

Labor Law Compliance Center

DELAWARE

Labor Law Compliance Center
posters@laborlawcc.com
www.laborlawcc.com
(800) 801-0597

Delaware Labor Law Posters

English

Posting Name & ID	Posting Requirements	Published Date
Payment of Wages, Minimum Wage, Breaks DE01E	All employers	01/23
Child Labor, Wage Theft DE02E	All employers	01/23
Sexual Harassment DE03E	Recommended	11/18
Workers Compensation DE04E	All employers	03/24
Whistleblowers' Protection DE05E - DE06E	All employers	10/14
Discrimination Notice DE07E	All employers	01/19
Paid Leave DE08E - DE12E	All employers	01/25



EMERGENCY

AMBULANCE: _____

FIRE - RESCUE: _____

HOSPITAL: _____

PHYSICIAN: _____

ALTERNATE: _____

POLICE: _____

PAYDAY NOTICE

REGULAR PAYDAYS FOR EMPLOYEES OF:

_____ (FIRM NAME)

SHALL BE AS FOLLOWS:

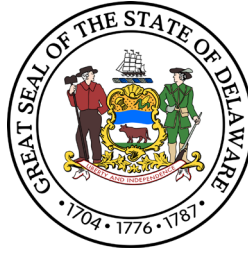
BY _____

TITLE _____

PLEASE POST



Fox Valley Offices
4425 North Market Street- 3rd Floor
Wilmington, DE 19802
(302) 761-8200



Blue Hen Corporate Center
655 S Bay Road, Ste. 2H
Dover, DE 19901
(302) 422-1134

Georgetown American Job Center
8 Georgetown Plaza, Suite 2
Georgetown, DE 19947
(302) 856-5230

DELAWARE DEPARTMENT OF LABOR
DIVISION OF INDUSTRIAL AFFAIRS

University Office Plaza
252 Chapman Road, 2nd Floor
Newark, DE 19702
(302) 761-8200

Email: wages@delaware.gov | Email: workpermits@delaware.gov | Website: Labor.delaware.gov

PAYMENT OF WAGES

EMPLOYERS OF FOUR (4) OR MORE EMPLOYEES ARE REQUIRED TO:

- **Notify employees in writing at the time of hire:**
 1. Rate of Pay
 2. Day, hour, and place of payment
 3. Employer's fringe benefits policies
- Notify employees in writing of any reductions in the rate of pay, and any changes in the day, hour, or place of payment or benefits.
- Furnish each employee with a pay statement showing:
 1. Amount of wages due;
 2. Pay period covered by the payment;
 3. Amounts of deductions (separately specified) which have been made from the wages;
 4. Total number of hours worked in the pay period (for employees who are paid at an hourly rate).

PAYMENT OF WAGES

- Wages must be paid at least once each month.
- Employees must be paid all wages within seven (7) days from the close of each pay period [with some exceptions, see §1102(b)].
- If the payday falls on a non-work day, payment shall be made on the preceding work day.
- If an employee is not present on the regular payday, payment shall be made on the next regular workday that the employee is present or by mail (only if requested by the employee).
- Wages may be paid to a bank account designated by an employee (upon the employee's written request).
- Wages may be paid in cash or by check (provided that suitable arrangements are made by the employer for cashing at a bank or other business establishment convenient to the workplace).
- Whenever an employee quits, resigns, is discharged, suspended or laid off, the wages earned shall be paid on the next regularly scheduled payday(s) either through the usual pay channels or by mail (if requested by the employee) as if employment had not been suspended or terminated.

UNLAWFUL DEDUCTIONS

Employers are not permitted to deduct or withhold wages for:

1. Cash or inventory shortages;
2. Cash advances or charges for goods and services (unless there is a signed agreement specifying the amount owed and the repayment schedule);
3. Damaged Property
4. Failure to return employer's property

MINIMUM WAGE

Regular Rate:

effective: 06-01-15 - \$8.25/hour
effective: 01-01-19 - \$8.75/hour
effective: 10-01-19 - \$9.25/hour
effective: 01-01-22- \$10.50/hour

effective: 01-01-23 - \$11.75/hour
effective: 01-01-24 - \$13.25/hour
effective: 01-01-25 - \$15.00/hour

EMPLOYEES WHO RECEIVE TIPS

The minimum cash wage payable to employees who receive tips is \$ 2.23 per hour, effective 10/1/96.

