

LAWS OF DELAWARE
VOLUME 84
CHAPTER 89
152nd GENERAL ASSEMBLY
FORMERLY
SENATE BILL NO. 161

AN ACT TO AMEND TITLE 29, CHAPTER 90D OF THE DELAWARE CODE RELATING TO THE DEPARTMENT OF HUMAN RESOURCES.

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

Section 1. Amend Chapter 90D, Title 29 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 9003D. General powers and duties.

(3) To appoint and fix the salary, with the written approval of the Governor, of the following administrators, who may be removed from office by the Secretary with the written approval of the Governor and who shall have such powers, duties and functions in the administration and operation of the Department as may be assigned by the Secretary and shall be qualified by training and experience to perform the duties of the office:

- a. A Deputy Secretary position in the Department.
- b. A Director of ~~Personnel~~ Talent Management.
- c. A Chief Diversity Officer.
- d. A Director of Employee and Labor Relations ~~and Employment Practices~~.
- e. A Director of Statewide Benefits and Insurance Coverage.
- f. ~~The~~ A Director of the Office of Women's Advancement and Advocacy.
- g. A Director of Classification/Compensation and Talent Acquisition.
- h. A Director of Training and Human Resource Solutions.

§ 9004D. Exemptions.

The following positions set forth in this section shall be exempt from Chapter 59 of this title:

- (1) Secretary of the Department of Human Resources.
- (2) Deputy Secretary.
- (3) Director of ~~Personnel~~ Talent Management.
- (4) Chief Diversity Officer.
- (5) A Director of Employee and Labor Relations ~~and Employment Practices~~.
- (6) A Director of Statewide Benefits and Insurance Coverage.
- (7) Director of the Office of Women's Advancement and Advocacy.
- (8) Director of Classification/Compensation and Talent Acquisition.
- (9) Director of Training and Human Resource Solutions.

§ 9005D. Division of ~~Personnel~~ Talent Management.

(a) The Division of ~~Personnel~~ Talent Management of the Department of Human Resources is hereby established, having the powers, duties and functions as follows. Consistent with the right of public employees to organize under Chapter 13 of Title 19, the Director of ~~Personnel~~ Talent Management shall have the following responsibilities:

(1) ~~Attend meetings of the Merit Employee Relations Board, act as liaison between the Board and the Department of Human Resources, and cooperate with the staff of the Board in administrative and technical activities; activities.~~

~~(2) Establish and maintain a roster of all employees in the classified service as defined in § 5903 of this title, setting forth pertinent data as to each employee, including the class, title of the position held, salary or pay, and any change in class title, pay or status;~~

~~(2) To assume the central leadership role for the Executive Branch over matters relating to development and maintenance of statewide Department of Human Resources policies and procedures.~~

~~(3) Designate an employee to act as the staff development officer for the Department of Human Resources, funded through appropriated special funds, who will support statewide training programs for state managers, supervisors and employees. Statewide training programs will be supported with funds generated from the assessment of charges for courses on agencies participating in certain classes held by the Department of Human Resources. The Department of Human Resources may set charges for courses to sustain or create training programs with the funds placed in an appropriated special fund account;~~

~~(4) (3) Encourage the development of more effective personnel administration within the departments and agencies in the state service and make available for this purpose the assistance and facilities of the Merit Employee Relations Board; Board.~~

~~(5) (4) Investigate from time to time the operation and effect of Chapter 59 of this title, and of the rules made thereunder and to report findings and recommendations to the Merit Employee Relations Board; and Board.~~

~~(6) (5) Perform any other lawful acts necessary or desirable to carry out the provisions of Chapter 59 of this title and the rules adopted thereunder.~~

(b) The Director of ~~Personnel~~ Talent Management shall assume such other powers, duties and functions as the Secretary of the Department of Human Resources may assign that are not otherwise inconsistent with the laws of this State.

§ 9006D. Division of Diversity, Equity and Inclusion.

(a) The Division of Diversity, Equity and Inclusion of the Department of Human Resources is hereby established having powers, duties and functions as follows:

(1) The Division shall assume all responsibilities and oversight previously assigned to the Governor's Council on Equal Employment Opportunity.

(2) The Chief Diversity Officer shall have the following responsibilities:

a. Guide efforts to define, assess, and cultivate access, ~~equity, diversity, and inclusion~~ diversity, equity, and inclusion throughout state government.

§ 9007D. Division of Employee and Labor Relations ~~and Employment Practices~~.

(a) The Division of Employee and Labor Relations ~~and Employment Practices~~ of the Department of Human Resources is hereby established having powers, duties and functions as follows. The Director of the Division of Employee and Labor Relations ~~and Employment Practices~~ shall have the following responsibilities:

(1) To establish management practices that address workplace fairness and stability in accordance with Merit law and Merit Rules.

(2) To assume the central leadership role for the Executive Branch over all matters relating to collective bargaining, and any other personnel and labor relations matters affecting the Executive Branch and its departments and agencies, including negotiations with employee organizations, labor arbitration, Public Employment Relations Board, Department of Labor, Equal Employment Opportunity Commission and other administrative proceedings.

