

Delaware: Wage Theft Protections Enacted

Effective October 7, 2022, all employers are prohibited from:

- Employing anyone without reporting their employment to all appropriate government agencies and paying all applicable taxes and fees for them.
- Failing to properly withhold state and federal taxes from an employee.
- Failing to forward money withheld from an employee's wages to the appropriate state or federal agency within seven days of the applicable pay period.
- Paying an employee less than the state or federal minimum wage for work they performed.
- Misclassifying a worker as an independent contractor to avoid wage, tax, or workers' compensation obligations.
- Knowingly violating the law.

([DE SS 1 for SB 35](#), as amended, was signed by the governor on October 7, 2022)

Delaware: Wage Payment Timing Updated

Effective October 7, 2022, whenever the employment relationship ends (an employee quits, resigns, is discharged, suspended, or laid off), their wages are due and payable by the employer on the later of:

- The next date they would be paid— through the last day worked under the employer’s regular pay cycle—as if their employment didn’t stop; or
- Three business days after the last day they work.

Wage payment must be completed through the employer’s usual pay channels—as if the employment wasn’t suspended or terminated—or by mail if the employee requests it.

([DE SS 1 for SB 208](#), as amended, was signed by the governor on October 7, 2022)