

Delaware Paid Leave Insurance Program

Employee Webinar



DELAWARE
Paid Leave

Family and Medical Leave Insurance Program

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DEPARTMENT OF
LABOR
Division of Paid Leave

What is Delaware Paid Leave



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Overview

- Delaware Paid Leave helps ensure Delaware workers have **financial support** to take a **leave of absence** from your job if and when needed.
- It allows employees to take **paid time off with peace of mind**—knowing that you have a job to return to and that your employer cannot retaliate against you for taking leave.
- The program goes into full effect **January 2026**. On this day, Delaware Paid Leave will begin accepting claim applications from employees.

Why?

- Currently, the majority of Delaware families **need** a program like this.
- It's recommended that a household set aside six weeks of pay for emergencies. Many households do not have this level of savings.
- According to the Federal Reserve, the median amount in savings accounts per family is **\$8,000**.
- Delaware Paid Leave fills an urgent need for members of our workforce. It helps our **communities thrive** and **strengthens Delaware's economy**.
- Delaware workers and their families deserve support — a resource — for staying **financially healthy** when dealing with a health condition, handling a military deployment, or bonding with a child.

Benefits and Positive Outcomes

Drexel's ***Center for Hunger-Free Communities*** released a study in 2023 that makes a case for paid family leave. It reported the following benefits:

- Improved health outcomes for children
- Improved mental health and academic outcomes for children
- Positive impacts on maternal health
- Improved mental health outcomes for parents
- Positive impacts on family financial health
- Positive impacts on overall family relationships

Impacts on Businesses

The same study reported the following impacts on businesses:

- Reinforcing company values and improving the brand
- Increased staff recruitment, retention, and productivity
- No effect on profitability/the many benefits outweigh the cost to the business
- Almost half of parental-leave takers said they took less time than needed because of concerns about passing work responsibilities to coworkers
- Additional oversight provided less opportunity for fraud
 - (e.g., forged documents and workers taking more leave than necessary)

How Delaware Paid Leave Works



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For employees who...

- Work **primarily** in the state of Delaware (60% of their time or more)
- Worked for their employer for **at least 12 months**
- Worked **at least 1,250 hours** (@ 25 hours per week) over the last 12 months

Employer Requirements

Delaware Paid Leave is mandatory for businesses with **10 or more** employees.

One to nine employees

10 to 24 employees

25+ employees

Exempt but may opt in

Parental leave coverage only

All lines of coverage

Federal government employers and seasonal businesses (that shut down for a month or more) are exempt.

Income-Replacement Benefits

If an employee's application for leave is approved, the state will pay **80%** of their average annual weekly FICA wages.

- **Maximum** – no more than \$900 per week.
- FICA includes base wages, commissions, bonuses, and tips

The benefit maximum will be indexed to inflation.

If the employee makes less than \$58,500 per year, they will receive 80% of their wages.
If they earn more than \$58,500, they will receive \$900 per week.

Delaware Paid Leave 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.
- Contributions must be withheld the week that they are earned.
- Employers are responsible for the full amount.

Contributions

Parental Leave = 0.32%

+

Medical Leave = 0.40%

+

Family Caregiver & Qualified Exigency = 0.08%

=

Combined = 0.8%

If your employer is only required to provide Parental Leave, they only have to pay the 0.32% rate for Parental Leave coverage. You only pay for what you need.

Employers can require employees to pay up to half of the cost of the program through payroll deductions.

Taking Paid Leave



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Types of Leave

Four types of leave, three lines of coverage

Delaware Paid Leave is a bundle of separate lines of coverage:

- Parental Leave
- Medical Leave
- Family Caregiver Leave
- Qualified Exigency

Employees can receive **no more than 12 total weeks of paid leave in 12 months**. Employers can choose to offer more coverage than what's included in Delaware Paid Leave.

Parental Leave

Delaware Paid Leave offers workers paid leave for **12 weeks every year** to care for a new child. This includes birth, adoption, or fostering.



Medical Leave

Delaware Paid Leave offers workers paid leave for **six weeks every two years** to address a serious health condition.



Family Caregiver Leave

Delaware Paid Leave offers workers paid leave for **six weeks every two years** to care for a family member with a serious illness or injury. This includes a child, spouse, or parent.



Qualified Exigency

Delaware Paid Leave offers workers paid leave for **six weeks every two years** to deal with issues from an overseas military deployment. Family Caregiver Leave and Qualified Exigency coverage always go together.



Taking Approved Leave

Employees can take approved leave in three ways:

- **Continuous:** leaving one day and returning several days (or weeks) later.
- **Reduced schedule:** when the health care provider says the employee cannot work their normal schedule but can work fewer hours per day or days per week.
- **Intermittent:** enables the employee to take their leave as needs arise. Paid Family Medical Leave requires that employees take intermittent leave in increments of no less than a full day.

