Client Alert

Reminder: Benefits under the Healthy Delaware Families Act begin January 1, 2026

WHAT'S NEW: Delaware enacted the Healthy Delaware Families Act, and employer and employee contributions began on January 1, 2025. Since that time, Delaware has finalized its regulations pertaining to the new program. Benefits are set to become available on January 1, 2026.

- The basic details of the law can be found in this Engage Client Alert issued to clients earlier this year. **Below is some additional and important information on this new program:**

- Employers cannot require an employee to exhaust paid time off before utilizing paid benefits under the state program.
- Leave taken under the new paid leave program is job-protected. The employees should be restored to the same position they were in prior to taking leave or to a position with equivalent seniority, status, employment benefits, pay, and other terms and conditions of employment.
- Employers shall maintain any health care benefits the employee had before taking leave. The employee shall continue to pay their share of the cost of health care benefits as required before the commencement of leave.
- Employers shall not retaliate against an employee for requesting or utilizing the family and medical leave benefits.
- Written notice of the program must be provided to employees upon hire, when the employee requests leave or when the employer acquires knowledge that an employee's leave may qualify under the act. **A template notice may be found here:** https://labor.delaware.gov/delaware-paid-leave/employers/
- **Instructions for how to file for benefits can be found here:** https://labor.delaware.gov/delaware-paid-leave/employees

WHAT EMPLOYERS SHOULD DO: Employers should review leave policies and update as necessary.

Clients should ensure that managers are educated on the new requirements.

If you have any questions, please contact your HR Business Partner/Consultant.