MERIT EMPLOYEES
Section 7 – Disability Insurance Program (DIP)
Return To Work (RTW): Short Term and Long Term Disability
Frequently Asked Questions (FAQs)

Important: For more information, visit the SBO website at de.gov/statewidebenefits
(Navigation: Select your group > Select "Disability Insurance")

Table of Contents

- **SBO RTWC Role and Contact Information…….....Pages 1-2**
- **Hartford Vocational Case Manager (VCM) Role……Page 3**
- **Return to Work from STD…….. Pages 3-4**
- **Rehire from LTD or After the Exhaustion of STD…..…… Pages 4-6**
- **Modified or Alternate Duty……... Page 6**
- **RTW Authorization……..……Pages 7-8**
- **Physical Demands Analysis (PDA)…… Page 8**
- **DIP and Workers' Compensation……..……..Page 8**

SBO Return to Work Coordinator (RTWC) Role and Contact Information

(1) What services are provided by the SBO RTWC?

Return to Work Assistance

As part of the State of Delaware's Disability Insurance Program (DIP), the SBO RTWC provides return to work assistance to employees/former employees who are currently on an approved Short Term Disability (STD) or Long Term Disability (LTD) claim, or were previously on an approved STD or LTD claim within the past 36 months.

- For STD: The SBO RTWC will work with an employee's HR/Benefits Office, supervisor (if applicable), the employing organization's ADA coordinator (or designee), and The Hartford (DIP Insurance Carrier or Third-Party Administrator), to return them to work. Generally, employees can return to their previous position, with or without a reasonable accommodation. If an employee's disability/illness/injury prevents them from returning

to their previous position, the SBO RTWC can assist in finding them a State of Delaware position that is within the qualifications and restrictions of the employee.

- For LTD: The SBO RTWC will evaluate any current restrictions and assist the former employee in returning to active State of Delaware employment. They may be able to return to their previous position, or the SBO RTWC may identify another available position. When a former employee returns to work from LTD, they are considered a rehire with the State of Delaware (View the "Rehire from LTD or After the Exhaustion of STD" section beginning on page 4 of these FAQs). **Note:** In order to be eligible for return to work services from LTD, the former employee must be eligible for rehire.

Stay at Work Assistance

Employees should request stay at work assistance from the employee's supervisor, the employing organization's HR/Benefits Office, or the employing organization's ADA coordinator (or designee) when employees experience an illness or injury that has impacted their ability to perform the essential functions of the job. If an employee requests stay at work assistance from the supervisor, the supervisor must communicate that request to the employing organization's HR/Benefits Office and the employing organization's ADA Coordinator (or designee). For assistance in identifying the employing organization's ADA Coordinator (or designee), reach out to the employing organization's HR/Benefits Office.

It is the responsibility of every employing organization's HR/Benefits Office to work with the employee, the supervisor, and other applicable contacts (i.e., SBO RTWC and/or ADA coordinator (or designee)) to identify possible reasonable accommodations that would allow the employee to remain in the employee's current position.

As part of the State of Delaware's DIP, the SBO RTWC provides stay at work assistance to employees/former employees who:

- Are currently on an approved STD or LTD claim **or** were previously on an approved STD or LTD claim within the past 12 months

  and
- Have returned to work and are having a relapse or exacerbation of their disability/illness/injury and having difficulty performing the essential functions of their position.

The SBO RTWC coordinates with the employee's HR/Benefits Office and organization's ADA coordinator (or designee) to identify possible reasonable accommodations that would allow the employee to remain in the employee's current position performing the essential functions.

(2) What is the contact information for the SBO RTWC?

The SBO RTWC can be reached by phone at 302-760-7069 or by email at returntowork@delaware.gov.

Hartford Vocational Case Manager (VCM) Role

(3) What services are provided by the Hartford Vocational Case Manager (VCM)?

