

Since 1983



1961 Diamond Springs Road
Virginia Beach, VA 23455
Phone (757) 460-6308
Fax (757) 457-9345

DELAWARE EMPLOYEES

MANCON Employees,

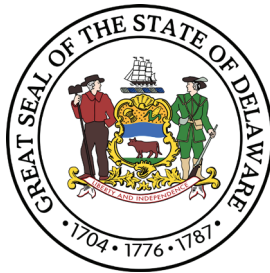
Included in this packet is the following information:

1. Employment Poster (English and Spanish)
2. Unemployment Poster
3. Delaware Sexual Harassment Notice
4. Whistleblowers' Protection

If you have any questions, please contact your supervisor.

Thanks,
Human Resources

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



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

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

DELAWARE DEPARTMENT OF LABOR
DIVISION OF INDUSTRIAL AFFAIRS

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

Email: wages@delaware.gov | Email: workpermits@delaware.gov | Website: Labor.delaware.gov

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:

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 10/1/96.

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

MINIMUM WAGE (continued)

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.

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:

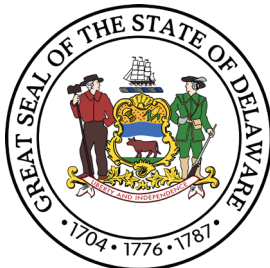
- Compliance would adversely affect public safety.
- Only one (1) employee may perform the duties of a position.
- An employer has fewer than five (5) employees on a shift at one location (the exception would only apply to that shift).
- The continuous nature of an employer's operations, such as chemical 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.



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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.

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

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

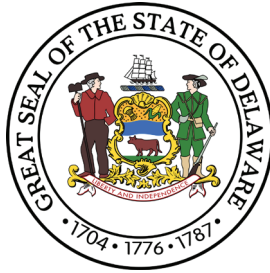
An employer is subject to a civil penalty of not less than \$20,000 and not more than \$50,000 for each violation if the employer discharges or in any manner retaliates or discriminates against an individual because that individual does any of the following under this section:

- 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.

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



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PAGO DE SALARIOS

A LOS EMPLEADORES CON CUATRO (4) O MÁS EMPLEADOS SE LES EXIGE:

- Notificar a los empleados por escrito al momento de la contratación:
 1. Tarifa de pago
 2. Día, hora y lugar de pago
 3. Políticas sobre límites en los beneficios del empleador
- Notificar a los empleados por escrito sobre cualquier reducción en la tarifa de pago y cualquier cambio en el día, la hora o el lugar de pago o en los beneficios.
- Proporcionar a cada empleado una declaración de pago que indique:
 1. Importe de salarios adeudados.
 2. Período de pago cubierto por el pago.
 3. Montos de las deducciones (definido por separado) que se realizaron en los salarios.
 4. Cantidad total de horas trabajadas en el período de pago (para los empleados pagados a una tarifa por hora).

PAGO DE SALARIOS

- Los salarios deben pagarse al menos una vez por mes.
- A los empleados se les deben pagar los salarios dentro de los siete (7) días del cierre de cada período de pago [con algunas excepciones, consulte §1102(b)].
- Si el día de pago cae en un día no laborable, el pago se deberá realizar el día laborable anterior.
- Si un empleado no está presente en el día de pago regular, el pago se realizará el siguiente día laborable regular que el empleado esté presente o se realizará por correo (solo si así lo solicita el empleado).
- Los salarios pueden pagarse en una cuenta bancaria designada por un empleado (si lo solicita por escrito el empleado).
- Los salarios pueden pagarse en efectivo o cheque (siempre que el empleador tome las disposiciones adecuadas para el cobro en un banco u otro establecimiento comercial conveniente para el lugar de trabajo).
- Cuando un empleado renuncia o se le desvincula, suspende o despiden, los salarios recibidos se pagarán en el siguiente día de pago programado de forma regular ya sea a través de los medios de pago usuales o por correo (si el empleado lo solicita) como si el empleo no se hubiera suspendido o finalizado.

