



**PAID FAMILY AND MEDICAL LEAVE (PFML) –
FAMILY CAREGIVING & QUALIFYING EXIGENCY LEAVE
HUMAN RESOURCE CHECKLIST**

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This checklist provides guidance for human resource professionals with assisting eligible Executive Branch employees requesting Paid Family and Medical Leave (PFML) under the Family Caregiving (FCG) and Qualifying Exigency (QE) income replacement benefit. Please use this document as a guide to help employees make well-informed decisions and provide consistent experience for all. Elected Officials and Judiciary Members may elect to adopt and administer the PFML FCG & QE Leave Policy and Human Resources Checklist at their offices and with their employees.

1. Employee Notification And Initial Review

Receive Request From Employee

- Employee contacts their Agency HR with their intent to request PFML for FCG or QE Leave.

Review Employee Eligibility

- Confirm the employee meets all the eligibility requirements at the time of request:
 - Has worked for the State for at least **12 months** (or 52 weeks) in a leave-eligible position;
 - Has worked at least **1,250 hours** in the 12 months before their 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;
 - Is a full-time or part-time Executive Branch employee (casual seasonal employees, substitutes, and board members are not eligible); and
 - Is experiencing a qualifying event.
- Review if FMLA applies and follow the current FMLA process. Ensure FCG/QE leave runs concurrently with FMLA, where applicable.

If Employee Is Eligible:

Provide PFML – FCG & QE Materials

- [Paid Family and Medical Leave \(PFML\) - Family Caregiving & Qualifying Exigency Leave - Employee Checklist](#)
- [Paid Family and Medical Leave \(PFML\) - Family Caregiving & Qualifying Exigency Leave Policy and Procedures](#)
- [Paid Family and Medical Leave \(PFML\) - Family Caregiving & Qualifying Exigency FAQs](#)
- [Paid Family and Medical Leave \(PFML\) - Family Caregiving & Qualifying Exigency Toolkit](#)

Provide Eligible Employee With Required Notice

- [Healthy Delaware Families Act – Notice of Employee Rights](#)

Provide FMLA Resources (As Appropriate)

- [Family and Medical Leave \(FMLA\) P&P](#)
- [Family and Medical Leave \(FMLA\) FAQ's](#)
- [Family and Medical Leave \(FMLA\) FAQ's-Military](#)

Meet With Eligible Employee

- Go over the [Employee Checklist](#) and [Employee Estimated Payment Worksheet](#) (located on the Secure Benefits Representative website; Refer to PHRST's [Job Aid - Estimating Average Weekly Wage](#) to assist with the calculations) with the eligible employee to address important information and their questions, prior to the eligible employee initiating an FCG or QE claim in the Delaware Department of Labor (DDOL) Delaware LaborFirst system.

- **Important:** Be sure to cover impact to employee's pay, leave supplement, possible tax implications, accrual, and deductions (e.g., pension contributions, benefit premiums, Deferred Compensation Program, union dues, State Employee Charitable Campaign (SECC), overpayments, etc.).
- File and retain a copy of the signed Employee Checklist in accordance with the [Employee Personnel Records Policy and Procedures](#).
- Provide eligible employee with information to access DDOL Delaware LaborFirst system (Employees access the LaborFirst tile by logging into [my.delaware.gov](#)).
- Provide [PFML – FCG & QE Leave – Potential Overpayment Form](#) for review and signature.

2. Coordinate Leave Use While Claim Is Pending Approval

- Coordinate with eligible employee on leave usage while their FCG or QE claim is pending approval.
- Communicate the leave status to the employee's supervisor/manager.
- Refer to the PHRST [End User Procedure - Paid Family Leave \(CF-PFL-01\)](#) and use the appropriate Action/Action Reasons located in the PHRST [Action/Action Reason Valid Values](#) resource document.

3. Claim Review and Coordination

Complete Initial Claim Review

- Access the DDOL Delaware LaborFirst system **within three (3) business days** of the eligible employee's claim filing for FCG or QE to provide initial claim review and additional information to assist in the processing of the eligible employee's claim.