The employer must be able to prove that the employee received the balance of the full minimum rate in tips.

MINIMUM WAGE (continued)

NOTE: Delaware's minimum cash wage for tipped employees is greater than the cash wage required by federal law. Employers must pay Delaware's higher rate.

Tips may not be taken or retained by an employer except as required by law. Tip-pooling is permitted (under certain conditions) in an amount not to exceed 15% of the actual tips received by the employee.

MINIMUM WAGE EXEMPTIONS:

- Employees in agriculture.
- Employees in domestic service in or about private homes.
- Employees of the United States Government.
- Outside commission paid salespeople.
- Bona fide executives, administrators, and professionals.
- Employees engaged in fishing and fish processing at sea.
- Volunteer workers (for educational, religious or non-profit organizations).
- Junior camp counselors employed by non-profit summer camp programs.

RECORD KEEPING REQUIREMENTS:

- ♦ **Employers must keep records (including the rate of pay, hours worked, and amount paid for each employee for three (3) years.**

BREAKS

All employees must be offered a meal break of at least 30 consecutive minutes if the employee is scheduled to work 7.5 or more hours per day.

Must be after the first 2 hours of work and before the last 2 hours of work.

This rule does not apply when:

- The employee is a professional employee certified by the State Board of Education and employed by a local school board to work directly with children.
- There is a collective bargaining agreement or other employer-employee written agreement which provides otherwise.

Rules have been issued granting exemptions when:

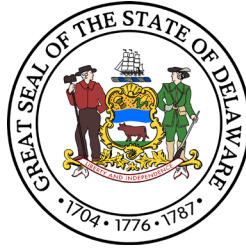
- Compliance would adversely affect public safety.
- Only one (1) employee may perform the duties of a position.
- An employer has fewer than five (5) employees on a shift at one location (the exception would only apply to that shift).
- The continuous nature of an employer's operations, such as chemical production or research experiments, requires employees to respond to urgent or unusual conditions at all times and the employees are compensated for their meal breaks.

Where exemptions are allowed, employees must be allowed to eat meals at their work stations or other authorized locations and use restroom facilities as reasonably necessary.



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Email: wages@delaware.gov | Email: workpermits@delaware.gov | Website: Labor.delaware.gov

CHILD LABOR

General Provisions

- The minimum age for employment is 14.
- Work Permits are required for all employed minors under the age of 18.
- Employers are required to keep Work Permits on file for each employed minor.
- A new Work Permit is required when the employer of a minor changes.

Provisions for Individuals 14 and 15 Years of Age:

MINORS 14-15 YEARS OF AGE SHALL NOT WORK:

- Before 7:00 a.m. or after 7:00 p.m. - except from June 1st through Labor Day when the evening hour shall be extended to 9:00 p.m.
- More than four (4) hours per day on school days
- More than eight (8) hours per day on non-school days
- More than eighteen (18) hours in any week when school is in session for five (5) days
- More than six (6) days in any week
- More than forty (40) hours per week; and
- More than five (5) hours continuously without a non-work period of at least thirty (30) consecutive minutes.

Specific Provisions for Individuals 16 and 17 Years of Age:

- Not more than twelve (12) hours in a combination of school and work hours per day
- Must have at least eight (8) consecutive hours of non-work, non-school time in each twenty-four (24) hour period
- May not work more than five (5) hours continuously without a non-work period of at least thirty (30) consecutive minutes.

For a list of Prohibited Occupations, contact:

The Delaware Department of Labor, Division of Industrial Affairs, Office of Labor Law Enforcement at any of the addresses listed.

This poster provides only general information regarding the provisions of Delaware's Child Labor Laws. The requirements of state law do not affect an employer's obligation to comply with any provisions of federal law.

