

DELAWARE SHRM JOINT LEGISLATIVE INITIATIVE (DELAWARE STATE COUNCIL, DELMARVA SHRM & DE SHRM CHAPTERS)

LEGISLATIVE UPDATE

DECEMBER 1, 2017

IN THIS ISSUE:

1. LEGISLATION ALERT – Beginning December 14, 2017 Delaware Employers are prohibited from asking “salary history” information.
2. State of Delaware Legislation of Interest
3. SHRM A-Team Action Alerts
4. Federal Legislation of Interest
5. Local Legislation of Interest
6. Delaware SHRM Joint Legislative Initiative – Committee Member Contact Information

1. LEGISLATIVE ALERT – DELAWARE HS 1 FOR HB 1 BECOMES EFFECTIVE ON DECEMBER 14, 2017. PROHIBITS EMPLOYERS FROM ASKING “SALARY HISTORY” INFORMATION.

Representative Longhurst sponsored legislation ([HS 1 for HB 1](#)) that Governor Carney has signed into law prohibiting employers from using compensation information (wages, benefits and other forms of compensation) to:

- (1) screen applicants, or
- (2) seek compensation history from an applicant or a current or former employer.

The law permits an employer to seek an applicant’s compensation history after an offer of employment with terms of compensation has been extended to the applicant and accepted for the purposes of confirming the applicant’s compensation history.

The legislation provides an employer release from liability actions taken by an agent, for example a recruiter, in violation of this legislation provided the employer can demonstrate that the employer’s agent was informed of the requirements of the legislation.

Employer violations are subject to a civil penalty of not less than \$1,000 nor more than \$5,000 for the first offense and not less than \$5,000 nor more than \$10,000 for each subsequent violation.

The law becomes effective 6 months after its enactment into law. Governor Carney signed the bill on June 14, 2017 so the law becomes effective on December 14, 2017.

Suggested To-Do List:

- Review/revise HR related policies
- Review/revise job applications (hard copy and online)
 - Provide notice of requirements of the law to all external agents (temporary agencies, recruiters, search firms)
 - Identify all employees, recruiters, supervisor, managers and potentially board members involved in the hiring process and conduct training on the prohibitions under the law.
- Conduct periodic audits to ensure compliance.

2. STATE OF DELAWARE LEGISLATION OF INTEREST

HB 96 – Wage Bargaining for State Employees <http://legis.delaware.gov/BillDetail?LegislationId=25541>

HB 110 – Recreational Use of Marijuana <http://legis.delaware.gov/BillDetail?LegislationId=25571>

HB 172 – Limited Recovery of Overpayment by Insurance Companies to 24 Months
<http://legis.delaware.gov/BillDetail?LegislationId=25773>

HB 214 – Wage Bargaining for Correctional Officers <http://legis.delaware.gov/BillDetail?LegislationId=25921>

SB 10 – Minimum Wage Increase <http://legis.delaware.gov/BillDetail?LegislationId=25378>

SB 41 – Coverage for Serious Mental Illness and Drug and Alcohol Dependency
<http://legis.delaware.gov/BillDetail?LegislationId=25773>

3. SHRM A-TEAM ACTION ALERTS, TAKE-ACTION!

Tell Your Member of Congress to:

Pass H.B. 4219 – Workflex in the 21st Century Act

Preserve the Tax Treatment of Employer-Provided Educational Assistance

Support the Upward Mobility Enhancement Act that expands tax-free tuition reimbursement to \$11,500

Click on the following link for more information: <http://www.advocacy.shrm.org/home?6>

4. FEDERAL LEGISLATION/REGULATIONS OF INTEREST

HB 4219 – Workflex in the 21st Century Act <https://www.congress.gov/115/bills/hr4219/BILLS-115hr4219ih.pdf>

5. LOCAL GOVERNMENT LEGISLATION OF INTEREST

Sussex County Council – Right-to-Work Ordinance <https://sussexcountyde.gov/labor-union-ordinance>

6. DELAWARE SHRM JOINT LEGISLATIVE INITIATIVE COMMITTEE CONTACT INFORMATION

Jon C. McDowell, SHRM-SCP, Delaware State Council, Legislative Affairs Director (jmcdowell1@comcast.net)

Dan Bloom, SPHR, SHRM-SCP, DE SHRM, Legislative Chair (dbloom@printpack.com)

Janie Libby, MBA, PHR, DelMarVa SHRM, Vice President of Legislative/Government Affairs (jlibby@doverdowns.com)

Patricia Clendening, GPHR, SPHR, SHRM-SCP, Director, Delaware State Council (tricia@hrstrategies.org)

Joanne Lee, SHRM-SCP, DE SHRM, Certification Chair (jlee@nksdistributors.com)

Dr. Nicole Evans, DBA, SPHR, DE SHRM, Nomination Chair (evansn@gbc.edu)

Jacqueline Poquette, SHRM-SCP, DelMarVa SHRM, Vice President of Communications (jpoquette@eaglesgrp.com)

This publication is the result of combined efforts by members of Delaware SHRM State Council, DE SHRM and Delmarva SHRM Chapters. Any questions or suggestions should be referred to members of the Delaware SHRM State Council Legislative Committee. This legislative update is for informational purposes only. It is strongly recommended that you consult with an attorney for legal advice.