DE PFML
Fast Facts

Delaware enacted legislation in 2022 to create a **Paid Family and Medical Leave (PFML)** program which the state calls Delaware Paid Leave. Employers can provide a private plan if it is the same or better than what's required under the state program and is approved by the State.[1]

What is the Delaware Paid Leave program?

- State-mandated paid time off to a covered employee with partial income replacement up to 80% of their wages.
- Weekly payments are capped at $900.
- A total of 12 weeks of leave is available per year.

How are the benefits funded?

For 2025 and 2026, the rates are as follows:

- A total of .8% (comprised of .4% medical, .08% family caregiving and .32% parental leave):
  - » Employers can require employees to contribute up to half of the cost through payroll deductions. When DE PFML coverage is provided through a private plan, the employee's contribution percentage cannot exceed 50% of the private plan's premium and the employee's share cannot cost more than what they would have paid under the Delaware Paid Leave state plan. Additional contribution rules apply to voluntarily provided coverage.
  - » The DDOL will review and update the state plan's contribution rate annually, beginning with calendar year 2027.

How can the program be used?

- Parental Leave: bonding with a new child during the first year after the birth, adoption or placement.
- Family Caregiving Leave: caring for a family member with a serious health condition.
- Medical Leave: caring for one's own serious health condition.
- Qualified Exigency Leave: handling matters resulting from a qualifying military exigency.

Employees are limited to a maximum of 12 weeks of total, combined leave per year.

Who is covered?

An employee must work primarily (at least 60% of their time) in Delaware, have worked for the employer from which they are taking leave for at least 12 months, and have worked at least 1,250 hours (about 25 hours a week) in the 12 months before the leave.

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Do all employers need to participate?

- Employers with 10 to 24 employees during the previous 12 months are only subject to the Parental leave provisions.[2]
- Employers with 25 or more employees during the previous 12 months are subject to all Parental, Family Caregiving and Medical leave provisions with the following limited exceptions:
  - The federal government
  - Any business that is closed in its entirety for 30 consecutive days or more per year

Employer Classification	Leave Offering Requirements
9 or fewer employees	Exempt
10 to 24 employees	Parental Leave Only
25 or more employees	All Leave Types
Federal government employees	Exempt
Seasonal operations that shut down for a month or more	Exempt

Are private plans allowed?

- Yes. Employers with 10 or more employees may opt out of the state program if they offer a private plan that provides the same or better benefits, and includes all the same rights and protections as the state program.
- Employers that intend to use a private benefit plan must obtain state approval. The state accepts private plan applications on a rolling basis, with effective dates of January 1, April 1, July 1, or October 1. Applications must be submitted at least 30 days before the start of the calendar quarter for which coverage is requested. The requested effective date is subject to state approval, and the state will determine the final effective date of the plan.

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Paid Family and Medical Leave Insurance Form Series Form GBD-1862 PFML

[1] Delaware Paid Leave "Fast Facts" are subject to change and may not reflect new changes to legislation or regulations.

[2] Small businesses with fewer than 10 employees may choose to opt into the program.

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