DEDUCCIONES ILEGALES

A los empleadores no se les permite deducir ni retener los salarios por lo siguiente:

1. Falta de dinero en efectivo o inventario
2. Anticipos de dinero en efectivo o cargos por bienes y servicios (excepto que haya un acuerdo firmado que especifique el monto adeudado y el cronograma de pago)
3. Propiedad dañada
4. Incumplimiento en la devolución de propiedad del empleador.

SALARIO MÍNIMO

Tarifa regular:

Vigencia: 01-06-15 - \$8.25/hora
Vigencia: 01-01-19 - \$8.75/hora
Vigencia: 01-10-19 - \$9.25/hora
Vigencia: 01-01-22 - \$10.50/hora

Vigencia: 01-01-23 - \$11.75/hora
Vigencia: 01-01-24 - \$13.25/hora
Vigencia: 01-01-25 - \$15.00/hora

EMPLEADOS QUE RECIBEN PROPINAS

El salario mínimo en efectivo pagadero a los empleados que reciben propinas es de \$2.23 por hora, a partir del 1/10/96.

El empleador debe poder comprobar que el empleado recibió el saldo del porcentaje mínimo total en propinas.

SALARIO MÍNIMO (continuación)

NOTA: El salario mínimo en efectivo de Delaware para empleados que reciben propinas es mayor que el salario en efectivo requerido por la ley federal. Los empleadores deben pagar la tarifa más alta de Delaware.

Un empleador no puede quitar ni retener las propinas excepto que lo requiera la ley. La acumulación de propinas está permitida (bajo ciertas condiciones) en un monto que no supere el 15% de las propinas reales recibidas por el empleado.

EXCENCIONES EN LOS SALARIOS MÍNIMOS:

- Empleados del sector agrícola.
- Empleados del servicio doméstico en hogares privados.
- Empleados del Gobierno de los Estados Unidos.
- Vendedores pagados fuera de la comisión.
- Ejecutivos, administradores y profesionales con credenciales.
- Empleados involucrados en el sector pesquero y procesamiento de peces en alta mar.
- Trabajadores voluntarios (para organizaciones educativas, religiosas o sin fines de lucro).
- Orientadores en campamentos juveniles empleados por programas de campamentos de verano sin fines de lucro.

REQUISITOS PARA EL MANTENIMIENTO DE REGISTROS:

- ♦ Los empleadores deben llevar el mantenimiento de registros, incluida la tarifa de pago, las horas trabajadas y el monto pagado por cada empleado durante tres (3) años.

RECESOS

Todos los empleados deben recibir un receso para las comidas de al menos 30 minutos consecutivos si el empleado tiene programado trabajar 7.5 o más horas por día.

Debe realizarse después de las primeras 2 horas de trabajo y antes de las últimas 2 horas de trabajo.

Esta regla no se aplica cuando:

- El empleado es un empleado profesional certificado por el Consejo de Educación del Estado y está empleado por la junta escolar local para trabajar directamente con niños.
- Existe un acuerdo de negociación colectiva u otro acuerdo por escrito entre empleador y empleado que dispone de otro modo.

Se han emitido reglas que otorgan exenciones cuando:

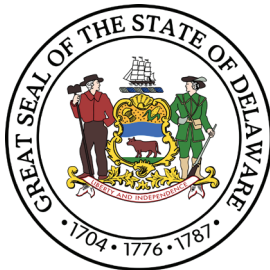
- El cumplimiento afectaría de forma negativa la seguridad pública.
- Solo un (1) empleado puede llevar a cabo las responsabilidades de un puesto.
- Un empleador tiene menos de cinco (5) empleados en un turno en una ubicación (la excepción solo se aplicaría a ese turno).
- La naturaleza continua de las operaciones de un empleador, tales como la producción química o los experimentos de investigación, requiere que los empleados respondan a las condiciones urgentes o inusuales en todo momento y que los empleados reciban compensación por los recesos para comidas.

Cuando se permiten exenciones, los empleados deben tener permitido comer en sus estaciones de trabajo o en otras ubicaciones autorizadas y usar las instalaciones sanitarias como sea razonablemente necesario.



