

LAWS OF DELAWARE
VOLUME 84
CHAPTER 202
152nd GENERAL ASSEMBLY
FORMERLY
SENATE BILL NO. 146

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

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

Section 1. Amend § 712, Title 19 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 712. Enforcement provisions; powers of the Department; administrative process.

(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, 711A, 719A, ~~723~~ 723, and 724 of this title. In connection with the performance of its duties, the Department ~~may~~: may do all of the following:

(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~~ 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~~; records.

(2) Make, ~~revise~~ 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~~; 29.

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

(c) The administrative process requires the following:

(1) Statute of limitation and filing procedure. —

a. Any person claiming to be aggrieved by a violation of this chapter shall first file a charge of discrimination within 300 days of the alleged unlawful employment practice or its discovery, setting forth a concise statement of facts, in writing, verified and signed by the charging party. A verified charge of discrimination under this paragraph (c)(1)a. is deemed filed on the date it is sent to the Department by physical or electronic submission.

b. The Department shall serve a copy of the verified charge of discrimination upon the named respondent by certified mail.

c. The respondent may file an answer within 20 days of its receipt, certifying that a copy of the answer was mailed to the charging party at the address provided.

Approved September 11, 2023