



**Title: Judicial Branch Family Caregiving Leave and Qualifying Exigency Leave Policy**

**Policy Number: JB-HR-26-002**

**Authority: 19 Del. C. Ch. 37**

**Effective Date: January 1, 2026**

**Supersedes: Not applicable**

**Signature:** *Gayle P. Lafferty*

**\*\*This policy is issued simultaneously with the Delaware Department of Labor's (DDOL) implementation of Delaware's Paid Family and Medical Leave Insurance Program and its new LaborFirst system. As with the roll-out of any large-scale program, it is anticipated that DDOL will make changes to the program and benefit processing that will require updates to this policy. As such, please be aware that this policy is subject to change. All policy changes will be communicated to employees.\*\***

## **1. Purpose**

The purpose of this policy is to support employees' (specifically caregivers and military members and their families) well-being, retain a skilled workforce, comply with the law, and attract new talent to the Judicial Branch.

This policy establishes the framework for the Family Caregiving Leave (FCGL) and Qualifying Exigency Leave (QEL) income replacement benefit available to eligible Judicial Branch employees through Delaware's Paid Family and Medical Leave (PFML) Insurance Program and the Healthy Delaware Families Act, [Chapter 37 of Title 19 of the Delaware Code](#).

## **2. Scope**

This policy applies to eligible full-time and permanent part-time Judicial Branch employees. Casual seasonal employees, employed under Section 5903(17)a of Title 29 of the Delaware Code, are statutorily ineligible for FCGL and QEL benefits. This policy does not apply to Judicial Officers who are part of the Revised Judicial Pension Plan.

### 3. Definitions and Acronyms

- **Act** refers to the Healthy Delaware Families Act, [Chapter 37 of Title 19 of the Delaware Code](#).
- **Application Year** means the 12-month period of leave measured forward from the first date an employee takes FMLA leave. The next 12-month period would begin the first time FMLA leave is taken after completion of the prior 12-month period.
  - For example, if an employee begins FMLA leave on November 6, 2025, the 12-month FMLA period would be November 6, 2025, through November 5, 2026.
- **Average Weekly Wages** means an employee's average gross earnings, as determined under the Federal Insurance Contribution Act, 26 U.S.C. Chapter 21 (FICA) whether salaried or hourly (prior to any non-125 plan payroll deductions or withholdings) for the prior 52 weeks divided by 52.
  - **Note:** Among other exclusions, FICA wages exclude an employee's pre-tax 125 plan deductions (medical, dental, vision, and flexible spending accounts, etc.).
- **Certificate of Serious Health Condition (CSHC)** refers to the information that a health care provider must provide to DDOL, Division of Paid Leave through Delaware LaborFirst in connection with an eligible employee's request for FCGL benefits. The health care provider will provide information regarding whether the patient's illness or injury meet the FMLA definition of a "serious health condition;" how many weeks the employee should take off; and whether the employee qualifies for reduced schedule leave or intermittent leave.
- **Continuous Leave** means a consecutive span of absence, from the date the employee begins leave through the date the employee returns to work.
- **DDOL** refers to the Delaware Department of Labor.
- **Delaware LaborFirst** is the unified enterprise system developed by DDOL to modernize and streamline the Division of Paid Leave. The platform aims to simplify key processes and improve system integration.
- **Eligible Employee** means a full-time or permanent part-time employee who (1) has worked for the State for 12 months or 52 weeks, and (2) has worked at least 1,250 hours during the 12-month period before the start of leave.
  - For a permanent part-time employee to be eligible, the employee would need to be hired to work on average 25 or more hours per week.
  - Casual seasonal employees, employed under Section 5903(17)a of Title 29 of the Delaware Code, are statutorily ineligible even if they meet the other eligibility requirements.

