



Name: Paid Family and Medical Leave
Category: Administrative Policies
Subject: Employee Benefits
Owner: Vice President for Human Resources
Related Procedures: N/A
Related Forms: [Request for Family or Medical Leave](#) Form

I. SCOPE

This policy applies to full-time and regular part-time employees who have been employed by the State of Delaware for at least one year (or 52 weeks) and have worked at least 1,250 hours during the 12-month period immediately preceding the first day of the requested leave.

II. POLICY STATEMENT

This policy is adopted to comply with the provisions of the Healthy Delaware Families Act, [19 Del. C. Ch. 37](#), which provides Family Caregiving and Qualifying Exigency (FCG and QE) income replacement benefits for eligible state employees. By offering this benefit, the College aims to support employees' well-being, specifically caregivers and military members and their families, promote retention of skilled employees, and ensure compliance with state law.

III. POLICY

Section 7.09 of the Personnel Policy Manual is hereby amended by designating the existing "Family Medical Leave Act" policy as Section 7.09(A), and by adding a new Section 7.09(B) as set forth on Exhibit A, attached hereto and incorporated herein as though fully set forth.

IV. EFFECTIVE DATE(S)

This policy is effective January 1, 2026.

V. FREQUENCY OF REVIEW AND UPDATE

This policy will be reviewed and updated annually.

VI. SIGNATURE AND DATE OF APPROVAL

Approved by the President in accordance with Article IX, Section 2 of the Delaware Technical Community College Bylaws

Mark T. Brainard 12.15.2025

Mark T. Brainard, President

Date

Exhibit A

7.09 (B) Paid Family and Medical Leave (PFML)

1. Purpose

Delaware Technical Community College (the College) complies with the provisions of the Healthy Delaware Families Act, [19 Del. C. Ch. 37](#) (the Act). This policy establishes the framework for the Paid Family and Medical Leave (PFML) Insurance Program for the College. The PFML lines of coverage available are Medical Leave, Parental Leave, Family Caregiving Leave, and Qualifying Exigency Leave. The College currently has Medical Leave and Parental Leave through Disability Insurance Program (DIP) with the State of Delaware. This policy will specifically cover the Family Caregiving and Qualifying Exigency (FCG and QE) income replacement benefit for eligible employees. By offering this benefit, the College aims to support employees' well-being, specifically caregivers and military members and their families, promote retention of skilled employees, and ensure compliance with state law.

Medical Leave under the Act provides eligible employees with job-protected leave when a serious health condition prevents them from performing their job duties. This benefit will continue to be provided as currently offered through the Disability Insurance Program (DIP). The Delaware Department of Labor's Division of Paid Leave approved grandfathering of the State of Delaware's existing Paid Medical and Parental Leave policies through December 31, 2029, for the State of Delaware employing organizations. The Disability Insurance Program (DIP) is a short-term disability plan that offers partial income replacement for up to 182 days in cases of a serious health condition. If the disability extends beyond the approved 182 days, the employee may transition to Long-Term Disability (LTD) benefits.

Paid Parental Leave (PPL) benefits will continue to be provided as currently offered through the College. For detailed information regarding eligibility, duration, and procedures, employees should refer to the Personnel Policy Manual, Section 7.03.

Family Caregiving (FCG) Leave under the Act, is a paid and job-protected leave an eligible employee may apply for in the event of a serious health condition of a child, spouse, or parent.

Qualifying Exigency (QE) under the Act is a paid and job-protected leave an eligible employee may request for certain reasons related to a spouse, child, or parent who is covered military family member on active duty, called to covered active-duty status, or has been notified of an impending call or order to covered active duty. Covered active duty for members of the Regular Armed Forces is duty during deployment to a foreign country. Covered active duty for the National Guard and Reserves is duty during deployment to a foreign country under a call or order to active duty in a contingency operation. Deployment to a foreign country means deployment to areas outside of the United States, the District of Columbia, or any Territory or possession of the United State. It also includes deployment to international waters.

2. Eligibility

In order to qualify for Paid Family and Medical Leave (PFML) benefits, full-time or regular part-time employees must have been employed by the State of Delaware for at least one year (or 52 weeks); and have worked at least 1,250 hours during the 12-month period immediately preceding the first day of the requested leave.

