

LAWS OF DELAWARE
VOLUME 83
CHAPTER 444
151st GENERAL ASSEMBLY
FORMERLY
SENATE SUBSTITUTE NO. 1
FOR
SENATE BILL NO. 208

AN ACT TO AMEND TITLE 19 OF THE DELAWARE CODE RELATING TO AN EMPLOYER'S FAILURE TO PAY WAGES.

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

Section 1. Amend § 1103, Title 19 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1103. Employees separated from the payroll before regular ~~paydays~~; payday; damages for failure to pay wages.

(a)(1) Whenever an employee quits, resigns, is discharged, ~~suspended~~ suspended, or laid off, the wages earned by the employee shall become due and payable by the employer on the ~~next regularly scheduled payday(s) either through the~~ later of the following:

a. The next date the wages would be paid through the last day worked under the employer's regular pay cycle as if the employment had not stopped.

b. Three business days after the last day worked.

(2) The employer must make the payment due under paragraph (a)(1) of this section using either of the following methods:

a. The usual pay channels or by mail, if requested by the employee, as if the employment had not been suspended or terminated.

b. If requested by the employee, by mail to the address provided in the employee's request or if no address is provided, the most recent address provided to the employer.

(b)(1) Wages paid under subsection (a) of this section must be paid in compliance with the requirements under §§ 1104 and 1107 of this title.

(2) If an employer, without any reasonable grounds for ~~dispute~~, dispute under § 1104 or § 1107 of this title, fails to pay an employee ~~wages~~; wages as required under this chapter, the employer shall, ~~in addition, be~~ is also liable to the employee for liquidated damages in the amount of ~~10~~ the lower of the following:

a. Ten percent of the unpaid wages for each day, except Sunday and legal holidays, upon which ~~such~~ the failure continues after the day upon which payment is ~~required or in an~~ required.

b. An amount equal to the unpaid wages, whichever is smaller, except that, for the purpose of such liquidated damages, ~~such~~ wages.

(3) For purposes of liquidated damages under paragraph (b)(2) of this section, the failure to pay shall ~~is not be~~ deemed to continue after the date of the filing of a petition of bankruptcy with respect to the employer if the employer is adjudicated ~~bankrupt thereupon~~. bankrupt.

(c) An employer who is unable to prepare the payroll due to a labor dispute, power failure, ~~blizzard~~ blizzard, or like weather catastrophe, epidemic, ~~fire~~ fire, or explosion shall ~~not be deemed to have violated~~ is not in violation of this chapter.

Approved October 7, 2022