

Disability Insurance Program Rules and Regulations
Subcommittee Member Feedback

Location	Original	Proposed Location	Proposed Revision/Addition	Reason for Revision/Addition	Category for Revision/Addition	Determination	Comments: Required if Disagree or Not Sure	SBO Comments for HP&P Mtg Discussion
	<p>“Appeal” is the action you can take pursuant to 29 Del. C. §5258 if you disagree with a coverage decision made by the DIP insurance carrier and/or third party administrator (Administrator) selected to administer and/or insure the program by the SEBC pursuant to 29 Del.C. §5254 and/or the Appeals Administrator from the Statewide Benefits Office and/or the Hearing Officer from the Department of Human Resources and/or the SEBC.</p>		<p>“Appeal” is the action you can take pursuant to 29 Del.C. §5258 if you disagree with a coverage decision made by the DIP insurance carrier and/or third-party administrator selected to administer and/or insure the program by the SEBC pursuant to 29 Del.C. §5254 and/or the Appeals Administrator from the Statewide Benefits Office and/or the Hearing Officer from the Department of Human Resources and/or the SEBC.</p>	Removed word "(Administrator)" to be consistent with DE Code where it uses "carrier or third-party administrator"	Language Consistency	Disagree	Too many and/or. The appeal process is covered in 29 Del.C. §5258. The definition should define what an appeal is regardless of who made the decision. Recommend striking everything after coverage decision.	Will update to remove everything after coverage decision.
	<p>“Base Rate of Compensation” means the employee’s usual rate of pay including hazardous duty pay if applicable. Base Rate of Compensation does not include commissions, bonuses, shift differential pay, overtime pay or any other fringe benefit or extra compensation.</p>		<p>“Base Rate of Compensation” (also known as standard base pay) means the employee’s usual rate of pay including hazardous duty pay if applicable. Base Rate of Compensation does not include commissions, bonuses, shift differential pay, overtime pay or any other fringe benefit or extra compensation.</p>	Added "(also known as standard base pay)" since similar term used in other SBO communications	Language Consistency	Not Sure	Do not recommend using the term "also known as" in regulation	Will remove (also known as standard base pay) from definition.
	New content added	Definitions	<p>“DIP/RTW Representatives” means employing organization Human Resource, Benefits, and Payroll Representatives with DIP and/or Return to Work (RTW) administrative or paying responsibilities.</p>	Added definition of new term	Clarification (General)	Not Sure	Need further clarity and explanation	The term DIP/RTW Representatives and how we define it has been used by SBO since 2020 in other SBO external communications and procedures. For consistency purposes, we recommend using the term and definition.
	New content added	Definitions	<p>“DIP/RTW Representatives” means employing organization Human Resource, Benefits, and Payroll Representatives with DIP and/or Return to Work (RTW) administrative or paying responsibilities.</p>	Added definition of new term	Clarification (General)	Not Sure	Remove payroll reference. The DIP/RTW representative explains DIP rules and regulations and has access to the employee's claim information. Unlikely that this would be performed by a person solely responsible for payroll.	The term DIP/RTW Representatives and how we define it has been used by SBO since 2020 in other SBO external communications and procedures. For consistency purposes, we recommend using the term and definition. Some organizations have separate HR/Benefit and Payroll sections, where HR performs certain functions related to DIP and then payroll gets involved when it comes to paying or recouping STD wages. Conversely, some organization's have payroll staff who perform both HR and payroll functions. Language will be edited to: “DIP/RTW Representatives” means employing organization Human Resource, Benefits, and or Payroll Representatives with DIP and/or Return to Work (RTW) administrative or paying responsibilities.
	<p>“Employing Organization” shall mean the agency, school district, charter school, institution of higher education, court system or Delaware Solid Waste Authority (DSWA) employing claimants in a position covered by the Delaware State Employees Pension Plan pursuant to 29 Del.C. Chapter 55 who are U.S. citizens or U.S. residents actively at work for one full day on or after January 1, 2006.</p>		<p>“Employing Organization” shall mean the agency, school district, charter school, institution of higher education, court system or Delaware Solid Waste Authority (DSWA) employing claimants in a position covered by the Delaware State Employees’ Pension Plan pursuant to 29 Del.C. §55 who are U.S. citizens or U.S. residents actively at work for one full day on or after January 1, 2006.</p>	Removed word "Chapter" to coincide with required format when referencing DE Code in regulations	Other	Disagree	Incorrect use of citation to Delaware Code, should read 29 Del.C. Ch. 55	Text will be updated to 29 Del.C. Ch. 55.

