



Section 7 - 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.

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Contact the RTW Coordinator

(1) Where can the contact information for Return to Work Coordinator (RTW-C) be located?

If you need assistance with staying at work or returning to work from STD or being rehired from LTD or after the exhaustion of the STD benefit period, please contact the Return to Work Coordinator (RTW-C) at 302-760-7069 or via email at returntowork@delaware.gov. **Please note**, if you are an actively employed qualified individual seeking accommodation under the ADA, please contact your employing organization’s HR department for assistance.

RTW Processes

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

There is a process for Return to Work that is followed for keeping or returning an employee or former 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.

Please note, 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 the Disability Rules and Regulations, Section 22 at de.gov/statewidebenefits, for additional information and contact the RTW-C for assistance.

Modified or Alternate Duty

(3) What happens if an employee is offered modified duty as outlined on their release to RTW but declines?

If an employee is offered modified duty and declines, the employee's disability benefit may be suspended, terminated or denied.

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

Employing organizations will make every effort to keep an employee in their own job with a temporary modification or if accommodations have been requested. If the employing organization denies the request for the temporary, modified duty and/or the requested accommodations, a written explanation will be provided to the RTW-C within 2 business days.

Rehire from LTD or After the Exhaustion of STD

(5) Can an individual be rehired from Long-Term Disability or after the exhaustion of the maximum STD benefit period?

If an individual has been on Long-Term Disability (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 RTW-C for assistance with placement.

Please note, **former merit employees** are required to have a satisfactory Performance Conduct Recommendation (PCR) to determine eligibility for RTW services.

(6) 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 return to their previous position or job classification. If the employee is unable to return to their previous position or job classification, they may use the services of the RTW Coordinator for available and appropriate placement.

(7) Will an individual who is being rehired from LTD or after the exhaustion of the 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 rate of pay; however, this is not guaranteed. When being rehired, the former employee will earn no less than 80% of their pre-disability earnings to insure economic parity.

(8) Do individuals have to apply and interview for a position when being rehired from Long Term Disability 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. Exceptions to the paygrade limitation may be made for vacancies for which a documented shortage of qualified applicants exists. Interviews are not required but are at agency discretion. An application may be required when the individual is returning to active employment.

Former non-merit employees being rehired from LTD or after the exhaustion of the STD benefit period **will be placed** by their previous employer into a vacant position within their respective agency for which they qualify. The RTW-C is able to assist the non-merit employee with returning to work with their former employing organization.

RTW Authorization

(9) Does an employee or former employee need a return to work authorization completed before returning to work?

If an employee or former employee has been on Short-Term and/or Long-Term Disability 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 treatment provider. The employee may contact the RTW-C for a RTW form or forms specific to their agency which may be faxed directly to the medical treatment provider for completion.

Physical Demands Analysis (PDA)

(10) 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 accommodations may be needed to return to work. A PDA can be requested at any time during the Short-Term OR Long-Term Disability claim.

(11) When should employing organizations complete and return the PDA to the insurance carrier and to the RTW Coordinator?

A PDA should be completed and returned to the insurance carrier and to the RTW-C **within 2 business days** as this information is vital to the approval, continued approval or denial of the claim. The PDA may also be used for RTW purposes and by the employing organization when discussing possible job modifications and/or a reasonable accommodation.

Delaware Code

(12) Can employees use the services of the Return to Work Coordinator if they are absent from work for *less than 30 calendar days*?

As Return To Work assistance is compulsory per 29 Del. C. §5257 of the Delaware Code, employees enrolled in the Disability Insurance Program (DIP) who expect to be out of work for less than 30 calendar days continue to be eligible to utilize the services of the Return to Work Coordinator. Employees may also request services from the RTW-C to prevent a disability claim and stay at work.

Return to work assistance may be requested by the employee and/or by the employing organization. The RTW-C will always consult with the employee and the employing organization when assisting employees. The RTW-C may also consult with the employee's health care provider(s) to acquire and/or clarify an employee's restrictions and/or limitations if applicable, to facilitate a safe return to the workplace.

(13) Where is the Return to Work section in the Delaware Code?

<http://delcode.delaware.gov> - Title 29, CHAPTER 52A. DISABILITY INSURANCE PROGRAM, § 5257. Return to work.

Disability and Workers' Comp

(14) Are individuals eligible for RTW services if receiving Disability (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 RTW-C.

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 RTW 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) program contract provisions and existing law, the contract provisions and/or law govern.

Questions regarding the Disability Insurance Program?

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.