It is unlawful to retaliate against an employee because (s)he has made a complaint or given information to the Dept of Labor about possible labor law violations.

Employers Are Required By Law To Display This Official Poster In A Place Accessible To Employees And Where They Regularly Pass

Violations of Delaware Labor Laws could result in fines of up to \$20,000 per violation.



Takes effect January 1, 2019



STATE OF DELAWARE DEPARTMENT OF LABOR
DIVISION OF INDUSTRIAL AFFAIRS

4425 N. MARKET STREET, 3RD FLOOR
WILMINGTON, DE 19802
(302) 761-8200

BLUE HEN CORPORATE CENTER
655 S. BAY ROAD, SUITE 2H
DOVER, DE 19901
(302) 422-1134

Employers must distribute this information sheet to new employees at the commencement of employment and to existing employees by July 1, 2019

Download this Notice at www.dol.delaware.gov

8 GEORGETOWN PLAZA, SUITE 2
GEORGETOWN, DE 19947
(302) 422-1134

DELAWARE SEXUAL HARASSMENT NOTICE

The Delaware Discrimination in Employment Act

The Delaware Discrimination in Employment Act protects all individuals against discrimination in the workplace based on gender. Sexual harassment is a form of gender discrimination. A new law against sexual harassment passed in 2018 extends protections to all individuals, in all workplaces, including employees, applicants, apprentices, staffing agency workers, independent contractors, elected officials and their staff, agricultural workers, domestic workers, and unpaid interns.

Sexual Harassment and the Law

Sexual harassment of an employee is unlawful when the employee is subjected to conduct that includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when: (1) submission to such conduct is made either explicitly or implicitly a term or condition of an employee's employment; (2) submission to or rejection of such conduct is used as the basis for employment decisions affecting an employee; or (3) such conduct has the purpose or effect of unreasonably interfering with an employee's work performance or creating an intimidating, hostile, or offensive working environment.

Some Examples of Sexual Harassment

- unwelcome or inappropriate touching
- threatening or engaging in adverse action after someone refuses a sexual advance
- making lewd or sexual comments about an individual's appearance, body, or style of dress
- conditioning promotions or other opportunities on sexual favors

- displaying pornographic images, cartoons, or graffiti on computers, emails, cell phones, bulletin boards, etc.
- making sexist remarks or derogatory comments based on gender

Retaliation Is Prohibited Under the Law

It is a violation of the law for an employer to take action against you because you oppose or speak out against sexual harassment in the workplace. The Delaware Discrimination in Employment Act prohibits employers from retaliating or discriminating against any person because that person opposed an unlawful discriminatory practice. Retaliation can occur through direct actions, such as demotions or terminations, or more subtle behavior, such as an increased work load or being transferred to a less desirable location. The Delaware Discrimination in Employment Act protects individuals against retaliation who have a good faith belief that their employer's conduct is illegal, even if it turns out that they were mistaken.

Report Sexual Harassment

If you have witnessed or experienced sexual harassment inform a manager, the equal employment opportunity officer at your workplace, or human resources as soon as possible.

Report sexual harassment to the Delaware Department of Labor Office of Anti-Discrimination. Call 302-761-8200 or 302-424-1134 or visit

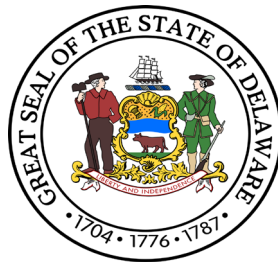
<https://dia.delawareworks.com/discrimination/>

to learn how to file a complaint or report discrimination. The Department can investigate or mediate your complaint and may be able to help you collect lost wages and other damages.