In addition to the SBO RTWC, if the employee is actively working with the Hartford Vocational Case Manager (VCM), the Hartford VCM will review possible accommodations with the employee when there are restrictions and limitations returning to work from STD. The Hartford VCM will work with the employee's HR/Benefits Office and the SBO RTWC, as appropriate.

Note, return to work from LTD is managed primarily by the SBO RTWC, with assistance from the Hartford VCM as necessary.

Return to Work from STD

(4) Who should the employee contact if they are provided with a release to return to work?

If an employee on STD is being released to return to work full time with no restrictions, the return to work authorization should be provided directly to their employing organization's HR/Benefits Office *as soon as possible* and prior to reporting to work.

If an employee is returning to work with restrictions, or is requesting modified, alternate, or part-time work schedule, the employee must submit the return to work authorization to the SBO RTWC and the employing organization's HR/Benefits Office as soon as possible and before reporting to work. Accommodations, including a part-time or modified work schedule, must be approved by the employing organization's HR/Benefits Office before the employee returns to work. If the employee is actively working with the Hartford Vocational Case Manager (VCM) on returning to work from STD, the employee should also provide the return to work authorization to the Hartford VCM.

(5) What happens if an employee is released to return to work, but not at full capacity?

The Hartford Vocational Case Manager (VCM) and/or the SBO RTWC, as appropriate, will work with the employee to determine if they are able to return to their previous position with or without a reasonable accommodation. After having the interactive dialogue, and it is determined the employee is unable to return to their previous position due to their disability, there is a process that is followed for returning an employee to work. Each situation will be evaluated on an individual basis for available and appropriate placement. When returning an employee to work the following is considered:

- Same job, same employer
- Same job with modifications, same employer
- Same job, different employer

- Same job with modifications, different employer
- Different job, same employer
- Different job, different employer
- Retraining and/or Education

Each of these options will be considered as a return to work plan is being developed. The Hartford Vocational Case Manager (VCM) and/or the SBO RTWC, as appropriate, works with employing organization HR/Benefit Offices and ADA coordinators (or designees) when developing a return to work plan.

(6) What happens if an employee does not return to work prior to the end of their STD period?

Employees who have not returned to work, in any capacity, prior to the end of their awarded 182 calendar day STD benefit period, will have their employment terminated. *(Delaware Code, Title 29, Chapter 52A, 5253 (c)(5))*

Exceptions to termination:

- Individuals who have returned to work and are working on a *temporary* reduced, alternate, light duty and/or part-time basis through the exhaustion of the STD benefit period, will not have their employment terminated, consistent with the applicable federal and state laws and rules, whether or not they have been approved for LTD. Refer to Section 22 of the Disability Insurance Program (DIP) Rules and Regulations for additional information and contact the SBO RTWC for assistance.
- Hazardous duty employees who are receiving a twelve month salary supplement.

Rehire from LTD or After the Exhaustion of STD

(7) Can an individual be rehired from LTD or after the exhaustion of the maximum STD benefit period?

Yes. If an individual has been on LTD or has exhausted the maximum STD benefit period and knows approximately when they may be released to return to work *OR* has already been released, the individual should contact the SBO RTWC for assistance with placement. Individuals should reach out to the SBO RTWC *as soon as possible* to assure a smooth transition back to employment.

The SBO RTWC will work with the former employee to determine if they are able to be rehired to their previous position with or without a reasonable accommodation. If it is determined the former employee is unable to be rehired to their previous position due to their disability, there is a process that is followed for returning a former employee to work. Each situation will be evaluated on an individual basis for available and appropriate placement. When returning a former employee to work the following is considered:

- Same job, same employer
- Same job with modifications, same employer
- Same job, different employer
- Same job with modifications, different employer
- Different job, same employer
- Different job, different employer
- Retraining and/or Education

Each of these options will be considered as a return to work plan is being developed.

(8) Is an individual being rehired from LTD or after the exhaustion of the maximum STD benefit period able to return to their previous position or job classification?