(3) To assume responsibility for any other agreement or arrangements made involving employee organizations that represent employees subject to executive branch authority.

(b) The Director of Employee and Labor Relations ~~and Employment Practices~~ shall assume such other powers, duties and functions as the Secretary of the Department of Human Resources may assign that are not otherwise inconsistent with the laws of this State.

§ 9008D. Division of Statewide Benefits and Insurance Coverage.

(a) The Division of Statewide Benefits and Insurance Coverage of the Department of Human Resources is hereby established having powers, duties and functions as ~~follows~~: follows:

(1) With the exception of deferred compensation pursuant to Chapter 60A of this title and any other investment or retirement savings plan, the Director of Statewide Benefits and Insurance Coverage shall be responsible for the management and administration of all currently existing and future state employee benefits programs, including but not limited to group health, group life, flexible benefits, dental, vision, prescription, long-term care, disability, supplemental benefits and the Blood Bank. and supplemental benefits.

(2) Pursuant to Chapter 6508 of Title 18.

(b) The Director of Statewide Benefits and Insurance Coverage shall assume such other powers, duties and functions as the Secretary of the Department of Human Resources may assign that are not otherwise inconsistent with the laws of this State.

§ 9009D. Office of Women's Advancement and Advocacy.

(c) The Office of Women's Advancement and Advocacy may collaborate with the Division of Diversity, Equity and Inclusion or any other state agency for assistance, information or data that may be necessary to fulfill its responsibilities in subsection (b).

(d) *The Commission for Women.*

(3) The Commission for Women shall consist of ~~9~~ 18 members who shall be appointed as follows:

a. ~~Two~~ Four members appointed by the Speaker of the House of Representatives and shall serve at the pleasure of the Speaker.

b. ~~Two~~ Four members appointed by the President Pro Tempore of the Senate and shall serve at the pleasure of the President Pro Tempore.

c. ~~Five~~ Ten members appointed by the Governor representing all 3 counties and the City of Wilmington. Of the Governor's appointees, no more than ~~3~~ 6 members shall be members of any 1 political party.

(5) The Chairperson of the Commission for Women shall be appointed by the Governor from among the ~~9~~ 18 members, and shall serve at the pleasure of the Governor. The Commission for Women may elect such officers as it deems necessary.

~~(e) The Office of Women's Advancement and Advocacy shall oversee the Delaware Women's Workforce Council and the Delaware Women's Hall of Fame Committee.~~

~~(f)~~ (e) *Delaware Women's Hall of Fame Committee.* — ~~This committee shall~~ The Office of Women's Advancement and Advocacy shall oversee this committee, which shall be responsible for fostering an understanding of and an appreciation for the many contributions of the women of Delaware to their home, community, State and nation and annually recognize and acknowledge the achievements of remarkable Delaware women through the Delaware Women's Hall of Fame.

(1) The Delaware Women's Hall of Fame Committee shall be comprised of ~~7~~ 11 members who shall be appointed as follows:

a. ~~One~~ Two ~~member~~ members appointed by the Speaker of the House of Representatives and shall serve at the pleasure of the Speaker.

b. ~~One~~ Two ~~member~~ members appointed by the President Pro Tempore of the Senate and shall serve at the pleasure of the President Pro Tempore.

c. ~~Five~~ Seven members appointed by the Governor representing all 3 counties and the City of Wilmington. Of the Governor's appointees, no more than 5 members shall be members of any 1 political party.

(2) The Chairperson of the Delaware Women's Hall of Fame Committee shall be appointed by the Governor from among the ~~7~~ 11 members, and shall serve at the pleasure of the Governor. The Delaware Women's Hall of Fame Committee may elect such officers as it deems necessary.

~~(g) Delaware Women's Workforce Council.~~ — ~~The Delaware Women's Workforce Council will work to achieve gender equality in every workplace in the First State by eliminating the gender-based wage gap, removing the visible and invisible barriers to women's advancement, and ensuring that every person, regardless of gender, has an equal opportunity for advancement in the workplace.~~

~~(1) The Delaware Women's Workforce Council (Council) shall be comprised of 11 voting members as follows:~~

~~a. Two members appointed by the Speaker of the House of Representatives and shall serve at the pleasure of the Speaker~~

~~b. Two members appointed by the President Pro Tempore of the Senate and shall serve at the pleasure of the President Pro Tempore.~~

~~c. Seven members appointed by the Governor representing all 3 counties and the City of Wilmington. Of the Governor's appointees, no more than 4 members shall be members of any 1 political party.~~

~~d. The Secretary of the Department of Human Resources shall appoint 1 member from the Department to serve as an ex-officio nonvoting member for the purpose of collecting and sharing information possessed by the Department of Human Resources and Department of Labor.~~

