

DELAWARE



LABOR LAW POSTINGS

Delaware Labor Law Postings

Thank you for using Paychex! Your order contains the following state posters:

Name of Poster	Poster Code	Posting Requirements	Agency Responsible
Delaware Labor Law Poster	LDE01	All employers	Division of Industrial Affairs
Delaware Labor Law Poster (Spanish*)	LDE05	All employers	Division of Industrial Affairs
Smoking Prohibited	LDE04	Recommended	Department of Labor
Smoking Permitted	LDE03	Required where smoking permitted	Department of Labor
Whistleblowers' Protection Act	LDE06	Required for all employers	Department of Labor

*While they are not required, Spanish versions are recommended for employers of Spanish-speaking workers.

Printing and Posting Instructions

All files are print ready, according to size requirements from the issuing agency (if any). To ensure compliance, print all posters as provided. Posters requiring different paper size and/or color print are noted below as exceptions. Please note: In some cases, individual posters are set up to print on multiple pages.

- 1.) Print each of the posters listed above on 8.5"x11" paper.
- 2.) For multiple-page posters, we recommend taping the pages together before posting.
- 3.) Review each poster and posting instructions (above) carefully to check for special posting requirements that might apply to your business.
- 4.) Display all applicable posters in a conspicuous area accessible to all employees (such as an employee lounge, break room, or cafeteria).

Additional Postings that may be Required

Poster	Who Must Post?	How to Obtain?
Notice To Employees- Unemployment Compensation	All employers	Must be obtained from the DE Tax Services Office once the agency has confirmed your Employer ID# and your business' registration status

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

Georgetown American Job Center
8 Georgetown 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

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 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

MINIMUM WAGE RATE:

EFFECTIVE: 06-01-15 — \$8.25 per 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:

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

BREAKS

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:

- 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.

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 (eff. Dec. 30, 2016); REPRODUCTIVE HEALTH DECISIONS (eff. Dec 30, 2016); 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 male or female employees is unlawful. Sexual harassment can be any unwelcome sexual advance, request for sexual favor, or other verbal or physical conduct of 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 taken no action 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 employment 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 4 or more employees.

PREGNANCY: Delaware law requires employers to provide reasonable accommodations to employees whose ability to work is limited by pregnancy, childbirth, lactation and related conditions. Further, Delaware law prohibits employers from denying pregnant job applicants a position based on the need for a workplace accommodation, making unnecessary changes to a pregnant employees job functions or requiring a pregnant employee to take paid or unpaid leave when a reasonable accommodation would permit the employee to continue working. An employer is not required to provide a pregnant employee with a workplace accommodation if the requested accommodation poses an undue hardship.

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

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

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 a minor changes employers.

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.

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 \$10,000 per violation.

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.

WORKERS COMPENSATION

IMPORTANT THINGS TO DO IN CASE OF INJURY

THE EMPLOYER SHOULD:

Carry Workers' Compensation insurance coverage. Provide all necessary medical, surgical, and hospital treatment from the accident date. Every employer shall keep a record of all injuries received by employees and make a report within ten (10) days thereof in writing to the Office of Workers' Compensation. Ascertain the average weekly wages of the employee and provide compensation in accordance with the provisions of the law, for disability beyond the third day after the accident. All agreements as to compensation must be submitted to the Office of Workers' Compensation for approval.

THE EMPLOYEE SHOULD:

Immediately notify the employer in writing of accidental injury or occupational disease and request medical services. 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 an application with the Industrial Accident Board for a hearing on the matters at issue within two (2) years of the date of accidental injury or one (1) year of knowledge of a diagnosis of an occupational disease or an ionizing radiation injury. All forms can be obtained from the Office of Workers' Compensation.

Revised 1/11/2017

PAYCHEX
Print Date: 1/17



Fox Valley Offices
4425 North Market Street
Wilmington, DE 19802
(302) 761-8000

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

Delaware Helpline
1-800-464-4357

Departamento de Trabajo de Delaware División de Asuntos Industriales

PAGO DE SALARIOS

LOS EMPLEADORES QUE TENGAN 4 O MAS EMPLEADOS ESTÁN OBLIGADOS A:

