

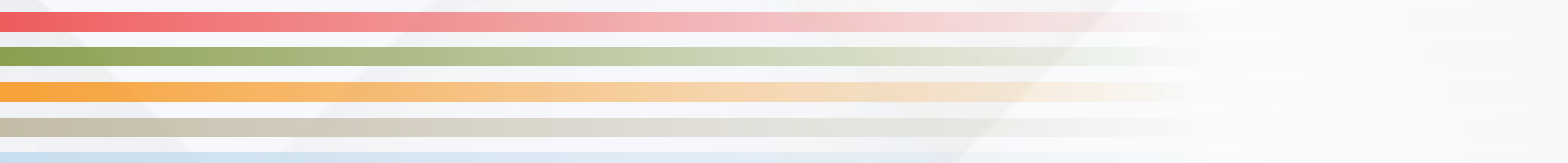


**WAGE & HOUR
ENFORCEMENT**

**Office of Wage & Hour Enforcement,
Delaware Department of Labor**

Employer's Guide to Compliance & Workforce Protections 2026

**Promoting Fair Labor - Supporting Employers
Strengthening Delaware's Workforce**



ABOUT THE OFFICE OF WAGE & HOUR ENFORCEMENT

The Office of Wage & Hour Enforcement partners with Delaware employers to support compliance, reduce risk, and ensure fair labor standards statewide.

We enforce laws including but not limited to:

- **Minimum Wage Act** – Sets Delaware's minimum wage and regulates tipped employees.
- **Wage Payment & Collection Act** – Ensures employees are paid accurately and on time.
- **Worker Classification & Wage Theft Statutes** – Prevents misclassification and protects against underpayment.
- **Statement of Hire** – Requires timely reporting of all new hires to the state.
- **Recordkeeping** – Mandates employers maintain accurate payroll, time, and personnel records.
- **Meal Break Requirements** – Protects workers' rights to uninterrupted meal periods.
- **Child Labor Law** – Governs the employment of minors to ensure safety and educational balance.
- **Clean Indoor Air Act** – Ensures smoke-free workplaces.
- **Salary Transparency Law (Effective 2027)** – Requires pay ranges on job postings and transparency in hiring.

Our goal is to educate employers, prevent violations, and protect Delaware's workforce.

KEY RESPONSIBILITIES

1. Minimum Wage Act

- Employers must pay no less than **\$15.00/hour (2025)** for all non-exempt employees.
- Tipped employees must receive at least **\$2.23/hour cash wage** plus tips equaling minimum wage.
- Tip pooling is allowed but may not exceed 15% of gross tips distributed by employees.
- Tips cannot be retained by management or used for business expenses.

2. Wage Payment & Collection Act

Employers must:

- Pay wages on a regular, established payday.
- Provide itemized pay statements showing hours, rates, and deductions.
- Avoid unlawful deductions and notify employees of pay terms in writing.
- Provide final pay on or before the next scheduled payday following separation.

Violations can result in double damages and administrative civil penalties.

3. Worker Classification & Wage Theft Statutes

Employers must correctly classify workers as employees or independent contractors.

Indicators of Employment: control, supervision, scheduling, tools provided, or integration into operations.

Independent Contractors must:

- Operate under a business name,
- Have valid licensure and insurance
- Control their own work, and
- Bear financial risk.

Misclassification may result in liability for unpaid wages, unemployment insurance, and workers' compensation.

4. Statement of Hire

Employers must maintain accurate employment records for each worker. Records should include:

- Employee name, address, and occupation
- Rate of pay and amount paid each pay period
- Hours worked each day and each week

These records must be made available to the Department upon request. Proper documentation ensures compliance, transparency, and efficient resolution of wage inquiries.

5. Recordkeeping

Employers are required to maintain all employment related records for at least **3 years**:

- Payroll and time records,
- Work permits for minors,
- Job postings and pay range documentation (Salary Transparency Law).

6. Meal Break Requirements

For shifts of **7.5 hours or more**, employees must receive:

- One **30-minute, uninterrupted, off-duty meal break**,
- Scheduled after the first 2 hours and before the last 2 hours of the shift.

7. Child Labor Law

Before employing a minor:

- A valid work permit must be obtained.
- Hours and duties must comply with restrictions.
- Work must not interfere with schooling.

Violations may result in fines and suspension of work privileges.

WORKPLACE SAFETY & ADDITIONAL REQUIREMENTS

8. Clean Indoor Air Act

Employers must:

- Maintain smoke-free indoor worksites,
- Post “No Smoking” signage,
- Refrain from retaliating against workers who report violations.
- Applicable to all enclosed workplaces.

9. Salary Transparency Law (Effective 2027)

Employers must include pay ranges in:

- Job postings,
- Promotion opportunities,
- Applicant wage range requests.

REQUIRED WORKPLACE POSTINGS:

- Minimum Wage Poster
- Child Labor Poster
- Wage Payment Notice
- Clean Indoor Air Signage
- Salary Transparency Poster
- “Signs of Hope” (where applicable)
- Federal posters (FLSA, EEOC, OSHA, etc.)

SUPPORT & CONTACT INFORMATION

How Wage & Hour Supports Employers

- Compliance assistance, templates, checklists, posters
- Training & education (virtual or in-person)
- Early intervention

When Contacted by the Department

Employers may be asked to provide:


- Payroll, schedules, or policy records
- Clarifications about minors or wage practices
- Timely responses


No Retaliation Reminder

- It is unlawful to retaliate against employees for:
- Asking about rights,
- Filing or assisting with a complaint,
- Requesting payroll records or wage clarification.



DIVISION OF INDUSTRIAL AFFAIRS

 (302) 761-8200, Option 3

 Fax: (302) 736-9196

 wages@delaware.gov

 labor.delaware.gov

 **Office Locations**

Wilmington – 4425 N. Market St., 3rd Fl.

Newark – 252 Chapman Rd., 2nd Fl.

Dover (HQ) – 655 S. Bay Rd., Suite 2H

Georgetown – 8 Georgetown Plaza, Suite 2

(By Appointment)

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