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HOUSE OF REPRESENTATIVES  
149th GENERAL ASSEMBLY

HOUSE BILL NO. 4

AN ACT TO AMEND TITLES 14, 15, 18, 19, 29 AND 31 OF THE DELAWARE CODE TO PROVIDE FOR THE REORGANIZATION OF STATE GOVERNMENT BY CREATING THE DEPARTMENT OF HUMAN RESOURCES; TRANSFERRING SELECTED DIVISIONS AND OTHER ORGANIZATIONAL UNITS FROM THE OFFICE OF MANAGEMENT AND BUDGET AND DEPARTMENT OF STATE TO THE DEPARTMENT OF HUMAN RESOURCES; AMENDING REFERENCES TO SUPERSEDED AGENCIES OR OFFICERS; ALIGNING THE DUTIES OF THE SECRETARY OF HUMAN RESOURCES, THE DIRECTOR OF THE OFFICE OF MANAGEMENT AND BUDGET, AND THE SECRETARY OF STATE; AND TO PROVIDE FOR THE REORGANIZATION OF THE OFFICE OF THE COMMISSION ON WOMEN BY CREATING THE OFFICE OF WOMEN'S ADVANCEMENT AND ADVOCACY WITHIN THE DEPARTMENT OF HUMAN RESOURCES.

1           WHEREAS, it is necessary to examine the structure of State services periodically in order to create a state  
2 government that is responsive to customers and provides high quality services; and

3           WHEREAS, the government of the State of Delaware and the citizens of the State are well served by a quality  
4 workforce of talented and well trained State employees; and

5           WHEREAS, the recruitment, retention, and development of that workforce is important in ensuring that the State  
6 is a place that continues to have highly effective employees; and

7           WHEREAS, State employees and taxpayers of Delaware are best served when State employee benefits are  
8 provided in an effective and efficient manner; and

9           WHEREAS, regular study and review of ways to save costs and incorporate the latest best practices is necessary in  
10 order to fulfill the goal of effective and efficient State employee benefits; and

11           WHEREAS, the State's workforce should always strive to reflect better the diversity of the population that it  
12 serves; and

13           WHEREAS, to fulfill this goal, it is important continuously to review and implement current best practices for the  
14 development of a diverse workforce; and

15           WHEREAS, a diverse and inclusive state employee population enhances the performance of all state employees,  
16 and in turn, enhances the quality of services the State provides; and

17           WHEREAS, a separate and independent office focused on Human Resources, Statewide Benefits, Diversity, and  
18 Inclusion issues will lead to a government that functions more effectively for the people of the State of Delaware;

19           NOW, THEREFORE:

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

21 Section 1. Amend Title 29 of the Delaware Code by inserting a new chapter to read as follows:

22 CHAPTER 90D. DEPARTMENT OF HUMAN RESOURCES

23 § 9001D. Establishment of Department of Human Resources.

24 A Department of Human Resources, referred to in this chapter as "Department," is hereby established.

25 § 9002D. Secretary; appointment; salary; employees and assistants.

26 (a) There shall be a Secretary of the Department of Human Resources, hereinafter referred to in this chapter as  
27 "Secretary," to be appointed by and to serve at the pleasure of the Governor, with the advice and consent of the Senate. The  
28 Secretary shall be paid a salary established by the Governor within the limitation of the funds appropriated therefor.

29 (b) The Secretary may employ such employees as may be required to carry out the duties of this office and may  
30 fix the salaries of such employees within the limitations of the funds appropriated therefor.

31 (c) In the event of a vacancy in the position of Secretary, including the death, resignation, temporary incapacity or  
32 removal of the incumbent, and prior to the appointment of a successor, the Governor may appoint any qualified individual  
33 to serve as Acting Secretary.

34 (d) The Secretary may call upon any other state officer for such assistance as the Secretary may require and may  
35 employ such special help as it may require to carry out this chapter. The Secretary shall fix the compensation of such  
36 persons as may be employed to be paid out of such funds as the General Assembly may appropriate for that purpose.

37 § 9003D. General powers and duties.

38 The Secretary of the Department of Human Resources shall have the following powers, duties and functions:

39 (a) To supervise, direct and account for the administration and operation of the Department, its divisions,  
40 subdivisions, offices, functions and employees.

41 (b) To supervise and direct all human resources and benefits employees in Executive Branch agencies subject to  
42 terms and conditions of negotiated service level agreements with Executive Branch agencies.

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

47 (1) A Deputy Secretary position in the Department.

48 (2) A Director of Personnel Management.

49 (3) A Chief Diversity Officer.

50 (4) A Director of Labor Relations and Employment Practices.

51 (5) A Director of Statewide Benefits.

52 (d) To appoint such additional personnel as may be necessary for the administration and operation of the  
53 Department within such limitations as may be imposed by law.

54 (e) To establish, consolidate or abolish such divisions, subdivisions and offices within the Department or transfer  
55 or combine the powers, duties and functions of the divisions and other groups within the Department, with the written  
56 approval of the Governor, as may be necessary, provided that all powers, duties and functions required by law shall be  
57 provided for and maintained.

58 (f) To make and enter into any and all contracts, agreements or stipulations, to retain, employ and contract for the  
59 services of private and public consultants, research and technical personnel and to procure by contract, consulting, research,  
60 technical and other services and facilities, whenever they shall be deemed by the Secretary necessary or desirable in the  
61 performance of the functions of the Department and whenever funds shall be available for such purpose, with the specific  
62 requirement that all necessary legal services be provided pursuant to Chapter 25 of this title.

63 (g) To approve and sign all collective bargaining agreements on behalf of the State.

64 (h) To delegate any of the Secretary's powers, duties or functions to an individual in paragraph (c) of this section,  
65 except the power to remove employees of the Department or to fix their compensation.

66 (i) To establish and to promulgate such rules and regulations governing the administration and operation of the  
67 Department as may be deemed necessary by the Secretary and which are not inconsistent with the laws of this State.

68 (j) To maintain such facilities throughout the State as may be required for the effective and efficient operation of  
69 the Department.

70 (k) To adopt an official seal or seals for the Department;

71 (l) To accept and to receive, in furtherance of the Department's function, funds, grants and services from the  
72 federal government or its agencies.

73 (m) To assume such other powers, duties and functions as the Governor may assign that are not otherwise  
74 inconsistent with the laws of this State.

75 (n) To prepare, in cooperation with the division directors, a proposed budget for the operation of the Department,  
76 to be submitted for the consideration of the Governor and the General Assembly. The Department shall be operated within  
77 the limitation of the annual appropriation and any other funds appropriated by the General Assembly, with the provision  
78 that special funds may be used in accordance with approved programs, grants and appropriations.

79 § 9004D. Exemptions.

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

81 (1) Secretary of the Department of Human Resources.

82 (2) Deputy Secretary.

83 (3) Director of Personnel Management.

84 (4) Chief Diversity Officer.

85 (5) Director of Labor Relations and Employment Practices.

86 (6) Director of Statewide Benefits.

87 § 9005D. Personnel Management.

88 (a) The Division of Personnel Management of the Department of Human Resources is hereby established, having  
89 the powers, duties and functions as follows:

90 (1) Consistent with the right of public employees to organize under Chapter 13 of Title 19, the Director of  
91 Personnel Management shall have the following responsibilities:

92 a. Attend all meetings of the Merit Employee Relations Board, act as liaison between the Board and the  
93 Department of Human Resources, and cooperate with the staff of the Board in administrative and technical  
94 activities;

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

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

104 d. Encourage the development of more effective personnel administration within the departments and  
105 agencies in the state service and make available for this purpose the assistance and facilities of the Merit Employee  
106 Relations Board;

107 e. Investigate from time to time the operation and effect of Chapter 59 of this title, and of the rules made  
108 thereunder and to report findings and recommendations to the Merit Employee Relations Board; and

109                    f. Perform any other lawful acts necessary or desirable to carry out the provisions of Chapter 59 of this  
110                    title and the rules adopted thereunder.

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

113                    § 9006D. Diversity and Inclusion.

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

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

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

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

121                    b. Provide analysis of various forms of institutional data to benchmark and promote accountability for  
122                    the diversity mission of state agencies.

123                    c. Promote and provide education to foster an awareness and understanding of the various laws,  
124                    regulations, and policies regarding nondiscrimination.

125                    d. Collaborate with state agencies to identify policies and practices supporting the recruitment and  
126                    retention of employees from historically underrepresented groups.

127                    e. Develop diversity metrics and processes to assess diversity, equity, and inclusion efforts.

128                    (b) The Chief Diversity Officer shall assume such other powers, duties and functions as the Secretary of the  
129                    Department of Human Resources may assign that are not otherwise inconsistent with the laws of this State.

130                    § 9007D. Labor Relations and Employment Practices.

131                    (a) The Division of Labor Relations and Employment Practices of the Department of Human Resources is hereby  
132                    established having powers, duties and functions as follows:

133                    (1) The Director of the Division of Labor Relations and Employment Practices shall have the following  
134                    responsibilities:

135                    a. To establish management practices that address workplace fairness and stability in accordance with  
136                    Merit law and Merit Rules.

137                    b. To assume the central leadership role for the Executive branch over all matters relating to collective  
138                    bargaining, and any other personnel and labor relations matters affecting the Executive branch and its departments

139 and agencies, including negotiations with employee organizations, labor arbitration, Public Employment Relations  
140 Board, Department of Labor, Equal Employment Opportunity Commission and other administrative proceedings.

141 c. To assume responsibility for any other agreement or arrangements made involving employee  
142 organizations that represent employees subject to Executive branch authority.

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

146 § 9008D. Statewide Benefits.

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

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

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

156 § 9009D. Office of Women's Advancement and Advocacy.

157 (a) The Office of Women's Advancement and Advocacy is hereby established as a unit of the Department of  
158 Human Resources with the purpose of promoting the equality and equity of women in all areas of society. For  
159 administrative and budgetary purposes only, the Director of the Office of Women's Advancement and Advocacy shall  
160 report to the Secretary of Human Resources.

161 (b) The Office of Women's Advancement and Advocacy shall advise the Secretary of the Department of Human  
162 Resources, the Governor and the General Assembly and shall:

163 (1) Foster and facilitate collaborations between the state agencies, the General Assembly, the Judiciary,  
164 individuals, organizations, businesses and institutions towards the elimination of gender-based bias and discriminatory  
165 policies and practices.

166 (2) Serve as a clearinghouse for providing information on the status of women to the public, state agencies,  
167 the General Assembly, the Judiciary, organizations, businesses, and institutions, and when necessary, to refer  
168 complaints and inquiries to the appropriate state departments or agencies or community organizations when necessary.

169           (3) Study, review and report on the status of women in the State. To accomplish this task, the Office of  
170 Women’s Advancement and Advocacy may conduct research projects and focus groups, and hold public hearings,  
171 forums and discussion groups as it deems necessary.

172           (4) Compile and analyze statistics and information and issue reports on issues affecting women in this State.

173           (5) Advise executive and legislative bodies on the effect of proposed legislation on women. This includes  
174 making recommendations on proposed legislation by providing reports, statistics and testimony.

175           (6) Provide suggestions and recommendations regarding the implementation of any previously enacted  
176 gender-based legislation or policy initiatives.

177           (7) Make specific legislative proposals relating to the removal of discriminatory laws and practices in the  
178 State and the advancement of women in the State; transmit such legislation, with any report or information thereon to  
179 the Governor, the Secretary of the Department of Human Resources and the General Assembly; and work toward the  
180 passage of such legislation.