- Avisar a los empleados por escrito, cuando sean contratados sobre:
 1. El salario que se les pagará;
 2. Día, hora y lugar de pago
 3. Las reglas de los beneficios adicionales de la compañía
- Avisar a los empleados por escrito cuando haya reducciones en el salario, o en cualquier cambio del día, la hora o el lugar de pago, o de beneficios.
- Darle a cada empleado la declaración de pago que indique:
 1. La cantidad de salario apropiada;
 2. El período de pago que cubre;
 3. Las deducciones tomadas del salario (especificadas por separado);
 4. El número total de horas trabajadas durante el período de pago (para los empleados que reciben salario por hora)

PAGO DE SALARIOS

- Los salarios deben ser pagos por lo menos una vez al mes.
- A los empleados se les debe pagar el salario completo dentro de siete (7) días a partir del cierre de cada período de pago [con ciertas excepciones, ver § 1102 (b)].
- Si el día de pago es un día que no sea de trabajo, el pago se hará el día anterior de trabajo.
- Si un empleado está ausente en un día regular de pago, el pago se hará el siguiente día regular de trabajo, cuando el empleado esté presente, o se le enviará el pago

DISCRIMINACIÓN

La ley Estatal prohíbe que las compañías discriminen contra los empleados a causa de su **RAZA, COLOR, RELIGIÓN, EDAD (40+), SEXO (INCLUSO EL EMBARAZO), ORIENTACION SEXUAL, IDENTIDAD de GENERO, ESTADO CIVIL, ORIGEN NACIONAL, e INFORMACIÓN GENÉTICA**. Los empleadores que tengan **4 o más** empleados, organizaciones laborales, agencias de empleo y comités mutuos de Empleados/Empleadores para aprendizaje o para entrenamiento, están cubiertos por esta ley.

ACOSO SEXUAL: El acoso sexual contra los empleados, sean hombres o mujeres es ilegal. Acoso sexual puede ser: avances sexuales desagradables, solicitar favores sexuales, u otra clase de conducta física o verbal de tipo sexual. Si el acoso es hecho por un supervisor, su empleador puede ser responsable aunque usted no se haya quejado. Si el acoso lo hace un/a compañero/a de trabajo o alguien que no sea un empleado, el empleador será responsable si usted se ha quejado ante él al respecto y el empleador no ha hecho nada para detener o corregir el acoso sexual.

DISCAPACIDAD: La ley Estatal prohíbe que las compañías discriminen a cualquier empleado por razón de discapacidad; la ley también exige el empleo y el ascenso de individuos calificados que tengan discapacidades quienes, con o sin arreglos razonables, puedan desempeñar las funciones esenciales de un trabajo. Esta ley se aplica a cualquier compañía que tenga 15 o más empleados.

EMBARAZO: La Ley de Delaware requiere que los empleadores de proporcionar ajustes razonable para los empleados cuya capacidad para trabajar se ve limitada por el embarazo, el parto, la lactancia y las enfermedades relacionadas. Además, la ley de Delaware prohíbe a los empleadores negar los solicitantes de empleo embarazada funciones los empleados de trabajo o que require un empleado embarazadas a tomar con o sine paga cuando un ajuste razonable seria permitir que el empleado para seguir trabajando. Un empleador no esta obligado a proporcionar una empleada embarazada con un alojamiento de lugar de trabajo si la modificacion solicitada una dificultad excesiva.

CUALQUIER PERSONA: Que crea haber sido discriminada, debe comunicarse con el Departamento de Trabajo (*Department of Labor*), Oficina de Aplicación y Cumplimiento de Leyes Laborales (*Office of Labor Law Enforcement*) a través de cualquiera de los números telefónicos que aparecen en este cartel. Haga una lista de los hechos ocurridos. Busque tes

por correo (cuando el empleado así lo haya solicitado).

- Los salarios se pueden depositar en una cuenta bancaria que haya sido designada por el empleado (cuando el empleado lo haya solicitado por escrito).
- Los salarios se pueden pagar en efectivo o con cheque (después que el empleador haya hecho los arreglos necesarios con un banco para cambiar los cheques en ese banco, o en otro sitio de negocios que sea conveniente al sitio de trabajo).
- Cuando un empleado deja el trabajo, es despedido, suspendido o suspendido temporalmente, el salario ganado se pagará en la fecha próxima de pago, del modo usual, o por correo (se así lo ha solicitado el empleado), como si su empleo no hubiera sido suspendido o terminado.