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							Need further clarity and explanation	SBO consulted with the DHR Compensation Manager and DHR Insurance Coverage Administrator and they are in agreement with the following revised definition: "Hazardous Duty Pay" is paid to employees who are determined by the State of Delaware to be working in circumstances that involve an unusual risk of serious physical injury, impairment to health or death resulting from accidental, negligent, or intentional causes. Employees entitled to hazardous duty pay qualify under 29 Del C. §5933 (c) and (d) and 83 Del Laws c 325 section 30.
	New content added	Definitions	"Hazardous Duty Pay" is paid to employees who are determined by the State of Delaware to be working in circumstances that involve an unusual risk of physical injury, impairment to health or death resulting from accidental, negligent, or intentional causes.	Added general definition of term to be applicable to Merit and Non-Merit employees; Similar language used in Merit Rules	Clarification (General)	Not Sure		
	"Interactive Process" (ADA) - When medical restrictions prohibit an employee with a disability from doing his or her job, the Americans with Disabilities Act (ADA) requires an employer to communicate with the employee concerning an accommodation. This exchange has been described variously as the "core" or "proactive" process, "cooperative problem solving," "open and individualized exchange," a "search", and a "flexible give-and-take." Most frequently, it is called the "interactive process" or by the redundant term, "interactive dialogue." The purpose of this dialogue is to "identify the precise limitations resulting from the disability and potential reasonable accommodations that could overcome those limitations." 29 C.F.R. § 1630.2(o)(3).		"Interactive Process" is a flexible, ongoing gathering of information. This approach is used to evaluate a reasonable accommodation. It is a collaborative effort to discuss the request, as well as identify effective accommodation solutions. A robust interactive process demonstrates good faith and promotes a disability-inclusive workplace. Ongoing communication is key for optimum sharing of information regarding the accommodation.	Similar definition used in DHR's ADA Policy			Proposed language seems less precise than current language.	We will use the original language and keep reference to ADA.
	"Medical Care" is received when a physician is consulted or medical advice is given or treatment is recommended, prescribed by, or received from a physician. Treatment includes, but is not limited to, medical examinations, tests, attendance or observations and use of drugs, medicines, medical services or equipment.		"Medical Care" is received when a licensed health care provider is consulted or medical advice is given or treatment is recommended, prescribed by, or received from a treating licensed health care provider. Treatment includes, but is not limited to, medical examinations, tests, attendance or observations and use of drugs, medicines, medical services or equipment.	Replaced word "physician" with "treating licensed health care provider" to be more inclusive of the various types of providers who can deliver care			Should the replacement language be "treating licensed health care provider" as per the definition in the regulation?	Will use "health care provider" throughout the document and and remove "treating licensed" as this is covered in the definition of a health care provider and helps to streamline the document: "Medical Care" is received when a licensed health care provider is consulted or medical advice is given or treatment is recommended, prescribed by, or received from a treating licensed health care provider. Treatment includes, but is not limited to, medical examinations, tests, attendance or observations and use of drugs, medicines, medical services or equipment.