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TRABAJO INFANTIL

Disposiciones Generales:

- La edad mínima para trabajar es 14 años.
- Se requieren permisos laborales a todos los empleados menores de 18 años.
- Se exige a todos los empleadores conservar archivados los permisos laborales de cada empleado menor.
- Se exige un nuevo permiso laboral cuando un menor cambia de empleador.

Disposiciones para individuos de 14 y 15 años:

LOS MENORES DE 14-15 AÑOS NO DEBEN TRABAJAR:

- Antes de las 7:00 a. m. ni después de las 7:00 p. m. - excepto desde el 1.º de junio hasta el Día del trabajo cuando la hora vespertina se extiende hasta las 9:00 p. m.
- Más de cuatro (4) horas por día los días de escuela
- Más de ocho (8) horas por día en días que no hay escuela
- Más de dieciocho (18) horas en cualquier semana en que hay clases durante cinco (5) días
- Más de seis (6) días en cualquier semana
- Más de cuarenta (40) horas por semana y
- Más de cinco (5) horas de forma continua sin un período no laborable de al menos treinta (30) minutos consecutivos.

Disposiciones específicas para individuos de 16 y 17 años:

- No deben trabajar más de doce (12) horas en una combinación de horas de escuela y laborales por día
- Deben tener al menos ocho (8) horas consecutivas de tiempo no laborable fuera de la escuela en cada período de veinticuatro (24) horas
- No pueden trabajar más de cinco (5) horas continuas sin un período no laborable de al menos treinta (30) minutos consecutivos.

Para obtener una lista de Actividades prohibidas, comuníquese con:

Departamento de Trabajo de Delaware, División de Asuntos Industriales,
Oficina de Cumplimiento de la Ley de Trabajo en cualquiera de las
direcciones enumeradas

Este póster solo brinda información general en relación con las disposiciones de las leyes laborales infantiles de Delaware. Los requisitos de la ley estatal no afectan la obligación de un empleador de cumplir con cualquier disposición de la ley federal.

Es ilegal tomar represalias contra un empleado porque este ha presentado una queja o ha informado al Departamento de Trabajo acerca de posibles violaciones de la ley laboral.

Los empleadores están obligados por ley a mostrar este póster oficial en un lugar accesible a los empleados y por donde estos pasen en forma regular

Las infracciones de la Ley laboral de Delaware pueden ocasionar multas de hasta \$20.000 por infracción.





UNEMPLOYMENT COMPENSATION

TO EMPLOYEES:

Notice is hereby given that your employer:

**MANAGEMENT CONSULTING INC
1961 DIAMOND SPRINGS RD
VIRGINIA BEACH VA 23455**

is registered with the Delaware Department of Labor, Division of Unemployment Insurance as subject to the provisions of Part III, Title 19, Delaware Code, entitled "UNEMPLOYMENT COMPENSATION" and that you are covered under these provisions. Under such provisions, you may be eligible for unemployment benefits if you lose your job or have your hours of work reduced.

Further information may be obtained from your employer or from the Department of Labor offices at the following locations: 4425 North Market Street, Wilmington (Fox Valley); Route 896, Newark (Pencader Corporate Center); 1114 South DuPont Highway, Dover (Carrolls Plaza); and 20093 Office Circle Unit 205, Georgetown (Georgetown Professional Park).

www.delawareworks.com

This Notice Must be Posted in a Conspicuous Place in the Work Area.



Takes effect January 1, 2019



STATE OF DELAWARE DEPARTMENT OF LABOR
DIVISION OF INDUSTRIAL AFFAIRS

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Employers must distribute this information sheet to new employees at the commencement of employment and to existing employees by July 1, 2019

Download this Notice at www.dol.delaware.gov

DELAWARE SEXUAL HARASSMENT NOTICE

The Delaware Discrimination in Employment Act

The Delaware Discrimination in Employment Act protects all individuals against discrimination in the workplace based on gender. Sexual harassment is a form of gender discrimination. A new law against sexual harassment passed in 2018 extends protections to all individuals, in all workplaces, including employees, applicants, apprentices, staffing agency workers, independent contractors, elected officials and their staff, agricultural workers, domestic workers, and unpaid interns.

