PAYMENT OF WAGES

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

1. Notify employees in writing at the time of hire:
   a. Rate of Pay
   b. Days, hour and place of payment
   c. Employer's fringe benefits policies
   d. Notice in writing of any reductions in the rate of pay, and any changes in the day, hour or place of payment or benefit
2. Furnish each employee with a pay statement showing:
   a. Amount of wages due
   b. Pay period covered by the payment
   c. Amounts of deductions (separately specified) which have been made from the wages
   d. 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 payday 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 quitting, 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).

UNLAWFUL DEDUCTIONS:

Employees 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. Amounts of deductions (separately specified) which have been made from the wages;
4. Any portion of the wages earned by an employee 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:

1. Employers in agriculture.
2. Employees in domestic service in or about private homes.
3. Employees of the United States Government.
4. Outside commission paid salespeople.
5. Some full executives, administrators, and professionals.
6. Employees engaged in fishing and fish processing at sea.
7. Volunteer workers (for educational, religious or nonprofit organizations).
8. Junior camp counselors employed by non-profit summer camp programs.

MINIMUM WAGE:

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

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.

WAGES MAY BE PAID TO A BANK ACCOUNT DESIGNATED BY THE EMPLOYEE (UPON THE EMPLOYEE’S WRITTEN REQUEST).

Record Keeping Requirements:

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

DISCRIMINATION

Employers are prohibited by state law from discriminating against employees because of their race, color, religion, age (40+), sex (including pregnancy), sexual orientation, marital status, national origin, gender identity, and genetic information. Employees of four (4) or more employees, labor organization, employment agencies and joint labor-management committees for apprenticeship or training are covered by this law.

SEXUAL HARASSMENT:

Sexual harassment of male or female employees is unlawful.

Sexual harassment can be any unwelcome sexual advance, request for sexual favor, or other verbal or physical conduct or a sexual nature. If the harassment is by a supervisor, your employer may be responsible even if you have not complained. If the harassment is by a fellow worker or non-employee, employers are responsible if you have complained to the employer and the employer has not acted to stop or correct the sexual harassment.

DISABILITY:

Employers are prohibited by state law from discriminating against any employee because of disability and requires the employer and advancement of qualified individuals with a disability who, with or without reasonable accommodation, can perform the essential functions of a job. This law applies to any employer with 15 or more employees.

GENERAL PROVISIONS:

All employees must receive a meal break of at least 30 consecutive minutes if the employee is scheduled to work 7.5 or more hours per day.

Meal breaks must be given sometime after the first two (2) hours of work and before the last two (2) hours of work.

This rule does not apply when:

1. The employer is a professional employee certified by the State Board of Education and employed by a local school board to work directly with children.
2. There is a collective bargaining agreement or other employer-employee written agreement which provides otherwise.

Rules have been issued granting exemptions when:

1. Compliance would adversely affect public safety.
2. Only one (1) employee may perform the duties of a position.
3. An employer has fewer than five (5) employees on a shift at one location (the exception would only apply to that shift).
4. 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 exceptions are allowed, employers 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:

1. The minimum age for employment is 14.
2. Work Permits are required for all employed minors under the age of 18.
3. Employers are required to keep Work Permits on file for each employed minor.
4. A new Work Permit is required when a minor changes employers.

Specific Provisions for Individuals 14 and 15 Years of Age:

MINORS 14-15 YEARS OF AGE SHALL NOT WORK:

1. Before 7:00 a.m. or after 9:00 p.m.—except from June 1st through Labor Day when the evening hour shall be extended to 10:00 p.m.
2. More than four (4) hours per day on school days
3. More than eight (8) hours per day on non-school days
4. More than eighteen (18) hours in any week when school is in session for five (5) days
5. More than six (6) days in any week
6. More than forty (40) hours per week, and
7. 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:

1. Not more than twelve (12) hours in a combination of school and work hours per day
2. Must have at least eight (8) consecutive hours of non-work, non-school time in each twenty-four (24) hour period
3. 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 above addresses.

This poster provides only general information regarding the provisions of Delaware’s Child Labor Law. The requirements of state law do not affect an employer’s obligation to comply with any provisions of federal law.