

# BREAK RULES

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

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



DELAWARE DEPARTMENT OF LABOR  
DIVISION OF INDUSTRIAL AFFAIRS

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

## BREAKS

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

**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.**

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

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

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



Revised 01/03/2023

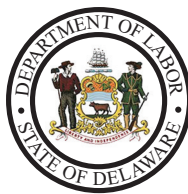


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# CHILD LABOR LAWS

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DELAWARE DEPARTMENT OF LABOR  
DIVISION OF INDUSTRIAL AFFAIRS

## CHILD LABOR

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

### 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 change.

### Provisions for Individuals 14 and 15 Years of Age:

#### **MINORS 14-15 YEARS OF AGE SHALL NOT WORK:**

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

### Specific Provisions for Individuals 16 and 17 Years of Age:

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

For a list of Prohibited Occupations, contact:

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

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.

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# DISCRIMINATION

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Delaware Department of Labor  
Division of Industrial Affairs

## DISCRIMINATION

Employers are prohibited by state law from discriminating against employees because of their RACE; COLOR; NATIONAL ORIGIN; SEX (INCLUDING PREGNANCY); RELIGION; DISABILITY; AGE (40+); GENETIC INFORMATION; SEXUAL ORIENTATION; GENDER IDENTITY; MARITAL STATUS; MEMBERSHIP IN VOLUNTEER EMERGENCY RESPONDER ORGANIZATION (VOLUNTEER FIREFIGHTERS, AMBULANCE PERSONNEL, LADIES AUXILIARY); VICTIM OF DOMESTIC VIOLENCE, SEXUAL ASSAULT, OR STALKING; FAMILY CARE RESPONSIBILITIES; REPRODUCTIVE HEALTH DECISIONS; and RETALIATION FOR INITIATING A COMPLAINT OF EMPLOYMENT DISCRIMINATION, OR OPPOSING OR PARTICIPATING IN THE INVESTIGATION OF A DISCRIMINATORY EMPLOYMENT PRACTICE. Employers of four (4) or more employees, labor organizations, employment agencies and joint labor management committees for apprenticeship or training are covered by this law.

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

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

**PREGNANCY:** Employers must provide reasonable accommodations to employees with respect to pregnancy, childbirth, lactation and related conditions. Employers may not deny job applicants a position based on the need for a pregnancy-related workplace accommodation, make unnecessary changes to a pregnant employee's job functions or require a pregnant employee to take paid or unpaid leave when a reasonable accommodation would permit the employee to continue working.

**ANY PERSON:** who believes he or she has been discriminated against should contact the Delaware Department of Labor, Office of Anti-Discrimination at (302) 761-8200.

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

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

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

*Revised 9/28/2018*

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# DELAWARE MINIMUM WAGE

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DELAWARE DEPARTMENT OF LABOR  
DIVISION OF INDUSTRIAL AFFAIRS

## MINIMUM WAGE

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### Regular Rate:

effective: 06-01-15 - \$8.25/hour	effective: 01-01-23 - \$11.75/hour
effective: 01-01-19 - \$8.75/hour	effective: 01-01-24 - \$13.25/hour
effective: 10-01-19 - \$9.25/hour	effective: 10-01-25 - \$15.00/hour
effective: 01-01-22- \$10.50/hour	

### EMPLOYEES WHO RECEIVE TIPS

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

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

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

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

### MINIMUM WAGE EXEMPTIONS:

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

### RECORD KEEPING REQUIREMENTS:

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

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# PAYMENT OF WAGES

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

- **Notify employees in writing at the time of hire:**

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

### PAYMENT OF WAGES:

- Wages must be paid at least once each month.
- Employees must be paid all wages within seven (7) days from the close of each pay period [with some exceptions, see §1102(b)].
- If the payday falls on a non-work day, payment shall be made on the preceding work day.
- If an employee is not present on the regular payday, payment shall be made on the next regular workday that the employee is present or by mail (only if requested by the employee).
- Wages may be paid to a bank account designated by an employee (upon the employee's written request).
- Wages may be paid in cash or by check (provided that suitable arrangements are made by the employer for cashing at a bank or other business establishment convenient to the workplace).
- Whenever an employee quits, resigns, is discharged, suspended or laid off, the wages earned shall be paid on the next regularly scheduled payday(s) either through the usual pay channels or by mail (if requested by the employee) as if employment had not been suspended or terminated.

### UNLAWFUL DEDUCTIONS:

#### Employers are not permitted to deduct or withhold wages for:

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

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## UNEMPLOYMENT POSTER

The state of Delaware states, "Each liable employer (except household employers) must display the poster, Notice of Coverage (Form UC-6), with the employer's name printed on it in a place customarily frequented by employees." This poster is furnished by the Division of Unemployment Insurance after liability is established; it informs employees that employment is covered under the Unemployment Insurance laws.

Household employers must provide each employee with a facsimile of the poster with the employer's name printed on it. The Division of Unemployment Insurance furnishes a facsimile of the full-size poster after liability is established; it informs employees that employment is covered under the Unemployment Insurance laws.

Please contact Employer Services at 302-761-8446 to obtain your Unemployment Poster.

4/02

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# WAGE THEFT

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## WAGE THEFT

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### An employer may not do any of the following:

- 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.

### 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:

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

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