Sexual Harassment and the Law

Sexual harassment of an employee is unlawful when the employee is subjected to conduct that includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when: (1) submission to such conduct is made either explicitly or implicitly a term or condition of an employee's employment; (2) submission to or rejection of such conduct is used as the basis for employment decisions affecting an employee; or (3) such conduct has the purpose or effect of unreasonably interfering with an employee's work performance or creating an intimidating, hostile, or offensive working environment.

Some Examples of Sexual Harassment

- unwelcome or inappropriate touching
- threatening or engaging in adverse action after someone refuses a sexual advance
- making lewd or sexual comments about an individual's appearance, body, or style of dress
- conditioning promotions or other opportunities on sexual favors

- displaying pornographic images, cartoons, or graffiti on computers, emails, cell phones, bulletin boards, etc.
- making sexist remarks or derogatory comments based on gender

Retaliation Is Prohibited Under the Law

It is a violation of the law for an employer to take action against you because you oppose or speak out against sexual harassment in the workplace. The Delaware Discrimination in Employment Act prohibits employers from retaliating or discriminating against any person because that person opposed an unlawful discriminatory practice. Retaliation can occur through direct actions, such as demotions or terminations, or more subtle behavior, such as an increased work load or being transferred to a less desirable location. The Delaware Discrimination in Employment Act protects individuals against retaliation who have a good faith belief that their employer's conduct is illegal, even if it turns out that they were mistaken.

Report Sexual Harassment

If you have witnessed or experienced sexual harassment inform a manager, the equal employment opportunity officer at your workplace, or human resources as soon as possible.

Report sexual harassment to the Delaware Department of Labor Office of Anti-Discrimination. Call 302-761-8200 or 302-424-1134 or visit

<https://dia.delawareworks.com/discrimination/> to learn how to file a complaint or report discrimination. The Department can investigate or mediate your complaint and may be able to help you collect lost wages and other damages.



SECRETARÍA DE TRABAJO DEL
ESTADO DE DELAWARE
DIVISIÓN DE ASUNTOS
INDUSTRIALES

**En vigencia a partir del 1.º
de enero de 2019**

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*Los empleadores deben distribuir esta información
a los empleados nuevos cuando comienzan a
trabajar y a los empleados existentes a más tardar
el 1.º de julio de 2019*

*Para descargar este Aviso, visite
www.dol.delaware.gov*

8 GEORGETOWN PLAZA, SUITE 2
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AVISO SOBRE ACOSO SEXUAL EN DELAWARE

La ley sobre discriminación en el empleo de Delaware

La Ley sobre discriminación en el empleo de Delaware protege a todas las personas contra la discriminación en el lugar de trabajo por motivos relacionados con el género. El acoso sexual es una forma de discriminación relacionada con el género. En 2018, se aprobó una nueva ley contra el acoso sexual que amplía las protecciones para todas las personas, en todos los lugares de trabajo, que incluye a empleados, postulantes, estudiantes, trabajadores de agencias de empleo temporario, contratistas independientes, funcionarios electos y su personal, trabajadores agrícolas, empleados domésticos y pasantes sin goce de sueldo.

El acoso sexual y la ley

El acoso sexual de un empleado es ilegal cuando el empleado está sujeto a una conducta que incluye insinuaciones sexuales no deseadas, solicitudes de favores sexuales y otra conducta verbal o física de naturaleza sexual cuando: (1) la sumisión a tal conducta se hace de forma explícita o implícita un término o una condición para el empleo del empleado; (2) la sumisión o el rechazo ante tal conducta se utiliza como base para decisiones pertinentes al empleo que afectan a un empleado; o (3) tal conducta tiene el propósito o efecto de interferir injustificadamente con el desempeño laboral de un empleado o crea un entorno laboral intimidante, hostil u ofensivo.

