

An Act to Amend Title 19 of the Delaware Code Relating to Unlawful Employment Practices

<https://legiscan.com/DE/bill/HB1/2017>

- Effective **December 14, 2017**

Key Provisions of the Ordinance

- Key Definitions:
 - Applicant means a prospective employee applying for employment
 - Compensation includes monetary wages as well as benefits and other forms of compensation
- It is an unlawful employment practice for an employer or employer's agent to:
 - **Screen applicants based on their compensation histories, including by requiring that an applicant's prior compensation satisfy minimum or maximum criteria**
 - **Seek the compensation history of an applicant from the applicant or a current or former employer**
- If the employer can demonstrate that the employer's agent was informed of the requirements of this section and instructed to comply, then the employer is not liable for actions taken by an agent in violation of this section
- Nothing in this section prohibits an employer or an employer's agent and an applicant from discussing and negotiating compensation expectations provided that the employer or employer's agent does not request or require the applicant's employment history.
- Nothing in this section prohibits an employer or an employer's agent from seeking the applicant's compensation history **after an offer of employment** with terms of compensation having been extended to the applicant and accepted, for the sole purpose of confirming the applicant's compensation history

Recommended Actions in Preparation for December 14, 2017

- If you have not already done so, review job applications and remove any salary history requests.
- Review your hiring and interview policies and processes. Revise them to delay inquiry into salary history until AFTER a conditional offer of employment.
- Train all individuals involved in recruitment, hiring, and interviewing to comply with the requirements of this law.

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