- Per the Act and consistent with FMLA, the required 1,250 hours of service must be hours actually worked and does not include paid time off for vacation, illness, holidays, or any other type of paid or unpaid leave.
- **Employer** means, individually or collectively, the Administrative Office of the Courts (AOC), a Court, or a nonjudicial agency.
- **Family Caregiving Leave (FCGL)** means partially paid, job-protected leave authorized under the Act that an eligible employee may apply for to care for a child, spouse, or parent with a serious health condition.
- **Family and Medical Leave Act (FMLA)** is a federal law that entitles eligible employees of covered employers to take unpaid, job-protected leave for specified family and medical reasons with continuation of group health insurance coverage, if applicable, under the same terms and conditions as if the employee had not taken leave.
- **Family Member** means a parent, child, or spouse, as defined under the FMLA.
- **Human Resources (HR)** refers to each employee's human resources department.
- **Medical Leave** means leave authorized under the Act for eligible employees in the event of a serious health condition that renders the employee unable to perform the functions of their position. For the medical leave line of coverage required under the Act, the State's Disability Insurance Program (DIP) - Short Term Disability (STD) Plan will be utilized through at least December 31, 2029, as a plan approved (grandfathered) by DDOL.
- **Nonjudicial Agency** refers to those statutorily-created bodies that receive administrative support from the AOC but over which the Judicial Branch has no substantive supervisory authority. Nonjudicial agencies include the Office of the Child Advocate; the Office of the Public Guardian; the Maternal and Child Death Review Commission; and the Delaware Residents' Protection Commission.
- **Parental Leave** means leave authorized under the Act for eligible employees to take up to 12 calendar weeks of paid leave for the purposes of caring for or bonding with a newborn child, a newly adopted child, or a child involved in a lawful adoption placement or initial foster care placement. For the parental leave line of coverage under the Act, the Judicial Branch's Paid Parental Leave Policy will be utilized through at least December 31, 2029, as a plan approved (grandfathered) by DDOL.
- **Paid Family and Medical Leave (PFML)** refers collectively to the Act's income replacement and job protection benefits for qualifying family and medical situations. The Act establishes four (4) PFML lines of coverage: (1) paid parental leave, (2) paid medical leave, (3) paid family caregiving leave, and (4) paid qualifying exigency leave.

- **Qualifying Exigency Leave (QEL)** means partially paid, job-protected leave authorized under the Act that an eligible employee may apply for when a spouse, child, or parent is a covered military member on, or has been called to, covered active military duty outside the United States, 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 States. It also includes deployment to international waters.
  - An eligible employee with a covered military family member who is on covered active duty, or called to active duty, may apply for QEL 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 employer and employee agree to the leave.
- **Reduced Leave Schedule** means a leave schedule that reduces an employee's usual number of hours per workweek, or hours per workday.
- **Serious Health Condition** means an illness, injury, impairment, or physical or mental condition where at least one (1) of the following is satisfied: inpatient hospital care; absence from work or school for more than three (3) consecutive calendar days that involves continuing treatment by a health care provider; continuing treatment for a chronic serious health condition; continuing treatment for a serious health condition that, if not treated, would result in incapacity for more than three (3) consecutive calendar days; and any period of incapacity due to prenatal care. The three (3)-day requirement does not apply to pregnancy, chronic serious health conditions, or for multiple treatments.
- **Short Term Disability (STD)** refers to the State plan that provides employees enrolled in the Disability Insurance Program (DIP) with partial income replacement for up to 182 calendar days should the employee become disabled due to a covered accident, sickness, or pregnancy.

#### 4. Policy

##### a) General Provisions

- i) In compliance with the Act, the Judicial Branch provides eligible employees with Paid Family and Medical Leave (PFML). An eligible employee may be entitled to the following leave benefits:

- (1) Paid parental leave provided through the Judicial Branch's Paid Parental Leave Policy. This program complies with the Act and has been approved (grandfathered) by DDOL through December 31, 2029. Eligible employees will continue to apply for paid parental leave benefits through the Judicial Branch's Paid Parental Leave Policy. Prior to the end of the grandfathering period, the Judicial Branch will communicate to covered eligible employees any updates or changes related to paid parental leave.
- (2) Paid medical leave through the State's Disability Insurance Program (DIP), Short-Term Disability (STD) Plan. The DIP-STD Plan complies with the Act and has been approved (grandfathered) by DDOL through December 31, 2029. Eligible employees will continue to apply for medical leave benefits through the DIP-STD Plan. Prior to the end of the grandfathering period, the Judicial Branch will communicate to covered eligible employees any updates or changes related to paid medical leave (STD).

