



Monthly Strategies

HR Strategies, LLC

Volume 19, Issue 6
June 1, 2022

Free Self-Management Programs Help People with Chronic Conditions Live a Healthier Life

It can be difficult for those who suffer from a chronic condition to know what to do to help themselves. Learning how to take control can make a difference in getting back to living well.

The Delaware Division of Public Health offers free Self-Management Programs to Delawareans in four specific areas — for those with chronic pain, those who have a chronic disease, those with diabetes, and those who are recovering from cancer. These weekly, interactive 2.5-hour sessions offer education on a variety of topics. Participants learn how to address the physical and psychological effects of chronic disease (including fatigue, pain, depression, and frustration). They also get tips on how to exercise and eat properly; how to use medications correctly; how to communicate effectively with family, friends, and health professionals; and much more.

The programs are available in person in community settings as well as virtually, using group-meeting computer technology. Moderated and led by trained educators, these types of programs, according to Centers for Disease Control and Prevention studies, have been shown to decrease pain, health distress, and depression, and to increase energy and physical activity levels and confidence in managing a chronic disease or cancer.

Those looking for guidance on wellness and health can learn more about the programs or sign up for workshops at HealthyDelaware.org/SelfManagement.

Delaware Becomes Eleventh State to Enact Paid Family Leave Law

On May 10, 2022, Delaware Governor John Carney signed the Healthy Delaware Families Act into law. Paid leave under the Act becomes available to eligible employees for family caregiving leave, medical leave, and parental leave reasons beginning on January 1, 2026.

The Act establishes a Family and Medical Leave Insurance Fund and takes effect July 1, 2022. Beginning January 1, 2025 employees, employers, and self-employed individuals must begin contributing to the Fund. Covered workers can begin receiving paid family and medical leave benefits for covered absences on January 1, 2026.

Definitions and Highlights

Eligibility. The Act defines “covered individual” to mean an individual who (1) submits an application for paid family and medical leave benefits, (2) meets certain administrative requirements under the Act, (3) has been employed with the employer for more than 12 months, and (4) has worked at least 1,250 hours of service with the employer during the previous 12 months.

Employer Coverage. “Employer” under the Act means all those who employ employees working anywhere in the State of Delaware. “Employer” does not include anyone who employs less than 10 employees in Delaware, a business that is closed in its entirety for 30 consecutive days or more per year, or the federal government.

Employers with between 10 and 24 employees during the previous 12 months are subject only to the parental leave provisions of the Act (see below). Employers with 25 or more employees during the previous 12 months are subject to all parental, family caregiving and medical leave provisions of the Act (see below). When determining employee headcounts, the Act notes that “employees” include those who meet the requirements of a “covered individual” or who are reasonably expected to meet these requirements during the previous 12 months.

Covered Absences/Family Members. Delaware paid family and medical leave benefits will be available for the following covered reasons:

- Parental Leave: The covered individual is caring for a child during the first year after the birth, adoption, or placement of the child;

- **Family Caregiving Leave:** The covered individual (a) is caring for a family member with a serious health condition, or (b) has a qualifying exigency as defined under the federal FMLA; and
- **Medical Leave:** The covered individual has a serious health condition that makes them unable to perform the functions of their position.

“Family Member” under the Act means (1) a parent, (2) a child, and (3) a spouse, as these terms are defined under the federal FMLA.

Amount of Leave. Employees are eligible for a maximum of 12 weeks of Delaware paid family and medical leave benefits in an application year. This leave can consist solely of “parental leave,” “family caregiving leave,” or “medical leave”, or some combination thereof. The Act states that parental leave benefits are payable for a maximum of 12 weeks in an application year. The maximum aggregate number of weeks during which medical leave and family caregiving leave under the Act are payable in an application year is 6 weeks in any 24-month period.

Funding. Beginning on January 1, 2025, employers must begin contributing to the Fund, at least quarterly. We are still waiting on additional funding details although the Act does provide certain information about how Delaware paid family and medical leave benefits will be funded.

- **Parental Leave:** The contribution rate as a percentage of wages is 0.32% for 2025 and 2026.
- **Family Caregiving Leave:** The contribution rate as a percentage of wages is 0.08% for 2025 and 2026.
- **Medical Leave:** The contribution rate as a percentage of wages is 0.4% for 2025 and 2026.

An employer can deduct up to 50% of the contribution required for the employee. The employer does have the option to elect to pay all or any portion of the employee’s share of the contribution. The employer is liable for the contribution at the time wages are paid and must remit the total required contribution to the Fund. If the employer fails to deduct wages of an

employee when the wages are paid, the employer remains liable for the full amount of the contribution, including that amount not deducted from an employee’s wages.

Amount of Wage Replacement. The weekly benefit for a Delaware paid family and medical leave absence must be 80% of the covered individual’s average weekly wages rounded up to the nearest even \$1.00 increment during the 12 months preceding submission of the application. The minimum weekly benefit may not be less than \$100 per week, except that if the covered individual’s average weekly wage is less than \$100 per week, the weekly benefit must be the covered individual’s full wage. The maximum weekly benefit in 2026 and 2027 must be \$900 and will be revisited annually thereafter and adjusted by the state as appropriate.

Job/Employment Protection. A covered individual who receives Delaware paid family and medical leave is entitled to be restored by the employer to the position they held when the covered leave commenced, or to a position with equivalent seniority, status, employment benefits, pay, and other terms and conditions of employment, including fringe benefits and service credits.

During covered Delaware paid family and medical leave, employers must maintain any health care benefits that a covered individual had before taking the leave for the duration of the leave. The covered individual must continue to pay their share of the cost of health care benefits as required before the commencement of the leave.

Private Plans. A covered employer may apply to the Department for approval to meet the employer’s obligations under the Act through a private plan. To be approved, a private plan must meet a number of substantive requirements, such as, but not limited to, providing the right amount of leave, making the leave available for the right reasons, and providing the right amount of pay to employees on leave.

Contact HR Strategies staff at 302.376.8595 or info@hrstrategies.org if you would like support or would like to learn more about the items in this newsletter.