



**PAID FAMILY AND MEDICAL LEAVE (PFML) –
FAMILY CAREGIVING & QUALIFYING EXIGENCY LEAVE FAQs**

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The content in these Frequently Asked Questions (FAQs) applies to State of Delaware (State) Executive Branch Agency employees. Other employers of State personnel may choose to adopt the DHR Paid Family and Medical Leave (PFML) – Family Caregiving & Qualifying Exigency Policy And Procedures, as well as the provisions in this FAQs. Non-Cabinet Agency personnel should contact their supervisor to determine whether their employer has adopted these provisions. Employees should direct questions or concerns to their supervisor or agency's Human Resources representative.

These FAQs are not intended to create any individual right or cause of action not already existing and recognized under State or Federal law. If there is a conflict with, i.e., the law or regulation and these FAQs, the law and/or regulation govern.

1. What is the Healthy Delaware Families Act?

The Healthy Delaware Families Act ([19 Del.C. Ch 37](#), the “Act”) was signed into law on May 10, 2022 and created the Family and Medical Leave Insurance Program (Delaware Paid Leave) that requires most employers in the state to provide eligible employees with Paid Family and Medical Leave (PFML). Please refer to the [Healthy Delaware Families Act – Notice of Employee Rights](#) for more information.

2. What is Paid Family and Medical Leave (PFML)?

The Delaware Paid Family and Medical Leave (PFML) is an income replacement benefit for Family Caregiving (FCG), Qualifying Exigency (QE), Parental Leave, and Medical Leave. The PFML provides job-protected, partially paid leave to eligible Executive Branch Agency employees.

3. What leave is covered under PFML?

The PFML lines of coverage are: (1) Paid Medical Leave; (2) Paid Parental Leave; (3) Paid Family Caregiving Leave; and (4) Paid Qualifying Exigency Leave. The Executive Branch Agencies are enrolled in Delaware's public plan for the Paid Family Caregiving Leave and Paid Qualifying Exigency Leave only.

4. What is Family Caregiving (FCG) Leave?

Family Caregiving (FCG) Leave is paid leave to care for a spouse, child, or parent with a serious health condition.

5. What is Qualifying Exigency (QE) Leave?

Qualifying Exigency (QE) Leave is paid leave for certain needs when a spouse, child, or parent is on, or has been called to, covered active military duty outside the U.S, or has been notified of an impending call or order to covered active duty. Covered active duty for members of the Regular Armed Forces is duty during deployment to a foreign country. Covered active duty for the National Guard and Reserves is duty during deployment to a foreign country under a call or order to active duty in a contingency operation. Deployment to a foreign country means deployment to areas

outside of the United States, the District of Columbia, or any Territory or possession of the United States. It also includes deployment to international waters.

6. What military-related situations qualify for QE Leave?

Examples include: (1) short-notice deployment, (2) military events and related activities, (3) childcare and related activities, (4) counseling, (5) financial and legal arrangements, (6) rest and recuperation, (7) post-deployment activities, (8) certain parental care needs, and (9) other events where the state and the employee agree is a qualifying exigency.

7. I thought Parental Leave and Medical Leave were covered under PFML?

Paid Parental Leave and Paid Medical Leave (Disability Insurance Program (DIP) - Short Term Disability (STD)) are grandfathered under existing State policy provisions. Employees eligible for Parental Leave or Medical Leave under the current policies may continue to access these benefits consistent with their respective existing terms and conditions through December 31, 2029.

Note: Employees hired prior to January 1, 2006 who waived coverage in the State of Delaware's DIP, as well as employees hired into a position covered by the New State Police Pension Plan or the Revised Judicial Pension Plan, are not enrolled in the DIP and are also grandfathered.

8. Can I be paid more than six (6) weeks of FCG Leave if my family member is still sick?

In accordance with the Act, an eligible employee may only be paid up to 6 workweeks of FCG in a 24-month period. If additional leave is needed beyond what is allowed under the PFML due to your qualifying event, you may use available and accrued leave per the Merit Rules, if you meet the eligibility criteria for such leave.

9. Can I be paid more than six (6) weeks of QE Leave if my family member is still deployed overseas?

In accordance with the Act, an eligible employee may only be paid up to 6 workweeks of QE Leave in a 24-month period. If additional leave is needed beyond what is allowed under the PFML due to your qualifying event, you may use available and accrued leave per the Merit Rules, if you meet the eligibility criteria for such leave.

10. How do I know if I am eligible for FCG or QE benefits?

You may be eligible if you meet all of the below requirements:

- Have worked for the State for at least **12 months** (or 52 weeks) in a leave-eligible position, and
- You have worked at least **1,250 hours** in the 12 months before your leave starts. The 1,250 "hours of service" are hours actually worked and does not include time off for vacation, illness, holidays, or any other type of paid or unpaid leave;
- Are a full-time or part-time Executive Branch employee (casual seasonal employees, substitutes, and board members are not eligible); and
- Are experiencing a qualifying event.

11. Does FCG or QE only apply to 100% full-time employees or are part-time employees also eligible to take leave?

Leave applies to full-time and part-time employees in a leave-eligible position, who have worked for the State for at least 12 months or 52 weeks and have worked at least 1,250 hours during the 12-month period before the start of leave.

12. Are casual seasonal employees eligible for FCG and QE benefits?

No, casual seasonal employees are not eligible under the Act.