181           (8) Contract for the production, distribution and marketing of educational and informative media materials,  
182 consistent with the purpose of the Office, such terms and conditions as deemed appropriate by the Department of  
183 Human Resources with all revenues from said contracts being deposited in an appropriate special fund for the purpose  
184 of reproducing, marketing and distributing copies of video and printed materials.

185           (9) Serve as a liaison between government and private interest groups concerned with issues affecting women;

186           (10) Perform such other functions and duties as imposed upon it by law or as are assigned to it by the  
187 Governor, the Secretary of the Department of Human Resources or the General Assembly.

188           (11) At the beginning of every General Assembly, submit a report to the Governor, Secretary of the  
189 Department of Human Resources and the General Assembly of the Office of Women’s Advancement and Advocacy’s  
190 activities and recommendations. Such activities shall include reports of the Commission for Women, Delaware  
191 Women’s Hall of Fame Committee and the Delaware Women’s Workforce Council.

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

195           (d) The Commission for Women.

196           (1) The Commission for Women shall advise the Office of Women’s Advancement and Advocacy on strategic  
197 planning, project development and programming.

198           (2) The Commission for Women shall meet at least quarterly.

199                   (3) The Commission for Women shall consist of 9 members who shall be appointed as follows:  
200                    a. Two members appointed by the Speaker of the House of Representatives and shall serve at the pleasure  
201                   of the Speaker.  
202                    b. Two members appointed by the President Pro Tempore of the Senate and shall serve at the pleasure of  
203                   the President Pro Tempore.  
204                    c. Five members appointed by the Governor representing all three counties and the City of Wilmington.  
205                   Of the Governor's appointees, no more than 3 members shall be members of any 1 political party.  
206                    (4) Members of the Commission for Women appointed by the Governor shall serve for a term of 3 years. All  
207                   members are eligible for reappointment. If any member fails to attend 4 successive meetings of the Commission for  
208                   Women, that member's position may be deemed vacant and the appointing authority shall appoint a replacement.  
209                    (5) The Chairperson of the Commission for Women shall be appointed by the Governor from among the 9  
210                   members, and shall serve at the pleasure of the Governor. The Commission for Women may elect such officers as it  
211                   deems necessary.  
212                    (6) Members of the Commission for Women shall serve without compensation, except that they may be  
213                   reimbursed for reasonable and necessary expenses incident to their duties as members of the Commission for Women  
214                   in accordance with state law.  
215                    (7) The Commission for Women shall adopt such by-laws as it deems necessary.  
216                    (8) The Commission for Women has the authority to create subcommittees and councils as it deems  
217                   necessary.  
218                    (9) The Commission for Women shall hold its first meeting within 120 days of the enactment of this  
219                   legislation.  
220                    (d) The Office of Women's Advancement and Advocacy shall oversee the Delaware Women's Workforce  
221                   Council and the Delaware Women's Hall of Fame Committee.  
222                    (e) Delaware Women's Hall of Fame Committee.  
223                    This committee shall be responsible for fostering an understanding of and an appreciation for the many  
224                   contributions of the women of Delaware to their home, community, State and nation and annually recognize and  
225                   acknowledge the achievements of remarkable Delaware women through the Delaware Women's Hall of Fame.  
226                    (1) The Delaware Women's Hall of Fame Committee shall be comprised of 7 members who shall be  
227                   appointed as follows:



228                   a. One member appointed by the Speaker of the House of Representatives and shall serve at the pleasure  
229 of the Speaker.

230                   b. One member appointed by the President Pro Tempore of the Senate and shall serve at the pleasure of  
231 the President Pro Tempore.

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

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

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

241                   (4) Members of the Delaware Women's Hall of Fame Committee shall serve without compensation, except  
242 that they may be reimbursed for reasonable and necessary expenses incident to their duties as members of the Delaware  
243 Women's Hall of Fame in accordance with state law.

244                   (5) Members of the Delaware Women's Hall of Fame Committee shall appoint an annual selection committee  
245 to select the inductees to the Hall of Fame.

246                   (f) Delaware Women's Workforce Council.

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

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

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

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

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

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

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

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

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

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

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

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

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

278 (7) The Council shall recommend policies and make recommendations to agencies to remove gender-based  
279 inequities in the workplace. To accomplish this task, the Council may conduct research projects and focus groups, and  
280 hold public hearings, forums and discussion groups as it deems necessary. Such policies and recommendations should  
281 address how gender-based issues intersect with other factors including race, educational achievement, religion, socio-  
282 economic status, caregiver responsibilities, and part-time employment.

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

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

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

- 288                   a. Assist private employers in understanding a woman's individual challenges in the workplace;  
289                   b. Evaluate the implementation of the Council's recommendations and best practices to eradicate gender-  
290                   based inequities in the workplace; and  
291                   c. Quantify the success rates on the elimination of gender disparities in the workplace.  
292                   d. The Council shall meet within 6 months of the enactment of this legislation.

293                   § 9010D. Counsel; powers and duties.

294                   Notwithstanding §2507 of this title, the Department shall employ one counsel experienced in the field of labor and  
295                   employment law, who may advise the Department on matters of labor and employment law and who shall assist the  
296                   Department in developing standards, policies, programs and training materials that satisfy Delaware and federal law

297                   § 9011D. Functions prior to July 1, 2017.

298                   The Department of Human Resources, through appropriate divisions, subdivisions and offices, shall have the  
299                   power to perform and responsibility to perform all the powers, duties and functions that were vested in the Human  
300                   Resource Management and the Benefits and Insurance Administration Sections of the Office of Management and Budget  
301                   prior to July 1, 2017, and which are not otherwise specifically assigned to the Department of Human Resources by this  
302                   chapter, excepting only those powers, duties and functions expressly vested in or retained by any other person, department,  
303                   board, commission or agency.

304                   § 9012D. Appeals.

305                   Any and all rights of appeal now existing by law, with respect to any act or acts constituting the exercise of any  
306                   function or functions transferred by this chapter to the Department of Human Resources or to any division or subdivision or  
307                   office thereof, shall continue to exist with respect to such act or acts as hereafter performed by the Department of Human  
308                   Resources or by the division, subdivision or office to which such function is transferred, and each such appeal shall be  
309                   perfected in the manner heretofore provided by law.

310                   § 9013D. Transfers and continuity.

311                   (a) All books, records, papers, maps, charts, plans and other material including any equipment in the possession of  
312                   any agency of the State and used in connection with a function transferred by this chapter to the Department of Human  
313                   Resources shall, on July 1, 2017, be delivered into the custody of the said Department. All investigations, petitions,  
314                   hearings and legal proceedings pending before or instituted by any agency from which functions are transferred by this  
315                   chapter and not concluded prior to July 1, 2017, shall continue unabated and remain in full force and effect,  
316                   notwithstanding the passage of this chapter and, where necessary, may be completed before, by or in the name of the  
317                   Department. All orders, rules and regulations made by any agency from which functions are transferred by this chapter and

318 which govern such functions, and which are in effect on July 1, 2017, shall remain in full force and effect until revoked or  
319 modified in accordance with law by the Department. All contracts and obligations of any agency made or undertaken in the  
320 performance of a function transferred to the Department by this chapter and being in force on July 1, 2017, shall,  
321 notwithstanding this chapter, remain in full force and effect and be performed by the Department.

322 (b) Employees of any agency whose functions are consistent with and have been transferred to the Department of  
323 Human Resources by this chapter shall continue and be deemed to be the employees of the said Department on July 1,  
324 2017, and, where applicable, with all the benefits accrued as merit employees as of July 1, 2017.

325 (c) All definitions and references to any commission, board, department, council or agency which appear in any  
326 other act or law shall, to the extent that they are consistent with this chapter and in connection with a function transferred to  
327 the Department of Human Resources, be construed as referring and relating to the Department of Human Resources as  
328 created and established by this chapter.

329 (d) All definitions and references to any director, commissioner, executive secretary, commission, board or  
330 council member or other similar person which appear in any other act or law shall, to the extent that they are consistent with  
331 this chapter and in connection with a function transferred by this chapter to the Department of Human Resources, be  
332 construed as referring or relating to such person or persons and their powers, duties and functions as established and created  
333 by this chapter.

334 § 9014D. Misnomer in donation.

335 Any misnomer shall not defeat or annul any gift, grant, devise or bequest to the Department of Human Resources  
336 or any predecessor agency thereof if it sufficiently appears by the will, conveyance or other writing that the party making  
337 the same intended to pass and convey thereby the estate or interest therein expressed or described to the Department or to  
338 any commission, board, department, authority, council or agency, from which, by this chapter, the powers, duties and  
339 functions have been transferred to the Department.

340 § 9015D. Supremacy.

341 All other laws or parts of laws now in effect inconsistent with this chapter are repealed, superseded, modified or  
342 amended so far as necessary to conform to and give full force and effect to this chapter.

343 Section 2. Amend § 2515, Title 29 of the Delaware Code by making deletions as shown by strikethrough and  
344 insertions as shown by underline as follows:

345 § 2515. Exceptions.

346 (d) Notwithstanding § 2507 of this title, the Division of Labor Relations and Employment Practices established  
347 pursuant to Chapter 90D of this title shall each be permitted to employ one counsel experienced in the field of labor and

348 employment law to advise on matters of labor and employment law and assist in developing standards, policies, programs  
349 and training materials that satisfy Delaware and federal law.

350 Section 3. Amend Title 29 § 8736 of the Delaware Code by making deletions as shown by strikethrough and  
351 insertions as shown by underline as follows:

352 ~~§ 8736. Office of the Commission for Women.~~

353 ~~(a) The Office of the Commission for Women is hereby established as a unit of the Department of State, with a~~  
354 ~~Director reporting to the Secretary of State.~~

355 ~~(b) The Office of the Commission for Women shall function in an advisory capacity to the Secretary of State and~~  
356 ~~the Governor and shall:~~

357 ~~(1) Promote and facilitate the full participation of women in all sectors of society;~~

358 ~~(2) Cooperate and collaborate with other State agencies, individuals, organizations and institutions towards~~  
359 ~~the elimination of gender-based bias and discriminatory policies and practices;~~

360 ~~(3) Work with appropriate federal agencies and agencies and organizations of other states which are~~  
361 ~~concerned with the status of women;~~

362 ~~(4) Serve as a clearinghouse for providing information on the status of women to the general public, to state~~  
363 ~~agencies and to the women of the State; and to refer complaints and inquiries to the appropriate state departments or~~  
364 ~~agencies or community organizations;~~

365 ~~(5) Contract for the production, distribution and marketing of educational and informative videos and printed~~  
366 ~~materials, consistent with the purpose of the Office, such terms and conditions as deemed appropriate by the~~  
367 ~~Department of State with all revenues from said contracts being deposited in an appropriate special fund for the~~  
368 ~~purpose of reproducing, marketing and distributing copies of video and printed materials.~~

369 ~~(6) Assist the Delaware Commission for Women, as established in subsection (c) of this section, in the~~  
370 ~~implementation of all of its duties and responsibilities.~~

371 ~~(c) The Delaware Commission for Women is hereby established and shall consist of 25 members appointed by the~~  
372 ~~Governor. The membership shall be broadly representative of all fields of interest of the women of Delaware. At least 4~~  
373 ~~members shall be from each of the 3 counties of the State and 4 members shall be from the City of Wilmington. No more~~  
374 ~~than 13 members shall be members of any 1 political party. The Commission shall be administered by the Office of the~~  
375 ~~Commission for Women and shall report to the Governor and the General Assembly through the Office of the Commission~~  
376 ~~for Women.~~