Note: Employees hired prior to January 1, 2006, who waived coverage in the State of Delaware's DIP, as well as employees in a position covered by the Revised Judicial Pension Plan, are not enrolled in the DIP. These employees should contact their HR representative for details about their disability pension benefits.

- (3) Paid family caregiving leave (FCGL) to care for a family member with a serious health condition. FCGL benefits are provided through Delaware's public plan, which is administered by DDOL, Division of Paid Leave.
- (4) Paid qualifying exigency leave (QEL) for qualifying exigencies related to the foreign deployment of a family member who is a military servicemember. QEL benefits are provided through Delaware's public plan, which is administered by DDOL, Division of Paid Leave.

- ii) For FCGL or QEL benefits, eligible employees must apply using DDOL, Division of Paid Leave's online administrative system, Delaware LaborFirst.
- iii) As required by the Act, to the extent the employee is eligible, the employee must also apply for FMLA at the same time as applying for FCGL or QEL benefits. FCGL benefits and QEL benefits run concurrently with FMLA.
- iv) An employee may be eligible for FCGL and QEL benefits even if the employee has exhausted their FMLA time. If an employee becomes eligible for FMLA while on FCGL or QEL, HR will also designate the employee's leave as FMLA.
- v) An employer cannot require an eligible employee to use accrued leave before accessing FCGL or QEL benefits.
- vi) Eligible employees cannot use accrued sick leave, annual leave, or other leave in lieu of application for FCGL or QEL benefits. However, employees may use such accrued leave while their request for FCGL or QEL benefits is

pending. Employees may also use such accrued leave to supplement their FCGL/QEL benefits up to their average weekly wage.

- vii) Eligible employees cannot utilize FCGL or QEL at the same time as paid parental leave, paid medical leave (STD), or Workers' Compensation.
- viii) If two (2) employees of the Judicial Branch are eligible for FCGL benefits or QEL benefits for the same qualifying event, each eligible employee is entitled to up to six (6) weeks of such benefits.
- ix) Eligible employees on approved FCGL or QEL will receive 80% of their average weekly wages, up to a maximum of \$900.00 per week during the approved leave period.
  - (1) The Judicial Branch allows an eligible employee to supplement their FCGL and QEL benefits with other available, accrued leave.
  - (2) Total income replacement benefits from any source cannot exceed 100% of the eligible employee's average weekly wages.
- x) DDOL, Division of Paid Leave will make FCGL and QEL benefit payments directly to the employee based on the account information provided by the employee during the claim filing process. Employees can provide their bank account information to receive benefit payments through direct deposit or employees can receive their benefit payments on a prepaid debit card.
- xi) The State shall pay the 0.04% employer contribution, and employees will pay the 0.04% employee contribution for the FCGL and QEL lines of coverage through a payroll deduction. Payroll deductions will be reflected on employees' paychecks beginning with the January 9, 2026, paycheck.
- xii) It is unlawful for an employer to interfere with, restrain, or deny the exercise of any right provided for the use of PFML.
- xiii) The Judicial Branch shall restore eligible employees to their same or an equivalent position at the conclusion of their FCGL or QEL, barring any unforeseen circumstances unrelated to the employee's taking of the leave (for example, workforce reduction).
- xiv) DDOL will disqualify an employee from receiving FCGL and QEL benefits for three (3) years if the employee is determined by DDOL to have willfully made a false statement or misrepresentation regarding a material fact, or willfully failed to report a material fact, to obtain benefits under the Act.
- xv) An employer will take disciplinary action, up to and including termination, against an employee who uses FCGL or QEL for purposes other than those set forth in this policy.

