

DELAWARE

Delaware Enacts Pay Transparency Law

Provided to you by **Employco USA, Inc.**

On Sept. 26, 2025, Delaware enacted a [law](#) requiring employers to include salary or wage ranges and benefits information in job postings. The law takes effect on **Sept. 26, 2027**, and applies to employers with 26 or more employees.

Pay Transparency Requirements

Employers must include the **hourly or salary compensation or compensation range** and a **general description of benefits** and **other compensation** in any external or internal job opportunities to be performed in the state or remotely elsewhere in the United States for a Delaware-based employer. If no job opportunity has been made available to the applicant, employers must provide such information prior to an offer or discussion of compensation or at any time upon the applicant's request.

For positions paid on a **commission** basis, employers must disclose that fact but do not need to disclose the compensation or compensation range. For positions paid on a **tipped** basis, employers must disclose that fact and the base wage or base wage range. For positions covered by a **collective bargaining agreement**, employers must disclose the compensation or compensation range approved in such agreement.

Exceptions

The pay transparency requirements do not apply to:

- Interim or temporary jobs that need to be filled immediately; and
- Positions covered by a collective bargaining agreement that is executed, amended, modified, renewed or replaced before Sept. 26, 2027.

In addition, employers are not liable for postings that are digitally replicated and published without the employer's consent.

Recordkeeping

Employers must make, keep and preserve job descriptions and salary and wage rate history for each employee for at least **three years**.

Highlights

Sept. 26, 2025

Delaware enacted a law requiring employers to include pay transparency in job postings.

Sept. 26, 2027

Delaware's pay transparency law takes effect.

Effective Sept. 26, 2027, covered employers must disclose compensation and benefits in job postings.

Penalties

Employers that fail to comply with the law may be subject to a written warning for a first offense and civil penalties of between \$500 and \$10,000 for each subsequent violation or for any act of retaliation against an individual for asserting their rights under the law.

Next Steps for Employers

To comply with the law by its effective date, employers can take steps now, such as establishing a methodology for determining compensation ranges, reviewing and updating job postings, conducting a pay audit to identify and remedy any pay disparities, and ensuring the appropriate parties (such as HR and recruiting personnel) are trained on their obligations.