



**Governor's Advisory Council for Exceptional Citizens (GACEC)**  
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### **MEMORANDUM**

**DATE:** April 25, 2016

**TO:** The Honorable Members of the Delaware General Assembly

**FROM:** Robert D. Overmiller, Chairperson  
GACEC

**RE:** **Senate Bill No. 214 (Employment Discrimination)**

The Governor's Advisory Council for Exceptional Citizens (GACEC) has reviewed **Senate Bill No. 214**, which increases the amount of time provided to a person seeking to file a charge of employment discrimination from 120 days to 300 days, making the Delaware statute of limitations consistent with the statute of limitations under federal discrimination law. Council **endorses** the proposed change allowing more time to align with federal timeframes.

Federal law states the following:

#### VIII. What Are the Time Limits for Filing a Charge of Discrimination?

...There are strict time limits within which charges must be filed:

- A charge must be filed with EEOC within 180 days from the date of the alleged violation, in order to protect the charging party's rights.
- This 180-day filing deadline is extended to 300 days if the charge is also covered by state or local anti-discrimination law.

[emphasis supplied]

Senate Bill No. 214 conforms the State statute of limitations to match the above federal standard, i.e., 300 days. This is highly preferred for several reasons. First, individuals looking at the current Delaware Code may be misled into believing they only have 120 days to file a charge under both federal and state law. Second, it facilitates the administration of the State Department of Labor to have a State charge time line equal to the federal standard. Under current law, Delawareans who file charges within 120 days can have their claims processed by the State while those filing between 121-300 days have their claims routed to the federal EEOC for processing. This is an awkward and confusing system for consumers.

Thank you for your time and consideration of our observations and endorsement. Please feel free to contact me or Wendy Strauss should you have any questions.