



SPONSOR: Sen. Marshall

DELAWARE STATE SENATE
149th GENERAL ASSEMBLY

SENATE RESOLUTION NO. 26

URGING THE GOVERNOR AND THE SECRETARY OF THE DEPARTMENT OF LABOR TO STUDY AND REPORT THEIR FINDINGS ON THE EFFICIENCY AND EFFECTIVENESS OF THE DEPARTMENT OF LABOR AS TO ITS CAPACITY TO MONITOR AND ENFORCE THE WORKPLACE FRAUD ACT.

1 WHEREAS, in 2009 the 145th General Assembly adopted the Workplace Fraud Act, Chapter 35 of Title 19 of the
2 Delaware Code; and

3 WHEREAS, the purpose of the Workplace Fraud Act is to prohibit an employer from knowingly misclassifying an
4 employee as an independent contractor; and

5 WHEREAS, the Senate of the 149th General Assembly is considering Senate Bill No. 254, which raises the civil
6 penalty for violations of the Workplace Fraud Act.

7 NOW, THEREFORE:

8 BE IT RESOLVED by the Senate of the 149th General Assembly of the State of Delaware that the Governor and
9 the Secretary of the Department of Labor are urged to study and report their findings on the efficiency and effectiveness of
10 the Department of Labor as to its capacity to monitor and enforce the Workplace Fraud Act, Chapter 35 of Title 19 of the
11 Delaware Code.

12 BE IT FURTHER RESOLVED that the report from the Governor and the Secretary of the Department of Labor be
13 provided to the following by December 14, 2018:

14 (1) The Secretary of the Senate and Chief Clerk of the House of Representatives, for distribution to their
15 respective members of the General Assembly.

16 (2) The Division of Research's legislative librarian.

17 (3) The President of the Delaware State AFL-CIO.

18 (4) The President of the Delaware Building and Construction Trades Council.

19 (5) The Chair of the Board of Directors of the Delaware Chapter of the Associated Builders and Contractors,
20 Inc.

21 (6) The President of the Delaware State Chamber of Commerce.

22 BE IT FURTHER RESOLVED that, upon passage of this Resolution, the Secretary of the Senate send copies of
23 this Resolution to the Governor and Secretary of the Department of Labor.

SYNOPSIS

This Resolution urges the Governor and the Secretary of the Department of Labor to study and report their findings on the efficiency and effectiveness of the Department of Labor as to its capacity to monitor and enforce the Workplace Fraud Act, Chapter 35 of Title 19 of the Delaware Code.

Author: Senator Marshall