



Governor's Advisory Council for Exceptional Citizens (GACEC) 516 West Loockerman St., Dover, DE 19904
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November 27, 2024

Christopher Counihan
Division Director, Division of Paid Leave
Delaware Department of Labor
248 Chapman Road, Suite C
Newark, DE 19702

RE: 28 DE Reg. 373 Department of Labor Proposed Healthy Delaware Families Act, Family and Medical Leave Program and Division of Paid Leave Regulations (November 1, 2024)

Dear Mr. Counihan:

The Governor's Advisory Council for Exceptional Citizens (GACEC) has reviewed the Department of Labor proposed rules to implement and administer the Healthy Delaware Families Act (HDFA). This regulation establishes the Division of Paid Leave within the Department of Labor, the Paid Family and Medical Leave Insurance Program (PFML Insurance Program), and the Family and Medical Leave Insurance Appeal Board (Board). Council understands that this is a major undertaking for the Department of Labor, with the potential for impact on thousands of families in Delaware. We would, therefore, like to make one request for clarification.

Council queries whether the decision of the Board on family and medical leave benefits can be appealed to Superior Court, or if the appeal to Superior Court applies only to hearings on whether an employer has violated the HDFA or the PFML insurance program, which provides for an appeal to Superior Court of the decision of the Board. 19 Del. C. §3718.

Thank you for your time and consideration of our request for clarification. Please feel free to contact Pam Weir or me should you have any questions on our request.

Sincerely,

Ann C Fisher

Ann C. Fisher
Chairperson

ACF: kpc