

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

LEGISLATIVE UPDATE MAY 1, 2018

1. SHRM DAY IN DOVER – THURSDAY, APRIL 26, 2018 – WAS A SUCCESS!



On Thursday, April 26, 2018, the three SHRM entities in Delaware orchestrated their first “SHRM Day In Dover.” The SHRM Day event included 27 HR professionals representing the Delaware SHRM State Council, the Delaware SHRM Chapter (NCC) and the DelMarVa SHRM Chapter (Kent & Sussex). The day included a tour of the General Assembly conducted by First State Heritage Park at Dover. Following the tour, the participants moved to the Dover Public Library. Rep. Jeff Spiegelman spoke about “hot” legislative topics this session. The next stop was lunch at Frazier’s Restaurant where the group heard from Rep. Paul Baumbach. The group also met with Governor Carney in his office at Legislative Hall (photo above). Finally, participants observed the House and Senate from their respective galleries. See photos below of Rep. Spiegelman and Rep. Paul Baumbach and a candid photo of participants observing the Senate from the gallery (Maribeth Dockety, Reba Businsky, Micheal Patterson and Frank Ingraham).



A few more photos from SHRM Day in Dover. Pictured on the left below are Jon McDowell, Joanne Lee, Rep. Michael Ramone, Marie Clyde and John Campanella. On the right below is a photo of all the SHRM Day in Dover participants in the House Chamber as the tour of Legislative Hall concluded.



2. FEATURED LEGISLATION – DELAWARE H.B. 360 – SEXUAL HARASSMENT TRAINING

Sexual Harassment Training H.B. 360 - Introduced on March 29, 2018 and sponsored by Rep. Keeley: This bill was on the House Labor Committee’s agenda on April 25th and Janie Libby and Jon McDowell testified. While we are not opposed to sexual harassment training, some of the definitions are very troubling. There are issues with the definitions of “supervisor” and “independent contractor.” Action on the bill was deferred and pending for amendment. This bill seeks to offer broader protections for Delaware workers against sexual harassment than those found at the federal level by defining sexual harassment as an unlawful employment practice and clarifying the definition of employee to include state employees, persons providing services pursuant to a contract, and unpaid interns. This bill also includes a requirement that the Department of Labor create an information sheet pertaining to sexual harassment that employers must distribute to employees. Employers having more than 50 employees must provide sexual harassment training to their supervisory employees within six months after they assume the supervisory role. Training must be conducted every two years.

3. STATE OF DELAWARE LEGISLATION OF INTEREST

TOPIC	BILL	SHORT SUMMARY
Recreational Use of Marijuana	H.B. 110	<p>Introduced on March 30, 2017 by Rep. Keeley: The Delaware Marijuana Control Act regulates and taxes marijuana in the same manner as alcohol. It allows adults of age 21 and over to legally possess and consume under one ounce of marijuana for personal use. It does not give people the right to grow their own marijuana.</p> <p>Status: Bill was assigned to the House Health and Human Development Committee and currently resides there. The bill went to the House Revenue and Finance Committee and was released on a 7-2 vote.</p> <p>Click below for a copy of H.B. 110 http://legis.delaware.gov/BillDetail?LegislationId=25571</p>
Equal Rights Amendment to the Delaware Constitution	H.B. 399 w/H.A. 1	<p>Introduced on January 16, 2018 by Rep. Longhurst: It says: <i>“Equality of Rights under the law shall not be denied or abridged on account of the sex of the individual.”</i> This is the first leg of an amendment to the Delaware Constitution to provide equal rights on the basis of sex. Passage requires an affirmative vote by 2/3rds of the Delaware House and Senate in two consecutive Delaware General Assemblies. It will provide protection against state and local laws that discriminate on the</p>

		<p>basis of sex. By adding an Equal Rights Amendment to our Constitution, Delaware will officially declare that “equal protection under the law” is a fundamental right. Both bills are similar and follow the same approval process.</p> <p>Status: H.B. 399 with H.A. 1 passed the House with a 34-5 vote and now moves to the Senate.</p> <p>Click below for a copy of H.B. 399 https://legis.delaware.gov/BillDetail?LegislationId=26425</p>
Sexual Harassment Training	H.B. 360	<p>Introduced on March 29, 2018, by Rep. Keeley: For details, see item #2 – Featured Legislation in this Legislative Update.</p> <p>Status: Assigned to the House Labor Committee. H.B. 360 was on the agenda of the House Labor Committee on April 25, 2018. It provides good support for sexual harassment training, but a number of problems were identified regarding the definitions of employer and independent contractor. Rep. Keeley indicated she would work on an amendment. The bill resides in the House Labor Committee.</p> <p>Click below for a copy of H.B. 360 https://legis.delaware.gov/BillDetail?LegislationId=26453</p>
Minimum Wage Increase	S.B. 170	<p>Introduced on March 28, 2018, by Sen. Marshall: The Act increases the minimum wage as set forth below:</p> <ul style="list-style-type: none"> • \$8.75 per hour effective October 1, 2018 • \$9.25 per hour effective October 1, 2019 • \$9.75 per hour effective October 1, 2020 • \$10.25 per hour effective October 1, 2021 <p>Status: S.B. 170 was on the Senate Labor Committee’s agenda on Wednesday, May 2, 2018. Janie Libby and Jon McDowell attended the hearing. Approximately a dozen witnesses testified regarding the bill. Testimony was equally split between those supporting and those opposing the bill’s passage. Jon McDowell testified against the bill in its current form, cautioning that 24.4% over four years will have a dramatic impact on prices and inflation. He further emphasized that the \$2.00 increase over 4 years will send a “ripple effect” through most employers’ pay rates. The bill resides in the Senate Labor Committee.</p> <p>Click below for a copy of S.B. 170 http://legis.delaware.gov/BillDetail?LegislationId=26445</p>

4. RESULTS OF LEGISLATIVE SURVEY WILL BE SHARED AT MAY/JUNE CHAPTER MEETINGS

The survey focused on three important legislative issues. A presentation of the survey results is being planned for the May/June Chapter meetings. Thank you to those who took the survey!

5. DELAWARE SHRM JOINT LEGISLATIVE INITIATIVE COMMITTEE CONTACT INFORMATION

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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 Joint Legislative Initiative Committee. This Legislative Update is for informational purposes only. It is strongly recommended that you consult with an attorney for legal advice.