377 ~~(1) The term of a member shall be 3 years. All members are eligible for reappointment.~~

378           (2) ~~The Chairperson shall be appointed by the Governor from among the 25 members, and shall serve at the~~  
379 ~~pleasure of the Governor. The Commission may elect such officers as it deems necessary.~~

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

382           (4) ~~If any member fails to attend 4 successive meetings of the Commission, that member's position may be~~  
383 ~~deemed vacant and upon recommendation of the Director of the Office of the Commission for Women, the Governor~~  
384 ~~shall appoint a replacement. Any appointment to replace a member whose position becomes vacant prior to the~~  
385 ~~expiration of the term shall be filled only for the remainder of the term. Members who are appointed to serve out the~~  
386 ~~term of a vacant position are eligible for reappointment.~~

387           (5) ~~The Commission shall adopt such bylaws as it deems necessary for the administration of its duties.~~

388           (6) ~~The duties of the Commission shall be as follows:~~

389           a. ~~To foster an understanding of and appreciation for the many contributions of the women of Delaware~~  
390 ~~to their home, community, State and nation;~~

391           b. ~~To organize and administer task forces in conjunction with the Office of the Commission for Women~~  
392 ~~addressing matters of concern to the women of the State, hold hearings, conduct forums and discussion groups,~~  
393 ~~issue reports and compile and distribute statistics and information;~~

394           c. ~~To make recommendations to the Governor, General Assembly and Office of the Commission for~~  
395 ~~Women for action which may be taken to end discrimination practices and further the welfare of the women of the~~  
396 ~~State;~~

397           d. ~~To review legislation pending in the General Assembly dealing with issues of particular interest to the~~  
398 ~~women of Delaware and to make recommendations concerning such legislature, including providing reports,~~  
399 ~~statistics and testimony in support of opposition to pending legislation;~~

400           e. ~~To perform such other functions and duties as imposed upon it by law or as are assigned to it by the~~  
401 ~~Governor and the General Assembly.~~

402           Section 4. Amend § 6303A, Title 29 of the Delaware Code by making deletions as shown by strikethrough and  
403 insertions as shown by underline as follows:

404           § 6303A. General powers and duties.

405           (11) To appoint and fix the salary, with the written approval of the Governor, of the following administrators,  
406 who may be removed from office by the Director with the written approval of the Governor and who shall have such  
407 powers, duties and functions in the administration and operation of the Office as may be assigned by the Director:

408 a. A Management Services Administrator who shall be qualified by training and experience to perform  
409 the duties of the office.

410 b. A Facilities Management Administrator who shall be qualified by training and experience to perform  
411 the duties of the office.

412 c. A Government Support Services Administrator who shall be qualified by training and experience to  
413 perform the duties of the office.

414 ~~d. A Human Resource Management Administrator who shall be qualified by training and experience to~~  
415 ~~perform the duties of the office.~~

416 ~~e. A Benefits and Insurance Administrator who shall be qualified by training and experience to perform~~  
417 ~~the duties of the office.~~

418 f.d. An Administrator of Budget Development, Planning and Administration who shall be qualified by  
419 training and experience to perform the duties of the office.

420 Section 5. Amend § 6305A, Title 29 of the Delaware Code by making deletions as shown by strikethrough and  
421 insertions as shown by underline as follows:

422 § 6305A. Exemptions.

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

424 (1) Director of the Office of Management and Budget;

425 (2) Management Services Administrator;

426 (3) Facilities Management Administrator;

427 (4) Government Support Services Administrator; and

428 ~~(5) Human Resource Management Administrator;~~

429 ~~(6) Benefits and Insurance Administrator; and~~

430 ~~(7)~~ Administrator of Budget Development, Planning and Administration.

431 Section 6. Amend § 6309A, Title 29 of the Delaware Code by making deletions as shown by strikethrough and  
432 insertions as shown by underline as follows:

433 ~~§ 6309A. Human Resources Management.~~

434 ~~(a) The Human Resources Management Section of the Office of Management and Budget is hereby established~~  
435 ~~having powers, duties and functions relating to human resources as follows:~~

436 (1) ~~In addition to the duties imposed upon the Human Resources Management Administrator elsewhere in~~  
437 ~~this Code and consistent with the right of public employees to organize under Chapter 13 of Title 19, it shall be the~~  
438 ~~Administrator's duty to:~~

439 a. ~~Attend all meetings of the Merit Employee Relations Board and act as liaison between the Board and~~  
440 ~~the Office of Management and Budget, and to cooperate with the staff of the Board in administrative and technical~~  
441 ~~activities;~~

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

445 c. ~~Designate an employee to act as the staff development officer for the Office of Management and~~  
446 ~~Budget, funded through appropriated special funds. This individual will support statewide training programs for~~  
447 ~~state managers, supervisors and employees. Statewide training programs will be supported with funds generated~~  
448 ~~from the assessment of charges for courses on agencies participating in certain classes held by the Office of~~  
449 ~~Management and Budget. The Office of Management and Budget may set charges for courses to sustain or create~~  
450 ~~training programs with the funds placed in an appropriated special fund account;~~

451 d. ~~Encourage the development of more effective personnel administration within the departments and~~  
452 ~~agencies in the state service and to make available for this purpose the assistance and facilities of the Merit~~  
453 ~~Employee Relations Board;~~

454 e. ~~Investigate from time to time the operation and effect of Chapter 59 of this title, and of the rules made~~  
455 ~~thereunder and to report findings and recommendations to the Merit Employee Relations Board; and~~

456 f. ~~Perform any other lawful acts necessary or desirable to carry out the provisions of Chapter 59 of this~~  
457 ~~title and the rules adopted thereunder.~~

458 (b) ~~The Human Resources Management Administrator shall assume such other powers, duties and functions as the~~  
459 ~~Director of the Office of Management and Budget may assign which are not otherwise inconsistent with the laws of this~~  
460 ~~State.~~

461 Section 7. Amend § 6310A, Title 29 of the Delaware Code by making deletions as shown by strikethrough and  
462 insertions as shown by underline as follows:

463 ~~§ 6310A. Benefits and Insurance Administration.~~

464 (a) ~~The Benefits and Insurance Administration Section of the Office of Management and Budget is hereby~~  
465 ~~established having powers, duties and functions as follows:~~



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

470           (2) ~~The Director of the Office of Management and Budget shall have such powers and duties with regard to~~  
471 ~~the State Insurance Coverage Office as may be provided in the annual operating act.~~

472           (b) ~~The Benefits and Insurance Administrator shall assume such other powers, duties and functions as the Director~~  
473 ~~of the Office of Management and Budget may assign which are not otherwise inconsistent with the laws of this State.~~

474           Section 8. Amend §121, Title 14 of the Delaware Code by making deletions as shown by strikethrough and  
475 insertions as shown by underline as follows:

476           § 121. General powers of the Department of Education.

477           (a) The Department shall exercise general control and supervision over the public schools of the State, including:

478           (4) Hiring, through the Secretary, by execution of a written contract for a term of not less than 1 year and not  
479 more than 5 years, of certificated professional employees, other than those persons described in paragraph (a)(3) of this  
480 section and § 103(a)(2) of this title, necessary for carrying out the policies, rules and regulations of the Department. For  
481 the purposes of this subsection, the term "certificated professional employees" includes education associates, education  
482 specialists, field agents, technicians and other employees holding positions of similar rank. The Secretary may elect not  
483 to renew the contract of a certificated professional employee upon its expiration. However, in such a case, the  
484 Secretary shall notify the employee in writing by certified mail, return receipt requested, at least 4 months prior to the  
485 expiration date of the existing contract that the Secretary does not intend to renew the contract, thereby providing  
486 official notice that the services of the employee are to be terminated. Failure to notify a person covered under this  
487 subsection in writing by the required date shall result in an automatic extension of the existing contract for a period of  
488 1 year from its expiration date. The written notification shall indicate that just cause exists for the Secretary's proposed  
489 action. For the purposes of this subsection, "just cause" shall be defined as including, but not limited to, reduction in  
490 force, inefficiency, or unsatisfactory performance of duties. Any employee notified of the Secretary's intention not to  
491 renew for reasons other than a reduction in force may request a formal hearing before a hearing officer appointed by  
492 ~~the Director of the Office of Management and Budget~~Secretary of the Department of Human Resources within 15  
493 calendar days from the date that notice of the Secretary's intention not to renew is sent by certified mail. In the event  
494 that an employee requests a hearing in a timely manner, the ~~Office of Management and Budget~~Department of Human  
495 Resources shall convene a hearing no earlier than 10 days nor later than 90 days after receipt of the request for a

496 hearing, unless both parties agree to a different schedule. The employee shall have the opportunity to present  
497 information in the employee's own defense and may have legal counsel at the hearing;

498 (5) Dismissing or disciplining, through the Secretary, during the contract period, for misconduct in office,  
499 incompetency, or willful neglect of duty, any officer or certificated professional employee appointed under this title or  
500 under any special school law, except an employee whose position is covered in § 103(a)(2) of this title, giving the  
501 employee a copy of the charges against the employee. In making a determination to dismiss or to impose a lesser  
502 disciplinary action, the Secretary shall assess and take into account any mitigating or extenuating circumstances as well  
503 as the employee's work history. Any employee dismissed pursuant to this subsection may request a formal hearing  
504 before a hearing officer appointed by the ~~Director of the Office of Management and Budget~~Secretary of the  
505 Department of Human Resources within 15 calendar days from the date that notice is sent by certified mail or the date  
506 of receipt of the written notification of dismissal from the Secretary if hand-delivered, whichever is applicable. In the  
507 event that an employee timely requests a hearing, the ~~Office of Management and Budget~~Department of Human  
508 Resources shall convene a hearing no earlier than 10 days nor later than 90 days after receipt of the request for a  
509 hearing, unless both parties agree to a different schedule. The employee shall have the opportunity to present  
510 information in the employee's own defense and may have legal counsel at the hearing;

511 (6) Hiring, through the Secretary, any clerical assistants and other noncertificated employees necessary to  
512 provide support in carrying out the policies, rules and regulations of the Department or the State Board, or both. An  
513 employee hired pursuant to this subsection shall not enter into a written contract with the Department. Such employee  
514 shall be subject to dismissal or other disciplinary action imposed by the Secretary only for just cause. For the purposes  
515 of this subsection, "just cause" includes, but is not limited to, reduction in force, inefficiency, unsatisfactory  
516 performance of duties, misconduct, immorality, incompetency, and willful neglect of duty;

517 In making a determination to dismiss or to impose a lesser disciplinary action pursuant to this subsection, the  
518 Secretary shall assess and take into account any mitigating or extenuating circumstances as well as the employee's work  
519 history. Any employee dismissed pursuant to this subsection may request a formal hearing before a hearing officer  
520 appointed by the ~~Director of the Office of Management and Budget~~Secretary of the Department of Human Resources  
521 within 15 calendar days from the date that notice is sent by certified mail or the date of receipt of the written notification of  
522 dismissal from the Secretary if hand-delivered, whichever is applicable. In the event that an employee timely requests a  
523 hearing, the ~~Office of Management and Budget~~Department of Human Resources shall convene a hearing no earlier than 10  
524 days nor later than 90 days after receipt of the request for a hearing, unless both parties agree to a different schedule. The

525 employee shall have the opportunity to present information in the employee's own defense and may have legal counsel at  
526 the hearing;

527 Section 9. Amend §1327, Title 14 of the Delaware Code by making deletions as shown by strikethrough and  
528 insertions as shown by underline as follows:

529 § 1327. Leave of absence for person in military service.

