



SPONSOR: Sen. Townsend & Sen. Henry & Sen. Poore & Sen. Peterson & Rep. M. Smith & Rep. Heffernan & Rep. Q. Johnson & Rep. Longhurst
Sens. Blevins, Sokola; Reprs. Baumbach, Jaques, J. Johnson, Mitchell, Paradee

DELAWARE STATE SENATE
147th GENERAL ASSEMBLY

SENATE BILL NO. 185

AN ACT TO AMEND TITLE 19 OF THE DELAWARE CODE RELATING TO THE PERSONS WITH DISABILITIES
EMPLOYMENT PROTECTIONS ACT.

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

1 Section 1. Amend Chapter 7, Title 19 of the Delaware Code by making deletions as shown by strike through and
2 insertions as shown by underline as follows:

3 § 722 Definitions.

4 (3) "Employer" means ~~the State or any political subdivision or board, department, commission or school district~~
5 ~~thereof and any person employing, within the State, 15 or more employees for each working day in each of 20 or more~~
6 ~~calendar weeks in the current or preceding calendar year~~ a person qualifying as an employer under § 710 of this title.

7 Section 2. This Act shall be effective six (6) months after enactment.

SYNOPSIS

Delaware employment discrimination law applies to employers of 4 or more employees within the State for all protected classes (race; marital status; genetic information; color; age; religion; sex; sexual orientation; gender identity; national origin) apart from disability. Only larger employers with 15 or more employees are subject to the State disability-based employment discrimination law. This bill removes the inconsistency by adopting the same definition of "employer" for all protected classes, including disability. Neighboring states have adopted a uniform definition of "employer" which applies to all protected classes [Pa. Code – 43. P.S. §§ 952-954; Md. Code - §20-601-602; N.J. Code - §10:5-5].

Author: Senator Townsend