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Email: dol_dia_workcomp@delaware.gov | Email: dol_dia_wc_compliance@delaware.gov | Website: Labor.delaware.gov

WORKERS COMPENSATION

IMPORTANT THINGS TO DO IN CASE OF INJURY

THE EMPLOYER SHALL:

Carry Workers' Compensation Insurance Coverage per Title 19, Chapter 23, 2303. Every employer shall keep of record of all injuries received by employees; and within 10 days, file a First Report of Injury with the Office of Workers Compensation as per Title 19, Chapter 23, 2313. In addition, the employer should notify their Workers' compensation Insurance carrier of said injury. First Report of Injury forms are available on our website listed above

THE EMPLOYEE SHALL:

Or someone on the employee's behalf, notify the employer as soon as possible of an accidental injury or occupational disease and request medical services if needed. Failure to give notice or to accept medical services may deprive the employee of the right to compensation. Give promptly to the employer, directly or through a supervisor, notice of any claim for compensation for the period of disability beyond the third day after the accident. In case of fatal injuries, notice must be given by one or more dependents of the deceased or by a person on their behalf. In case of failure to reach an agreement with the employer in regard to compensation under the law, file a petition with the Industrial Accident Board for a hearing on the matters at issue within two (2) years of the date of accidental injury. All forms can be obtained from the Office of Workers' Compensation. (Email: dol_dia_workcomp@delaware.gov)

It is unlawful to retaliate against an employee because (s)he has made a complaint or given information to the Dept of Labor about possible labor law violations.

Violations of Delaware Worker's Compensation Labor Laws could result in fines.



TITLE 19

Labor

General Provisions

CHAPTER 17. Whistleblowers' Protection

§ 1701. Short title.

This chapter may be cited as the "Delaware Whistleblowers' Protection Act."

[74 Del. Laws, c. 361, § 1;](#)

§ 1702. Definitions.

As used in this chapter:

(1) "Employee" means a person employed full or part-time by any employer, and shall include, but not be limited to, at-will employees, contract employees, independent contractors, and volunteer firefighters as defined in § 6651(c) of Title 16.

(2) "Employer" means any person, partnership, association, sole proprietorship, corporation or other business entity, including any department, agency, commission, committee, board, council, bureau, or authority or any subdivision of them in state, county or municipal government. One shall employ another if services are performed for wages or under any contract of hire, written or oral, express or implied.

(3) "Person" means an individual, sole proprietorship, partnership, corporation, association, or any other legal entity.

(4) "Public body" means all of the following:

a. A state-wide elected official, agency, department, division, bureau, board, commission, council, authority, or other body in the executive branch of state government or employee of them;

b. A legislator or employee of the legislative branch of state government;

c. An elected official of a county, city, or school district or employee of them;

d. A law-enforcement agency or employee of that law-enforcement agency; and

e. A federal agency or employee of that federal agency.

(5) "Supervisor" means any individual to whom an employer has given the authority to direct and control the work performance of the affected employee or any individual who has the authority to take corrective action regarding the violation of a law, rule or regulation about which the employee complains.

(6) "Violation" means an act or omission by an employer, or an agent thereof, that is:

a. Materially inconsistent with, and a serious deviation from, standards implemented pursuant to a law, rule, or regulation promulgated under the laws of this State, a political subdivision of this State, or the United States, to protect employees or other persons from health, safety, or environmental hazards while on the employer's premises or elsewhere; or

b. Materially inconsistent with, and a serious deviation from, financial management or accounting standards implemented pursuant to a rule or regulation promulgated by the employer or a law, rule, or regulation promulgated under the laws of this State, a political subdivision of this State, or the United States, to protect any person from fraud, deceit, or misappropriation of public or private funds or assets under the control of the employer.

[74 Del. Laws, c. 361, § 1;](#)

§ 1703. Protection.

An employer shall not discharge, threaten, or otherwise discriminate against an employee regarding the employee's compensation, terms, conditions, location, or privileges of employment, including reporting or threatening to report an employee's suspected or actual citizenship or immigration status or the suspected or actual citizenship or immigration status of a family member of the employee to a federal, state, or local agency:

(1) Because the employee, or a person acting on behalf of the employee, reports or is about to report to a public body, verbally or



in writing, a violation which the employee knows or reasonably believes has occurred or is about to occur, unless the employee knows or has reason to know that the report is false; or

(2) Because an employee participates or is requested by a public body to participate in an investigation, hearing, or inquiry held by that public body, or a court action, in connection with a violation as defined in this chapter; or

