



SPONSOR: Sen. Sturgeon & Sen. Townsend & Sen. Walsh &
Rep. Osienski & Rep. Dorsey Walker
Reps. Morrison, K. Williams

DELAWARE STATE SENATE
152nd GENERAL ASSEMBLY

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:

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

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

4 (a) The Department of Labor is empowered, as hereinafter provided, to prevent any person from engaging in any
5 unlawful employment practice as set forth in §§ 711, 711A, 719A, ~~723~~ 723, and 724 of this title. In connection with the
6 performance of its duties, the Department ~~may~~ may do all of the following:

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

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

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

16 (c) The administrative process requires the following:

17 (1) Statute of limitation and filing procedure. —

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

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

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

SYNOPSIS

Under current law, an individual can file a charge of employment discrimination by sending the verified charge to the Delaware Department of Labor (Department). This Act clarifies that a verified charge of discrimination is deemed to be filed on the date it is sent to the Department.

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

Author: Senator Sturgeon