



SPONSOR: Sen. Marshall & Sen. Walsh
Reps. Brady, Mulrooney

DELAWARE STATE SENATE
149th GENERAL ASSEMBLY

SENATE BILL NO. 254

AN ACT TO AMEND TITLE 19 OF THE DELAWARE CODE RELATING TO WORKPLACE FRAUD.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

1 Section 1. Amend § 3505, Title 19 of the Delaware code by making deletions as shown by strike through and
2 insertions as shown by underline as follows:

3 § 3505 Penalties.

4 (a) Any employer who violates or fails to comply with § 3503 of this title or any regulation published thereunder
5 shall be deemed in violation of § 3503 of this title, and shall be subject to a civil penalty of not less than ~~\$1,000~~\$5,000, and
6 not more than ~~\$5,000~~\$20,000, for each such violation. Each employee who is not properly classified in violation of § 3503
7 of this title shall be considered a separate violation for purposes of this section.

8 (c) An employer who discharges or in any manner discriminates against a person because that person has made a
9 complaint or has given information to the Department pursuant to the provisions of this chapter, or because the person has
10 caused to be instituted or is about to cause to be instituted any proceedings under this chapter, or has testified or is about to
11 testify in any such proceedings, shall be subject to a civil penalty of not less than ~~\$5,000~~\$20,000, and not more than
12 ~~\$10,000~~\$50,000, for each such violation.

13 Section 2. Amend § 3513, Title 19 of the Delaware Code by making deletions as shown by strike through and
14 insertions as shown by underline as follows:

15 § 3513 Distribution of proceeds from civil penalties obtained pursuant to this chapter.

16 All civil penalties and other revenue collected pursuant to this chapter shall be ~~paid to the General Fund of the~~
17 ~~State~~retained by the Department of Labor for enforcement purposes.

SYNOPSIS

This bill raises the civil penalty for a violation of section 3503 of the Workplace Fraud Act ("Act") from a range of \$1,000 to \$5,000 to \$5,000 to \$20,000. The bill also raises the civil penalty for wrongful discharge or discrimination under the Act from a range of \$5,000 to \$10,000 to \$20,000 to \$50,000. Finally, this bill provides that civil penalties and other revenue collected will be retained by the Department of Labor for enforcement purposes.

Author: Senator Marshall