

## ■ WAGE PAYMENT AND COLLECTION ACT OF THE STATE

### TERMS:

**Paydays and Pay Periods** — Employers in Delaware must pay their workers on regular paydays designated in advance. In no case may paydays be less often than once a month, and a regular payday must occur not more than 7 days after the end of each pay period. If the regular payday falls on a non-workday, payment must be made on the preceding workday.

**Method of Pay** — Wages must generally be paid in lawful U.S. money, by check, or with a payroll debit card. Use of checks is allowable only if the employer makes suitable arrangements for cashing checks, without discount, at a bank or other business establishment convenient to the workplace, and payment using debit cards is subject to state restrictions.

**Final Wages** — Whenever a worker quits or is laid off or fired, final wages are due on the next regular payday.

**Withholding of Wages** — An employer may not withhold any portion of a worker's wages unless (1) the employer is required or authorized to do so by state or federal law, (2) the deductions are for documented health care or medical services, without financial benefit to the employer, or (3) the employer has a signed authorization from the worker for deductions for a lawful purpose benefiting the worker.

**Wage Statements and Recordkeeping** — Every employer with more than 3 employees is required (1) to notify each worker in writing, at the time of hiring, of the wage rate to be paid and the day, hour and place of payment, and (2) to furnish each worker with a written statement at the time of payment showing the wages earned, the pay period, itemized deductions from earnings, and, for employees paid at an hourly rate, the total number of hours worked. In addition, such employers must safeguard all wage and hour records at their place of business for a period of at least 3 years.

**ENFORCEMENT:** *Office of Labor Law Enforcement, Division of Industrial Affairs, Delaware Department of Labor, Wilmington, Delaware 19802 (302-761-8200).*

As an alternative to filing a wage claim with the state agency, the law gives workers the right to sue the employer in civil court to collect unpaid wages, using a private attorney or a public legal services program.

**SPECIAL NOTE:** An employer may not fire, discipline or discriminate in any manner against a worker because the worker has filed a complaint, participated in a proceeding, or exercised any other right afforded by these provisions.