**b) Leave Provisions**

- i) FCGL benefits and QEL benefits are each capped at six (6) weeks of paid leave in any 24-month period. This means that an employee could be eligible

for both six (6) weeks of FCGL benefits and six (6) weeks of QEL benefits within a 24-month period.

Note: FCGL and QEL benefits could be in addition to paid parental leave or paid medical leave benefits (STD) that an employee has already received. In determining eligibility for any of the PFML leave lines, a critical consideration is whether the employee has worked the required 1,250 hours in the preceding 12 months considering other leaves taken.

- ii) FCGL and QEL may be taken as continuous leave. When medically necessary and supported by the required certification, DDOL may approve the taking of leave intermittently in separate blocks of time or on a reduced leave schedule (e.g., working fewer hours per day or days per week).
  - (1) FCGL and QEL benefits for intermittent or reduced leave schedules shall be prorated.
  - (2) Per the Act, DDOL does not pay FCGL and QEL benefits for less than one (1) workday of covered leave taken in one (1) work week.
- iii) Employees who choose to supplement their FCGL or QEL benefit with accrued leave must apply for such leave through their employer's normal policies or procedures.
- iv) Holidays will be handled in accordance with the Judicial Branch Personnel Rules.
- v) If the need for time off extends beyond the maximum of six (6) weeks of paid leave, an employee may be eligible to request additional leave in accordance with the FMLA and the Judicial Branch Personnel Rules.
- vi) Multiple qualifying events do not extend or increase the total FCGL or QEL benefits or the total available FMLA leave for an eligible employee.
  - (1) An eligible employee is limited to a total of six (6) weeks of FCGL paid benefits within a 24-month period.
  - (2) An eligible employee is limited to a total of six (6) weeks of QEL paid benefits in a 24-month period.
  - (3) An eligible employee is limited to twelve (12) weeks of FMLA within a 12-month period. Note: an employee may exhaust their FMLA time and still qualify for FCGL/QEL benefits.

**c) Continuation of Group Health Insurance**

Under the State of Delaware Group Health Insurance Program (GHIP), coverage will continue for employees on approved FCGL or QEL as long as the payment of premiums is made per the GHIP Eligibility and Enrollment Rules. Please see Section 5(a)(vii) for detailed information.

**d) Deductions and Benefits**

- i) Under the Act, deductions for pension, benefit premiums, Deferred Compensation Retirement Plan, union dues, State Employee Charitable Campaign (SECC), overpayments, etc. are not permitted to be withheld from the DDOL, Division of Paid Leave claim payments for FCGL and QEL. These deductions will come out of the employee's paycheck if they use leave to supplement and have enough in their paycheck to cover the deductions. No partial deductions are taken.
- ii) Refer to the FCGL and QEL Payroll Deductions and Benefits document for specific information related to deductions, benefits, and leave supplement.

**5. Procedures**

**a) Application and Processing**

- i) To apply for FCGL or QEL benefits, employees must start and complete their request for FCGL or QEL benefits through the Delaware LaborFirst portal. Employees can access the Delaware LaborFirst Claimant Portal tile through their my.delaware.gov webpage.
- ii) Employees are required to apply thirty (30) days prior to any foreseeable leave. For unforeseeable leaves, to the greatest extent possible and whenever practical, advance application should be made.
- iii) **For FCGL benefits:**
  - (1) Employees shall notify their supervisor or manager of their need to file for FCGL benefits.
  - (2) Employees shall reach out to their HR representative to discuss their intent to file for FCGL benefits. HR will provide the employee important information about the leave and answer questions that the employee may have.
  - (3) Employees will initiate and complete their claim for benefits through LaborFirst. If the employee requires assistance with filing their claim in LaborFirst, they may contact the DDOL, Division of Paid Leave at (302) 761-8375 or they may reach out to their HR representative.
  - (4) Within three (3) business days of the employee's filing their claim, an HR representative will access LaborFirst to conduct an initial claim review and to provide any additional information needed to assist in processing the employee's claim. This may include information regarding the claim or the employee's eligibility status, including the number of hours actually worked by the employee in the preceding 12 months.
    - Note: The PHRST Hour and Wage Report will reflect the number of hours an employee is paid as opposed to the number of hours an

employee actually worked. An HR representative will need to confirm eligibility based on hours actually worked by the employee.

