

DELAWARE

Delaware Releases New Regulations for PFML Program

The Delaware Department of Labor has issued a second round of [regulations](#) for the state's paid family and medical leave (PFML) program, which will begin providing leave benefits Jan. 1, 2026.

New Regulations

The regulations, which have been finalized, span a number of topics. Of particular interest to employers is the rule requiring them to provide **written notice of PFML** to all Delaware-based employees at least **30 days before the start of PFML contributions on Jan. 1, 2025**. Other notable points in the regulations include:

- Employers are covered by PFML if they have employees physically working in Delaware;
- Employees may not receive PFML benefits if they are receiving temporary disability or unemployment benefits; and
- A new section on the coordination of benefits that provides the following:
 - Employers may require employees to use 75% of their paid time off (PTO) before using PFML, and the paid time off may be counted against a worker's PFML;
 - Employers must provide employees with specific notice about their coordination policy for PTO and PFML benefits; and
 - PFML may be counted against qualifying employer-provided disability and other paid leaves if the employer provides written notice of its intention to do this.

The regulations also give more detail about employees' notice obligations, including defining "as soon as practicable" when employees cannot give 30 days' notice of leave.

Delaware PFML

The PFML program will provide up to 12 weeks of parental leave per year and six weeks of medical or military exigency leave every two years. The program offers 80% wage replacement up to a weekly maximum, initially set at \$900.

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Highlights

- Delaware has published a second set of regulations for its PFML program.
- The new regulations provide information about coordination of benefits and employer and employee notice obligations, among other topics.
- PFML contributions start Jan. 1, 2025, and benefits begin Jan. 1, 2026.

Employers may count up to 75% of an employee's PTO against their available PFML.