530 (b) Any principal, teacher or other school employee taking a leave of absence authorized by subsection (a) of this  
531 section who, as a member of the Delaware National Guard or a United States military reserve organization, has been  
532 ordered to active duty to augment active forces for any operational mission, shall continue to receive the principal's,  
533 teacher's or other school employee's state compensation during the initial period of active duty prescribed by the military, to  
534 be reduced by any military compensation received. While on such leave of absence, for a period not to exceed 2 years, the  
535 employee and the employee's dependents shall continue to receive benefits provided under any applicable group health  
536 insurance plan offered by the school district, provided that the employee continues to pay any employee-share premium for  
537 such plan. The ~~Office of Management and Budget~~Department of Human Resources shall develop any rules and regulations  
538 necessary to implement the provisions of this subsection. These rules shall make it the responsibility of the employee to  
539 initiate the claim and supply the required military pay information. The State shall be responsible for collecting information  
540 relating to State compensation. Claims shall be filed within 90 days of release from active duty or passage of this  
541 legislation, whichever is later.

542 Section 10. Amend §9219, Title 14 of the Delaware Code by making deletions as shown by strikethrough and  
543 insertions as shown by underline as follows:

544 § 9219. Basic salary schedule for Plan A employees.

545 (d) The Board of Trustees of the College may certify that specific instructional positions are in scarce supply and  
546 shall report that determination to the Secretary of the Department of Human Resources, the Director of the Office of  
547 Management and Budget and Controller General. After such certification, new hires on the Salary Plan A schedule who are  
548 to be engaged in positions of scarce supply may be offered a salary by the Board of Trustees that exceeds the scheduled  
549 salary by up to 15%.

550 (f) The salary paid to any Plan B employee shall be paid in accordance with a merit system comparable pay  
551 system. Such a system shall be subject to the following provisions:

552 (2)a. The class specifications for positions occupied by Delaware Technical and Community College Plan B  
553 employees shall be assigned paygrades comparable to the Merit System pay plan using the same criteria authorized by  
554 the ~~Office of Management and Budget~~Department of Human Resources for Merit System positions.

555                   b. Periodic classification maintenance reviews shall be processed under the normal ~~Office of~~  
556                   ~~Management and Budget~~Department of Human Resources maintenance review processes. Critical reclassifications  
557                   shall be processed under the same general system as the Merit System, subject to final approval of a committee  
558                   composed of the President of the College, Secretary of the Department of Human Resources, Director of the  
559                   Office of Management and Budget and Controller General.

560                   (3) The College is authorized to hire at up to 100% of the midpoint of an assigned paygrade upon the  
561                   signature of the appropriate Vice President and Campus Director; hiring beyond the 100% of midpoint shall require the  
562                   signatures of the Secretary of the Department of Human Resources, Director of the Office of Management and Budget  
563                   and Controller General.

564                   (g) The salary plan for administration shall cover full-time employees of Delaware Technical and Community  
565                   Colleges not covered by Salary Plan A or Salary B. The compensation of an employee on the Administrative Salary Plan  
566                   (Plan D) shall be computed as follows:

567                   (4) Any changes in the allocation of jobs to grade level shall be approved by the Board of Trustees and filed  
568                   with the Secretary of the Department of Human Resources, Director of the Office of Management and Budget and the  
569                   Controller General.

570                   Section 11. Amend §213, Title 15 of the Delaware Code by making deletions as shown by strikethrough and  
571                   insertions as shown by underline as follows:

572                   § 213. Employees; duties and compensation.

573                   (b) The duties of such employees and the duties of any investigator appointed by the State Election Commissioner  
574                   pursuant to § 302(14) of this title hereof, shall be prescribed by the Board and the compensation fixed by the ~~Director of the~~  
575                   ~~Office of Management and Budget~~Secretary of the Department of Human Resources.

576                   Section 12. Amend §3207, Title 18 of the Delaware Code by making deletions as shown by strikethrough and  
577                   insertions as shown by underline as follows:

578                   § 3207. Legal agent of the State.

579                   The ~~Director of the Office of Management and Budget~~Secretary of the Department of Human Resources shall be  
580                   the legal agent for the State and shall be empowered to enter into the contract for group life insurance with any insurance  
581                   carrier designated by the State Employee Benefits Committee.

582                   Section 13. Amend §3208, Title 18 of the Delaware Code by making deletions as shown by strikethrough and  
583                   insertions as shown by underline as follows:

584                   § 3208. Administration of chapter.

585           The ~~Director of the Office of Management and Budget~~Secretary of the Department of Human Resources may  
586 perform all acts necessary or proper for administration of the insurance coverage provided.

587           Section 14. Amend §6502, Title 18 of the Delaware Code by making deletions as shown by strikethrough and  
588 insertions as shown by underline as follows:

589           § 6502. Insurance for the protection of the State and the public; determination of coverage.

590           There is hereby established the Insurance Coverage Determination Committee, which shall be composed of the  
591 ~~Director of the Office of Management and Budget~~Secretary of the Department of Human Resources, the State Auditor and  
592 the Insurance Commissioner or their designees, during their respective terms of office. The ~~Director of the Office of~~  
593 ~~Management and Budget~~Secretary of the Department of Human Resources or his or her designee shall serve as the Chair of  
594 the Committee. The Committee shall from time to time determine the method of insuring, the amount of insurance, and the  
595 class of coverage covering any type of risk to which the State may be exposed, including, but not limited to: property  
596 insurance, as defined in § 904 of this title; surety insurance, as defined in § 905(a)(1) of this title; casualty insurance, as  
597 defined in § 906 of this title; marine and transportation and "wet marine" insurance, as defined in § 907 of this title; title  
598 insurance, as defined in § 908 of this title; to be effected and carried by the State or any subdivision thereof, including all  
599 school districts, but excluding, however, municipal corporations, counties, and the authorities relating to the crossings of  
600 the Delaware River and the Delaware Bay.

601           Section 15. Amend §6505, Title 18 of the Delaware Code by making deletions as shown by strikethrough and  
602 insertions as shown by underline as follows:

603           § 6505. Establishment of Insurance Coverage Office.

604           There is hereby established under the direction and supervision of the ~~Director of the Office of Management and~~  
605 ~~Budget~~Secretary of the Department of Human Resources the Insurance Coverage Office, the executive head of which shall  
606 be the Insurance Coverage Administrator, who shall serve in the state classified service.

607           Section 16. Amend §6521, Title 18 of the Delaware Code by making deletions as shown by strikethrough and  
608 insertions as shown by underline as follows:

609           § 6521. Payment of premiums on commercial insurance.

610           The estimated appropriation necessary for commercially procured insurance as authorized by § 6520 of this title  
611 for each fiscal year shall be determined by the Insurance Coverage Office and submitted to the ~~Director of the Office of~~  
612 ~~Management and Budget~~Secretary of the Department of Human Resources for review and consideration as part of the  
613 annual ~~contingency~~ budgets requested by the ~~Office~~Department. Upon appropriation by the General Assembly the funds  
614 shall be utilized by the Administrator for the payment of premiums for coverages.

615 Section 17. Amend §6532, Title 18 of the Delaware Code by making deletions as shown by strikethrough and  
616 insertions as shown by underline as follows:

617 § 6532. Payment of premium allocations.

618 The estimated appropriation necessary for each fiscal year shall be determined by the Insurance Coverage Office  
619 and submitted to the ~~Director of the Office of Management and Budget~~Secretary of the Department of Human Resources  
620 for review and consideration as ~~1 part of the annual contingency budgets requested by the Office-Department.~~ Upon  
621 appropriation by the General Assembly, the funds shall be utilized for the purposes of paying coverages.

622 Section 18. Amend §6541, Title 18 of the Delaware Code by making deletions as shown by strikethrough and  
623 insertions as shown by underline as follows:

624 § 6541. Inspections of insured property.

625 The Insurance Coverage Office shall have available to it the services of the State Fire Marshal and the State Fire  
626 Marshal's deputies for the purpose of inspecting self-insured real and personal property of the State, and may call upon the  
627 Fire Marshal and State Fire Marshal's deputies to conduct such inspections of such property as are reasonable and necessary  
628 to determine the risk involved in insuring same and to provide the basis for requests or suggestions as to how undesirable  
629 hazards may be corrected; and the Fire Marshal and the State Fire Marshal's deputies shall cooperate with the Insurance  
630 Coverage Office in this regard, conducting such investigations as are requested and reporting the results thereof to the  
631 Insurance Coverage Office together with such recommendations as the investigator shall deem to be appropriate.

632 All state agencies, officials and employees will render full cooperation to the Fire Marshal and the Insurance  
633 Coverage Office in these matters and shall promptly correct such hazards as are found to exist, and failure to do so shall be  
634 referred to the ~~Director of the Office of Management and Budget~~Secretary of the Department of Human Resources by the  
635 Insurance Coverage Office for such remedial executive action as the Governor shall deem appropriate.

636 Section 19. Amend §204, Title 19 of the Delaware Code by making deletions as shown by strikethrough and  
637 insertions as shown by underline as follows:

638 § 204. Training and apprenticeship programs.

639 (a) The State Department of Labor shall develop and conduct employee training and registered apprenticeship  
640 programs, in cooperation with participating appointing authorities and the ~~Office of Management and Budget~~Department of  
641 Human Resources. The ~~Office of Management and Budget~~Department of Human Resources shall assist appointing  
642 authorities in utilizing such programs, and in developing the apprenticeships which are established pursuant to this section.

643 (b) The ~~Director of the Office of Management and Budget~~Secretary of the Department of Human Resources, in  
644 cooperation with the Department of Labor and other participating appointing authorities, shall develop and annually revise

645 a list of employment classifications in the classified service which are appropriate for apprenticeship training by December  
646 31.

647 (c) The Apprenticeship and Training Section of the Department of Labor shall establish procedures for the  
648 coordination of programs developed under this section, in cooperation with the ~~Director of the Office of Management and~~  
649 ~~Budget~~Secretary of the Department of Human Resources.

650 (d) Subject to the approval of the ~~Director of the Office of Management and Budget~~Secretary of the Department  
651 of Human Resources and the procedures established by the Apprenticeship and Training Section of the Department of  
652 Labor, each participating agency shall determine the location and positions in which apprenticeships are to be established.

653 (e) The Secretary of Labor shall include in the Secretary's annual report the following:

654 (10) A summary of characteristics of applicants and participants in the program deemed pertinent by the  
655 ~~Director of the Office of Management and Budget~~Secretary of the Department of Human Resources.

656 Section 20. Amend §2301B, Title 19 of the Delaware Code by making deletions as shown by strikethrough and  
657 insertions as shown by underline as follows:

658 § 2301B. Hearing officers.

659 (d) The removal of a hearing officer by the Secretary of Labor, after consultation with the Chairperson of the  
660 Board, during the term of appointment may be made for just cause. For the purposes of this subsection only, "just cause"  
661 shall be defined as including, but not limited to, reduction in force, inefficiency or unsatisfactory performance of duties.  
662 The employee may contest the removal and file for binding arbitration and an arbitrator will be appointed jointly by the  
663 Chairperson of the Merit Employees Relations Board and the ~~Director of the Office of Management and Budget~~Secretary of  
664 the Department of Human Resources to determine the matter.

