SPONSOR: Sen. Sturgeon & Sen. Walsh & Rep. Osienski &
Rep. Chukwuocha & Rep. Heffernan & Rep. Morrison &
Rep. K. Williams
Sens. Hansen, Hoffner, Lockman, S. McBride, Paradee,
Poore, Townsend; Reps. Griffith, Lambert, Wilson-Anton

DELAWARE STATE SENATE
152nd GENERAL ASSEMBLY

SENATE BILL NO. 27

AN ACT TO AMEND TITLE 10 OF THE DELAWARE CODE RELATING TO LIMITATION OF ACTIONS FOR WORK, LABOR, OR PERSONAL SERVICES.

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

Section 1. Amend § 8111, Title 10 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 8111. Work, labor or personal services.

No action for recovery upon a claim for wages, salary, or overtime for work, ~~labor~~ labor, or personal services performed, or for damages (actual, ~~compensatory~~ compensatory, or punitive, liquidated or otherwise), or for interest or penalties resulting from the failure to pay any such claim, or for any other benefits arising from such work, ~~labor~~ labor, or personal services performed or in connection with any such action, shall be brought after the expiration of ~~1 year~~ 2 years from the accruing of the cause of action on which such action is based.

Section 2. This Act applies to claims when the date of the accruing of the cause of action on which the action is based is on or after [the effective date of this Act].

SYNOPSIS

This Act increases the statute of limitations for filing an action for recovery upon a claim for unpaid wages from 1 year to 2 years, making it consistent with the statute of limitations under the federal Fair Labor Standards Act, 29 U.S.C. §§ 201, et seq. Many employees who are terminated spend the first period of unemployment attempting to secure other employment. After this focus on finding employment ends, 1 year may have passed or be about to pass, preventing employees who are owed wages from a previous employer from seeking legal redress.

This Act applies to claims when the date of the accruing of the cause of action on which the action is based is on or after the effective date of this Act.

This Act also makes technical corrections to conform existing law to the standards of the Delaware Legislative Drafting Manual.

Author: Senator Sturgeon