					Language Consistency	Not Sure		
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	<p>“Parental Leave” is a law that entitles all full-time employees in the employment of the State, a reorganized school district, charter school or vocational school district for at least one year, to twelve weeks of paid leave upon the birth or adoption of a child who is 6 years of age or younger to care for or bond with the child(ren). Parental Leave runs concurrently with any rights and benefits available under FMLA and STD pursuant to §5253 of Title 29 for the birth of a child. The University of Delaware, Delaware State University, Delaware Technical Community College and Delaware Solid Waste Authority are not subject to this law.</p>		<p>“Parental Leave” is a law that entitles all full-time employees in the employment of the State, a reorganized school district, charter school or vocational school district for at least one year, to twelve weeks of paid leave upon the birth or adoption of a child who is 6 years of age or younger to care for or bond with the child(ren). Parental Leave runs concurrently with any rights and benefits available under FMLA and STD pursuant to 29 Del.C. §5253 for the birth of a child. The University of Delaware, Delaware State University, Delaware Technical Community College and Delaware Solid Waste Authority are not subject to this law.</p>	<p>Edited reference to DE Code to coincide with required format when referencing DE Code in regulations</p>	<p>Other</p>		<p>Add in Title 14 to definition</p>	<p>Will add reference to section of Delaware Code applicable to school employees:</p> <p>“Parental Leave” is a law that entitles all full-time employees in the employment of the State, a reorganized school district, charter school or vocational school district for at least one year, to twelve weeks of paid leave upon the birth or adoption of a child who is 6 years of age or younger to care for or bond with the child(ren). Parental Leave runs concurrently with any rights and benefits available under FMLA and STD pursuant to 29 Del.C. §5253 and 14 Del.C. §1333 for the birth of a child. The University of Delaware, Delaware State University, Delaware Technical Community College and Delaware Solid Waste Authority are not subject to this law.</p>
	<p>“Return to Work (RTW) Coordinator” means the person selected by the Department of Human Resources to assist individuals enrolled or previously enrolled in the DIP who expect to be out of work with their transition back to work. Return To Work assistance may be requested by an employee, previously employed individual and/or by an employing organization. The RTW Coordinator may also consult with the individual’s health care provider(s) to acquire and/or clarify a claimant’s restrictions and/or limitations if applicable, to facilitate a safe return to the workplace.</p>		<p>“Return To Work Coordinator” or “RTWC” means the person in the SBO, Department of Human Resources who provides RTW and stay at work assistance to employees/former employees who are currently on an approved Short Term Disability (STD) or LTD claim, or were previously on an approved STD or LTD claim. The determination of an employee/former employee’s ability to RTW by the State Employee Benefits Committee (SEBC) under 29 Del.C. §5257 has been delegated to the SBO. The SBO RTWC is responsible for evaluating DIP RTW cases, determining an employee/former employee’s ability to RTW, and providing DIP RTW assistance to employees/former employees and employing organizations for placement. Specific timeframes for eligible assistance apply and are noted in this regulation. RTW assistance may be requested by the employee, former employee, and/or by an employing organization.</p>	<p>Clarify role of SBO’s RTWC and add clarification for DE Code that SEBC has delegated “the determination of an individual’s ability to return to work” to the SBO and the job of the RTWC</p>	<p>Clarification (General)</p>	<p>Not Sure</p>	<p>need further clarity and explanation. When did delegation of authority change and do all appeal rights remain unchanged?</p>	<p>Delegation related to return to work did not change, as SBO is the “administrative arm” of the SEBC and is responsible for the administration of all health and related benefit programs, including the DIP and return to work. Language in proposed definition clarifies role of SBO and RTWC, as there have been recent DIP cases where organizations were confused and thought SEBC was the one responsible for determining the ability for employees to return to work. “Appeal Rights” are not related to this return to work definition.</p>

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	<p>“Return to Work (RTW) Coordinator” means the person selected by the Department of Human Resources to assist individuals enrolled or previously enrolled in the DIP who expect to be out of work with their transition back to work. Return To Work assistance may be requested by an employee, previously employed individual and/or by an employing organization. The RTW Coordinator may also consult with the individual’s health care provider(s) to acquire and/or clarify a claimant’s restrictions and/or limitations if applicable, to facilitate a safe return to the workplace.</p>		<p>“Return To Work Coordinator” or “RTWC” means the person in the SBO, Department of Human Resources who provides RTW and stay at work assistance to employees/former employees who are currently on an approved Short Term Disability (STD) or LTD claim, or were previously on an approved STD or LTD claim. The determination of an employee/former employee’s ability to RTW by the State Employee Benefits Committee (SEBC) under 29 Del.C. §5257 has been delegated to the SBO. The SBO RTWC is responsible for evaluating DIP RTW cases, determining an employee/former employee’s ability to RTW, and providing DIP RTW assistance to employees/former employees and employing organizations for placement. Specific timeframes for eligible assistance apply and are noted in this regulation. RTW assistance may be requested by the employee, former employee, and/or by an employing organization.</p>	<p>Clarify role of SBO’s RTWC and add clarification for DE Code that SEBC has delegated “the determination of an individual’s ability to return to work” to the SBO and the job of the RTWC</p>	<p>Clarification (General)</p>	<p>Disagree</p>	<p>Should be in order "Department of Human Resources, Statewide Benefits Office" Is this the first time STD is spelled out? "ability to RTW by" spell out RTW here</p>	<p>Text will be updated to say "Department of Human Resources, Statewide Benefits Office." STD and RTW will be spelled out since it is the first time mentioned.</p>