- (5) Employees will receive through LaborFirst a Certificate of Serious Health Condition (CSHC) Access Form. Employees must give the CSHC Access Form to the patient's health care provider. The health care provider must access LaborFirst to complete the CSHC.
- (6) Once the health care provider completes and submits the CSHC within LaborFirst, LaborFirst will notify the HR department that the application is complete and will provide the recommended decision, which if approval is recommended will include the type and duration of leave.
- (7) Once the HR department receives notification of the completed application, the HR department will review the recommended claim decision and provide final approval or denial within five (5) business days.
- (8) Following HR's review, LaborFirst will send the employee and the employer either an approval letter or a denial letter. The employee's HR department will try to confirm (via email, telephone, or in-person contact) with the employee that the employee has received the LaborFirst letter.
- (9) DDOL, Division of Paid Leave is the payor for this benefit and will make payments as soon as possible following an approval. However, no payment will be made prior to the qualifying event or the requested start date for the leave.

iv) **For QEL benefits:**

- (1) Employees shall notify their supervisor or manager of their need to file for QEL benefits.
- (2) Employees shall reach out to their HR representative to discuss their intent to file for QEL benefits. HR will provide the employee important information about the leave and answer questions that the employee may have.
- (3) Employees will initiate and complete their claim for benefits through LaborFirst. If the employee requires assistance with filing their claim in LaborFirst, they may contact the DDOL, Division of Paid Leave at (302) 761-8375 or they may reach out to their HR representative.
- (4) Within three (3) business days of the employee's filing their claim, an HR representative will access LaborFirst to conduct an initial claim review and to provide any additional information needed to assist in processing the employee's claim. This may include information regarding the claim or the employee's eligibility status, including the number of hours actually worked by the employee in the preceding 12 months.
  - Note: The PHRST Hour and Wage Report will reflect the number of hours an employee is paid as opposed to the number of hours an

employee actually worked. An HR representative will need to confirm eligibility based on hours actually worked by the employee.

- (5) LaborFirst will provide a recommended decision to the applicable HR department.
- (6) Within five (5) days of being notified of the recommended decision, the HR department will access LaborFirst to review the recommended decision and provide final approval or denial.
- (7) Following HR's review, LaborFirst will send the employee and the employer either an approval letter or a denial letter. The employee's HR department will try to confirm (via email, telephone, or in-person contact) with the employee that they received the LaborFirst letter.
- (8) DDOL, Division of Paid Leave is the payor for this benefit and will make payments as soon as possible following an approval. However, no payment will be made prior to the qualifying event or the requested start date for the leave.

v) To the extent the employee is eligible, the employee must apply for FMLA following existing policies and processes at the same time as applying for FCGL or QEL benefits.

- Note: FCGL and QEL must run concurrently with FMLA if the employee has FMLA time remaining. There may be times that FMLA time has been fully used by an employee for parental leave or medical leave (STD). In such circumstances, if the employee is found eligible for FCGL or QEL benefits, such leave would not run concurrently with FMLA.

vi) Reduced Schedule or Intermittent Leave Approved

- (1) For reduced schedule leave, the employer and employee must work out a weekly work schedule for the weeks of approved reduced leave that comply with the health care provider's certification. DDOL will pay the benefit out based on the percent of reduction in the employee's work schedule.
- (2) For intermittent leave, the employee must follow their employer's normal policies and procedures for taking sick days off. Intermittent leave under the Act must be taken in increments of no less than a full day. The HR representative will update Delaware LaborFirst to indicate which days were taken for intermittent leave. DDOL will pay out a day's benefit payment for each day of intermittent leave taken. LaborFirst will track the number of intermittent days approved for use, the number of intermittent days used, and the remaining number of intermittent days available.
- (3) As authorized by the Act, the employer may require the employee to obtain subsequent recertifications on a reasonable basis.