665 Section 21. Amend §3402, Title 19 of the Delaware Code by making deletions as shown by strikethrough and  
666 insertions as shown by underline as follows:

667 § 3402. Disbursement of special assessment funds.

668 (b) All moneys collection under this chapter shall, in a timely manner after deposit pursuant to subsection (a) of  
669 this section, be deposited to the following special funds in the following amounts and for the following purposes:

670 (2)a. Twenty-five percent of the funds that remain after the cost of collecting the tax has been deducted to a  
671 special fund of the State to be administered by the Delaware Economic Development Office to be awarded to  
672 appropriate subgrantees for industrial training for economic development in accordance with subchapter V of Chapter  
673 50 of Title 29.

674                   b. Of this 25 percent sum, not more than \$100,000 shall be allocated for subgrants to fund career training  
675 for state employees. Appropriate regulations for the granting of these funds shall be developed by the Delaware  
676 Economic Development Office, in cooperation with the ~~Office of Management and Budget~~Secretary of the  
677 Department of Human Resources and a representative of a public employees' union representing state employees.

678                   Section 22. Amend §3301, Title 29 of the Delaware Code by making deletions as shown by strikethrough and  
679 insertions as shown by underline as follows:

680                   § 3301. Established; composition; qualifications; terms of office.

681                   There is established a commission known as the "Delaware Compensation Commission," hereinafter referred to as  
682 the "Commission," consisting of 6 members, 2 of whom shall be appointed by the Governor, 1 by the President Pro  
683 Tempore of the Senate and 1 by the Speaker of the House of Representatives. The fifth member shall be the President of the  
684 Delaware Round Table. The ~~Director of the Office of Management and Budget~~Secretary of the Department of Human  
685 Resources of the State shall serve as an ex officio and nonvoting member of the Commission. The appointees shall be  
686 persons not holding any public office nor employed substantially full-time with compensation by this State while serving  
687 on this Commission. Those appointed shall serve for a 6 year term. Any member is eligible for reappointment.

688                   Section 23. Amend §5105, Title 29 of the Delaware Code by making deletions as shown by strikethrough and  
689 insertions as shown by underline as follows:

690                   § 5105. Leave of absence for military service; pension rights; term of successor appointees.

691                   (b) Any employee of the State taking a leave of absence authorized by subsection (a) of this section who, as a  
692 member of the Delaware National Guard or a United States military reserve organization, has been ordered to active duty to  
693 augment active forces for any operational mission, shall continue to receive that employee's own state compensation during  
694 the initial period of active duty prescribed by the military, to be reduced by any military compensation received. While on  
695 such leave of absence, for a period not to exceed 2 years, the employee and the employee's dependents shall continue to  
696 receive benefits provided under the State's group health insurance plan, provided that the employee continues to pay any  
697 employee-share premium for such plan. The ~~Office of Management and Budget~~Department of Human Resources shall  
698 develop any rules and regulations necessary to implement the provisions of this subsection. These rules shall make it the  
699 responsibility of the employee to initiate the claim and supply the required military pay information. The State shall be  
700 responsible for collecting information relating to State compensation. Claims shall be filed within 90 days of release from  
701 active duty or passage of this legislation, whichever is later.

702                   Section 24. Amend §5113, Title 29 of the Delaware Code by making deletions as shown by strikethrough and  
703 insertions as shown by underline as follows:



704 § 5113. Leave for Olympic competition.

705 (d) ~~The State Personnel Commission~~Department of Human Resources shall implement this section by the  
706 adoption of appropriate rules and regulations.

707 Section 25. Amend §5114, Title 29 of the Delaware Code by making deletions as shown by strikethrough and  
708 insertions as shown by underline as follows:

709 § 5114. Membership in Blood Bank of Delaware.

710 (e) ~~The Director of the Office of Management and Budget~~Secretary of the Department of Human Resources shall  
711 be responsible for the administration of this section.

712 Section 26. Amend §5257, Title 29 of the Delaware Code by making deletions as shown by strikethrough and  
713 insertions as shown by underline as follows:

714 § 5257. Return to work.

715 (a) Once an employee has been determined to have the ability to return to employment by the Committee, the  
716 employee will receive the following assistance:

717 (1) Merit employees may be placed in any vacant merit position, for which they qualify, by the ~~Office of~~  
718 ~~Management and Budget~~Secretary of the Department of Human Resources.

719 (b) Once an individual has been determined to have the ability to return to employment by the committee, the  
720 individual will receive the following assistance:

721 (1) Former merit employees enrolled in and previously deemed eligible for the Long-Term Disability  
722 Program may, when available and appropriate, be placed by the ~~Office of Management and Budget~~Department of  
723 Human Resources in any merit position, for which they qualify without a certification list, as long as the paygrade does  
724 not exceed their paygrade at the time of their acceptance into and eligibility for the Short-Term Disability Program.  
725 Exceptions to the paygrade limitation may be made for vacancies for which a documented shortage of qualified  
726 applicants exists.

727 Section 27. Amend §5258, Title 29 of the Delaware Code by making deletions as shown by strikethrough and  
728 insertions as shown by underline as follows:

729 § 5258. Appeals.

730 The carrier shall notify a participating employee of its determination of the employee's eligibility for short-term  
731 disability benefits in writing by certified mail, return receipt requested, within 10 days of the carrier's determination. Within  
732 90 days of the postmark date of the carrier's written notice of its determination, an aggrieved participating employee may  
733 appeal any denial of disability benefits by filing a written petition setting forth with particularity the grounds for appeal

734 with the carrier. The carrier shall have the authority to reverse all or any part of its initial decision to deny benefits and shall  
735 notify the employee, the employing organization and ~~the Statewide Benefits Office~~ in writing by certified mail, return  
736 receipt requested within 10 days of the carrier's determination.

737 Within 20 days of the postmark date of the carrier's determination of appeal an aggrieved participating employee  
738 may file a second level appeal of denial of disability benefits by filing a written petition setting forth with particularity the  
739 grounds for second appeal, with the Appeals Administrator, who shall conduct an informal review, and who shall have the  
740 authority to reverse all or any part of the decision of the carrier to deny benefits. The Appeals Administrator or designee,  
741 shall issue a final written decision and shall mail it to the employee by certified mail, return receipt requested, within 30  
742 days of speaking with the employee. The Committee shall designate an officer of the Division of~~the~~ Statewide Benefits  
743 ~~Office~~ to act as the Appeals Administrator.

744 If the Appeals Administrator affirms the carrier's decision to deny disability benefits or any part thereof, an  
745 aggrieved employee may appeal to the Committee within 20 days of the postmark date of the notice of the determination  
746 from the Appeals Administrator by filing a written petition with the Committee setting forth with particularity the grounds  
747 for appeal. The Committee may designate an appropriate officer of the ~~Office of Management and Budget~~Department of  
748 Human Resources as a hearing officer to hear evidence presented by the participating employee or, in its sole discretion, it  
749 may decide to hear the appeal directly. The Committee or hearing officer, as the case may be, shall determine whether the  
750 determination to deny benefits complies with the applicable disability plan adopted by the Committee. The hearing officer  
751 and/or Committee shall have all of the following powers in respect to the conduct at the hearing:

752 Section 28. Amend §5901, Title 29 of the Delaware Code by making deletions as shown by strikethrough and  
753 insertions as shown by underline as follows:

754 § 5901. Definitions.

755 (a) As used in this chapter, unless the context requires a different meaning:

756 ~~(5) "Director" means the Director of the Office of Management and Budget appointed pursuant to this~~  
757 ~~chapter.~~

758 ~~(6)~~ (5) "Merit comparable positions" means those positions which for salary determination purposes, are  
759 assigned, pursuant to the State Budget Act, classification titles and/or pay grades that are comparable to the titles  
760 and/or pay grades of similar positions in the classified service.

761 ~~(7)~~ "Rules" means those rules adopted by the Board pursuant to this chapter.

762 ~~(7)~~ "Secretary" means the Secretary of the Department of Human Resources.

763 Section 29. Amend §5903, Title 29 of the Delaware Code by making deletions as shown by strikethrough and  
764 insertions as shown by underline as follows:

765 § 5903. Classified service and exemptions.

766 Unless otherwise required by law, as used in this chapter, "classified service" or "state service" means all positions  
767 of state employment other than the following positions, which are excluded:

768 (16) All judges or other members of the state judiciary, referees, jurors and others appointed by the judiciary,  
769 but excluding all other employees of the Court of Common Pleas, with the exception of the Court Administrator,  
770 Deputy Court Administrator, Judicial Case Management Administrator, Judicial Operations Managers, Chief of Court  
771 Security, Chief Electronic Court Reporter, Investigative Supervisor, Controller, Management Analysts, Human  
772 Resource Specialist, Court Security Officer Supervisor, Court Security Officers I and II, and 1 judicial secretary for  
773 each judge, and the Justice of the Peace Court system with the exception of the Court Administrator, Operations  
774 Managers, Judicial Operations Managers, Investigative Supervisor, Controller, Fiscal Administrative Officer, Family  
775 Services Program Support Administrator, Management Analysts, Judicial Secretary, Administrative Specialists, Chiefs  
776 of Court Security and Human Resource Specialists. The staff attorney and law clerk positions in the Court of Common  
777 Pleas and the Justices of the Peace Courts shall be exempt positions and shall be excluded from classified service. Any  
778 incumbent occupying a position that is "classified" by the ~~Director of the Office of Management and Budget~~Secretary  
779 in compliance with this section shall be considered qualified without further testing, and shall be continued in the  
780 position without loss of compensation. Future hirees into any classified position in the Justice of the Peace Courts  
781 vacated subsequent to July 15, 1976, will be made in accordance with this chapter.

782 (17) c. Agencies that experience circumstances that require the use of casual seasonal employees that are not  
783 defined in subsection (a) of this section must submit a request to the Secretary, the Director of the Office of  
784 Management and Budget and the Controller General for approval. Upon completion of 1 year of work from casual  
785 seasonal employee, the Secretary, the Director of the Office of Management and Budget and the Controller General  
786 must review the agency need for such casual seasonal employment.

787 (23) Positions designated as exempt by either the determination by the Secretary, the Director of the Office  
788 of Management and Budget and Controller General or via budget epilogue language.

789 Any classified employee leaving the classified service to accept a position under paragraph (4), (5), (6) or (23) of  
790 this section shall automatically be granted an extended leave of absence. Upon completion of such appointment, the  
791 ~~Director of the Office of Management and Budget~~Secretary shall place the employee in a classified position for which the  
792 employee meets minimum qualifications in the same or a lower pay-grade as the position that the employee held when

793 leaving the classified service. The salary shall be paid at no less than the equivalent pay grade and percentage of the pay  
794 grade midpoint from which the employee took this leave of absence.

795 Section 30. Amend §5904, Title 29 of the Delaware Code by making deletions as shown by strikethrough and  
796 insertions as shown by underline as follows:

797 § 5904. Classification of exempt employees.

