

Your Employee Rights under the Healthy Delaware Families Act

What is the Healthy Delaware Families Act and why am I receiving this Notice of Employee Rights?

Signed into law on May 10, 2022, the Healthy Delaware Families Act, [19 Del.C. Ch. 37](#) (“the Act”), created the Family and Medical Leave Insurance Program (Delaware Paid Leave) that requires most employers in the state to provide their eligible employees with Paid Family and Medical Leave (PFML). The Act provides covered individuals with income replacement benefits and job-protection during leave for qualifying family and medical reasons. The Delaware Department of Labor (DOL), Division of Paid Leave enforces the provisions of the Act. The PFML shall run concurrently with the federal Family and Medical Leave Act (FMLA), which allows employees to take *unpaid*, job-protected leave with continued medical benefits.

In accordance with [19 Del. C. § 3710](#), employers are required to provide written notice to eligible employees of their rights. All eligible employees shall receive the notice at least 30 days prior to the start of the benefits and contributions, upon hire, upon requesting leave, when an employer has knowledge that an employee’s leave may be a qualifying event under the Act, and when the contribution rate changes. The required written notice may be distributed to employees electronically to either their business or personal email address.

What paid leave lines of coverage are available under the Act?

The PFML lines of coverage available are: (1) Paid Medical Leave, (2) Paid Parental Leave, (3) Paid Family Caregiving Leave, and (4) Paid Qualifying Exigency Leave. The DOL Division of Paid Leave approved grandfathering of the State’s existing Paid Medical and Parental Leave policies through December 31, 2029 for State of Delaware employing organizations. This means that the State’s employing organizations will be providing the PFML required Paid Medical Leave* and Paid Parental Leave lines of coverage through the State’s existing Disability Insurance Program (DIP) - Short Term Disability (STD) Plan and Paid Parental Leave Program.

- To learn more about your Paid Medical Leave* benefits, visit the Statewide Benefits Office (SBO) website at de.gov/statewidebenefits, select your group, and choose the “Disability Insurance” tile.
- To learn more about your Paid Parental Leave benefits, review your employing organization’s Paid Parental Leave policy or contact your employing organization’s Human Resource/Benefits Office.
- **Note:** The State of Delaware will inform eligible employees of any updates or changes related to Paid Medical Leave* and Paid Parental Leave prior to the December 31, 2029 end of the grandfathering approval period.

**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. These employees should contact their employing organization’s Human Resource/Benefits Office for details about their disability pension benefits.*

For the Paid Family Caregiving Leave and Paid Qualifying Exigency Leave lines of coverage, all State of Delaware employing organizations are enrolled in Delaware's public plan, which is administered by the DOL, Division of Paid Leave. Beginning January 1, 2026, eligible State of Delaware employees (Agency, School District, Charter School, Delaware Technical Community College, and Delaware State University) may request to take job-protected *paid* Family Caregiving and Qualifying Exigency Leave. Under the Act, eligible employees may take up to 6 workweeks of Paid Family Caregiving and Qualifying Exigency Leave in a 24-month period:

- to care for the covered employee's spouse, child, or parent with a serious mental or physical health condition (Family Caregiving); or
- for qualifying reasons relating to the overseas deployment of the covered employee's spouse, child, or parent who is a military servicemember (Qualifying Exigency).

Eligible employees have the right to use this leave in one block of time. Alternatively, when medically necessary and supported by the required certification, such leave may be taken intermittently in separate blocks of time or on a reduced schedule by working less hours each day or week.

Leave under the Act is paid. Eligible employees on approved Family Caregiving or Qualifying Exigency Leave will receive 80% of their average weekly wage (up to a maximum of \$900 per week) during the approved leave period. Average weekly wage consists of all income received from an employer including base salary, commissions, tips, and bonuses.

Note, eligible employees cannot be on Family Caregiving or Qualifying Exigency Leave at the same time as Paid Parental Leave, Paid Medical Leave, or Workers Compensation.

Am I eligible to take Paid Family Caregiving or Qualifying Exigency Leave under the Act?

You are a covered employee eligible for Paid Family Caregiving and Qualifying Exigency leave under the Act if all of the following apply:

- You work for a covered employer (the State of Delaware is a covered employer);
- You have worked for your employer for at least 12 months;
- You have at least 1,250 hours of service with your employer during the 12 months before your leave ("hours of service" are hours actually worked and does not include time off for vacation, illness, holidays, or any other leave); and
- You are experiencing a qualifying event.

In general, State of Delaware employee classifications eligible for paid leave under the Act are regular full-time employees and regular part-time employees working 25 or more hours per week on average.

