Considerations for privatizing.

- The Hartford began offering Paid Family and Medical Leave (PFML) in Delaware on January 1, 2026.
- Employers will default into the state plan but may choose to offer a private plan.

As a leader in Paid Family and Medical Leave, Statutory Disability and Absence Management, The Hartford has the experience to work with employers considering a private plan and recommends that employers carefully consider the following factors when deciding between the state or a private plan.

Choosing a Private Plan – Employer Considerations

Employers who prefer not to administer claims internally, may prefer a private plan (whether fully insured or self-funded) and should note:

- Private plan applications will be accepted on a rolling basis with effective dates of Jan. 1, April 1, July 1 or Oct. 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
- Insurance carriers or administrators can handle claim administration for the employer reducing the administrative burden
- While employees cannot pay more than the maximum contribution, the overall rate is determined based on the employer's population

Choosing the State Plan – Employer Considerations

Employers who prefer to administer their own claims and may want to use the state plan should note:

- Delaware employers are automatically enrolled in the state plan
- Employers will be required to remit applicable employer and employee contributions to the state
- Employers will be responsible for administering claims including but not limited to:
  - » Receiving employees' applications for benefits including all necessary health care provider documentation
  - » Determining if additional information is needed to approve or deny a claim
  - » Uploading all information to the state's system
  - » Approving or denying a claim for benefits within 5 business days of receipt of a completed claim
- Employers will always be subject to the state program's rates based on the entire population

The Hartford

Choosing The Hartford's Private Plan

When choosing between the state plan and The Hartford's private plan offering, it's important to note:

- The Hartford will be offering the full suite of leave reasons for all employers regardless of size
- For Medical Leave, Family Caregiving and Qualifying Military Exigency, The Hartford will provide in their standard offering up to 6 weeks of leave in the 12-month period starting on the first day of leave (application year), versus in any 24-month period
- The Hartford will be selling all lines of coverage together versus individual lines of coverage

Leave Type	Delaware State Plan	The Hartford's Private Plan
Parental Leave: Care for a new child	Up to 12 weeks **per application year (12-month period)**	Up to 12 weeks **per application year***
Medical Leave: Care for employee's own serious health condition	Up to 6 weeks **in a 24-month period**	Up to 6 weeks **per application year***
Family Caregiving Leave: Care for a family member with a serious health condition	Up to 6 weeks **in a 24-month period**	Up to 6 weeks **per application year***
Qualifying Military Exigency	Up to 6 weeks **in a 24-month period**	Up to 6 weeks **per application year***
Combined Maximum	No more than **12 weeks** in aggregate for **all leave types in an application year**	No more than **12 weeks** in aggregate for **all leave types in an application year***

* The definition of an application year may differ for purposes of the State Plan depending on the option selected by the employer. The Hartford's application year is rolling forward starting on the first day of leave.

Fully Insured Private Plan Considerations

A fully insured private plan gives employers the opportunity to leverage the expertise of a private carrier for a streamlined, integrated approach to administration and claims. Employers can consider these potential advantages of a fully insured option:

- A reduced administrative burden for the employer
- Experience in compliance and statutory coverage
- End-to-end claim experience for leaves that includes return-to-work support for employees
- Seamless integration with STD and LTD

Self-insured Private Plan Considerations

For some employers, the best fit for their benefit program may be to self-insure. There are a variety of factors for employers to consider when thinking about self-insuring including:

- Depending on the size of the group and claim experience, the cost of claims and administration may be less than paying a monthly premium on every covered employee, while still retaining the benefits of coordinating with fully insured lines of coverage through The Hartford such as STD and LTD
- Partnering with a knowledgeable, experienced claim administrator like The Hartford may offer a superior employee leave experience
- Self-insured plans must provide a surety bond and prefund a claims bank account

Process for Filing an Exemption from the State Plan

The Delaware LaborFirst online portal will be available for employers who wish to opt out of the state plan by applying for a private plan.

Employers must:

- Register with Delaware LaborFirst for each EIN which includes identity verification through myDelaware which can be found here: **State of Delaware - Sign In** (please note, the same log in may be used as the employer uses for unemployment in Delaware)
- Complete a separate application for each EIN
- Indicate if the private plan will be fully insured or self-insured, and select a private carrier or third-party administrator as applicable
- Select benefit types covered for the exemption for (if using The Hartford, mark all lines of coverage):
  - » Parental Leave
  - » Family Caregiving Leave
  - » Medical Leave
- Application requirements (this may not reflect all requirements by the state):
  - » Fully insured: submit a copy of the employers issued policy
  - » Self-insured: submit a self-insured plan, surety bond and prefund a claims bank account
  - » No application fee is required
- Private plans must be renewed annually between October 1 and December 1

For additional information or to apply to opt out of the state plan to use a private plan, visit the **Delaware Department of Labor**.

Partnering with The Hartford

The Hartford is a market leader for Statutory Disability and Leave Management, providing statutory coverage since 1950. We can help employers:

- **Simplify administration** for employers and employees
- **Enhance the employee experience** with compassionate support and additional resources
- **Design compliant plans and provide educational resources** for employers and employees

For more information about The Hartford's Delaware private plan offerings, call your local rep from The Hartford or visit **Delaware Family & Medical Leave Insurance | The Hartford**

The Hartford

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