
- File a complaint with OSHA within 30 days (by phone, online or by mail) if you have been retaliated against for using your rights.
- See any OSHA citations issued to you or your employer.
- Request copies of your medical records, tests that measure hazards in the workplace, and the workplace injury and illness log.

**Employers must:**

- Provide employees a workplace free from recognized hazards. It is illegal to retaliate against an employee for using any of their rights under the law, including raising a health and safety concern with you or with OSHA, or reporting a work-related injury or illness.
- Comply with all applicable OSHA standards.
- Notify OSHA within 8 hours of a workplace fatality or within 24 hours of any work-related inpatient hospitalization, amputation, or loss of an eye.
- Provide required training to all workers in a language and vocabulary they can understand.
- 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.**

**Contact OSHA. We can help.**

1-800-325-OSHA (6742) • TTY 1-877-889-5627 • [www.osha.gov](http://www.osha.gov)

U.S. Department of Labor  
**OSHA**  
Occupational Safety and Health Administration

Ref: 19 Del. C. Ch. 9 § 908  
Revised 01/17/2023

## EMERGENCY NUMBERS CALL 911

**POLICE:** \_\_\_\_\_

**AMBULANCE:** \_\_\_\_\_

**PHYSICIAN:** \_\_\_\_\_

**HOSPITAL:** \_\_\_\_\_

**FIRE DEPARTMENT:** \_\_\_\_\_

**POISON CONTROL:** \_\_\_\_\_

**OSHA:** \_\_\_\_\_

**PAY DAY NOTICE**

**PAY DAY IS ON:**

MONDAY  FRIDAY  
 TUESDAY  SATURDAY  
 WEDNESDAY  SUNDAY  
 THURSDAY

**PAY SCHEDULE IS:**

WEEKLY  SEMI MONTHLY  
 BIWEEKLY  MONTHLY

**PAYCHECKS ARE ISSUED ON THE:** \_\_\_\_\_ AND \_\_\_\_\_ OF THE MONTH

**AT:** \_\_\_\_\_

**TIME:** \_\_\_\_\_

## DELAWARE WHISTLEBLOWERS' PROTECTION ACT

DELaware law prohibits an employer from taking any retaliatory action against an employee because an employee does any of the following:

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'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 employer'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, or 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.

**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 from health, safety, or environmental hazards while in the employer's premises or elsewhere; or
- 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.

**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 his 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 its judgment in an action brought under this chapter, shall consider 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 attorney's fees, if the court determines that such an award is appropriate.

**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.

**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.

**Burden of proof.**

The burden of proof on any action brought under this chapter shall be upon the employees to show that the primary basis for the discharge, threats, or discrimination alleged to be in violation of this chapter was that the employee undertook an act protected pursuant to § 1703 of this title. (74 Del. Laws, c. 361, § 1.)

**DELAWARE DEPARTMENT OF LABOR**

Ref: 19 Del. C. Ch. 23 § 2306(c)

## Know Your Rights: Workplace Discrimination is Illegal

The U.S. Equal Employment Opportunity Commission (EEOC) enforces federal laws that prohibit workplace discrimination against workers in applying for jobs, the hiring process, and the workplace.

**What is Protected?**

- Employees cannot be discriminated against on the basis of race, color, sex, religion, national origin, age, disability, or genetic information.
- Employees cannot be discriminated against on the basis of sex, pregnancy, childbirth, or related conditions.
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**What Organizations are Covered?**

- Private employers with at least 15 employees.
- State and local governments (except for certain elected officials).
- Education institutions that receive federal financial assistance.
- Employers that contract with the federal government.
- Employers that receive federal contracts or subcontracts.
- Employers that receive federal grants or subgrants.
- Employers that receive federal loans or guarantees.
- Employers that receive federal insurance or guarantees.
- Employers that receive federal assistance under the Small Business Administration's 8(a) program.
- Employers that receive federal assistance under the Small Business Administration's 504 program.
- Employers that receive federal assistance under the Small Business Administration's 8(d) program.
- Employers that receive federal assistance under the Small Business Administration's 8(e) program.
- Employers that receive federal assistance under the Small Business Administration's 8(f) program.
- Employers that receive federal assistance under the Small Business Administration's 8(g) program.
- Employers that receive federal assistance under the Small Business Administration's 8(h) program.
- Employers that receive federal assistance under the Small Business Administration's 8(i) program.
- Employers that receive federal assistance under the Small Business Administration's 8(j) program.
- Employers that receive federal assistance under the Small Business Administration's 8(k) program.
- Employers that receive federal assistance under the Small Business Administration's 8(l) program.
- Employers that receive federal assistance under the Small Business Administration's 8(m) program.
- Employers that receive federal assistance under the Small Business Administration's 8(n) program.
- Employers that receive federal assistance under the Small Business Administration's 8(o) program.
- Employers that receive federal assistance under the Small Business Administration's 8(p) program.
- Employers that receive federal assistance under the Small Business Administration's 8(q) program.
- Employers that receive federal assistance under the Small Business Administration's 8(r) program.
- Employers that receive federal assistance under the Small Business Administration's 8(s) program.
- Employers that receive federal assistance under the Small Business Administration's 8(t) program.
- Employers that receive federal assistance under the Small Business Administration's 8(u) program.
- Employers that receive federal assistance under the Small Business Administration's 8(v) program.
- Employers that receive federal assistance under the Small Business Administration's 8(w) program.
- Employers that receive federal assistance under the Small Business Administration's 8(x) program.
- Employers that receive federal assistance under the Small Business Administration's 8(y) program.
- Employers that receive federal assistance under the Small Business Administration's 8(z) program.

**What Types of Employment Discrimination are Illegal?**

- Discrimination in hiring.
- Discrimination in promotion.
- Discrimination in pay.
- Discrimination in benefits.
- Discrimination in training.
- Discrimination in job assignments.
- Discrimination in termination.
- Discrimination in retaliation.
- Discrimination in harassment.
- Discrimination in sexual harassment.
- Discrimination in pregnancy discrimination.
- Discrimination in age discrimination.
- Discrimination in disability discrimination.
- Discrimination in genetic information discrimination.
- Discrimination in retaliation.
- Discrimination in harassment.
- Discrimination in sexual harassment.
- Discrimination in pregnancy discrimination.
- Discrimination in age discrimination.
- Discrimination in disability discrimination.
- Discrimination in genetic information discrimination.

**What You Can Do If You Believe Discrimination Has Occurred?**

Contact the EEOC promptly if you suspect discrimination. Do not wait. You should file a charge with the EEOC as soon as possible. You can file a charge with the EEOC online, by mail, or in person. You can also file a charge with the EEOC by phone. You can file a charge with the EEOC by mail, or in person. You can also file a charge with the EEOC by phone. You can file a charge with the EEOC by mail, or in person. You can also file a charge with the EEOC by phone.

**What Employment Practices can be Challenged as Discriminatory?**

- Recruiting, hiring, or firing.
- Compensation (including overtime pay).
- Benefits (including retirement, medical, or disability).