798 Any employee whose position has been in an exempt status under § 5903(4) and (5) of this title who, as the result  
799 of a reorganization of state government approved by the General Assembly, is thereafter assigned to a position in the  
800 classified service, shall have such position classified by the ~~Director of the Office of Management and Budget~~Secretary and  
801 an appropriate title and pay grade assigned thereto, in accordance with this chapter and the rules and regulations  
802 promulgated under this chapter. Any such employee shall be continued in such employee's newly assigned position without  
803 an examination requirement, unless subsequently separated from such position as provided by law.

804 Section 31. Amend §5904A, Title 29 of the Delaware Code by making deletions as shown by strikethrough and  
805 insertions as shown by underline as follows:

806 § 5904A. Exceptional employment.

807 Employment of persons with mental or physical disabilities in a Selective Placement Program or an Agency Aide  
808 Program shall be administered by the ~~Human Resource Management Administrator~~Director of Personnel Management or  
809 their designee. Such employment shall be by appointment without competitive recruitment and without listing on a referral  
810 list. Employment through the Selective Placement Program is limited to 12 months. Each appointee in the Selective  
811 Placement Program who successfully completes a trial work period, or passes a competitive examination, may be  
812 considered for permanent employment or probationary employment in the classified service. An appointment through the  
813 Agency Aide Program is of indefinite duration. Before any appointment is made, the ~~Human Resource Management~~  
814 ~~Administrator~~Director of Personnel Management or their designee shall advise the applicant of the availability of benefits  
815 counseling resources, which offer information or guidance on the effect of employment on public benefits including income  
816 from the Social Security Administration.

817 Section 32. Amend §5906, Title 29 of the Delaware Code by making deletions as shown by strikethrough and  
818 insertions as shown by underline as follows:

819 § 5906. Composition of the Merit Employee Relations Board.

820 (c) The ~~Director of the Office of Management and Budget~~Secretary of the Department of Human Resources, or the  
821 ~~Director~~Secretary's designee, shall be the liaison between the Board and the ~~Office of Management and~~  
822 ~~Budget~~Department of Human Resources and shall attend all meetings of the Board. The ~~Director~~Secretary shall not

823 participate in the deliberation of any cases before the Board, nor sit with members of the Board, during the hearing or  
824 deliberations. The ~~Director~~Secretary or the ~~Director's~~the Secretary's designee shall be limited to representing and/or  
825 testifying on behalf of the ~~Office of Management and Budget~~Department of Human Resources and other state agencies  
826 before the Board.

827 (d) The Merit Employee Relations Board shall have clerical and legal support staff separate from the staff of the  
828 ~~Office of Management and Budget~~ Department of Human Resources, and such staff shall be located separate from the  
829 ~~Office of Management and Budget~~ Department of Human Resources.

830 Section 33. Amend §5907, Title 29 of the Delaware Code by making deletions as shown by strikethrough and  
831 insertions as shown by underline as follows:

832 § 5907. Powers, duties and functions of the Board.

833 In addition to the duties set forth elsewhere in this chapter, and consistent with the right of public employees to  
834 organize under Chapter 13 of Title 19, the Board shall:

835 (1) Request that the ~~Director of the Office of Management and Budget~~Secretary of the Department of Human  
836 Resources investigate problems or complaints arising from the implementation of the Merit System and the effect of  
837 merit policies and procedures on employees in the classified service;

838 (3) Require the ~~Director~~Secretary to submit all proposed Merit Rule revisions to the statewide Labor-  
839 Management Committee for review and comment prior to submission to the Board for public hearing and adoption;  
840 and

841 Section 34. Amend §5908, Title 29 of the Delaware Code by making deletions as shown by strikethrough and  
842 insertions as shown by underline as follows:

843 § 5908. Organization and meetings of the Board.

844 (a) The Board shall meet as often as necessary to assure the timely disposition of cases. The Chair shall cause  
845 reasonable notice to be given to each Board member and the ~~Director of the Office of Management and Budget~~Secretary of  
846 the Department of Human Resources of the time and place of each meeting. Three members shall constitute a quorum for  
847 the transaction of business at any meeting.

848 Section 35. Amend §5910, Title 29 of the Delaware Code by making deletions as shown by strikethrough and  
849 insertions as shown by underline as follows:

850 § 5910. ~~Deputy directors~~.

851 ~~The Director may designate 1 or more employees to act as the Director's deputy or deputies. At least 1 such deputy~~  
852 ~~shall assist the Director with administration of the merit system insofar as it applies to the federally-aided agencies referred~~

853 to in § 5952 of this title. In case of the Director's absence or inability to act, the Director's powers and duties shall devolve  
854 upon the deputy designated for such purpose.

855 Section 36. Amend §5914, Title 29 of the Delaware Code by making deletions as shown by strikethrough and  
856 insertions as shown by underline as follows:

857 § 5914. Rules; hearing; adoption.

858 The ~~Director~~Secretary shall prepare and submit to the Board proposed rules covering the classified service. The  
859 rules shall be reviewed by the Board at a public hearing held following public notice. The rules, as proposed by the  
860 ~~Director~~Secretary, shall become final upon the completion of the public hearing, unless rejected by a majority of the  
861 members appointed to the Board.

862 Section 37. Amend §5915, Title 29 of the Delaware Code by making deletions as shown by strikethrough and  
863 insertions as shown by underline as follows:

864 § 5915. Classification; uniformity; appeal of classification.

865 (b) After approval of such maintenance review classifications determination by the Secretary and the Director of  
866 the Office of Management and Budget and Controller General, the ~~Director of the Office of Management and~~  
867 ~~Budget~~Secretary shall notify the agency and employee of the results. The maintenance review classification determination  
868 shall become effective on the following July 1.

869 (d) Within 10 calendar days of the filing of an appeal, the Board shall assign an independent reviewer, trained in  
870 job analysis, to evaluate the merits of the employee's appeal. Within 30 calendar days, the independent reviewer must  
871 submit a written independent finding to the Board, and copy to the employee and the ~~Director of the Office of Management~~  
872 ~~and Budget~~ Secretary. In unusual circumstances, the Board may authorize the independent reviewer an additional 30  
873 calendar days to complete the review.

874 (e) The employee and the ~~Director of the Office of Management and Budget~~Secretary shall have 30 calendar days  
875 to accept the finding rendered by the independent reviewer and notify the Board.

876 (f) If the findings of the independent reviewer are accepted by the employee and the ~~Director of the Office of~~  
877 ~~Management and Budget~~Secretary, the Board shall also accept the findings.

878 (g) If these findings are ignored or disputed by either the employee or the ~~Director of the Office of Management~~  
879 ~~and Budget~~Secretary, the parties shall be notified and permitted to respond and the Board shall hold a hearing on the  
880 employee's appeal within 60 calendar days.

881 (i) The Board shall render a final and binding decision on the matter within 15 calendar days of the hearing. In  
882 rendering its decision, the Board shall consider the following criteria:

883                   (2) The ~~Director's~~Secretary's initial determination;  
884                   (3) The ~~Director's~~Secretary's response to the independent reviewer's findings;  
885                   (k) In the event that the ~~Director's~~Secretary can demonstrate that sufficient funds are not available to fund the  
886 classification decisions rendered by this section, the effective date may be delayed until the beginning of the next fiscal  
887 year.

888                   Section 38. Amend §5916, Title 29 of the Delaware Code by making deletions as shown by strikethrough and  
889 insertions as shown by underline as follows:

890                   § 5916. Uniform pay plan; hazardous duty pay.

891                   (b) No agency shall engage a consultant or authorize expenditures of any General or Special Funds for the  
892 purpose of studying personnel policies and/or the wage and salary classification of employees without the written  
893 authorization of the Secretary, the ~~Director of the Office of Management and Budget~~ and the concurrence of the Controller  
894 General.

895                   (d) A state employee may perform additional duties for a state agency other than that employee's principal  
896 employing agency, with the consent of that employee's principal employing agency, and may be paid additional  
897 compensation, provided such additional duties are not a part of that employee's regular duties for the principal employing  
898 agency and not rendered during the time paid for by the principal employing agency. All wage payments resulting from the  
899 performance of such additional duties, including FLSA overtime, shall be the responsibility of the secondary employing  
900 agency unless otherwise authorized by the Director of the Office of Management and Budget and the Secretary.

901                   (f) Nothing in this section shall be construed (f) or interpreted by the Merit Employee Relations Board or by the  
902 ~~Director of the Office of Management and Budget~~Secretary to include hazardous duty pay as coming within the definition  
903 of fringe benefits.

904                   Section 39. Amend §5917, Title 29 of the Delaware Code by making deletions as shown by strikethrough and  
905 insertions as shown by underline as follows:

906                   § 5917. Competitive recruitment.

907                   (b) The ~~Director of Management and Budget~~Secretary shall maintain a listing of those positions in the classified  
908 service that require the administration of a competitive examination. Examinations may be written or oral, or a combination  
909 of both, or they may be unassembled examinations, in which case the examining authority may evaluate specialized training  
910 and experience. Examinations shall be prepared by the ~~Director of the Office of Management and Budget~~Secretary, after  
911 consultation with the appointing authority where appropriate.

912 Section 40. Amend §5918, Title 29 of the Delaware Code by making deletions as shown by strikethrough and  
913 insertions as shown by underline as follows:

914 § 5918. Promotions.

915 The rules shall provide for promotions, giving consideration to the applicant's qualifications, performance record,  
916 seniority, conduct and, where practicable, to the results of competitive recruitment. Vacancies shall be filled by promotion  
917 whenever practicable and in the best interest of the classified service. Any promotional competition for a position funded  
918 solely by general funded appropriations, involving 2 or more candidates and a referral list issued by the ~~Director~~Secretary,  
919 shall be considered a competitive recruitment under § 5917 of this title.

920 Section 41. Amend §5920, Title 29 of the Delaware Code by making deletions as shown by strikethrough and  
921 insertions as shown by underline as follows:

922 § 5920. Rejection for unfitness.

923 The rules shall provide for the rejection of candidates or eligibles who fail to comply with reasonable requirements  
924 of the ~~Director~~Secretary in regard to such factors as age, physical condition, training and experience, or who have been  
925 guilty of infamous or disgraceful conduct, are addicted to alcohol or to narcotics or have attempted any deception or fraud  
926 in connection with an recruitment.

927 Section 42. Amend §5923, Title 29 of the Delaware Code by making deletions as shown by strikethrough and  
928 insertions as shown by underline as follows:

929 § 5923. Emergency employment.

930 The rules shall provide for emergency employment for not over 30 days, with or without competition, with the  
931 consent of the ~~Director~~Secretary.

932 Section 43. Amend §5924, Title 29 of the Delaware Code by making deletions as shown by strikethrough and  
933 insertions as shown by underline as follows:

934 § 5924. Department of Technology and Information's acceptable use policy.

935 The ~~Director of the Office of Management and Budget~~Secretary shall ensure that each merit employee signs a  
936 copy of the Department of Technology and Information's acceptable use policy and that the signed copy is placed in each  
937 employee's personnel file. If an investigation concludes that a merit employee has violated that policy, any discipline  
938 resulting in the loss of wages must first be reviewed by the ~~Office of Management and Budget~~Department of Human  
939 Resources prior to implementation of the discipline.

940 Section 44. Amend §5926, Title 29 of the Delaware Code by making deletions as shown by strikethrough and  
941 insertions as shown by underline as follows:



942 § 5926. Reinstatement.

943 The rules shall provide for reinstatement within 2 years, with the approval of the ~~Director~~Secretary, of persons  
944 who resign in good standing or who are laid off without fault or delinquency on their part.

