

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

LEGISLATIVE UPDATE
JUNE 1, 2018



1. JOINT LEGISLATIVE INITIATIVE TO KICK-OFF SERIES OF LEGISLATIVE WORKSHOPS

On Monday, June 11, 2018 the Joint Legislative Initiative will kick-off a series of Legislative Workshops designed to educate HR professionals and others about the legislative process. We are offering of these legislative workshops as a continuation of our efforts to raise the awareness and recognition of Delaware HR professionals in the legislative arena. The legislative workshops have become an imperative given the ever increasing amount of HR legislation being initiated at the state-level. The offering of the workshops is also in response to requests from participants from the SHRM Day in Dover.

Workshop Agenda:

Understanding the State Legislative Process
Using the Delaware General Assembly Legislative Information System
How to Reference Proposed Legislation Against Existing Delaware Law
Evaluating the Impact of Proposed Legislation
Tips and Tactics to Impact Proposed Legislation

New Castle County

Date: Monday, June 11, 2018, 9-11 a.m.

Location: BHI, 111 Ruthar Drive, Newark, DE 19711

Host: Maria N. Clyde, PHR, SHRM-SCP

Visiting Elected Official: State Representative Michael Ramone (21st Representative District, Committees – Appropriations, Economic Development/Banking/Insurance, Education, Gaming & Pari-mutuels, Housing & Community Affairs, Joint Finance, Revenue & Finance, Veterans Affairs)

Registration: please email Jon McDowell at jmcdowell1@comcast.net (first come-first serve basis)

Kent County

Date: Thursday, June 14, 2018, 9-11 a.m.

Location: Del-One Federal Credit Union, 270 Beiser Blvd., Dover, DE 19904

Host: Jon C. McDowell, SHRM-SCP

Visiting Elected Official: Pending

Registration: please email Jon McDowell at jmcdowell1@comcast.net (first come-first serve basis)

Additional Workshops: HR professionals interested in hosting a workshop should email Jon McDowell at jmcdowell1@comcast.net. We are looking to offer 2-3 workshops in each county – New Castle, Kent, Sussex.

2. FEATURED LEGISLATION – H.B. 409 DELAWARE “WARN ACT”

H.B. 409 creates a state mass layoff and plant closing notice requirement law that requires certain larger employers to provide their employees with adequate notice when they plan to go out of business, close a plant, or lay off a large number of employees. The bill requires employers to also notify the State of Delaware Department of Labor of planned mass layoffs and plant closings, so the Department of Labor can provide dislocated workers with services to assist them in returning to work as soon as possible. The bill imposes greater notice requirements on employers than the federal Worker Adjustment and Retraining Notification Act (WARN Act). Specifically, H.B. 409’s notice requirements apply to employers with 50 or more employees whereas the federal “WARN Act” applies to employers with 100 or more employees. The bill also authorizes the State Department of Labor to conduct investigation/hearing for alleged violations and authorized penalties for an employer’s failure to comply with the employee notice requirements.

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 less than 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 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 but was defeated in the Senate on May 9, 2018.</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: “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, or 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</p>

		<p>harassment training to their supervisory employees six months after they assume the supervisory role, and the training must be conducted every two years.”</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>
Delaware Workplace Adjustment and Retraining Notification Act	H.B. 409	<p>Introduced on May 3, 2018, by Rep. Mulrooney: For details, see item #2 – Featured Legislation in this Legislative Update.</p> <p>Status: Assigned to the House Labor Committee on May 3, 2018. Voted out of the House Labor Committee on May 9, 2018 on a vote of 13 yes, 0 no. The bill has been added to the House Ready List for consideration by the full House of Representatives.</p> <p>https://legis.delaware.gov/BillDetail?LegislationId=26633</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 agenda of the Senate Labor Committee 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>

5. 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, SHRM-CP, DelMarVa SHRM, Vice President of Legislative/Government Affairs (jlibby@doverdowns.com); Patricia Clendening, GPHR, SPHR, SHRM-SCP (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, SPHR, SHRM-SCP, DelMarVa SHRM, Vice President of Communications (poquettejacqueline@gmail.com); Maria Clyde, Delaware State Council, Treasurer. (MClyde@BHI365.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 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.