Complete Claim Adjudication

- Access the DDOL Delaware LaborFirst system to review the recommended FCG or QE claim decision from DDOL and provide final approval or denial **within five (5) business days**:
 - For FCG Leave, this five (5) business day period begins upon receipt of the completed DDOL Certification of Serious Health Condition or required documentation.
 - For QE Leave, the five (5) business day period begins once the initial review has been completed.
- DDOL Delaware LaborFirst system will send either an approval or denial letter to both the eligible employee and the agency. Confirm the employee received the notification.

If Claim Is Denied

- Advise the eligible employee that they have 60 calendar days of receiving the denial letter to request DDOL Division of Paid Leave review, by following the instructions outlined in the denial letter from DDOL Division of Paid Leave. DDOL Division of Paid Leave has 10 business days from receiving the eligible employee's request to complete their review.
- Advise the eligible employee that they have 30 calendar days upon receiving the DDOL Division of Paid Leave review decision to submit an appeal by following the instructions outlined in the denial letter from DDOL Division of Paid Leave.
- If FMLA was requested and denied, provide the employee with the FMLA Designation Notice and applicable next steps.

If Claim Is Approved

- Obtain and provide necessary information, including the average weekly wage, from the DDOL claim approval letter to the appropriate staff in order to complete the [Leave Supplement Calculation Worksheet](#) (located on the Secure Benefits Representative

website). Determine and coordinate the leave supplement with the eligible employee and appropriate staff, as applicable. Confirm that supplemental leave does not exceed 100% of the employee's average weekly wage.

- If FMLA was requested and approved provide the employee with the FMLA Designation notice and applicable next steps.
- Notify eligible employee's supervisor/manager of approved duration and frequency of leave (without disclosing medical details).

Process Benefits and Deductions:

- Confirm health benefits continue during approved leave in accordance with the Group Health Insurance Plan's Eligibility and Enrollment rules.
- Coordinate premium payments and deductions as needed. For benefits administered by the Statewide Benefits Office (SBO), refer to [SBO External Procedure GHIP-011 - Employee Requirement to Pay Benefit Premiums While on Leave](#) (located on the Secure Benefits Representative website).
- Review *PAY008M – Report Deductions Not Taken* (a report located in MobiusView) throughout the eligible employee's approved leave period to determine what deductions will not be taken and address through the standard process. PAY008M contains all missed deductions.

Make Payroll and System Updates

- Refer to the PHRST [End User Procedure - Paid Family Leave \(CF-PFL-01\)](#) and use the appropriate Action/Action Reasons located in the PHRST [Action/Action Reason Valid Values](#) resource document.
- Verify benefit deductions and leave supplementation are processed accurately.
- Submit a Benefit Refund Adjustment (BRA) Form in PHRST, if applicable.

4. Return-to-Work and Post-Leave Actions

Confirm Return

- Employee provides written notice of intent to return as soon as practicable to Agency HR.
- Agency HR must notify DDOL Division of Paid Leave if the employee terminates employment while on approved FCG or QE Leave.
- If employee transfers to another State of Delaware employing organization while on approved FCG or QE Leave, notify the receiving employing organization.

Coordinate Reinstatement

- Coordinate with supervisor/manager on any specific return to work requirements.
- Coordinate with supervisor/manager to confirm anticipated return to work date.
- Reinstate employee to the same or equivalent position in compliance with PFML and FMLA protections.
- Agency HR is responsible for confirming the employee's return on the anticipated return to work date for record accuracy.
- Update the Job Data record in PHRST with the Action/Action Reason RFL/RFL using the appropriate effective date.
- Coordinate with Payroll to resume pay and deductions.

Coordinate Recordkeeping and Compliance

- Overpayments from supplementing FCG or QE with available and accrued leave offered by the state shall be recouped by the paying Agency, in accordance with the State's Wage Overpayment Policy.