DEDUCCIONES ILEGALES:

Se les prohíbe a los empleadores que omitan o descuenten salarios por:

1. Falta de dinero en efectivo o por escasez de inventario;
2. Dinero por adelantado por costos de productos o servicios (a menos que exista un arreglo por escrito donde se especifique la cantidad que se debe y el plan de pago).
3. Daño a la propiedad.
4. No devolver la propiedad del empleador.

COMPENSACIÓN DE TRABAJADORES QUE HACER EN CASO DE UNA LESIÓN

Todos los Empleadores deben:

1. Brindar todo el tratamiento médico, quirúrgico y de hospital de desde la fecha del accidente.
2. Mantener todos los documentos referentes a todos los accidentes que hayan sufrido los empleados, y emitir un reporte por escrito, a la Oficina de Compensación de Trabajadores dentro de 10 días a partir de la fecha que el accidente haya ocurrido.
3. Calcular el promedio del salario que recibe el empleado y proveer compensación de acuerdo con las condiciones de la ley, por una discapacidad que *dure más de tres días* después del accidente. Todos los acuerdos en cuanto a la compensación tienen que ser sometidos a la Oficina de Compensación de Trabajadores para ser aprobados.

El Empleado debe:

1. Inmediatamente avisar por escrito al empleador sobre la lesión accidental, o enfermedad laboral y solicitar servicios médicos. El no avisar o no aceptar servicios médicos puede dejar al empleado sin derecho a compensación.
2. Avisar directamente lo más pronto posible al patrón, o a través de un supervisor, sobre cualquier demanda de compensación por el período de discapacidad, que dure más de tres días después del accidente. En caso de lesiones que causen la

tigos. **La Demanda de Discriminación tiene que presentarse dentro de 300 días, a partir de la fecha que, supuestamente ocurrió el incidente ilegal del trabajo.**

DESCANSOS

Todos los empleados tienen que recibir un descanso para consumir alimentos, de por lo menos 30 minutos consecutivos si el empleado debe trabajar 7.5 horas o más por día.

Los descansos para consumir alimentos tienen que darse entre: después de las primeras dos (2) horas de trabajo y antes de las dos (2) últimas horas de trabajo.

Esta regla no se aplica cuando:

- El individuo es un empleado profesional certificado por la Junta estatal de Educación y la junta escolar local lo emplea para trabajar directamente con los niños.
- Hay un acuerdo de trato colectivo u otro acuerdo por escrito entre empleador y empleado, el cual contradice la norma.

Se han creado reglas que tienen excepciones cuando:

- El cumplir con las reglas afectara negativamente la seguridad pública.
- Solamente un (1) empleado puede cumplir con las obligaciones de una posición.
- La compañía tiene menos de cinco (5) empleados en un turno, en un sitio. (la excepción solo se aplicaría durante ese turno).
- El tipo de la operación continua de una compañía, por ejemplo, producción de productos químicos o experimentos de investigación, requiere que los empleados respondan a condiciones urgentes o excepcionales en cualquier momento, y los empleados serán compensados por sus descansos para consumir sus alimentos.

Cuando se permiten las excepciones, a los empleados se les tiene que permitir consumir sus alimentos en el sitio donde trabajan, o en otro lugar autorizado, y también poder usar los baños cuando sea razonablemente necesario.

TRABAJO JUVENIL

Reglas Generales:

- La edad mínima de empleo es 14 años de edad.
- Se requieren Permisos de Trabajo para los empleados menores de 18 años.
- Los patrones tienen la obligación de mantener en sus archivos los Permisos de Trabajo de todos los empleados que sean menores de edad.
- Cuando un menor de edad tiene un patrón nuevo, necesita un nuevo Permiso de Trabajo.

Reglas Específicas para Individuos de 14 y 15 años de Edad:

LOS MENORES DE 14 - 15 AÑOS DE EDAD NO PUEDEN TRABAJAR:

- Antes de las 7:00 a.m. o después de las 7:00 p.m. -excepto desde Junio 1 hasta el Día de Trabajo (Labor Day) cuando la hora de la noche se extiende hasta las 9:00 p.m.;
- Más de 4 horas al día durante los días de clases;

muerte al trabajador, el aviso tiene que ser suministrado por uno o más dependientes del difunto o por un representante de estos dependientes.