Algunos ejemplos de acoso sexual

- Tocar a alguien de manera inapropiada o indeseable
- Amenazar o tomar una medida desfavorable después de que alguien se niega ante insinuaciones sexuales
- Hacer comentarios lascivos o sexuales sobre el aspecto, cuerpo o modo de vestir de una persona
- Condicionar ascensos u otras oportunidades a favores sexuales
- Mostrar imágenes, caricaturas o grafitis pornográficos en computadoras, correos electrónicos, teléfonos

celulares, tableros de anuncios, etc.

- Hacer comentarios sexistas o despectivos basados en cuestiones de género

Las represalias están prohibidas por la ley

Es contrario a la ley que un empleado tome una medida contra usted porque se opone o denuncia un acoso sexual en el lugar de trabajo. La Ley sobre discriminación en el empleo de Delaware prohíbe a los empleadores que discriminen o tomen represalias contra ninguna persona porque se opongan a una práctica discriminatoria ilegal. Las represalias pueden producirse a través de medidas directas, como degradaciones o desvinculaciones, o un comportamiento más sutil, como una mayor carga laboral o ser transferido a una ubicación menos conveniente. La Ley sobre discriminación en el empleo de Delaware protege a las personas contra represalias que tienen la creencia de buena fe de que la conducta de su empleador es ilegal, incluso si resulta ser una confusión.

Denuncia de acoso sexual

Si ha presenciado o experimentado un acoso sexual informe lo antes posible a su gerente, al responsable de igualdad de oportunidades en el empleo en su lugar de trabajo o al departamento de recursos humanos.

Denuncie el acoso sexual a la Oficina Antidiscriminación de la Secretaría de Trabajo de Delaware. Llame al 302-761-8200 o 302-424-1134 o visite

<https://dia.delawareworks.com/discrimination/>

para averiguar cómo presentar una denuncia o informar un caso de discriminación. El Departamento puede investigar o mediar su denuncia y podría ser capaz de ayudarle a cobrar salarios perdidos u otros daños.

Part I
General Provisions
Chapter 17
Whistleblowers' Protection

§ 1701. Short title.

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

§ 1702. Definitions.

As used in this chapter:

(1) “Employee” means a person employed full or part-time by any employer, and shall include, but not be limited to, at-will employees, contract employees, independent contractors, and volunteer firefighters as defined in § 6651(c) of Title 16.

(2) “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.

(3) “Person” means an individual, sole proprietorship, partnership, corporation, association, or any other legal entity.

(4) “Public body” means all of the following:

a. 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;

b. A legislator or employee of the legislative branch of state government;

c. An elected official of a county, city, or school district or employee of them;

d. A law-enforcement agency or employee of that law-enforcement agency; and

e. A federal agency or employee of that federal agency.

(5) “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.

(6) “Violation” means an act or omission by an employer, or an agent thereof, that is:

a. 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 on the employer’s premises or elsewhere; or

b. 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.

An employer shall not discharge, threaten, or otherwise discriminate against an employee regarding the employee’s compensation, terms, conditions, location, or privileges of employment, including reporting or threatening to report an employee’s suspected or actual citizenship or immigration status or the suspected or actual citizenship or immigration status of a family member of the employee to a federal, state, or local agency:

(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 or to the employee’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 employee'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, 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 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.

(74 Del. Laws, c. 361, § 1; 79 Del. Laws, c. 344, § 1; 83 Del. Laws, c. 488, § 1.)

§ 1704. 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 their 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 a judgment in an action brought under this chapter, shall order, as the court considers 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 attorneys' fees, if the court determines that such an award is appropriate.

(74 Del. Laws, c. 361, § 1.)

§ 1705. Collective bargaining.

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

(74 Del. Laws, c. 361, § 1.)

§ 1706. 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.

(74 Del. Laws, c. 361, § 1.)

§ 1707. 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.

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

§ 1708. Burden of proof.

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 act protected pursuant to § 1703 of this title.

(74 Del. Laws, c. 361, § 1.)