

Delaware labor law checklist 2026

Minimum wage	\$15.00 an hour.
Tipped cash wage	\$2.23
Next change	None scheduled
Overtime	The federal FLSA rule applies: overtime at 1.5 times the regular rate after 40 hours in a workweek. There is no daily overtime rule.
Exempt salary test	Federal \$684 a week (\$35,568 a year).
Meal breaks	A 30-minute meal break for employees working 7.5 or more consecutive hours, taken after the first 2 hours and before the last 2 hours.
Rest breaks	No state rest break law for adults. Under federal law, short breaks of 5 to 20 minutes that you choose to give must be paid.
Final pay if fired	By the next regular payday.
Final pay if they quit	By the next regular payday.
Unused PTO	Not required by state law. Follow your written policy or contract, and apply it consistently.
Paid sick leave	No statewide paid sick leave law. Check city and county rules, and federal contractor rules (Executive Order 13706) if they apply.
Paid family leave	Delaware Paid Leave: benefits began January 1, 2026. Employers with 10 or more employees must cover parental leave, and employers with 25 or more must also cover medical and family caregiving leave. Funded by premiums that employers may split with employees.
Pay transparency	Not yet in effect. A law requiring pay ranges in postings for employers with 26 or more employees takes effect in September 2027.
New hire reporting	Report each new hire within 20 days of the hire date, the federal deadline.
State income tax	Withhold state income tax.
State agency	Delaware Department of Labor: https://www.labor.delaware.gov

What trips up Delaware employers

- ☐ Delaware Paid Leave coverage depends on headcount: 10 or more for parental leave, 25 or more for all leave types.
- ☐ Plan now for pay ranges in job postings, required for employers with 26 or more employees from September 2027.
- ☐ Tipped employees can be paid as little as \$2.23 an hour in cash wages, one of the lowest outside the federal level.
- ☐ Check the minimum wage on January 1 and July 1, and update payroll and posters.
- ☐ Confirm final pay timing before every termination meeting.

All 50 states and DC, comparison tables, and a free CSV: hrtally.com/state-labor-laws

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