

# Delaware Paid Leave Insurance Program

*Why, What, Who, and When*



DELAWARE  
**Paid Leave**

Family and Medical Leave Insurance Program

DELAWARE  
DEPARTMENT OF  
**LABOR**  
Division of Paid Leave



***Why: This guy***



*Why:*

# Delaware employers need a competitive edge.

- Maryland, New Jersey, and New York have paid family leave programs
- Pennsylvania and over 35 other states do not have paid family leave plans
- Designed to help Delaware employers **attract & retain** quality employees

# **What Is the Paid Family and Medical Leave Insurance Program?**

## ***What:***

# ***First, a little history:***

- 1993 — The federal Family and Medical Leave Act for businesses with 50 or more employees was signed in law.
- New Jersey began mandating Paid Leave in the late 40s. California had the first modern PFML program over 20 years ago.
- May 2022 — The Paid Family Medical Leave insurance program was signed into law in Delaware for businesses with 10 or more employees.
- Today, 14 jurisdictions in the U.S. have PFML programs

## *What:*

# 4 types of leave, 3 lines of coverage

Paid Family Medical Leave is really a bundle of separate lines of coverage

- **Parental Leave:** To care for a new child (Birth, adoption, or fostering)
- **Medical Leave:** To address the employee's own serious health condition
- **Family Caregiver Leave:** To care for a family member (Child, spouse, or parent)
- **Qualified Exigency:** To deal with issues from an overseas military deployment
  - Family Caregiver and QE Coverage always go together

## ***What:***

# **Delaware's Paid Leave program offers workers paid leave to/for:**

- Care for a new child (12 weeks every year)
- Care for a family member with a serious illness or injury (6 weeks every 2 years)
- The employee's own serious health condition (6 weeks every 2 years)
- Issues that arise from an overseas military deployment (6 weeks every 2 years)

No more than 12 weeks combined in 12 months.



***What:***

# Income-replacement benefits

If an employee's application for leave is approved, the state will pay:

80% of their average annual weekly wages

- **Minimum** – if 80% of their wages is less than \$100, they get 100% of their weekly wage
- **Maximum** – no more than \$900 per week
  - The benefit maximum will be indexed to inflation.



## ***What:***

# **Delaware's Paid Leave program will be funded by less than 1% of an employee's salary.**

- Employers can have employees contribute up to 50% of the 0.8% of wages.
- Employers are responsible for the full amount.

**Who Must Comply  
with and Who Is Eligible  
for Delaware Paid Leave?**

## ***Who:***

# **The Delaware Paid Leave program is for employees who:**

- Work primarily in the State of Delaware,
- Have worked for you for at least the past 12 months, and
- Clocked at least 1,250 hours (@ 25 hours per week) over the last 12 months.

The online administrative system will help you track eligibility.



## ***Who:***

### **The Delaware Paid Leave program is mandatory for businesses with 10 or more employees**

1 to 9 employees

Exempt, but may Opt-In

10 to 24 employees

Parental leave coverage only

25+ employees

All lines of PFML coverage

Federal government, railroad workers, tribal governments, and seasonal-operation businesses (that shut down a month or more) are exempt.

## ***Who:***

### **Which employees count towards the 10 employee and 25 employee thresholds?**

***Starting Point:*** *All employees (full time & part time)*

***Subtract out:*** *Employees on Waivers*

***Add in:*** *Reclassified employees*

**Waivers:** to exclude from the plans those hired for short time or part time work.

**Reclassification:** for out-of-state telecommuters or those on out-of-state assignment who you wish to treat the same as your Delaware employees.

If the circumstances of their employment change, employees can be taken off Waivers to join the plan or “Declassified” so that they are no longer eligible for coverage.

***Who:***

# What if you have an existing paid time off program?

If you already have a plan that provides paid leave to your employees, you may be able to extend your existing paid time off plan (“grandfather” it) for the first five years of the PFML insurance program.

- Written plan in place since the Act was signed into law.
- Can’t cost workers more than what the Act allows.
- Benefits must be “comparable” to what’s in the Act.

The online Grandfather/PLD Portal will take your application.



***Who:***

# Opt-In and Opt-Out Options

## **Opting-In**

Smaller employees can join the Delaware Paid Leave program to provide coverages that they are not required to give their employers

## **Opting-Out**

Employers can choose to provide PFML coverage through a private plan, either a DOI-approved insurance policy or a DOL-approved self-insured plan

The online Opt-In/Opt-Out Portal will help you through the process.



***Who:***

# Claims applications are handled by the employer, to determine:

- Whether the leave qualifies under the Delaware Paid Leave program guidelines
- How much compensation the employee should receive
- How long the leave period should be

The online administrative system will provide claims advice.





**When Does the  
Delaware Paid Leave  
program Take Effect?**

***When:***

## **Key Dates:**

**October 1, 2023** — Grandfathering Portal opens to extend existing comparable PTO plans &/or for small groups to reduce their employees' Parental Leave duration. Closes on **12/31/2023**.

**September 1, 2024** — Opt-In/Opt-Out Portal for employers who wish to use an approved private plan &/or for small groups to Opt-In to the public plan. Closes on **12/1/24**.

**January 1, 2025** — Contributions can begin to be assessed. Contributions and hours/wage information will be collected 30 days after the end of each quarter. First due date: **4/30/2025**.


**January 1, 2026** — Employees can begin to submit claims applications through the online administrative system for employers to process.



# Help and Guidance

***A dedicated portal:***

**If you have fewer than 50 employees,  
we know that all of this brand new.**

- If you have 50+ employees, you've been dealing with FMLA for years and PFML isn't too much different from the federal FMLA program.
- If you have between 10 & 49 employees, you are thinking: 
- Most of our staff is dedicated to training and education.

***A dedicated portal:***

**An online portal will be available  
24/7/365 for guidance on:**

- Eligibility & enrollment
- Contribution calculation
- Claims management
- Appeals

*A dedicated portal:*

# Training and educational material

- Animated video clips
- How-to audio snippets
- FAQs and articles
- 24/7/365 Call Center with chat feature

***Dedicated people:***

*Division of Paid Leave Director*

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# Thank you.



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