~~(2) The members appointed to the Council shall have diverse backgrounds and experiences directly related to issues women face in the workplace, including those who have owned or operated successful businesses in the private sector, and those serving in the public sector.~~

~~(3) The Chairperson of the Council shall be appointed by the Governor from among the 11 members, and shall serve at the pleasure of the Governor. The Council may elect such officers as it deems necessary.~~

~~(4) Members of the Council appointed by the Governor shall serve for a term of 3 years. All members are eligible for reappointment. If any member fails to attend 4 successive meetings of the Council, that member's position may be deemed vacant and the appointing authority shall appoint a replacement.~~

~~(5) Members of the Council shall serve without compensation, except that they may be reimbursed for reasonable and necessary expenses incident to their duties as members of the Council in accordance with state law.~~

~~(6) The Council shall conduct a study of gender-based inequities in workplaces in Delaware. The study should identify the root causes that result in gender-based wage disparities as well as the obstacles that working women face that negatively impact on women's advancement.~~

~~a. The Council should first examine these issues as to state employees and may obtain necessary data through the Office of Management and Budget and the Department of Human Resources.~~

~~b. The Council shall collect data from private sector businesses throughout the State that may be required to complete this study.~~

~~(7) The Council shall recommend policies and make recommendations to agencies to remove gender-based inequities in the workplace. To accomplish this task, the Council may conduct research projects and focus groups, and hold public hearings, forums and discussion groups as it deems necessary. Such policies and recommendations should address how gender-based issues intersect with other factors~~

~~including race, educational achievement, religion, socioeconomic status, caregiver responsibilities, and part-time employment.~~

~~(8) The Council shall develop and publish best practices for employers to achieve gender equality.~~

~~(9) The Council may request private employers to pledge to work to eliminate gender-based inequities.~~

~~(10) The Council may create and implement a memorandum of understanding between the Council and private employers requiring that private employers provide data and information annually to the Council to be kept confidentially. The purpose is to:~~

~~a. Assist private employers in understanding a woman's individual challenges in the workplace;~~

~~b. Evaluate the implementation of the Council's recommendations and best practices to eradicate gender-based inequities in the workplace; and~~

~~c. Quantify the success rates on the elimination of gender disparities in the workplace.~~

~~d. The Council shall meet by January 16, 2018.~~

§ 9010D. Division of Classification/Compensation and Talent Acquisition.

(a) The Division of Classification/Compensation and Talent Acquisition of the Department of Human Resources is hereby established having powers, duties and functions as follows:

(1) Responsible for the management and administration of classification and compensation programs and processes for merit and merit comparable employees.

a. Establish and maintain a roster of all employees in the classified service as defined in §5903 of this title, setting forth pertinent data as to each employee, including the class, title of the position held, salary or pay, and any change in class title, pay or status.

(2) Administers the State's recruitment system for all branches of government.

(3) Responsible for the management and administration of recruitment programs and processes for sourcing, recruiting and hiring diverse talent in the Executive Branch.

(b) The Director of Classification/Compensation and Talent Acquisition shall assume such other powers, duties and functions as the Secretary of the Department of Human Resources may assign that are not otherwise inconsistent with the laws of this State.

§ 9011D. Division of Training and Human Resource Solutions.

(a) The Division of Training and Human Resource Solutions of the Department of Human Resources is hereby established having powers, duties and functions as follows:

(1) To assume the central leadership role for the Executive Branch over matters relating to employee training common across agencies, including leadership training, and designate staff to administer training programs for state managers, supervisors and employees.

(2) Statewide training programs may be supported with funds generated from fees for agencies participating in programs provided by the Department of Human Resources. The Department of Human

Resources may set charges to sustain or create training programs with the funds placed in an appropriated special fund account.

(3) The Division shall administer special training funds and associated programs for the benefit of state employees including the Blue Collar funds pursuant to 19 Del. C. § 3902 (2). b. to fund career training for state employees, and 29 Del. C. Chapter 60B, First State Quality Improvement Fund,

(4) Establish and maintain Statewide Recognition programs pursuant to 29 Del. C. Chapter 59.

(5) Administer the Delaware Learning Center (DLC), the State's enterprise learning management system, and the DLC Support Portal across Executive, Legislative, and Judicial Branches.

(6) Leads DHR technology and special projects at the discretion of the Secretary of the Department of Human Resources in support of the centralized service delivery human resource services to the Executive Branch agencies.

(b) The Director of Training and Human Resource Solutions shall assume such other powers, duties and functions as the Secretary of the Department of Human Resources may assign that are not otherwise inconsistent with the laws of this State.

~~§ 9010D.~~ § 9012D. Counsel; powers and duties.

~~§ 9011D.~~ § 9013D. Functions prior to July 1, 2017.

~~§ 9012D.~~ § 9014D. Appeals.

~~§ 9013D.~~ § 9015D. Transfers and continuity.

~~§ 9014D.~~ § 9016D. Misnomer in donation.

~~§ 9015D.~~ § 9017D. Supremacy.

Approved June 30, 2023