3. En caso de no poder llegar a un acuerdo con el empleador en cuanto a la compensación según la ley, presentar una solicitud ante la Junta de Accidentes Industriales (*Industrial Accident Board*) para obtener una audiencia sobre el asunto, antes de dos años a partir de la fecha de la lesión accidental, o antes de un año de haberse enterado de la diagnosis de la enfermedad laboral o de una lesión de radiación ionizada. Todos los formularios necesarios están disponibles en la Oficina de Compensación de Trabajadores.

SALARIO MÍNIMO

TARIFA DE SALARIO MÍNIMO:

07-24-09 -- \$7.25 por hora

Effectiva:06-01-14 -- \$7.75 por hora

Effectiva:06-01-15 -- \$8.25 por hora

PARA LOS EMPLEADOS QUE RECIBEN PROPINAS:

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

El empleador tiene que poder comprobar que el empleado recibió el saldo de la tarifa del *salario mínimo completo*, en propinas.

Nota: En Delaware, la tarifa del salario mínimo en efectivo para los empleados que reciben propinas, es mayor que el salario en efectivo que requiere la ley federal. Los empleadores en Delaware tienen que pagar la tarifa del Estado, que es más alta.

El empleador no puede apropiarse de, o retener las propinas, a menos que la ley lo requiera. Se permite combinar las propinas (bajo ciertas condiciones) en una cantidad que no sea más de 15% de las propinas reales que haya recibido el empleado.

EXCEPCIONES AL SALARIO MÍNIMO:

- Empleados en agricultura.
- Empleados de servicio doméstico en, o alrededor de casas particulares.
- Empleados del Gobierno de Estados Unidos.
- Vendedores ambulantes que reciban comisiones.
- Ejecutivos, administradores y profesionales legítimos.
- Empleados involucrados en la pesca o en procesar pescado en el mar.
- Trabajadores voluntarios (para organizaciones educativas, religiosas o sin ánimo de lucro).
- Consejeros en campos juveniles contratados por programas de campos de verano sin ánimo de lucro.

REQUISITOS PARA EL MANTENIMIENTO DE ARCHIVOS:

Los empleadores tienen que mantener los archivos (incluyendo la tarifa de pago), horas trabajadas y/ la cantidad pagada a cada empleado, por un período de tres [3] años).

- Más de 8 horas al día durante los días que no hay clases;
- Más de 18 horas durante cualquier semana cuando la escuela esté en sesión por 5 días;
- Más de 6 días durante cualquier semana;
- Más de 40 horas por semana; y
- Más de 5 horas continuas, sin tener un periodo libre de por lo menos 30 minutos consecutivos.

Reglas Específicas para Individuos de 16 y 17 años de Edad:

- No pueden trabajar más de 12 horas en una combinación de horas de clases y horas de trabajo por día;
- Deben tener un mínimo de 8 horas consecutivas sin trabajo y sin clases durante cada periodo de 24 horas;
- No pueden trabajar más de 5 horas consecutivas sin un periodo de descanso de por lo menos 30 minutos consecutivos.

Para obtener una lista de las *ocupaciones prohibidas*, comuníquese con: Departamento de Trabajo de Delaware, Oficina de Aplicación y Cumplimiento de Leyes Laborales, a la dirección que se encuentra aquí.

Este cartel suministra solamente información general acerca de los reglamentos de la Ley de Trabajo Juvenil de Delaware. Los requisitos de la ley estatal no afectan la obligación que el patrón tiene la de cumplir con los reglamentos de la ley federal.

Es ilegal tomar represalias contra un empleado porque el (ella) haya presentado una demanda o haya dado información al Departamento de Trabajo sobre posibles infracciones de las leyes laborales.

Infracciones de las Leyes Laborales de Delaware podrían resultar en multas hasta de \$10,000 por cada infracción.

POR LEY LOS EMPLEADORES ESTÁN REQUERIDOS A EXPONER ESTE CARTEL OFICIAL EN UN LUGAR ACCESIBLE A LOS EMPLEADOS Y POR DONDE ESTOS TRANSITEN CON FRECUENCIA.

NO SMOKING



Delaware Clean Indoor Act - 16 DelawareCode Chapter29

WARNING:

SMOKING

PERMITTED

Delaware Clean Indoor Act - 16 DelawareCode Chapter29

Delaware Whistleblowers' Protection Act

§ 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.

§ 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:

- (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.

§ 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.

§ 1705. Collective bargaining

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

§ 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.

§ 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.

§ 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.