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

DELAWARE STATE SENATE
152nd GENERAL ASSEMBLY

SENATE BILL NO. 145
AS AMENDED BY
SENATE AMENDMENT NO. 1

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

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

Section 1. Amend § 715, Title 19 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 715. Judicial remedies; civil penalties.

(a) Superior Court shall have jurisdiction over all proceedings brought by the charging party ~~pursuant to~~ under § 714 of this title. Superior Court may excuse a charging party who has complied with the compulsory conciliation provisions of this chapter from the compulsory arbitration provisions of Superior Court ~~rule.~~ rules.

~~(1)~~ (b) Superior Court ~~shall have the authority to provide the following relief, including but not limited to:~~ may order any of the following:

~~a. Order~~ (1) That the respondent ~~to~~ cease and desist or modify its existing employment ~~policies;~~ policies.

~~b. Order~~ (2) That the respondent ~~to~~ hire, ~~reinstate~~ reinstate, or promote the charging ~~party;~~ party.

~~c. Order the~~ (3) The payment of ~~compensatory damages, including but not limited to general and special damages, punitive damages when appropriate, not to exceed the damage awards allowable under Title VII of the Civil Rights Act of 1964 [42 U.S.C. § 2000e et seq.], as amended, provided that for the purposes of this subchapter, employers with 4-14 employees shall be treated under Title VII's damage award as an employer having under 50 employees; and~~ any of the following:

a. Compensatory damages.

b. Punitive damages.

c. Special damages, including back pay and interest on back pay.

d. Front pay.

~~d. Order the~~(4) Equitable relief provided under Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e-5.

(5) The costs of litigation and reasonable attorney's fees to the prevailing party.

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(c) An award of compensatory or punitive damages, or both, under paragraph (b)(3)a. or b. of this section, may not exceed the following:

(1) For a respondent with 4 through 14 employees, $50,000.

(2) For a respondent with 15 through 100 employees, $75,000.

(3) For a respondent with 101 through 200 employees, $175,000.

(4) For a respondent with 201 through 500 employees, $300,000.

(5) For a respondent with more than 500 employees, $500,000.

~~(2)~~ (d) In any action brought by the Department for violation of the retaliation provision of § 711(g) of this title, the Court shall fine the employer not less than $1,000 nor more than $5,000 for each violation, in addition to any liability for ~~damages.~~ damages under this section.