(3) Because an employee refuses to commit or assist in the commission of a violation, as defined in this chapter; or

(4) Because the employee reports verbally or in writing to the employer or to the employee's supervisor a violation, which the employee knows or reasonably believes has occurred or is about to occur, unless the employee knows or has reason to know that the report is false. Provided, however that if the report is verbally made, the employee must establish by clear and convincing evidence that such report was made; or

(5) Because an employee reports or is about to report to a public body, to the employer or the employee's supervisor, verbally or in writing any noncompliance or an infraction which the employee knows or reasonably believes has occurred or is about to occur, of Chapter 80 of Title 15 unless the employee knows or has reason to believe the report is false; or participates or is requested to participate in an investigation, hearing, trial or inquiry, of a person or entity other than employee, regarding noncompliance or an infraction of Chapter 80 of Title 15; or refuses to participate or assist in the noncompliance or an infraction of Chapter 80 of Title 15.

[74 Del. Laws, c. 361, § 1; 79 Del. Laws, c. 344, § 1; 83 Del. Laws, c. 488, § 1;](#)

§ 1704. Relief and damages.

(a) A person who alleges a violation of this chapter may bring a civil action for appropriate declaratory relief, or actual damages, or both within 3 years after the occurrence of the alleged violation of this chapter.

(b) An action commenced pursuant to subsection (a) of this section may be brought in Superior Court in the county where the alleged violation occurred, the county where the complainant resides, or the county where the person against whom the civil complaint is filed resides or has their principal place of business.

(c) As used in subsection (a) of this section, "damages" means damages for injury or loss caused by each violation of this chapter.

(d) A court, in rendering a judgment in an action brought under this chapter, shall order, as the court considers appropriate, reinstatement of the employee, the payment of back wages, full reinstatement of fringe benefits and seniority rights, expungement of records relating to the disciplinary action or discharge, actual damages, or any combination of these remedies. A court may also award, as part of a judgment in an action brought under this chapter, all or a portion of the costs of litigation, including attorneys' fees, if the court determines that such an award is appropriate.

[74 Del. Laws, c. 361, § 1;](#)

§ 1705. Collective bargaining.

This chapter shall not be construed to diminish or impair the rights of a person under any collective bargaining agreement.

[74 Del. Laws, c. 361, § 1;](#)

§ 1706. Exemption.

This chapter shall not be construed to require an employer to compensate an employee for participation in an investigation, hearing or inquiry held by a public body in accordance with § 1703 of this title.

[74 Del. Laws, c. 361, § 1;](#)

§ 1707. Notices requirement.

An employer shall post notices and use other appropriate means to keep the employer's employees informed of their protections and obligations under this chapter.

[74 Del. Laws, c. 361, § 1; 70 Del. Laws, c. 186, § 1;](#)

§ 1708. Burden of proof.

The burden of proof in any action brought under this chapter shall be upon the employee to show that the primary basis for the discharge, threats, or discrimination alleged to be in violation of this chapter was that the employee undertook an act protected pursuant to § 1703 of this title.

[74 Del. Laws, c. 361, § 1;](#)

DISCRIMINATION

Employers are prohibited by state law from discriminating against employees because of their RACE; COLOR; NATIONAL ORIGIN; SEX (INCLUDING PREGNANCY); RELIGION; DISABILITY; AGE (40+); GENETIC INFORMATION; SEXUAL ORIENTATION; GENDER IDENTITY; MARITAL STATUS; MEMBERSHIP IN VOLUNTEER EMERGENCY RESPONDER ORGANIZATION (VOLUNTEER FIREFIGHTERS, AMBULANCE PERSONNEL, LADIES AUXILIARY); VICTIM OF DOMESTIC VIOLENCE, SEXUAL ASSAULT, OR STALKING; FAMILY CARE RESPONSIBILITIES; REPRODUCTIVE HEALTH DECISIONS; and RETALIATION FOR INITIATING A COMPLAINT OF EMPLOYMENT DISCRIMINATION, OR OPPOSING OR PARTICIPATING IN THE INVESTIGATION OF A DISCRIMINATORY EMPLOYMENT PRACTICE. Employers of four (4) or more employees, labor organizations, employment agencies and joint labor management committees for apprenticeship or training are covered by this law.

