The Healthy Delaware Families Act: What Employers Should Know

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In recent years, Delaware has taken significant steps to support its workforce through progressive employment legislation, including the Healthy Delaware Families Act. This act introduces paid leave benefits, aims to enhance work-life balance, and supports employees during critical life events. Here's what employers need to know about this important initiative:

Coverage and Eligibility

Employees who have worked for their employer for at least 12 months and clocked in at least 1,250 hours during the last year are eligible for benefits under the Healthy Delaware Families Act, mirroring the federal Family and Medical Leave Act (FMLA).

- **Coverage Requirements**: Most businesses in Delaware are covered under the act and must provide eligible employees with paid leave.
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    - *Exceptions*: Certain businesses, such as seasonal ones and those with fewer than ten employees, are exempt. Employers with 10-24 employees are only required to participate in parental leave.
- **Alternative Benefits**: Businesses offering more generous paid leave benefits or those providing a state-approved alternative paid leave insurance plan meeting minimum standards may opt out of the program.

Types and Duration of Leave

Under the Healthy Delaware Families Act, eligible workers can take the following types of leave with pay:

- **Parental Leave**: Up to 12 weeks.
- **Medical Leave**: Up to six weeks, including care for a family member.
- **Military Deployment**: Up to six weeks.
- **Intermittent Leave**: Employees can use leave intermittently (not consecutively) if medically necessary, provided they take leave at least one day per week.
- **Combined Parental Leave**: If both parents work for the same employer, they can take up to 12 weeks combined.

Benefits and Contributions

- **Wage Replacement**: Workers receive approximately 80% of their usual weekly wages while on leave, based on their average weekly wage over the last 12 months.

- **Maximum Benefit**: Currently set between $100 and $900 per week, adjusted annually for inflation.
- **Contribution**: Starting in 2025, participating businesses will contribute up to 0.8% of their payroll towards the program. Employees may also contribute up to 0.4% of their wages annually.

Job Protection and Rights

- **Job Security**: Employees are entitled to retain their health insurance benefits and return to their previous position after taking leave.
- **Protection from Retaliation**: Employees who have been with their employer for at least 90 days are protected from retaliation for requesting or using leave.

Administration and Compliance

- **Administration**: Delaware's Department of Labor oversees the program, ensuring education, claims processing, financial stability, and compliance.
- **Enforcement**: The Department investigates violations and reports regularly to the Governor and Legislature on the program's effectiveness.

Conclusion

The Healthy Delaware Families Act represents a significant step forward in supporting Delaware's workforce with comprehensive paid leave benefits. For employers, understanding the act's requirements and benefits is crucial for compliance and fostering a supportive workplace environment. By embracing these changes, businesses can enhance employee satisfaction, retention, and overall productivity.

Please contact me for further information on the Healthy Delaware Families Act or similar legislation in Maryland. I am also available to present to large groups interested in understanding these important employment laws.