vii) Payroll Deductions, Continuation of Coverage, and Supplementing FCGL/QEL Benefits with Accrued Leave

- (1) Based on the DDOL approved FCGL/QEL benefit amount, an HR representative will calculate the employee's leave supplement necessary to reach 100% of the employee's average weekly wages.
- (2) An HR representative will review the Deductions Not Taken Report (PAY008M) to determine which of the employee's current deductions, if any, will not be taken if the employee decides to supplement their FCGL/QEL benefits.
- (3) An HR representative will discuss with the employee the effect FCGL/QEL benefits will have on the employee's existing payroll deductions, the effect supplementing with leave would have, how the employee can maintain their benefits, and the employee's ability to adjust deductions. The HR representative will inform the employee that no partial deductions are taken.
- (4) The employee must complete and provide to their HR representative the Judicial Branch FCGL/QEL Potential Overpayment Form. The HR representative will place a copy of the signed form in the employee's personnel file.
- (5) Continuation of Group Health Insurance:
  - (a) Under the State of Delaware Group Health Insurance Program (GHIP), coverage may continue for employees on approved FCGL or QEL as long as the payment of premiums is made per the GHIP Eligibility and Enrollment Rules.
    - (i) Payment of premiums is deducted from the employee's paycheck.
    - (ii) If an employee chooses not to supplement their FCGL/QEL benefits with accrued leave or if the employee's supplement is insufficient to cover the employee's share, an HR representative will notify the employee of their right to waive coverage or to submit premium payments directly to their HR department by the first (1st) of each month for coverage to continue. The HR representative will provide the employee with the schedule of payments at the beginning of the FCGL/QEL.
      1. If the employee is on FCGL/QEL concurrently with FMLA, the State's obligation to maintain health coverage ceases if an employee's premium payment is more than 30 days late. If a payment is not received within the 30-day grace period, the employer will submit a retroactive cancellation to the first (1st) of the month for which the payment was due.

2. If the employee is not on FMLA concurrently with their FCGL/QEL, the employee must submit payment by the first (1<sup>st</sup>) of each month to continue coverage. If payment is not received by the due date, the employer will submit a cancellation effective the first of the month for which payment was due.
3. If coverage is waived or canceled while the employee is on FCGL/QEL, the employee may re-enroll in coverage upon their return to work.

(b) State share eligibility continues for employees on FCGL or QEL unless the employee does not receive a paycheck for a full calendar month. In this event, the employee is no longer eligible for State share for that month. If the employee wishes to continue their health insurance coverage, the employee would be responsible for submitting payment for the total monthly health insurance premium (employee share and State/employer share) directly to their HR department.

(c) For additional information and resources, HR staff can refer to SBO External Procedure [GHIP-011 – Employee Requirement to Pay Premiums While on Leave.](#)

viii) Documenting PCGL/QEL in PHRST: An HR representative will document an employee's leave in PHRST using the appropriate Action/Action Reasons.

**b) Documentation and Leave Coordination Requirements**

- i) FCGL – the patient's health care provider must complete the CSHC in Delaware LaborFirst. Employees may also be required to provide documentation verifying a qualifying familial relationship with the patient.
- ii) QEL - Proof of active-duty orders will be required. Employees may also be required to provide documentation verifying a qualifying familial relationship with the active-duty military member.
- iii) To establish and maintain eligibility under the Act, FMLA, or other applicable leave provisions, employees must provide documentation as requested by either the employer or DDOL, Division of Paid Leave.
- iv) An employee must provide notification to their HR department as soon as practicable of any changes to their approved leave or intended return to work date.

**c) Appeal Process**

- i) If an employee's application for FCGL or QEL is denied and the employee believes the denial was improper, the employee can, within sixty (60) days of the issuance of the denial, ask the Division of Paid Leave to review the denial.

