

SB 1/SS 1 for SB 1/Other State Comparison

Bold = More restrictive than any other statewide paid leave insurance program

Italic = Equals the most restrictive of any other statewide paid leave insurance program

Regular = Comparable to the average of other statewide paid leave insurance program

| Original SB 1 | SS 1 for SB 1 | Compared to Other Statewide Insurance Programs |
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| 12 weeks of paid parental leave, 12 weeks of paid family caregiving leave, 12 weeks of paid medical leave, 12 weeks of paid military leave, and 12 weeks of paid safety leave annually. | 12 weeks of paid parental leave annually, up to 6 weeks of paid family caregiving leave, paid medical leave, or paid military leave within a 24 month period. | All but two states have 12 weeks of parental leave (with new law adopted by DC allowing an increase to 12 weeks), Delaware will have the most limited family caregiving and medical leave in the country by far. Medical leave is the most common leave used. Several states have upwards of 20 or 50 weeks of medical leave. |
| Cumulative total of up to 16 weeks annually across multiple pillars. | <i>Cumulative total of up to 12 weeks annually across multiple pillars.</i> | The lowest cumulative total is 12 weeks annually (with new law adopted by DC allowing an increase to 12 weeks), with several states having 16-30 weeks as an annual total. |
| Applies to all private employers regardless of size. | Parental leave only applies to employers with 10 employees and above in DE, other forms of leave only apply to employers with 25 and above employees in DE. | Every other state applies their paid leave program to private employers of all sizes. |
| Workers are eligible once they've earned \$2,500 in Delaware across any employer. Applies to all employees: full time, season, temporary. | Workers are eligible once they've worked for their specific employer for a year and worked at least 1,250 hours in the previous 12 months. Does not include most part time, seasonal, and temporary workers. | No other state utilizes an employer-specific eligibility criteria, except for New York's family leave benefit. New York's employer-based eligibility criteria is half our time (6 months). Every other state and New York's medical leave is simply based on working in the state for a period of time/wages earned. |

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| Covered relationships included extensive list of relations including someone with “significant personal bond” | Covered relationships are limited to spouse, child, and parent. | Delaware’s covered relationships are severely limited compared to other states, including several with the “significant personal bond.” |
| Premium of 0.8% split between employer and employee with no cap | Premium of 0.8% split between employer and employee with 1% cap | Premium breakdown varies by state. Some place entirely on employee, some split, and one is entirely employer based. Only one other state has a cap to prevent a rise above a certain amount. Delaware would be only state with capacity for DOL to cut benefits. |
| No employer role in eligibility determination. | Employers are empowered to make eligibility determination. | While other states have employer eligibility determination for job protections, none empower employers to make eligibility determination for monetary benefit. |
| Wage replacement by insurance program is 80% of wages up to a maximum of \$900 weekly | Wage replacement by insurance program is 80% of wages up to a maximum of \$900 weekly | Six states have higher wage replacement rates, one is equal to ours, and three are lower. Our max would be second lowest. |
| If both parents work at the same employer, they could both take 12 weeks of leave | If both parents work at the same employer, they can only take up to 12 weeks of leave between both of them. | No other state restrains access if spouses work for the same employer. |
| Only applied to private sector, but included public sector opt-in. | <i>Treats the public and private sector the same.</i> | Many states hold private employers to a higher standard than public employers. Some do, as Delaware will, automatically include public sector employers on par with private sector. |
| Allows private plan opt-out in whole or in part. | Allows private plan opt-out in whole or in part. | DE’s private plan opt out is the most flexible by allowing employers to opt-out entirely |

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| | | with private plan or any one of (or combination of) the three parts of the program: parental, family caregiving, and medical. Other states require either entire opt-out or bifurcated opt out. |
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Bottom Line: In its totality, SS 1 for SB 1 would be the most restrained statewide paid family and medical leave insurance program in existence.