SPONSOR: Rep. K. Williams & Rep. Longhurst & Sen. Blevins
Reps. Bennett, Bentz, Bolden, Heffernan, Keeley, Kowalko, Lynn, Mulrooney, Osienski, Paradee; Sens. Bushweller, Cloutier, Hocker, Peterson, Richardson, Townsend

HOUSE OF REPRESENTATIVES

148th GENERAL ASSEMBLY

HOUSE BILL NO. 317
AS AMENDED BY
HOUSE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 19 OF THE DELAWARE CODE RELATING TO EMPLOYMENT DISCRIMINATION BASED ON FAMILY RESPONSIBILITIES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend § 710, Title 19 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows and redesignating accordingly:

§ 710 Definitions.

For the purposes of this subchapter:

(9) "Family responsibilities" means the obligations of an employee to care for any family member who would qualify as a covered family member under the Family and Medical Leave Act.

Section 2. Amend § 711, Title 19 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows and redesignating accordingly:

§ 711 Unlawful employment practices; employer practices.

(i) (1) It shall be an unlawful employment practice for an employer to:

a. Fail or refuse to hire or to discharge any individual or otherwise to discriminate against any individual with respect to compensation, terms, conditions, or privileges of employment because of the individual's family responsibilities, except with respect to the employer's attendance and absenteeism standards that are not protected by other applicable law and inasmuch as the employee's performance at work meets satisfactory standards.

b. Limit, segregate or classify employees in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect the individual's status as an employee

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because of such individual's family responsibilities, except with respect to the employer's attendance and absenteeism standards that are not protected by other applicable law and inasmuch as the employee's performance at work meets satisfactory standards.

(2) This subsection does not create any obligation for an employer to make special accommodations for an employee with family responsibilities, so long as all policies related to leave, scheduling, absenteeism, work performance, and benefits are applied in a non-discriminatory manner.

Section 3. This bill shall take effect 6 months after the date of its enactment.