Based on availability of actual vacancies in their former job classification, a former employee may be able to be rehired to their previous position or job classification. If the former employee is unable to be rehired to their previous position or job classification, the SBO RTWC will work with them to identify another State of Delaware position consistent with their skills, abilities, and interests for which they qualify. **Note:** Employees must be eligible for rehire.

(9) Will an individual who is being rehired from LTD or after the exhaustion of the maximum STD benefit period be able to retain their previous salary?

When a former employee is rehired into a pension-eligible, State of Delaware position, an employing organization may be able to offer the former employee a position at the same, or lower, paygrade.

(10) Do individuals have to apply and interview for a position when being rehired from LTD or after the exhaustion of the maximum STD benefit period?

Former merit employees being rehired from LTD or after the exhaustion of the STD benefit period **may be placed** in any merit position, for which they qualify without a referral list, as long as the paygrade does not exceed their paygrade at the time of their acceptance into and eligibility for the STD Program. Interviews are not required but are at the employing organization's discretion. An application may be required when the individual is returning to active employment.

While employing organizations are not required to conduct a formal interview with a return to work candidate, employing organizations may choose to conduct an interview to assure a candidate has the necessary skills for the position.

Former merit employees may apply for open positions (State and/or Non-State) in addition to receiving services from the SBO RTWC.

(11) What happens if a former employee turns down a position offered under the DIP return to work program?

As identified in Section 21.1.1.7 of the Disability Insurance Program (DIP) Rules and Regulations, if a former employee turns down a position offered under the DIP return to work program, LTD benefits and SBO RTWC assistance may be suspended, discontinued, or denied.

Modified or Alternate Duty

(12) What is modified and alternate duty?

Modified duty is when a person is doing most of their usual job functions but may have some job duties temporarily reassigned to other staff. Alternate duty is when a person is temporarily reassigned to another job.

(13) What happens if an employee is offered modified or alternate duty as outlined on their release to return to work, but declines?

If an employee is offered modified or alternate duty and declines, the employee's disability benefit and SBO RTWC assistance may be suspended, discontinued, or denied.

(14) What happens if an employee is offered modified or alternate duty as outlined in their release to return to work, but the employing organization is unable to accommodate the request?

The Hartford Vocation Case Manager (VCM) and/or the SBO RTWC, as appropriate, will work with the employing organization's HR/Benefits Office and ADA coordinator (or designee) to identify reasonable accommodations. If an employing organization states they are unable to accommodate the restrictions, the SBO RTWC will review the information and if no accommodations can be agreed upon, the employee will remain out of work and the SBO RTWC will notify Hartford that the employing organization is unable to accommodate.

(15) What happens if an employee is released to return to work with temporary restrictions?

Consistent with Merit Rule 10.10, employing organizations will make every effort to keep an employee in their own job with a temporary modification if reasonable accommodations have been requested. If the employing organization denies the request for the temporary, modified duty and/or the requested reasonable accommodations, a written explanation should be provided to the SBO RTWC within two business days.

RTW Authorization

(16) Does an employee need a return to work authorization completed before returning to work from STD?

Yes. If an employee has been on STD, they must have a return to work note authorizing their ability to safely return. This release must be signed by the employee's health care provider. The employee may contact the SBO RTWC for a return to work form or forms specific to their employing organization which may be sent directly to the health care provider for completion.

Return to work authorizations must be submitted to the employing organization's HR/Benefits Office *as soon as possible* and prior to reporting to work if the employee is returning to work full time/full duty. If an employee is returning to work with restrictions or is requesting modified, alternate, or a part-time work schedule, the employee must submit the return to work authorization to the SBO RTWC and the employing organization's Human Resource Benefits Office *as soon as possible* and before reporting to work. Accommodations, including a part-time or modified work schedule, must be approved by the employing organization's HR/Benefits Office before the employee returns to work. If the employee is actively working with the Hartford Vocational Case Manager (VCM) on returning to work from STD, the employee should also provide the return to work authorization to the Hartford VCM.

