



DELAWARE

EMPLOYMENT LAW LETTER

Part of your Delaware Employment Law Service

William W. Bowser, Editor; Scott A. Holt and Adria B. Martinelli,
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Young, Conaway, Stargatt & Taylor, LLP

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LEGISLATIVE UPDATE

Dealing with Dover

by Lauren E.M. Russell

This has been an active year for employment legislation in the Delaware General Assembly, which has proposed a spate of laws. Some of the bills would be beneficial, while others would be problematic. Earlier this year, we addressed the proposed ban-the-box law, which would affect employers that bid on public contracts. (See "Don't box me in! Delaware lawmakers consider ban-the-box legislation" on pg. 1 of our March newsletter.) Below are a couple of additional bills to keep your eye on.

Protection for disabled employees

The General Assembly has proposed a very simple change to the Delaware Persons with Disabilities Employment Protections Act's definition of "employer." Specifically, the legislature has proposed decreasing the coverage threshold from 15 employees (the same as the Americans with Disabilities Act (ADA)) to four employees (the same as the Delaware Discrimination in Employment Act (DDEA)).

Expanding statutory coverage is always worrisome for employers. However, the proposed change would provide consistency, which could benefit employers' decision-making processes. If you employ four to 14 employees, this bill is something to watch.

Minimum wage changes . . . again

In March, we noted that Delaware will increase its minimum wage in two waves, resulting in a minimum wage of \$8.25 on July 1, 2015. (See "Delaware minimum wage increasing" on pg. 1.) Since the legislation was signed by Governor Jack Markell, the General Assembly has drafted another bill that would raise the minimum wage to a whopping \$10.10

per hour. If passed, the bill would add a third hike to the other increases, causing the minimum wage to jump from \$8.25 to \$10.10 on June 1, 2016.

The proposed increase would put Delaware's minimum wage far above the current federal rate and nearly in line with the minimum wage of San Francisco, California, which has the highest minimum wage in the country (\$10.74 per hour as of January 1, 2014). The hike would mirror legislation that President Barack Obama has proposed, but an increase in the federal minimum wage faces stiff opposition from Republicans in Congress. With that in mind, it is unclear whether the Delaware bill has any chance of passing the General Assembly, but it is certainly an issue that employers should monitor.

Bottom line

Keep in mind that these bills are only *proposals*. If you believe your organization would be adversely affected, reach out to the General Assembly or bring the issue to the attention of an advocacy group to which you belong.

The author can be reached at lrussell@ycst.com.

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