- ii) Following their receipt of an appeal, the Division of Paid Leave will review the claim and issue a written determination to the employee and employer. 19 DE Reg. 1401-12.8.
- iii) If the employee or employer is not satisfied with the Division of Paid Leave's determination, the employee or employer may appeal to the Family and Medical Leave Insurance Appeal Board. 19 DE Reg. 1401-13.0.

**d) Overpayments**

- i) If a FCGL or QEL benefit is determined to have been paid in error, the DDOL, Division of Paid Leave will take appropriate corrective action to recover or disburse funds as necessary to resolve the error. The employer will not be involved in the corrective action.
- ii) Overpayments to employees resulting from supplementing FCGL or QEL will be recouped by the employer in accordance with the State Payroll Compliance Group's [Wage Overpayment Policy](#) (PCG-OVRPAY). As an example, overpayments may occur when an employee chooses to use accrued leave while their DDOL application is pending and the claim is retroactively approved.

**6. Exclusions**

Casual seasonal employees, employed under Section 5903(17)a of Title 29 of the Delaware Code, are ineligible for FCGL and QEL benefits. This policy does not apply to Judicial Officers who are part of the Revised Judicial Pension Plan.

**7. Dissemination and Training**

This policy will be distributed statewide to all employees. All employees must read and acknowledge receipt of this policy within thirty (30) days. The policy will also be available on the Judicial Branch Intranet.

Each employer shall provide this policy to new employees as part of their onboarding or orientation. New employees shall then have thirty (30) days to acknowledge their review of the policy.

Pursuant to Section 3710 of Title 19 of the Delaware Code, employers are required to provide written notice to eligible employees of their rights under the Act. On November 25, 2025, the Judicial Branch provided, via email, to all Judicial Branch employees the [Notice of Employee Rights under the Healthy Delaware Families Act](#) (the Notice). The Notice is available on the [Judicial Branch's Employment Legal Notices webpage](#). The Act requires that employers provide the Notice to employees at least 30 days prior to the start of the benefits and contributions, upon hire, upon requesting leave, when an employer has knowledge that an employee's leave may be a qualifying event under the Act, or when the contribution rate changes. The

Notice may be distributed to employees electronically to either their business or personal email address.

## **8. Data Reporting**

To record FCGL or QEL in PHRST, an HR representative will use the Action/Action Reason Valid Values Excel available on the PHRST webpage at [PHRST/eSTAR End User Resource Center](#).

## **9. Associated Policies, Regulations, and Resources**

- [Healthy Delaware Families Act](#)
- [Delaware Regulations - Division of Paid Leave](#)
- Judicial Branch Paid Parental Leave Policy
- [State's Paid Medical Leave Information \(DIP-STD\)](#)
- Family and Medical Leave Act (FMLA)
- [GHIP-011 – Employee Requirement to Pay Premiums While on Leave](#)
- [Group Health Insurance Plan Eligibility and Enrollment Rules](#)
- State Payroll Compliance Group's [Wage Overpayment Policy \(PCG-OVRPAY\)](#)
- For HR/Benefits Representatives: [SBO PFML Resources](#)

## **10. Associated Forms**

- [Notice of Employee Rights under the Healthy Delaware Families Act](#)
- Frequently Asked Questions (FAQs) for Judicial Branch Family Caregiving Leave and Qualifying Exigency Leave Policy
- Judicial Branch FCGL & QEL Potential Overpayment Form
- FCGL & QEL Payroll Deductions & Benefits Document

## **11. Notes**

This policy is not intended to create any individual right or cause of action not already existing and recognized under State or Federal law. If there is a conflict between this policy and any law or regulation, the law or regulation, as applicable, governs.

**Employee Acknowledgement of the Judicial Branch Family Caregiving Leave and Qualifying Exigency Leave Policy**

This is to certify that I have read, reviewed, and understand the provisions set forth in the Judicial Branch Family Caregiving Leave and Qualifying Exigency Leave Policy as presented to me.

Employee's Name: \_\_\_\_\_

Employee's Signature: \_\_\_\_\_

Employee's Signature Date: \_\_\_\_\_