	<p>“Salary Supplement” pursuant to 29 Del.C. §5933 outlines that whenever an officer as defined in 29 Del.C. §5812(n)(1), (http://delcode.delaware.gov/title29/c058/sc02/index.shtml) or employee of the State qualifies for workers' compensation disability benefits, the officer or employee is not charged sick or annual leave and shall receive from the State the difference, if any, between the total of: (1) The amount of such compensation, (2) any disability benefits received under the Federal Social Security Act, and (3) any other employer supported disability program, and the amount of wages to which the officer or employee is entitled on the date such compensation begins. No more than 1 period of supplemental pay shall be made under this subsection for any work injury, including any recurrence or aggravation of that work injury. Temporary disability payments that are paid through the Workers' Compensation program and administered by the Insurance Coverage Office (ICO) are unrelated to disability benefits paid under the DIP.</p>		<p>“Salary Supplement” pursuant to 29 Del.C. §5933 outlines that whenever an officer as defined in 29 Del.C. §5812 (n)(1), or employee of the State including those exempt from the classified service, qualifies for workers' compensation disability benefits, such officer or employee, for a period not to exceed 3 months from the date such compensation begins, shall not be charged sick leave and shall receive from the State the difference, if any, between the total of: (1) The amount of such compensation, (2) any disability benefits received under the Federal Social Security Act, and (3) any other employer supported disability program, and the amount of wages to which the officer or employee is entitled on the date such compensation begins, provided the injury or disease for which such compensation is paid is not the direct result of such officer or employee’s misconduct and occurs during a period of employment for which the employee is entitled to receive wages. No more than 1 period of supplemental pay shall be made under this subsection for any work injury, including any recurrence or aggravation of that work injury. The 3 month limitation shall not apply to any employee injured while performing a hazardous duty assignment and whose injury or injuries arose out of and in the course of performing hazardous duty; providing, however, such employee shall be entitled to the benefits of this section for not more than 12 months. Those positions are outlined in 29 Del.C. §5933 (c) and (d).</p>	<p>Language edited by Insurance Coverage Office (ICO) for clarification purposes</p>	<p>Clarification (General)</p>	<p>Not Sure</p>	<p>Is this current practice as referenced in reason for revision?</p>	<p>SBO confirmed with the Insurance Coverage Administrator of DHR's Insurance Coverage Office (ICO) that the practice related to the application of the salary supplement has not changed. The additional language provides clarification.</p>

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	<p>"Salary Supplement" pursuant to 29 Del.C. §5933 outlines that whenever an officer as defined in 29 Del.C. §5812(n)(1), (http://delcode.delaware.gov/title29/c058/sc02/index.shtml) or employee of the State qualifies for workers' compensation disability benefits, the officer or employee is not charged sick or annual leave and shall receive from the State the difference, if any, between the total of: (1) The amount of such compensation, (2) any disability benefits received under the Federal Social Security Act, and (3) any other employer supported disability program, and the amount of wages to which the officer or employee is entitled on the date such compensation begins. No more than 1 period of supplemental pay shall be made under this subsection for any work injury, including any recurrence or aggravation of that work injury. Temporary disability payments that are paid through the Workers' Compensation program and administered by the Insurance Coverage Office (ICO) are unrelated to disability benefits paid under the DIP.</p>		<p>"Salary Supplement" pursuant to 29 Del.C. §5933 outlines that whenever an officer as defined in 29 Del.C. §5812 (n)(1), or employee of the State including those exempt from the classified service, qualifies for workers' compensation disability benefits, such officer or employee, for a period not to exceed 3 months from the date such compensation begins, shall not be charged sick leave and shall receive from the State the difference, if any, between the total of: (1) The amount of such compensation, (2) any disability benefits received under the Federal Social Security Act, and (3) any other employer supported disability program, and the amount of wages to which the officer or employee is entitled on the date such compensation begins, provided the injury or disease for which such compensation is paid is not the direct result of such officer or employee's misconduct and occurs during a period of employment for which the employee is entitled to receive wages. No more than 1 period of supplemental pay shall be made under this subsection for any work injury, including any recurrence or aggravation of that work injury. The 3 month limitation shall not apply to any employee injured while performing a hazardous duty assignment and whose injury or injuries arose out of and in the course of performing hazardous duty; providing, however, such employee shall be entitled to the benefits of this section for not more than 12 months. Those positions are outlined in 29 Del.C. §5933 (c) and (d).</p>	Language edited by Insurance Coverage Office (ICO) for clarification purposes	Clarification (General)	Not Sure	I would like a bit more context around whether this amounts to a substantive change and why it is necessary; what is the definition of misconduct? Who has the authority to determine whether misconduct has occurred?	SBO confirmed with the Insurance Coverage Administrator of DHR's Insurance Coverage Office (ICO) that the proposed language is more reflective of language in Delaware Code. No change in current practices and no substantive change. Workers' Comp claims can be denied for misconduct, for example, could be employees getting in a fight or employees engaging in horseplay. Determination of whether misconduct has occurred is between ICO, the employing organization, and the third-party administrator.
