

“Service Letters”

(Special Employment Practices for Childcare and Healthcare Facilities)

FAQ Page

What is a Service Letter?

A service letter is a document provided by an employer to a former employee upon request, detailing the employee's job performance, reason for separation, and other relevant employment history. This letter is often used when the employee is seeking new employment in the Child Care and/or Healthcare industries in Delaware.

Why are Service Letters important in Child Care and Healthcare Facilities?

Service letters are crucial in these industries because they help potential employers evaluate the suitability of applicants who will be working with vulnerable populations such as children, the elderly, and the ill. These letters ensure that only individuals with a reliable work history and positive performance record are hired.

Who can request a Service Letter?

Any former employee of a child care or healthcare facility in Delaware can request a service letter from their previous employer. The request must be made in writing. (The required form is available on the Delaware Department of Labor, Office of Wage & Hour Enforcement’s website or upon request).

What information must be included in a Service Letter?

A service letter should include:

- The dates of employment.
- The position(s) held.
- A summary of job performance and responsibilities.
- The reason for separation from employment.
- Any additional information relevant to the employee’s work history and character.

How long does an employer have to provide a Service Letter?

Employers must provide the requested service letter within 10 business days of receiving the written request from the former employee’s new perspective employer.

Are there any legal protections for employers providing Service Letters?

Yes, employers are generally protected from civil liability when providing truthful and accurate information in a service letter. This immunity encourages employers to be honest without fear of legal repercussions.

Can an employee dispute the contents of a Service Letter?

If an employee disagrees with the information in the service letter, they have the right to respond in writing. This response can be included in their employment file and provided to future employers upon request.

What should an employee do if an employer refuses to provide a Service Letter?

If an employer refuses to provide a service letter, the former employee can file a complaint with the Delaware Department of Labor, Office of Wage & Hour Enforcement. The Department will investigate and may take action to ensure compliance with the law.

Are there any penalties for employers who do not comply with the Service Letter requirements?

Yes, employers who fail to comply with the Service Letter requirements may face penalties imposed by the Delaware Department of Labor. This can include fines, ranging from \$1,000 to \$5,000 per occurrence and other corrective actions.

Where can I find more information or file a complaint?

For more information or to file a complaint, you can contact the Delaware Department of Labor, Office of Wage & Hour Enforcement at:

- Phone: (302) 761-8200, Option 3
- Email: serviceletters@delaware.gov
- Website: Labor.Delaware.gov/Industrial-Affairs