



SPONSOR: Sen. Henry

DELAWARE STATE SENATE
149th GENERAL ASSEMBLY

SENATE AMENDMENT NO. 1
TO
HOUSE SUBSTITUTE NO. 1
FOR
HOUSE BILL NO. 1

1 AMEND House Substitute No. 1 for House Bill No. 1 by deleting lines 12 through 14 in their entirety and
2 inserting in lieu thereof the following:

3 “(c) For the purposes of this section, if an employer can demonstrate that the employer’s agent, who is not an
4 employee, was informed of the requirements of this section and instructed to comply by the employer, then the employer is
5 not liable for actions taken by the agent in violation of this section.”.

6 FURTHER AMEND House Substitute No. 1 for House Bill No. 1 after line 20 and before line 21 by inserting the
7 following and redesignating the remaining subsections accordingly:

8 “(f) The Department of Labor shall post the requirements of this section on its website and shall perform outreach
9 as necessary to educate employers of the requirements of this section.”.

10 FURTHER AMEND House Substitute No. 1 for House Bill No. 1 on line 24 by inserting “or employer’s agent”
11 after “Any employer” and before “who violates” therein.

SYNOPSIS

This Amendment does all of the following:

(1) Makes clear that an employer is not liable under § 709B of Title 19, as set forth in the Act, if the employer can demonstrate that its agent, who is not an employee, was informed of the requirements of the section and instructed to comply.

(2) Requires the Department of Labor to post the requirements of § 709B on its website and make necessary efforts to educate employers.

(3) Makes clear that the penalties in § 709B apply to an employer and an employer’s agent.

Author: Senator Henry