SEXUAL HARASSMENT: Sexual harassment of employees, applicants, apprentices, staffing agency workers, unpaid interns, and independent contractors is unlawful. Sexual harassment can be unwelcome sexual advances, requests for sexual favor, or other verbal or physical conduct of a sexual nature when (1) the employee is expected to submit to such conduct; or (2) the employee's submission to or rejection of such conduct is used as the basis for employment decisions; or (3) such conduct has the effect of unreasonably interfering with the employee's work performance or creating an intimidating, hostile, or offensive working environment. If the harassment is by a supervisor, the employer may be responsible even if the employee has not complained. If the harassment is by a fellow worker or non-employee, employers are responsible if the employee complained to the employer and the employer has taken no action to stop or correct the sexual harassment. Effective January 1, 2019, employers must distribute the Department of Labor Sexual Harassment Informational worksheet to all employees. Employers with 50 or more employees must provide interactive sexual harassment training to all new employees, and every two years after.

DISABILITY: Employers are prohibited by state law from discriminating against any employees because of disability. State law requires the employment and advancement of qualified individuals with a disability who, with or without reasonable accommodation, can perform the essential functions of a job.

PREGNANCY: Employers must provide reasonable accommodations to employees with respect to pregnancy, childbirth, lactation and related conditions. Employers may not deny job applicants a position based on the need for a pregnancy-related workplace accommodation, make unnecessary changes to a pregnant employee's job functions or require a pregnant employee to take paid or unpaid leave when a reasonable accommodation would permit the employee to continue working.

ANY PERSON: who believes he or she has been discriminated against should contact the Delaware Department of Labor, Office of Anti-Discrimination at (302) 761-8200.

A Charge of Discrimination must be filed within 300 days of the alleged unlawful employment practice.



Your Employee Rights under the Healthy Delaware Families Act

What is paid leave under the Healthy Delaware Families Act?

The Healthy Delaware Families Act (Act) is a state law that provides covered individuals with wage replacement and job-protection during leave for qualifying family and medical reasons. The Act works in conjunction with the federal Family Medical Leave Act (FMLA), which allows employees to take *unpaid*, job-protected leave with continued medical benefits. Beginning January 1, 2026, Delaware workers can take *paid* job-protected leave. The Delaware Department of Labor, Division of Paid Leave enforces the provision of the Act.

Under the Act, Covered Individuals may take:

- up to 12 workweeks of paid leave in a 12-month period for the birth, adoption, or foster placement of a child with the Covered Individual.
- up to 6 workweeks of paid leave in a 24-month period:
 - for the Covered Individual's own serious mental or physical health condition that prevents them from working;
 - to care for the Covered Individual's spouse, child, or parent with a serious mental or physical health condition; and
 - for qualifying reasons relating to the overseas deployment of the Covered Individual's spouse, child, or parent who is a military servicemember.

A Covered Individual cannot take more than 12 weeks of leave in a 12-month period. Covered Individuals have the right to use this leave in one block of time. When medically necessary or otherwise permitted, a Covered Individual may take leave intermittently in separate blocks of time or on a reduced schedule by working less hours each day or week.

Leave under the Act is paid. Covered individuals are entitled to receive 80% of their average weekly wage while on approved leave, up to \$900 per week. Average weekly wage consists of all income received from an employer including base salary, commissions, tips, and bonuses.

Am I eligible to take paid leave?

You are a covered individual eligible for paid leave if all of the following apply:

- 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" are hours actually worked and does not include time off for vacation, illness, or any other leave);
- You worked in Delaware for at least 60% of those 1,250 hours; and



- 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 employees; and
- Your employer's business does not close for more than 30 consecutive days in a 12-month period.

A small number of workers are not considered employees for purposes of the Act. Those individuals not covered by the Act are casual/seasonal employees working for the State of Delaware, the Department of Education, or for an entity covered by State employee benefits.