13. How is PFML different from the Family Medical Leave Act (FMLA)?

When an employee is approved for both the Family and Medical Leave Act (FMLA) and FCG or QE Leave under the Healthy Delaware Families Act, the leaves run concurrently. Both the FMLA and the Healthy Delaware Families Act provide job protection. However, the Family Caregiving and Qualifying Exigency Leave under Delaware's Family and Medical Leave Insurance Program, administered by the Delaware Department of Labor (DDOL) Division of Paid Leave, provides income replacement benefits during the approved period of leave.

14. Can I use FCG and QE benefits at the same time as FMLA?

Yes, FCG and QE leave run **concurrently** with FMLA, meaning both benefits are counted during the same leave period.

15. Can I take up to six (6) weeks of FCG Leave and QE Leave in a 24-month period?

Yes, eligible employees may take up to six (6) workweeks of FCG and QE Leave in a 24-month period. Meaning, employees may be eligible for a max of 12 weeks (six (6) weeks for FCG and 6 weeks of QE Leave) within a 24-month period.

16. I have used my 12 weeks of FMLA during the application year due to my own serious health condition. My father is sick and requires my help, will I be eligible for FCG Leave?

It depends. You may file a claim in DDOL Delaware LaborFirst and your application will be reviewed to determine eligibility.

17. How much will I be paid while on FCG and QE Leave?

Employees receive **80% of their average weekly wage**, up to **\$900 per week**.

Payments are issued by the DDOL Division of Paid Leave.

Total income replacement from all sources cannot exceed 100% of your normal base wages.

18. Are FCG and QE Leave payments received considered taxable earned income?

Yes, payments received for Paid FCG and QE Leave are considered taxable earned income.

19. Am I required to pay anything for FCG and QE?

Starting with the **January 9, 2026** paycheck:

- Employees contribute **0.04%** of wages via payroll deduction.
- The State contributes an additional **0.04%**.

Refer to the [Healthy Delaware Families Act – Notice of Employee Rights](#).

20. What if I work remotely from another state as part of my alternative work/telecommuting arrangement with my employing organization?

All physical work locations/buildings for the State of Delaware (as the employer) are in Delaware. If an employee telecommutes from another state, their physical "work location/building" is still in Delaware and their wages are reported in Delaware. Meaning, employees eligible for FCG and QE Leave benefits are still required to pay the contribution amount in their paycheck and they are eligible to file a claim to receive FCG and QE benefits, regardless of whether they telecommute from another state or not. Waivers are not applicable to State of Delaware employees.

21. When will I be paid FCG and QE Leave from DDOL Division of Paid Leave?

Approved claim payments begin as soon as possible after DDOL approves your claim, but not earlier than your qualifying event or requested start date.

22. How will I receive payment for FCG and QE Leave from DDOL Division of Paid Leave?

Employees approved for FCG or QE will receive payments directly from DDOL to their bank account, if you have provided your bank account information at the time of filing. If you do not have a bank account, you will receive a pre-paid debit card from DDOL with your payment loaded on it.

23. Can I supplement my FCG or QE Leave with accrued leave?

Yes, you may use accrued available annual, sick, or compensatory time in accordance with the Merit Rules to supplement FCG or QE payments up to 100% of your base wages. Employees will apply for the available leave according to each Policy or Program's provisions and must meet the eligibility criteria.

24. How will I be paid my leave if I choose to supplement Paid FCG and QE Leave benefits?

You will receive the leave supplement in your paycheck from the State.

25. Can I take FCG or QE Leave and Paid Medical Leave (STD) at the same time?

No, employees cannot be on FCG or QE Leave at the same time as STD. In situations where an employee experiences a disabling condition and they also need to care for a loved one, or vice versa, the employee would need to make a choice which leave to apply for and stay on, either FCG or QE Leave or STD.

26. Can I take FCG or QE Leave and Paid Parental Leave or Workers' Compensation?

No, employees cannot be on FCG or QE Leave at the same time as Paid Parental Leave or Workers' Compensation.

27. Will my employment status be affected if I take FCG or QE Leave?

At the conclusion of your FCG Leave or QE Leave, the State shall restore the eligible employee to the same or an equivalent position at the conclusion of their leave, barring any unforeseen circumstances unrelated to the employee's taking of the leave.

28. My spouse also works for the State, how much leave will we be able to take?

In the event that two (2) employees of the State are eligible for FCG or QE for the same qualifying event, each employee may take up to six (6) workweeks of paid FCG or QE, as long as each employee meets the eligibility criteria for such leave.

29. Can I donate my FCG or QE Leave to my spouse?

FCG and QE Leave cannot be donated to either an employee or to the Donated Leave Bank. FCG and QE Leave offered under PFML is an income replacement benefit administered by the DDOL Division of Paid Leave.

30. What happens if my FCG and QE Leave claim is denied?

You may request a review by the DDOL Division of Paid Leave within **60 days** of the determination.

31. What if I provide false information?

Employees who knowingly provide false or misleading information to obtain PFML benefits may be disqualified for **three (3) years** and may face disciplinary action, up to and including dismissal.

32. Where can I find more information about PFML?

Visit DHR's [PFML - Family Caregiving & Qualifying Exigency Leave Toolkit](#).

33. What if I leave State employment or retire, will I still be required to pay the 0.04% contribution amount?

The FCG/QE Leave 0.04% employee contribution amount is only deducted from paychecks of eligible employees while they are actively employed. Retirees are not eligible for PFML; therefore, no FCG/QE Leave contribution amount is deducted from pension checks. If you leave State employment and go work for a non-State employer, you will need to discuss with your new employer how they are complying with the Act and handling the contribution amount for their eligible employees.