3. Benefits

- a. Eligible employees may take up to six (6) weeks of Paid Family Caregiving Leave and up to six (6) weeks of Paid Qualifying Exigency Leave in a 24-month period. Employees may be eligible for a maximum combination of up to 12 weeks (six (6) weeks for Paid Family Caregiving Leave and six (6) weeks of Paid Qualifying Exigency Leave) within a 24-month period.
- b. An eligible employee with a covered military family member who is on covered active duty, or called to active duty, may apply for QE leave benefits for the following: (1) short notice deployment, (2) military events and related activities, (3) certain childcare and school activities, (4) financial and legal arrangements, (5) counseling, (6) rest and recuperation, (7) post-deployment activities, (8) parental care, and (9) additional activities where the College and employee agree to the leave.
- c. Eligible employees may take FCG or QE as a continuous block of time. When medically necessary and supported by the required certification, leave may also be taken intermittently in separate blocks of time off or a reduced schedule (e.g., working fewer hours per day or week). The FCG and QE leave benefit is not payable for less than one (1) workday of covered leave taken in one (1) work week.
- d. Eligible employees on approved FCG or QE leave will receive 80% of their average weekly wage, up to a maximum of \$900 per week during the approved leave period. Benefits are administered and paid through the Delaware Department of Labor (DDOL) Division of Paid Leave. The amount of the benefit will be based on the information provided during the claim filing process. Benefits will not be increased or reduced to reflect changes in compensation approved while an employee is on FCG or QE leave.
- e. FCG and QE paid leave benefits shall run concurrent with FMLA.
- f. Employees may supplement PFML benefits with accrued sick or annual leave, provided total pay does not exceed 100% of their normal compensation.

4. Contributions

PFML is a shared program funded by both employer and employee contributions.

- a. The College will pay the 0.04% employer contribution.
- b. Employees will contribute 0.04% of gross wages through payroll deduction.

5. Procedures

When the need for Paid Family and Medical Leave (PFML) is foreseeable, employees must provide at least 30 calendar days' advance notice by submitting a request through the Delaware Department of Labor's (DDOL) Delaware LaborFirst system, accessible at my.delaware.gov.

Requests for PFML benefits may be denied if the advance notice or certification requirements are not met.

In addition, all employees must submit a "[Request for Family or Medical Leave](#)" form to their supervisor for approval.

6. Notification

The College's Human Resources Office must be notified of all PFML applications. Requests for Family or Medical Leave forms will be submitted through human resources for approval.

a. Certification Requirements

- For Family Caregiving Leave, a Certification of Serious Health Condition from a licensed health care provider is required.
- For Qualifying Exigency Leave, documentation of active-duty orders or other qualifying military documentation must be provided.

7. Benefits Which are Continued During Paid Leave

While on Paid Family and Medical Leave (PFML), full-time employees will continue to accrue annual and sick leave. All eligible employees will remain entitled to have existing State of Delaware insurance benefit plans maintained. This includes all insurance plans offered through the College's Flexible Benefits Plan.

If an employee was paying all or part of the premium payments prior to leave, the employee shall continue to pay that amount during the leave period. Failure to make such contribution within 30 days after the payment due date will result in termination of coverage.

8. Benefits Which are Discontinued During Unpaid Leave

Insurance benefits are discontinued when an employee has exhausted PMLA and is in an unpaid status. Holiday pay, annual leave, and sick leave are not earned during any unpaid portion of PFML leave. Other benefits discontinued during unpaid PFML leave include disability insurance, Worker's Compensation, Unemployment Insurance, as well as contributions to the State of Delaware Pension Plan and Social Security by both the College and the employee.

9. Return to Work

Upon completion of Paid Family and Medical Leave (PFML), the College shall restore the employee to the same or an equivalent position with the same pay, benefits, and terms of employment, unless circumstances unrelated to the employee's leave (such as workforce reductions) prevent reinstatement.

An employee who does not return to work or who works for less than 30 calendar days following PFML leave may be required to reimburse the College's share of benefits premium payments, except when the failure to return is due to the continuation, recurrence, or onset of a serious health condition or other reasons beyond the employee's control.

10. Exclusions

Employees cannot utilize FCG or QE at the same time as Paid Parental Leave, Medical Leave, or Workers' Compensation.

11. Appeal Process

Employees who believe their PFML claim was improperly denied may appeal through the Delaware Department of Labor Division of Paid Leave within 60 days of the determination. Additional levels of appeal are available through DDOL procedures.

12. Dissemination and Training

Employees must acknowledge receipt of this policy as part of the new employee onboarding process as designated by Human Resources. The Human Resources Office will provide notice of employee rights under the Healthy Delaware Families Act as required by [19 Del. C. § 3710](#).