What type(s) of leave is my employer required to provide?

The type(s) of leave your employer is required to provide depends upon the number of Delaware employees your employer has.

- Employers with **1-9** covered employees are not required to provide paid family and medical leave benefits.
- Employers with **10-24** covered employees are required to provide their employees with Parental Leave.
- Employer with **25 or more** covered employees are required to provide Parental, Medical, & Family Caregiver/Qualified Exigency Leave.

Employers may choose to opt-in to the Delaware Paid Leave (DPL) insurance program to provide more benefits than required. Please visit de.gov/paidleave for more information.

How do I request paid leave?

Generally, to request leave you must:

- Follow your employer's normal policies for requesting leave;
- Give notice to your employer at least 30 days before your need for leave; or
- If providing advanced notice is not possible, notify your employer as soon as possible.

How do I know what type of paid leave insurance coverage my employer provides?

Your employer will notify you whether your paid leave insurance coverage is through the DPL insurance program or an approved private insurance plan. Private insurance plans include an employer's self-insured plan and an insurance carrier's approved plan. Depending on the type of coverage provided by your employer, benefit payments will be made through the DPL insurance program or your employer's approved private insurance plan.



If paid leave coverage is provided through the DPL insurance program, you file a claim for benefits using the Division's online administrative system, LaborFirst, a link to which can be found at de.gov/paidleave. If your claim is for paid medical leave or family caregiving leave, LaborFirst will notify your health care provider of your request for a certification of serious health condition in support of your claim. Although you do not have to share a medical diagnosis with your employer, you must provide enough information in your claim so that your employer can determine whether your requested leave qualifies under the Act. You may also be required to provide documentation verifying a qualifying exigency or your familial relationship for family caregiving, qualifying exigency, or parental leave.

If your employer provides paid leave coverage through an approved private plan, you must follow the plan's policies and procedures to file a claim.

The DPL insurance program is funded by less than 1% of an employee's weekly wages. Employers can require employees to contribute up to half of the cost, through payroll deductions beginning **January 1, 2025**. If an employer provides coverage through a private plan, it cannot cost an employee any more than what they would have paid under the DPL insurance program.

The Act does not affect any federal or state law prohibiting discrimination or supersede any state or local law or collective bargaining agreement that provides greater family or medical leave rights.

What does my employer need to do?

Upon receipt of a completed application, your employer will decide whether you are eligible for the requested paid leave and, if eligible, the amount of your weekly benefit. If you are eligible for paid leave, 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 while you are on leave on the same basis as if you had not taken leave. If you pay a portion of the cost of your group health insurance, you are still required to pay your portion while on paid leave; and
- 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 cannot interfere with your rights under the 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.

Where can I find more information?

Call 302-761-8375 or visit de.gov/paidleave. If you believe your rights under the Health Delaware Families Act have been violated, you may file a complaint with the Delaware Department of Labor, Division of Paid Leave or file a private lawsuit against your employer in court.





DELAWARE Paid Leave

Family and Medical Leave Insurance Program

What is Delaware Paid Leave?

This program offers paid leave to workers who have been employed at their current company for:

- At least one year, and
- Have worked at least 1,250 hours in the past year.

It's an insurance policy that provides paid leave, based on the federal Family Medical Leave Act (FMLA). Under this new program, employees will get up to 80% of their wages (up to \$900 per week) for the following events:



Parental Leave

Care for a new child.
(Up to 12 weeks per year)

Medical Leave

Address your own serious
illness or injury.
(Up to six weeks every 24 months)



Family Caregiver Leave

Care for a close family member with a
serious health condition.
(Up to six weeks every 24 months)



Qualified Exigency

Assist while a loved one is on an
overseas military deployment. (Up
to six weeks every 24 months)



**Employees are
limited to a
maximum of
12 total weeks
per year for any
type of leave.**

Call 302-761-8375 or visit de.gov/paidleave for more information.

DE11E



Labor Law Compliance Center
(800) 801-0597

www.laborlawcc.com





<https://de.gov/paidleave>

DE12E



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