945 Section 45. Amend §5931, Title 29 of the Delaware Code by making deletions as shown by strikethrough and  
946 insertions as shown by underline as follows:

947 § 5931. Grievances.

948 (a) The rules shall provide for the establishment of a plan for resolving employee grievances and complaints. The  
949 final 2 steps of any such plan shall provide for hearings before the ~~Director~~Secretary or the ~~Director's~~Secretary's designee  
950 and before the Board, respectively, unless a particular grievance is specifically excluded or limited by the Merit Rules. The  
951 ~~Director~~Secretary and the Board, at their respective steps in the grievance procedure, shall have the authority to grant back  
952 pay, restore any position, benefits or rights denied, place employees in a position they were wrongfully denied, or otherwise  
953 make employees whole, under a misapplication of any provision of this chapter or the Merit Rules. The rules shall require  
954 that the Board take final action on a grievance within 90 calendar days of submission to the Board. Upon approval of all  
955 parties, the 90 days may be extended an additional 30 calendar days.

956 (c) No state employee shall be discharged, threatened or otherwise retaliated against with respect to the terms or  
957 conditions of their employment due to the exercise of their rights under the grievance and complaint procedure established  
958 under subsection (a) of this section.

959 (1) An employee who alleges a violation of this subsection may file a written complaint directly to the  
960 ~~Human Resource Management Administrator~~Department of Human Resources. The employee and the  
961 ~~Director~~Secretary or designee may agree to meet and attempt an informal resolution of the complaint, and/or the  
962 ~~Director~~Secretary or designee shall hear the complaint and issue a written decision within 45 days of the complaint's  
963 receipt. Such decision shall be final and binding on the employee's appointing authority.

964 (3) If the complainant employee is not satisfied with the ~~Director~~Secretary or designee's decision, the  
965 employee may submit a written appeal to the Merit Employee Relations Board (MERB) within 20 calendar days of  
966 receipt of that decision. Such appeal shall be handled and processed in the same manner as other appeals heard by the  
967 MERB.

968 Section 46. Amend §5933, Title 29 of the Delaware Code by making deletions as shown by strikethrough and  
969 insertions as shown by underline as follows:

970 § 5933. Leaves.

971 (d) The ~~Director of the Office of Management and Budget~~Secretary shall promulgate such rules and regulations as  
972 may be required to administer this act and shall periodically review and recommend other state employees engaged in  
973 hazardous duty assignments for inclusion for coverage under this section.

974 (e) Notwithstanding subsection (a) of this section, any employee who suffers a serious illness or injury in the line  
975 of duty that is caused or contributed to by war or act of war (declared or not), who is a member of the United States  
976 Military or National Guard shall not be charged sick leave for recovery for medical procedures or operations resulting from  
977 said injury or illness for a period of 6 months. To be eligible for this category of leave the employee shall have returned to  
978 active state employment status for a period of not less than 30 calendar days and shall have completed any necessary  
979 certification established by the ~~Director of Office of Management and Budget~~Secretary. The eligibility for such period of  
980 leave shall not be longer than 6 consecutive months and shall be invoked within the first year of return to active  
981 employment status. In extraordinary circumstances, approval may be sought from the ~~Director of the Office of Management~~  
982 ~~and Budget~~Secretary to use said consecutive leave on an intermittent basis. All benefits and rights within this subsection  
983 shall exhaust within the first year of return to active employment status. The ~~Director of the Office of Management and~~  
984 ~~Budget~~Secretary shall be authorized to establish rules and procedures consistent with this subsection.

985 Section 47. Amend §5938, Title 29 of the Delaware Code by making deletions as shown by strikethrough and  
986 insertions as shown by underline as follows:

987 § 5938. Collective bargaining.

988 (e) The ~~Director~~Secretary or the Secretary's designee and the Board shall meet with the exclusive bargaining  
989 representative at reasonable times to negotiate in good faith with respect to any rule to be adopted or amended under §§  
990 5915 through 5921, 5933, 5935 and 5937 of this title and, to the extent the subject thereof is not covered in whole or in part  
991 by a collective bargaining agreement under Chapter 13 of Title 19, §§ 5922 through 5932, 5934 and 5936 of this title.

992 Section 48. Amend §5941, Title 29 of the Delaware Code by making deletions as shown by strikethrough and  
993 insertions as shown by underline as follows:

994 § 5941. Duties of state officers and employees.

995 All officers and employees of the State shall comply with and aid in all proper ways in carrying out this chapter  
996 and the rules, regulations and orders thereunder. All officers and employees shall furnish any records or information which  
997 the ~~Director~~Secretary or the Board may request for any purpose of this chapter. The ~~Director~~Secretary, with the approval of  
998 the Board, may institute and maintain any action or proceeding at law or in equity that the ~~Director~~Secretary considers  
999 necessary or appropriate to secure compliance with this chapter and the rules, regulations and orders thereunder.

1000 Section 49. Amend §5943, Title 29 of the Delaware Code by making deletions as shown by strikethrough and  
1001 insertions as shown by underline as follows:

1002 § 5943. Enforcement of chapter by legal action.

1003 (a) The exclusive remedy available to a classified employee for the redress of an alleged wrong, arising under a  
1004 misapplication of any provision of this chapter, the merit rules or the ~~Director's~~Secretary's regulations adopted thereunder,  
1005 is to file a grievance in accordance with the procedure stated in the merit rules. Standing of a classified employee to  
1006 maintain a grievance shall be limited to an alleged wrong that affects his or her status in his or her present position.

1007 (b) Any Delaware resident or state employee may maintain a suit to restrain a disbursing officer from making any  
1008 payment in contravention of any provision of this chapter, the merit rules or the ~~Director's~~Secretary's regulations adopted  
1009 thereunder. Jurisdiction for such action shall lie in the Chancery Court.

1010 (c) The State may maintain an action for the reimbursement of wages, benefits or both, paid contrary to this  
1011 chapter, the merit rules or the ~~Director's~~Secretary's regulations adopted thereunder, against the recipient employee. All  
1012 moneys recovered in such action shall be paid to the State Treasury and credited to the account from which original  
1013 payments had been drawn. The appointing authority may take disciplinary action against any employee in the classified  
1014 service who negligently prepared the document authorizing the overpayment of wages, benefits or both, contrary to any  
1015 provision of this chapter, the merit rules or the ~~Director's~~Secretary's regulations adopted thereunder. Disciplinary action  
1016 shall not be taken against any employee in the classified service who merely approved such document authorizing  
1017 overpayment unless the person so approving participated in the preparation of such document.

1018 (d) Any person appointed or employed in contravention of any provision of this chapter, the merit rules or the  
1019 ~~Director's~~Secretary's regulations adopted thereunder, who performs services for which such person is not paid, may  
1020 maintain an action against any officer or officers who purported to so appoint or employ such person to recover the agreed  
1021 wages, benefits or both, or the reasonable value thereof, if no pay was agreed upon, plus interest, court costs and reasonable  
1022 attorney's fees.

1023 (f) For the purpose of subsections (d) and (e) of this section, the ~~Director of the Office of Management and~~  
1024 ~~Budget~~Secretary or the ~~Director's~~Secretary's designee shall determine whether an employee is properly appointed. The  
1025 ~~Director~~Secretary or the ~~Director's~~Secretary's designee shall certify the appointment by approving the state personnel  
1026 transaction supplied by the agency. The approval of the ~~Director~~Secretary or the ~~Director's~~ Secretary's designee shall  
1027 relieve any officer or appointing authority from liability because of an improper appointment, except where the improper  
1028 appointment was effected through the fraud of any officer or appointing authority. The approval of the ~~Director~~Secretary or  
1029 the ~~Director's~~Secretary's designee shall similarly relieve any officer or appointing authority from liability for the payment

1030 of wages, benefits or both arising under subsection (d) or subsection (e) of this section, except where the officer or  
1031 appointing authority is grossly negligent in disregarding any provision of this chapter, the merit rules or the  
1032 ~~Director's~~Secretary's regulations adopted thereunder. Such approval by the ~~Director~~Secretary or the ~~Director's~~Secretary's  
1033 designee shall not prevent the appointing authority from taking disciplinary action against any employee in the classified  
1034 service who negligently prepared the document authorizing the overpayment of wages, benefits or both.

1035 Section 50. Amend §5944, Title 29 of the Delaware Code by making deletions as shown by strikethrough and  
1036 insertions as shown by underline as follows:

1037 § 5944. Oaths, testimony and the production of records.

1038 The Board, each Board member and the ~~Director~~Secretary shall have power to administer oaths, subpoena  
1039 witnesses and compel the production of books and papers relevant to any investigation or hearing authorized by this  
1040 chapter. Any person who shall fail to appear in response to a subpoena or to answer any question or produce any books or  
1041 papers relevant to any such investigation or hearing may be compelled to do so by order of the Superior Court.

1042 Section 51. Amend §5948, Title 29 of the Delaware Code by making deletions as shown by strikethrough and  
1043 insertions as shown by underline as follows:

1044 § 5948. Records of Board.

1045 The Board's records, except such records as the rules may properly require to be held confidential for reasons of  
1046 public policy, shall be public records and shall be open to public inspection subject to reasonable regulations as to the time  
1047 and manner of inspection as may be prescribed by the ~~Director~~Secretary. Reports concerning character, personal history  
1048 and health of employees or applicants for employment shall be held confidential except when a majority of the Board shall  
1049 find it to be in the public interest that the same shall be open to public inspection.

1050 Section 52. Amend §5950, Title 29 of the Delaware Code by making deletions as shown by strikethrough and  
1051 insertions as shown by underline as follows:

1052 § 5950. Employee recognition.

1053 (a) It shall be part of the function of state agencies to conduct employee recognition programs for Merit System  
1054 employees and employees in positions that are assigned comparable Merit System classes or pay grades. All such employee  
1055 recognition programs shall be approved by the ~~Director of the Office of Management and Budget~~Secretary of the  
1056 Department of Human Resources prior to implementation.

1057 Section 53. Amend §5951, Title 29 of the Delaware Code by making deletions as shown by strikethrough and  
1058 insertions as shown by underline as follows:

1059 § 5951. Services to political subdivisions and excluded agencies.

1060 Subject to approval of the Board, which shall take into account the primary responsibility of the ~~Director~~Secretary  
1061 towards the classified service, the ~~Director~~Secretary may enter into agreements with any agency excluded from this chapter,  
1062 or with any municipality or other political subdivision of this State to furnish services and facilities of the Board to such  
1063 agency, municipality or political subdivision in the administration of its personnel according to merit principles. Any such  
1064 agreement shall provide for the reimbursement to the State of the reasonable cost of the services and facilities furnished, as  
1065 determined by the ~~Director~~Secretary. All excluded agencies and all municipalities and political subdivisions of the State are  
1066 authorized to enter into such agreements.

1067 Section 54. Amend §5955, Title 29 of the Delaware Code by making deletions as shown by strikethrough and  
1068 insertions as shown by underline as follows:

1069 § 5955. Federal Fair Labor Standards Act; application to state personnel practices and merit system rules.