You are not eligible to take Paid Family Caregiving or Qualifying Exigency Leave under the Act if any of the following apply:

- You are a casual/seasonal employee under [29 Del.C. § 5903\(17\)a.](#) or an employee employed by entities under [Title 14 of the Delaware Code](#) in positions equivalent to casual/seasonal employees;
- You are a substitute or board member; or
- You are a regular part-time employee not expected to work at least 1,250 hours in a year.

Am I required to pay anything for my eligibility under the Act?

Because the State will be providing the PFML required Paid Medical Leave* and Paid Parental Leave lines of coverage through the State's existing DIP - STD Plan and Paid Parental Leave Program, you are not required to pay anything additional for this coverage. However, because the Paid Family Caregiving and Qualifying Exigency Leave is being provided through Delaware's public plan, there will be a cost to you. **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. These employees should contact their employing organization's Human Resource/Benefits Office for details about their disability pension benefits.*

In accordance with [19 Del.C. § 3705](#), a payroll contribution is authorized to finance the payment of benefits for Paid Family Caregiving and Qualifying Exigency Leave. For 2026, the contribution rate for the benefits as a percentage of wages is 0.08%. The Act provides for a 50/50 split of the contribution, meaning the employer pays half and covered eligible employees pay the other half.

Effective January 1, 2026, and in accordance with [House Bill 225](#) (Fiscal Year 2026 Appropriations Act), the 0.08% contribution rate will be equally split between the employer (State of Delaware) and eligible employees at a rate of 0.04% of wages. All eligible employees across every State of Delaware employing organization (State Agencies, School Districts, Charter Schools, Delaware Technical Community College, and Delaware State University) will have the new contribution taken out of their paychecks starting with the January 9, 2026 pay.

→ For example, if an employee earns \$500 per week, then the cost of this program is \$0.40 per week, with \$0.20 being withheld from the employee's paycheck and \$0.20 being contributed by the employer. The employee's withholding will be displayed on their paycheck.

How do I request paid leave?

Generally, to request leave you must follow your employing organization's normal policies for requesting leave. This includes providing notice to your employer at least 30 days before your need for leave. If providing advanced notice is not possible, notify your employer as soon as possible.

To learn more about your Paid Medical Leave* benefits under the State of Delaware's DIP – STD Plan, visit the Statewide Benefits Office (SBO) website at de.gov/statewidebenefits, select your group, and choose the "Disability Insurance" tile. **Employees hired prior to January 1, 2006 who waived coverage in the State of*

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To learn more about your Paid Parental Leave benefits, review your employing organization's policy or contact your employing organization's Human Resource/Benefits Office.

To learn more about your Paid Family Caregiving and Qualifying Exigency Leave benefits, contact your employing organization's Human Resource/Benefits Office. The State of Delaware's Family Caregiving and Qualifying Exigency Leave lines of coverage are offered through Delaware's public plan and are administered by the DOL, Division of Paid Leave. Beginning January 1, 2026, eligible employees may file a claim for Paid Family Caregiving or Qualifying Exigency Leave benefits using the DOL, Division of Paid Leave online administrative system, Delaware LaborFirst.

- If your claim is for Paid Family Caregiving Leave, the LaborFirst system will provide the steps you need to take to obtain a certification of your family member's serious health condition. Although you do not have to share a medical diagnosis with your employer, you must provide enough information in your claim so that your employer can determine whether your requested leave qualifies under the Act. You also may be required to provide documentation verifying your familial relationship.
- If your claim is for Paid Qualifying Exigency Leave, you may be required to provide documentation verifying a qualifying exigency or your familial relationship.

What does my employer need to do when I request Paid Family Caregiving or Qualifying Exigency Leave?

Upon receipt of a completed Paid Family Caregiving or Qualifying Exigency Leave claim application, your employer has five (5) business days to decide whether you are eligible for the requested paid leave and, if eligible, the amount of your weekly benefit. If you are eligible for Paid Family Caregiving or Qualifying Exigency Leave, your employer must:

- Maintain confidentiality of your family members' private medical information;
- Allow you to take job-protected time off work for a qualifying reason;
- Continue your group health insurance plan coverage while you are on leave on the same basis as if you had not taken leave. If you pay a portion of the cost of your group health insurance, you are still required to pay your portion while on paid leave; and
- Allow you to return to the same position, or to a position with the equivalent pay, benefits, and other working conditions, including shift and location, at the time of your leave.

What can my employer not do?

Your employer cannot interfere with your rights under the Act. Your employer cannot threaten or punish you for exercising your rights under this law. For example, your employer cannot retaliate against you for requesting paid leave or cooperating with a DOL, Division of Paid Leave investigation.

What can I do if I believe that my rights have been violated?

If you believe your rights under the Act have been violated, you may file a complaint with the DOL, Division of Paid Leave using the complaint form located at de.gov/paidleave.