



Small-Business Voluntary Enrollment in the Delaware Paid Leave Insurance Program

Am I required to provide Paid Family and Medical Leave (PFML) benefits to my employees?

Employers with fewer than 10 Delaware-based eligible employees are not required to provide any PFML coverage to their workers. All Delaware employers with between 10 and 24 eligible employees are required to participate in Delaware Paid Leave but are only required to provide paid parental leave. All Delaware employers with 25 or more employees are required to participate in Delaware Paid Leave by providing parental, medical, and family caregiving / qualified exigency (QE) leave.

Which employers are exempt from the program?

Exemptions from the mandate include:

- Employers with nine or fewer Delaware-based eligible employees
- Federal government employers
- Employees who do not earn FICA wages
- Employees who do not report their earnings on a W-2
- Seasonal operations that fully shut down for a month or more and do not engage in commerce during that closure (i.e., do not source, manufacture, transport, market, produce, or exchange goods or services)

Why would I provide my employees with PFML benefits if I am not required to do so?

Just like any other employee benefit, providing PFML will help attract and retain employees. Offering PFML benefits will allow smaller businesses to be more competitive with larger businesses and employers in Delaware and nearby states. Having PFML will keep you on par with employers in New Jersey, Maryland, and Washington, D.C., all of whom are required to provide PFML benefits. These benefits will make your business more attractive to workers than companies in Pennsylvania, where PFML is not available.

Studies have shown that companies that offer PFML benefits have experienced increased productivity, higher employee morale, better recruitment and retention of skilled workers, and reductions in costs associated with employee turnover.¹ All good reasons to offer PFML benefits to your employees!

If I choose to voluntarily enroll in the Delaware Paid Leave insurance program, can I terminate my enrollment at any time?

Once you decide to voluntarily enroll in the Delaware Paid Leave insurance program, you commit to providing paid leave benefits to your employees for a minimum three-year period. You can terminate your participation at any time after the initial three-year period by providing 12 months' notice to the Division of Paid Leave ("Division") and your employees.



Although I am not required to provide PFML benefits, I would like to offer these benefits to my employees. How do I enroll in the Delaware Paid Leave insurance program?

Employers who are not required to provide PFML benefits can voluntarily enroll in the Delaware Paid Leave insurance program through LaborFirst, the new online administrative system of the Department of Labor (DOL). You must first register your business in LaborFirst. You will then be given the option to voluntarily enroll in the Delaware Paid Leave insurance program for family caregiving, medical, and/or parental leave benefits. Each year, employers will be provided an opportunity to enroll in the Delaware Paid Leave insurance program through LaborFirst between Oct. 1 and Dec. 1.

How much does the Delaware Paid Leave insurance program cost?

For 2025 and 2026, the contribution rates are as follows: :

- Family Caregiving: 0.08% of an employee's average weekly wage.
- Medical: 0.4% of an employee's average weekly wage.
- Parental: 0.32% of an employee's average weekly wage.

Together, all benefits cost 0.8%. The cost of the program may be shared by the employer and employee, with the employee paying up to 50% of the cost, through employer withholdings. The Benefit & Contribution Calculator on our [webpage](#) will provide a useful estimate of how much your employees' coverage will cost.

What benefits do my employees receive if I choose to voluntarily participate in the Delaware Paid Leave insurance program?

If their leave is approved, employees can take:

- Up to six weeks every 24 months:
 - For a serious health condition (medical leave);
 - To care for a family member with a serious health condition (family caregiver); or
 - To handle issues arising due to a personal or family member's overseas military deployment (qualified exigency); and
- Up to 12 weeks every 12 months to bond with and care for a child during the first year after birth, adoption, or foster care placement of the child.

The maximum amount of combined leave a covered individual can take in any 12-month period, however, is 12 weeks.

While on leave, covered individuals will receive 80% of their average weekly wages, up to a maximum of \$900 per week.

The Benefit & Contribution Calculator on our webpage will provide an estimate of how much coverage your employees' can expect.

Can I provide my employees PFML benefits that are less than what the Healthy Delaware Families Act requires, if I am not mandated to provide PFML benefits?

If you want to provide some level of PFML coverage to your employees, even though you are not required to do so, your employees will certainly appreciate it. If you want to give your employees 80% coverage up to \$900 per week, we encourage you to enroll in the Delaware Paid Leave insurance program.

If you are not able to do so, you are always free to provide your employees with whatever level of PFML benefits you can afford, through whatever means you choose — and without the approval of the Division of Paid Leave. For more information about Private Insurance Policies, please see the Private Insurance FAQ.