



Delaware wage and hour cheat sheet

Minimum wage, overtime, breaks, final pay, and record retention on one sheet. Rates verified August 2026.

Minimum wage

\$15.00/hr (reached January 1, 2025; unchanged for 2026). No local or employer-size variants, one statewide rate. Tipped cash wage: \$2.23/hr (tips must bring total to at least \$15.00/hr). No 2026 increase is scheduled.

Overtime

1.5x the regular rate after 40 hours in a workweek. Delaware has no state overtime statute; it follows the federal FLSA weekly-40 standard.

Daily overtime

None. No daily overtime and no double-time; overtime is weekly only (after 40 hours).

Meal break

30-minute unpaid meal break required for employees who work 7.5 or more consecutive hours, given after the first 2 hours and before the last 2 hours of the shift (Del. Code tit. 19 §707). Exemptions apply (e.g., fewer than 5 employees on a shift at one location, sole employee who can do the job, CBA/written agreement, certain certified professionals, public-safety cases).

Rest break

No state rest-break requirement for adults. Delaware law does not mandate paid rest breaks; if an employer voluntarily offers short breaks of 5-20 minutes, federal rules require they be paid.

Final paycheck

Next regularly scheduled payday. Wages of a separated employee (quit, discharged, suspended, or laid off) are due by the next regular payday as if employment had continued (Del. Code tit. 19 §1103). Unreasonable delay exposes the employer to liquidated damages of 10% of the unpaid wages for each day of delay or the amount of the unpaid wages, whichever is smaller (19 Del. C. § 1103(b)).

How long to keep time records

Federal law requires keeping time cards 2 years and payroll records 3 years, and some states go longer. Keep the records where you can produce them; a wage claim is decided on whoever has the better records.

Rates verified August 2026. Delaware's \$15.00 minimum wage reached its scheduled ceiling on January 1, 2025 and has no further statutory increase scheduled, so it is unchanged for 2026. The tipped cash wage remains \$2.23 per hour. This is general information, not legal or payroll advice. Check the Delaware labor department for the current rules, and talk to a professional for your situation.

Primary source: <https://labor.delaware.gov>. Full list of sources: getclox.com/blog/delaware-time-tracking.