



## **Delaware Paid Family and Medical Leave (PFML) Insurance Program**

In May 2022, the Delaware Paid Family and Medical Leave (PFML) Program was passed into law. The aim of this program is to ensure Delaware workers have financial support if they need to take a leave of absence from their job for any of the following four reasons: A serious health condition that impacts them (Medical Leave) or a family member (Family Caregiver Leave), a family member’s overseas military deployment (Qualified Exigency Leave) or after welcoming a new child to their family (Parental Leave). Contributions to fund the program begin on January 1, 2025, and payable benefits begin January 1, 2026.

### **How Does Delaware PFML Work?**

- The program is overseen by the Division of Paid Leave, a department of the Delaware Department of Labor (DOL) and administered by the Division’s administrative system, Delaware LaborFirst.
- Delaware businesses meeting certain criteria are required to enroll their employees in this program.
- Delaware employers are responsible for all contributions to fund the program, although employers can require employees pay up to 50% of the cost through post-tax payroll deductions.
- Leave of absence claims will be paid directly to employees by the DOL every other week. Employers do not need to pay employees who are out on approved leave.

### **What Businesses Need To Know**

- **Which businesses are affected?**  
Businesses, including non-profits and faith-based employers, who meet all of the following criteria are required to register and facilitate the PFML program:

9 or fewer employees	Exempt
10 to 24 employees	Parental Leave Only
25 or more employees	Full Coverage
Seasonal operations that shut down for a month or more	Exempt
Federal government employees	Exempt

Small employers who are not required to register can voluntarily enroll in PFML. Employers must remain in the program for at least 3 years and provide 12 months notice if you decide to opt-out.

- **Which employees are eligible to participate in PFML?**

To be eligible, an employee must:

Be a W-2 employee, including business owners.
Work at least 60% of their time in Delaware, including telecommuters who work for a Delaware employer at least 60% of the time from their home outside of Delaware.
Work for their employer for a minimum of 12 months.
Work a minimum of 1,250 hours in the most recent 12 months.

Part-time and seasonal employees can be exempt from the program by signing a waiver form to withdraw from the program. This waiver must be signed by both the employee and the employer. Employees on waiver will be exempt from contributions and will not be eligible to take paid leave. If the conditions of employment change so that the employee becomes eligible for benefits, the employee and employer must revoke the waiver and join the program.

Employees who work more than 40% of their time outside of Delaware, even if the home office is located in Delaware, are not eligible for PFML. Teleworkers are eligible, as noted above.

- **What if your business already has a private benefit plan for paid leave?**

- Employers with 10 or more employees may offer an approved insurance policy that provides the same or better benefits as the state plan.
- Employers with 100 or more employees also have the option to self-insure (a surety bond and dedicated prefunded claims account are required).
- Employers who wish to use a private benefit plan to offer paid leave benefits must obtain approval from the Division on a yearly basis. The first private plan applicant period is September 1 through December 1, 2024.

- **Isn't leave covered by the Family and Medical Leave Act (FMLA) of 1993?**

- The PFML works in conjunction with FMLA.
- FMLA provides employees up to 12 weeks of unpaid, job-protected leave with continued medical benefits. PFML provides employees with income-replacement payments of 80% of their average weekly wage, up to \$900 per week.
- FMLA is mandatory for employers with 50 or more employees. PFML is mandatory for employers with 10 or more employees.
- Employees are limited to a maximum of 12 weeks of total, combined leave per year.

- **What is the cost to your business?**

The rates are guaranteed through 2026 at a maximum 0.80% of wages, up to the Social Security limit. For 2024, the Social Security wage limit is \$168,600. There are component rates for each line of coverage. The employer can require employees to pay up to 50% of this amount via post-tax payroll deductions. The components are:

LEAVE TYPE	CONTRIBUTION PERCENTAGE
Parental Leave	0.32%
Medical Leave (if applicable)	0.40%
Family Caregiver / Qualified Exigency Leave (if applicable)	0.08%
Maximum Contribution	0.80%

A contribution calculator can be found at <https://labor.delaware.gov/delaware-paid-leave-is-coming/>.

- **What are the benefits to your employees?**

- If leave is approved, employees will receive up to 80% of their wages (up to \$900 per week), paid every other week by the DOL.

- **How much protected time can your employees take under PFML?**

LEAVE TYPE	TIME ALLOWED
Parental Leave	12 weeks over 12 months
Medical Leave / Family Caregiver / Qualified Exigency Leave (if applicable)	6 weeks over 24 months

- **What you need to do:**

- Enroll your new business with Delaware OneStop at <https://onestop.delaware.gov/>. This step is not required if you are already an established business.
- Go to [my.delaware.gov](https://my.delaware.gov) to register for the PFML program.
- Determine employee eligibility.
- Notify your employees of their options.
- Track employee Delaware in-state hours and wages.
- Calculate contribution amounts.
- Verify employee leave applications.
- Enroll new employees as of date of hire.

- **Deadlines**

- The PFML program begins on January 1, 2025, and all eligible employers must be registered by this date.
- Businesses will start recording contributions for employees on January 1, 2025.
- Businesses will start post-tax payroll deductions for employees, if applicable, on January 1, 2025.
- Apply for approval of your existing private insurance plan, as an alternative to PFML, by December 1, 2024.
- Employees can submit claims for paid leave beginning January 1, 2026.
- Pay and report contributions quarterly, as follows:

PERIOD END DATE	PAYMENT / FORM DUE DATE
March 31 <sup>st</sup>	April 30 <sup>th</sup>
June 30 <sup>th</sup>	July 31 <sup>st</sup>
September 30 <sup>th</sup>	October 31 <sup>st</sup>
December 31 <sup>st</sup>	January 31 <sup>st</sup>

- **Penalties**

- Delaware employers with 10 or more employees who fail to register will face penalties between \$1,000 and \$5,000 for each violation.

**What Employees Need To Know**

- **Who is eligible to participate in the Delaware Paid Family and Medical Leave (PFML) Insurance Program?**

- See table above.

- **Enrollment Information**

- Eligible employees will automatically be enrolled in the PFML on January 1, 2025.

- **What you need to do:**

- If needed, apply for your claim for leave of absence after January 1, 2026.
- Denied claims can be appealed to the Division of Paid Leave.

For more information and ongoing updates, please visit the official Delaware PFML website using the links below.

[DE PFML](#)

[DE PFML Frequently Asked Questions](#)