The Claims Process



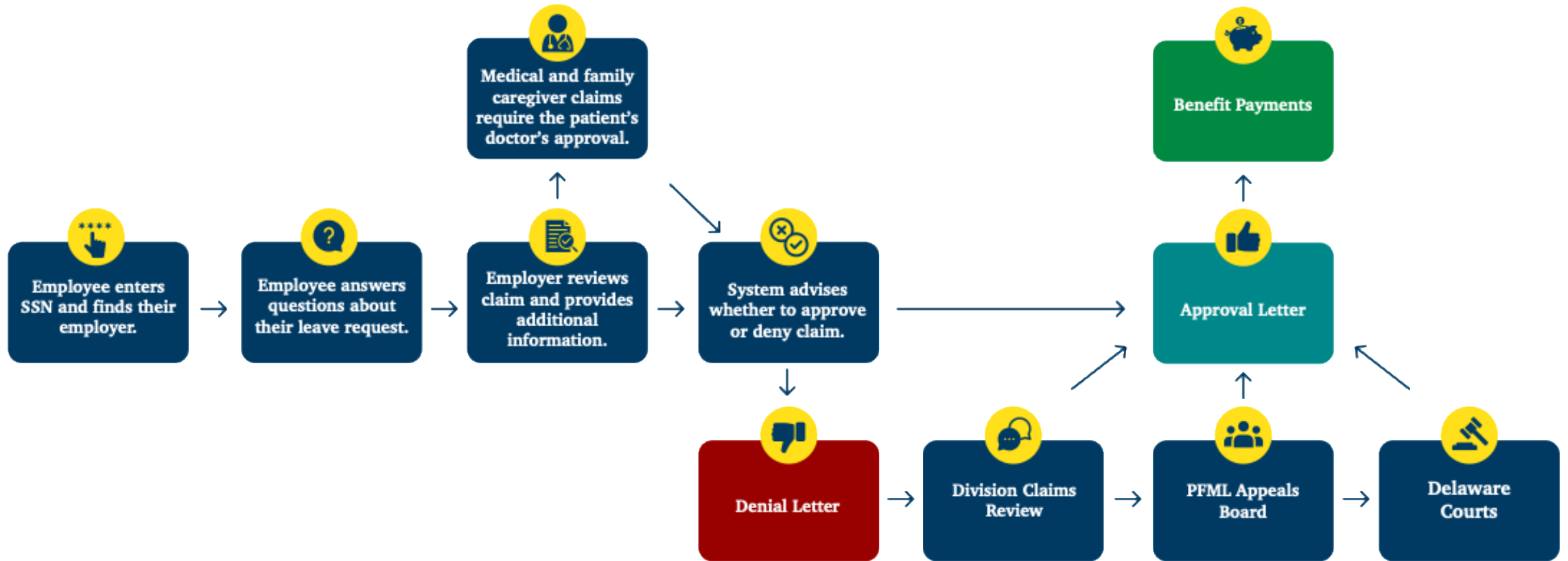
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CLAIMS PROCESS

RELEASE 4



Responsibilities

Employee:

- File a claim by logging into Delaware Labor First using SSN.
- Answer questions to define the type of claim.
- Delaware Labor First sends the employee a form that allows the healthcare provider to complete the certification online.
- If approved – employee must keep leave dates current in Delaware Labor First and keep the employer informed.
- If denied – employee can ask for review and/or appeal.

Healthcare Provider:

- Medical Leave and Family Caregiver Leave requests will require a healthcare provider to submit certification.
- Healthcare professionals have up to 90 days to complete and submit the Certificate of Serious Health Condition.

Responsibilities

Employer:

- The employer will answer questions about the employee and the claim.
- Delaware Labor First will advise if the claim meets the rules. The employer will make the final decision.
- If approved, the employer must update their payroll system so that employees don't receive more income during their leave than they received prior to the leave.

State:

- If approved – the Division will issue benefit checks.
- If denied – the Division will respond to the employee request for review and/or appeal.

CERTIFICATE OF SERIOUS HEALTH CONDITIONS (CSHC) PROCESS



Delaware
LaborFirst checks for
ineligible claims.



Employee
prints out CSHC
Access Form.



Employee drops off
CSHC Access Form to
the patient's health care
professional.



HCP or staff
accesses Delaware
LaborFirst.

**Private Medical
Information**

THREE QUESTIONS

1. Does this illness or injury meet the FMLA definition of a "serious health condition"?
2. How many weeks should the employee take off?
3. Does this qualify for reduced schedule or intermittent leave?



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CSHC Process

Things to remember:

- The healthcare provider will not be asked for any information that falls under the category of “private medical information” that’s protected by HIPPA.
- Healthcare providers will not be asked for the patient’s diagnosis or any other supporting medical information (EKGs, x-rays, etc.).

Help & Guidance



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Resources

Visit DE.gov/PaidLeave to learn more about Delaware Paid Leave. You have access to things like:

- FAQs and articles
- Recordings of past webinars with employers

Please call 302-761-8375 for additional support.

Contact

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Thank you.



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