1070 Notwithstanding any other provision of state law, the federal Fair Labor Standards Act, Chapter 2 of Title 29 of  
1071 the United States Code, shall supersede state law relating to state personnel practices and shall supersede the rules adopted  
1072 by the Merit Employee Relations Board pursuant to this chapter, but only to the extent such state law or merit rules are in  
1073 conflict with the Fair Labor Standards Act [29 U.S.C. § 201 et seq.]. This supersession of state law and the merit system  
1074 rules shall continue in effect only so long as, and only to the extent that, the provisions of the federal Fair Labor Standards  
1075 Act [29 U.S.C. § 201 et seq.], by their own terms or by judicial interpretation, are deemed to apply to state government  
1076 personnel practices. To the extent necessary for state compliance with the Fair Labor Standards Act, the ~~Director of the~~  
1077 ~~Office of Management and Budget~~Secretary shall have the authority to implement this section, including, but not limited to,  
1078 the authority to determine where conflicts exist between state law or merit rules and the federal act, and to resolve such  
1079 conflicts by appropriate rulings and regulations.

1080 Section 55. Amend §5956, Title 29 of the Delaware Code by making deletions as shown by strikethrough and  
1081 insertions as shown by underline as follows:

1082 § 5956. Donated leave program.

1083 (a) An officer or employee of this State, with the approval of his or her immediate supervisor or the Director of  
1084 the Division in which he or she is employed, may donate accrued sick leave and annual leave in equal amounts to a Leave  
1085 Bank established by the ~~Director of the Office of Management and Budget~~Secretary for all officers or employees of this  
1086 State or to another officer or employee of this State.

1087 (b) A person wishing to donate leave time under this section may request the ~~Director of the Office of~~  
1088 ~~Management and Budget~~Secretary to debit the donor's sick leave and annual leave accounts.

1089 (d) The ~~Director of the Office of Management and Budget~~Secretary shall convert the donated leave into cash  
1090 value at the donor's rate of pay, shall re-convert the cash value to hours of leave at the recipient's rate of pay, and shall then  
1091 credit the recipient's account.

1092 (g) The ~~Director of the Office of Management and Budget~~Secretary shall have the authority to carry out the  
1093 mandates of this section.

1094 Section 56. Amend §6071, Title 29 of the Delaware Code by making deletions as shown by strikethrough and  
1095 insertions as shown by underline as follows:

1096 § 6071. Establishment [Fund suspended effective July 1, 2009; see 80 Del. Laws, c. 298, § 66]

1097 (a) The First State Quality Improvement Fund is hereby established within the ~~Office of Management and~~  
1098 ~~Budget~~Department of Human Resources.

1099 Section 57. Amend §6404, Title 29 of the Delaware Code by making deletions as shown by strikethrough and  
1100 insertions as shown by underline as follows:

1101 § 6404. General provisions.

1102 (e)(1) Where the number of employee positions has been set forth in the salary line appropriation for an agency in  
1103 § 1 of the Budget Appropriation Bill, such number shall be interpreted to mean equivalent full-time positions. The ~~Human~~  
1104 ~~Resources Management Administrator of the~~Office of Management and Budget shall maintain a listing of the employee  
1105 positions as provided, the salary or wage for each position, and the source of funding. A report of this listing shall be  
1106 furnished monthly by the Director of the Office of Management and Budget and to the Controller General. The total of such  
1107 salaries and wages for each agency shall not exceed the agency appropriation therefore and the number of employee  
1108 positions shall not be changed except as provided in paragraph (e)(2) of this section. During the period when recruit classes  
1109 for State Police are in training, the total number of employees shall apply only to uniformed personnel authorized for duty.

1110 Section 58. Amend §9015, Title 29 of the Delaware Code by making deletions as shown by strikethrough and  
1111 insertions as shown by underline as follows:

1112 § 9015. Budgeting and financing.

1113 (d) For the purpose of retaining and attracting experienced investigation and treatment workers in the Division of  
1114 Family Services, the Division may competitively recruit for Family Crisis Therapists in their investigation and treatment  
1115 units. Current Division employees who successfully apply for these positions shall have their position reclassified to Family  
1116 Crisis Therapist. Such reclassifications or reclassifications of vacant positions to Family Crisis Therapist shall be effective  
1117 upon the approval of Secretary of the Department of Human Resources, the Director of the Office of Management and  
1118 Budget and the Controller General. The Division is authorized to transfer positions between budget units in order to adjust

1119 its complement to ensure the correct number of fully functioning employees are in each functional unit of the Division. The  
1120 Division shall submit a quarterly report to the Secretary of the Department of Human Resources, ~~the~~ Director of the Office  
1121 of Management and Budget and the Controller General detailing any adjustments to the complement, the number of Family  
1122 Crisis Therapists hired and retention statistics.

1123 Section 59. Amend §9010C, Title 29 of the Delaware Code by making deletions as shown by strikethrough and  
1124 insertions as shown by underline as follows:

1125 § 9010C. Exemptions from the merit system.

1126 (b) The CIO, with the advice of the ~~Human Resources Management Administrator of the Office of Management~~  
1127 ~~and Budget~~ Secretary of the Department of Human Resources, shall create a compensation plan. Implementation of said  
1128 plan shall be contingent upon approval by the Director of the Office of Management and Budget and Controller General.  
1129 Any proposed compensation plan within the Department of Technology and Information should be unique to information  
1130 technology employees working at the Department and consider all factors including areas requiring specialized skill sets  
1131 and other elements of providing a comprehensive technology service organization consistent with the recommendations of  
1132 the Information Services Task Force. Such a plan may include competency-based pay, pay-for-performance and other  
1133 components necessary to recruit and retain highly qualified information technology professionals to the State.

1134 Section 60. Amend §9602, Title 29 of the Delaware Code by making deletions as shown by strikethrough and  
1135 insertions as shown by underline as follows:

1136 § 9602. State Employee Benefits Committee.

1137 (a) There is hereby established a State Employee Benefits Committee ("Committee"). The Committee shall be  
1138 comprised of the Lieutenant Governor, the Insurance Commissioner, the Chief Justice of the Supreme Court, the State  
1139 Treasurer, the Director of the Office of Management and Budget, the Controller General, ~~the Secretary of Finance~~ the  
1140 Secretary of the Department of Human Resources and the Secretary of Health and Social Services, or their designees. In  
1141 addition, the Governor shall appoint 1 Committee member from the following persons: The President of the Delaware State  
1142 Education Association or his or her designee, the Executive Director of the American Federation of State County and  
1143 Municipal Employees or his or her designee, the President of the Correctional Officers Association of Delaware or his or  
1144 her designee, or the President of the Delaware State Troopers Association or his or her designee. The appointment term  
1145 shall be for 3 years. An organizational representative appointed by the Governor, after serving a 3-year term, shall not serve  
1146 another term until all the organizational representatives named in this subsection have served a 3-year term. The Director of  
1147 the Office of Management and Budget and the Secretary of Human Resources shall co-chair the Committee.

1148 (c) All members of the Committee and all legal, actuarial and administrative personnel shall be entitled to  
1149 reimbursement for those travel and other expenses made necessary by their official duties that are approved by the ~~Benefits~~  
1150 ~~and Insurance Administrator~~Director of Statewide Benefits.

1151 Section 61. Amend §9604, Title 29 of the Delaware Code by making deletions as shown by strikethrough and  
1152 insertions as shown by underline as follows:

1153 § 9604. Duties of the ~~Director of the Office of Management and Budget~~Secretary of Human Resources.

1154 The duties of the ~~Director of the Office of Management and Budget~~Secretary of Human Resources under this  
1155 chapter shall include:

1156 Section 62. Amend §10403, Title 29 of the Delaware Code by making deletions as shown by strikethrough and  
1157 insertions as shown by underline as follows:

1158 § 10403. Definitions [For application of this section, see 80 Del. Laws, c. 112, § 7; and 80 Del. Laws, c. 113, § 8]

1159 As used in this chapter:

1160 (3) "Executive branch agency" means, for purposes of this chapter only, the Department of Agriculture,  
1161 Department of Correction, Delaware Economic Development Office, Delaware National Guard, Delaware State  
1162 Housing Authority, Department of Education, Department of Finance, Department of Health and Social Services,  
1163 Department of Labor, Office of Management and Budget, Department of Natural Resources and Environmental  
1164 Control, Department of Safety and Homeland Security, Department of Services for Children, Youth and Their  
1165 Families, Department of State, Department of Technology and Information, Department of Human Resources and  
1166 Department of Transportation.

1167 Section 63. Amend §1303, Title 31 of the Delaware Code by making deletions as shown by strikethrough and  
1168 insertions as shown by underline as follows:

1169 § 1303. Duties of Coordinator.

1170 The Coordinator shall coordinate contact with, and referrals to, programs applicable to displaced homemakers  
1171 which shall include:

1172 c. Utilization of the services of the ~~Office of Management and Budget~~Department of Human Resources,  
1173 which shall cooperate with the Department in locating employment opportunities;

1174 Section 64. The Secretary of the Department of Human Resources shall work in cooperation with all state  
1175 agencies to develop a detailed plan of implementation centralizing all agency human resources employees under the  
1176 Department of Human Resources. This plan shall include but not be limited to all budgetary, operational, and regulatory



1177 changes necessary to implement such a centralization as well as proposed service level agreements with state agencies to  
1178 ensure continued operations. Said plan shall be implemented no later than June 30, 2018.

1179 Section 65. Any rules and regulations of any agency, department, office, board, commission or officer thereof  
1180 affected by or mentioned in this Act, which were promulgated prior to the effective date of this act, shall remain in full  
1181 force and effect until otherwise modified in accordance with Delaware law; provided that if any rule or regulation  
1182 heretofore adopted shall conflict with any of the provisions of this act, the language contained in this act shall prevail over  
1183 that contained in such rule or regulation.

1184 Section 66. If any provision of this Act, or of any rule, regulation or order thereunder, or the application of such  
1185 provision to any person or circumstances, shall be invalid, the remainder of this Act and the application of such provisions  
1186 of this Act or of such rule, regulation or order to persons or circumstances other than those to which it is held invalid shall  
1187 not be affected thereby.

1188 Section 67. The provisions of this legislation shall be effective July 1, 2017.

#### SYNOPSIS

This legislation amends the Delaware Code to establish the Department of Human Resources by transferring various divisions and other organizational units from the Office of Management and Budget to the newly established Department of Human Resources. The powers and duties of the Director of the Office of Management and Budget and the Secretary of the Department of Human Resources are aligned to reflect the transfers of the divisions and other organizational units of the newly established Department of Human Resources. Various sections of the Delaware Code are amended to reflect changes in titles and nomenclature.

This bill also establishes Office of Women's Advancement and Advocacy. This bill sets forth that the Office of Women's Advancement and Advocacy will be a unit of the Department of Human Resources. The purpose of this Office is to promote the equality of women in all areas of society. Functions of the Office include fostering and facilitating collaborations between all facets of government and private businesses to eliminate gender-based bias and discriminatory practices, study and report on the status of women in the State, compile and analyze statistics, advise executive and legislative bodies on the effect of proposed legislation, make specific legislative proposals and submit a report to the Governor, Secretary of the Department of Human Resources and the General Assembly at the beginning of every General Assembly of the Office's activities and recommendations. The bill establishes that the governing body of the Office is the Commission for Women comprised of 9 members.

This bill provides that the Office of Women's Advancement and Advocacy oversees the Delaware Women's Hall of Fame Committee and the Delaware Women's Workforce Council. The Delaware Women's Hall of Fame Committee shall have 7 members and the Delaware Women's Workforce Council shall be comprised of 11 members. Delaware Women's Workforce Council shall conduct a study of gender-based inequities in workplaces in Delaware, recommend policies to remove gender-based inequities in the workplace, and develop and publish best practices for employers to achieve gender equality.