

FAMILY AND MEDICAL LEAVE INSURANCE



In May 2022, Delaware lawmakers passed The Healthy Delaware Families Act (DE PFML) that provides Paid Family and Medical Leave benefits for workers. The Delaware law allows for private plan coverage with equal or better benefits than the state program. As this program unfolds, Mutual of Omaha will be here to provide a knowledgeable perspective on the new law.

While Delaware's new PFML program will provide important benefits for employees, the program raises many questions for employers.

Q. What is PFML?

PFML stands for Paid Family and Medical Leave. This program applies to Delaware employers with 10 or more employees and will provide eligible Delaware workers with up to 12 weeks of job-protected paid leave benefits when they face life circumstances such as a serious health condition, bonding with a new child, need to care for a loved one with a serious health condition, or a qualifying military exigency. Employers with 10-24 employees are only eligible for bonding leave. The Delaware program will allow employers to opt out of the state program if offering an approved private plan.

Q. When will benefits be available?

Benefits will be available starting January 1, 2026.

Q. Who is covered under the program?

Generally, the program covers employees working for an eligible Delaware business who have worked at least 12 months with their employer and have worked 1,250 hours in the last year.

Q. How much leave is allowed?

- For employers with 10 or more employees, an employee may take up to 12 weeks of parental leave in a benefit year.
- In addition, for employers with 25 or more employees, the employee may also take up to 6 weeks of family or medical leave in a 24-month period.

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Q. How much are employees paid during leave?

Weekly benefit amounts are calculated as a percentage of the employee's earnings, so the weekly benefit may be different for each individual. The program offers 80% replacement for an employee's average weekly wage.

The maximum benefit will be capped at \$900 weekly for both 2026 and 2027. Delaware will also have a minimum weekly benefit of \$100.

Q. How is the DE PFML program funded?

This program will be funded by payroll contributions. An employer can deduct up to 50% of the required contributions from the employee's wages.

Contributions will begin on January 1, 2025.

Q. How does DE PFML interact with other benefits?

The DE PFML leave will run concurrently with the Family Medical Leave Act (FMLA) and any payment under a disability policy. Employers may allow employees to use any accrued paid time in addition to the DE PFML benefits up to 100% wage replacement.