

Delaware Lawmakers Seek Workplace Rights for Victims of Domestic Violence, Sexual Offense, or Stalking

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On April 16, 2015, a group of Delaware lawmakers submitted a bill seeking to amend the Delaware Code to include protection from discrimination against job applicants or employees who are victims of domestic violence, a sexual offense, or stalking. This bill pursues the laudable goal of protecting victims from having their employment opportunities jeopardized by unfair stigma or exposure to further harm that unfortunately too often accompanies such offenses.

The bill places the burden upon the applicant or employee to verify that he or she is the victim of domestic violence, a sexual offense, or stalking. The verification must be from a reliable source, such as a court order or official statement by a law enforcement officer or medical provider. If appropriate verification is provided, the employer must allow reasonable accommodations "to the known limitations related to domestic violence, a sexual offense, or stalking," unless it can demonstrate the accommodation would pose an undue hardship on its operations. In this context, a reasonable accommodation may include allowing use of accrued leave originally designated for a different purpose.

The bill is under evaluation by the House Labor Committee. White and Williams will continue to monitor this bill and report on its progress. Should you have any questions regarding the subject of this alert or other employment law issues, please contact Marc Casarino (302.467.4520; casarinom@whiteandwilliams.com) or another member of the Labor and Employment Practice Group at White and Williams.

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