

CHAPTER 181
FORMERLY
HOUSE BILL NO. 22
AS AMENDED BY
HOUSE AMENDMENT NOS. 1 & 2

AN ACT TO AMEND TITLE 19 OF THE DELAWARE CODE RELATING TO DISCRIMINATION IN EMPLOYMENT.

WHEREAS, volunteer firefighters and ambulance crews provide critical, life sustaining services, while placing themselves in peril; and

WHEREAS, volunteer firefighters and ambulance crews should not experience adverse employment actions related to hiring or retention based on their volunteer service; and

WHEREAS, the state's volunteer fire and ambulance companies already find recruiting qualified personnel difficult, and the state should undertake every effort to remove such difficulties.

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

Section 1. Amend Title 19 of the Delaware Code by inserting a new §720 as shown by underlining as follows:

§720. Volunteer Firefighters, Ambulance Personnel and Ladies Auxiliary.

It shall be an unlawful employment practice for an employer to discriminate in the hiring or discharging of an individual because of such individual's membership in a volunteer emergency responder organizer. This section shall not prevent an employer from taking otherwise lawful actions regarding hiring, discharging or requiring attendance of such individual. For purposes of this section "volunteer emergency responder" means a volunteer firefighter, a member of a ladies auxiliary of a volunteer fire company, volunteer emergency medical technician and/or a volunteer fire police officer.

Section 2. Amend §712 (a), Title 19 of the Delaware Code by making insertions as shown by underlining as follows:

(a) The Department of Labor is empowered, as hereinafter provided, to prevent any person from engaging in any unlawful employment practice as set forth in §§ 711, 720, 723 and 724 of this title. In connection with the performance of its duties, the Department may:

(1) Investigate employment practices by permitting the Department to enter any place of employment at reasonable times; inspect and copy records or documents in the possession of the employer, the employment agency or labor organization; administer oaths, certify to official acts, take and cause to be taken depositions of witnesses; issue subpoenas compelling the attendance and testimony of witnesses and the production of papers, books, accounts, payrolls, documents, and records;

(2) Make, revise or rescind such rules or regulations necessary or appropriate to administer or enforce this chapter in accordance with the provisions of § 10161(b) of Title 29;

(3) Commence civil actions in Superior Court for violations of this chapter, any published regulations or for civil penalties provided herein.

Approved September 06, 2013