



**DELAWARE DEPARTMENT OF LABOR
DIVISION OF INDUSTRIAL AFFAIRS
OFFICE OF WAGE AND HOUR ENFORCEMENT**

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Dover, DE 19901
(302) 422-1134

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Georgetown, DE 19947
(302) 856-5230

University Office Plaza
252 Chapman Road, 2nd Floor
Newark, DE 19702
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PAYMENT OF WAGES

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 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(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

MINIMUM WAGE

REGULAR RATE:

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

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.

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.

BREAKS (CONTINUED)

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.

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 7:00 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.

WAGE THEFT

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.