

Delaware Paid Family and Medical Leave

Questions and answers

Your employee rights under Delaware Paid Family and Medical Leave (DE PFML)

What's DE PFML?

DE PFML was created with the signing of the Healthy Delaware Families Act by Delaware Governor John Carney on May 10, 2022. DE PFML offers paid job-protected leave for the following reasons:

- Up to 12 workweeks in a 12-month period for the birth, adoption, or foster placement of a child
- Up to six workweeks in a 24-month period for:
 - Your own serious mental or physical health condition that prevents you from working
 - You to care for your spouse, child, or parent with a serious mental or physical health condition
 - Qualifying reasons relating to the overseas deployment of your spouse, child, or parent who is a military service member

You can't take more than 12 weeks of leave in a 12-month period. You may use this leave in one block of time. When medically necessary or otherwise permitted, you may take leave intermittently in separate blocks of time or reduce your schedule by working fewer hours per day or week.

You're entitled to receive 80% of your average weekly wage (AWW) while on approved leave, up to \$900 per week. AWW consists of all income received from an employer, including base salary, commissions, tips, and bonuses.

Who's eligible for DE PFML?

You're eligible for DE PFML if you meet the following criteria:

- You work for a covered employer.
- You have worked for your employer for at least 12 months.
- You have at least 1,250 hours of service with your employer during the 12 months before your leave (hours of service refers to hours actually worked and doesn't include time off for vacation, illness, or other leave).
- You worked in Delaware for at least 60% of those 1,250 hours.
- Your employer has at least 10 Delaware-based employees (for parental leave) or 25 Delaware-based employees (for family caregiving, medical, or qualified exigency leave).



You work for a covered employer if:

- You work in Delaware for an employer (except the federal government) that has at least 10 Delaware-based employees.
- Your employer's business doesn't close for more than 30 consecutive days in a 12-month period.

Some employees aren't covered by DE PFML, including casual or seasonal employees working for the state of Delaware, the Department of Education, or for an entity covered by state employee benefits.

What types of leaves are covered under DE PFML?

Covered leave is dependent on the number of Delaware employees your employer has.

- Employers with one to nine covered employees aren't required to provide paid family and medical leave benefits.
- Employers with 10 to 24 covered employees must provide their employees with parental leave.
- Employers with 25 or more covered employees must provide parental, medical, and family caregiver/qualified exigency leave.

Employers may choose to opt in to the DE PFML insurance program to provide more benefits than required. Please visit de.gov/paidleave for more information.

How do I submit a claim for DE PFML?

Your employer has elected to insure your paid family and medical leave coverage privately through Lincoln Financial. You should direct DE PFML claims and questions to Lincoln instead of the state.

You may apply for benefits as soon as you're aware of the need for leave but should provide notice at least 30 days before you take it. If the need for leave is unforeseeable, you must apply for benefits within 30 days after their first day of leave is taken.

Your company will provide additional information and guidance to help you begin your DE PFML claim.

What will Lincoln do with my DE PFML claim once filed?

Once Lincoln receives your claim for DE PFML, Lincoln will review the eligibility information provided by your employer and then contact you to discuss the specifics of your absence and eligibility. Lincoln will also discuss the necessary information that's required to approve your DE PFML claim and outline what other benefits you may be eligible for, such as the Family Medical Leave Act, short-term disability, or company-paid leave.



What must my employer do while I am on an approved DE PFML claim?

While you're on an approved DE PFML claim, your employer must:

- Maintain confidentiality of your or your family members' private medical information
- Allow you to take job-protected time off work for a qualifying reason
- Continue your group health insurance plan coverage (if you pay a portion of the cost of your group health insurance, you're still required to pay your portion while on paid leave)
- Allow you to return to the same job or a virtually identical job with the same pay, benefits, and other working conditions, including shift and location, at the time of your leave

Your employer can't interfere with your rights under the Healthy Delaware Families Act or threaten or punish you for exercising your rights under this law. For example, your employer cannot retaliate against you for requesting paid leave or cooperating with a Division of Paid Leave investigation. If you believe your rights under the Healthy Delaware Families Act have been violated, you may file a complaint with the Delaware Department of Labor, Division of Paid Leave, by calling 302-761-8375 or visiting de.gov/paidleave, or you can file a private lawsuit against your employer in court.

How is the DE PFML program funded?

The cost of your DE PFML coverage is funded in part by deductions taken from your paycheck and premium covered by your employer. Effective January 1, 2026, you'll be charged 0.40% of all wages paid, not to exceed the Social Security wage cap. This deduction is subject to change each year on January 1.

How do I dispute Lincoln's decision about my claim?

If your claim is denied or you don't agree with the decision, you may appeal your claim with Lincoln. You may request an appeal within 10 days from your receipt of the Notice of Determination. Instructions for how to appeal the decision will be provided in this notice.

How do I dispute Lincoln's decision about my claim appeal?

If the appeal doesn't resolve your disagreement with the claim decision, you can request support from the Delaware PFML Division for dispute resolution. Visit labor.delaware.gov/delaware-paid-leave-is-coming/ or call **302-761-8375** for more information.



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How do I contact Lincoln if I have questions?

Claim submission	DE PFML and STD claim forms, medical records, and documentation Phone: 844-247-4446 Mail: The Lincoln National Life Insurance Company Disability and Life Claims P.O. Box 2578 Omaha, NE 68172-9688 Web: LincolnFinancial.com
Claims inquiries	Your claim will be assigned to a claims specialist whom you can contact for more information. You may also log in to LincolnFinancial.com for claim information.

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