(17) Does a former employee need a return to work authorization completed before returning to work from LTD?

Yes. If a former employee has been on LTD or has exhausted the maximum STD benefit period, they must have a return to work note authorizing their ability to safely return. This release must be signed by the employee's health care provider. The employee may contact the SBO RTWC for a return to work form or forms specific to their employing organization which may be sent directly to the health care provider for completion.

Return to work authorizations must be submitted to the SBO RTWC *as soon as possible*.

(18) What happens when the health care provider is requesting an accommodation to address restrictions in the return to work authorization?

If an employee is released by their doctor with restrictions, the Hartford Vocation Case Manager and/or the SBO RTWC, as appropriate, will coordinate with the employing organization's HR/Benefits Office and ADA coordinator (or designee) to determine if the restrictions can be reasonably accommodated. Depending on the complexity of the accommodations needed, approval for the employee to return to work may take several days. Employees should reach out to the SBO RTWC as soon as possible to initiate this process. If the employee is actively working with the Hartford Vocational Case Manager (VCM) on

returning to work from STD, the employee should reach out to the Hartford VCM as soon as possible to initiate the process.

Employees will not be able to return to work until the accommodations have been approved and the employing organization has indicated they can accommodate any restrictions. The actual date the employee returns to work will depend on how quickly the accommodation can be made.

Physical Demands Analysis (PDA)

(19) What is a Physical Demands Analysis (PDA) and why is it needed?

The PDA is used to determine what physical aspects of an employee's job they are unable to perform and to determine what, if any, modifications or reasonable accommodations may be needed to return to work. A PDA can be requested at any time by The Hartford (DIP Insurance Carrier or Third-Party Administrator) and/or the SBO RTWC during the STD or LTD claim.

(20) When should employing organizations complete and return the PDA when requested by The Hartford (DIP Insurance Carrier or Third-Party Administrator) or the SBO RTWC?

It's the employing organization's HR/Benefits Office responsibility to complete a PDA and return it to The Hartford, DIP Insurance Carrier or Third-Party Administrator, and to the SBO RTWC **within two business days of the date the request was made,** as this information is vital to the approval, continued approval, or denial of the claim. The PDA may also be used for return to work purposes and by the employing organization when discussing possible job modifications and/or reasonable accommodations.

DIP and Workers' Compensation

(21) Are individuals eligible for return to work services if receiving DIP benefits AND Workers' Compensation (WC) and/or state Personal Injury Protection (PIP)?

Yes, individuals receiving DIP benefits (STD, LTD or after the exhaustion of the STD benefit period) AND at the same time receiving WC and/or state PIP, are eligible to work with the SBO RTWC.

Please note: The WC program and the DIP are two separate programs operating under different governing regulations. As a result, the process flow and materials (e.g., forms) required by the employee for return to work may vary.

For more information on the WC process, please refer to Delaware Code Title 19, Chapter 23 Workers' Compensation §2322, §2322E and §2325 (http://delcode.delaware.gov/title19/c023/sc02/index.shtml).

Disclaimer -
If there is any conflict in interpretation between the FAQ's and the Short Term Disability (STD) and Long Term Disability (LTD) plan contract provisions and existing law, the contract provisions and/or law govern.

Questions regarding the Disability Insurance Program (DIP) and Return to Work (RTW)?
Please contact the Statewide Benefits Office Customer Service Team by telephone at 1-800-489-8933 or by email at benefits@delaware.gov.

Questions regarding Workers' Compensation, state Personal Injury Protection, or the Salary Supplement?
Please contact the Insurance Coverage Office at 1-877-277-4185 or by email at inscov@delaware.gov.

Questions regarding the Americans With Disabilities Act (ADA)?
Please contact your employing organization's ADA coordinator (or designee) or the Statewide ADA Coordinator at DHR_ADAConcerns@delaware.gov.