	New content added	Definitions	<p>"Treating Licensed Health Care Provider" is an individual who is trained and licensed and working within their scope of practice who is providing management, treatment, and/or ongoing care of a patient.</p>	Added definition of new term; Derived by blending information found on CMS and HealthCare.gov	Clarification (General)	Not Sure	Recommend shortening to "Health Care Provider" Definition covers they have to be licensed and they are providing treatment.	The following edits will be made and this term will be updated throughout the document: "Treating Licensed Health Care Provider" is an individual who is trained and licensed and working within their scope of practice who is providing management, treatment, and/or ongoing care of a patient.
	<p>"Workers' Compensation" (WC) is a system, established under Chapter 23 of Title 19 of the Delaware Code, which provides compensation to workers who are injured or who contract an occupational disease while working. The benefits can include medical care, temporary disability payments and compensation for a resulting permanent impairment. In the event of the death of an injured worker, benefits are payable to the family of the worker. Benefits may be paid voluntarily or it may be necessary to petition the Office of Workers' Compensation for relief. Temporary disability payments that are paid through the Workers' Compensation program and administered by the Insurance Coverage Office (ICO) are unrelated to disability benefits paid under the DIP.</p>		<p>"Workers' Compensation" (WC) is a system, established under 19 Del.C. §23, which provides compensation to workers who are injured or who contract an occupational disease while working. The benefits can include medical care, temporary disability payments and compensation for a resulting permanent impairment. In the event of the death of an injured worker, benefits are payable to the family of the worker. Benefits may be paid voluntarily or it may be necessary to petition the Office of Workers' Compensation for relief. Temporary disability payments that are paid through the Workers' Compensation program and administered by the Insurance Coverage Office (ICO) are unrelated to disability benefits paid under the DIP.</p>	Edited reference to DE Code to coincide with required format when referencing DE Code in regulations	Other	Disagree	Incorrect use of citation to Delaware Code, should read 19 Del.C. Ch. 23	Text will be corrected to 19 Del.C. Ch. 23

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3.2.1	Hired on or after January 1, 2006 into a position covered by the Delaware State Employees Pension Plan pursuant to 29 Del.C. Ch. 55.		Hired on or after January 1, 2006 into a position covered by the Delaware State Employees' Pension Plan pursuant to 29 Del.C. §55;	Edited reference to DE Code to coincide with required format when referencing DE Code in regulations	Other	Disagree	Incorrect use of citation to Delaware Code, should read 29 Del.C. Ch. 55	Text will updated to 29 Del.C. Ch. 55
4.1	Participating employees shall be eligible to utilize earned sick leave, annual leave, compensatory time or donated leave for absences due to accident, illness, or injury for periods before disability benefits commence under this chapter, such that the participating employee receives 100% of creditable compensation for such periods, not to exceed the employee's sick and/or annual leave balances. Upon the birth of a child(ren), employees entitled to parental leave shall utilize parental leave for periods before disability benefits commence. Merit employees who are injured on the job and approved for workers' compensation (WC) should not be charged with sick leave for any portion of the day of the injury, pursuant to Merit Rule 5.3.8. Non-merit employees must comply with the rules that apply to your employing organization. The date of the injury is the first day of the STD calendar day elimination period.		Employees shall be eligible to utilize earned sick leave, annual leave, compensatory time and/or donated leave for absences due to accident, illness, or injury for periods before disability benefits commence, such that the employee receives 100% of creditable compensation for such periods, not to exceed the employee's sick and/or annual leave balances based on the rules that apply by the claimant's employing organization. Upon the birth of a child(ren), employees entitled to Parental Leave shall utilize Parental Leave to satisfy the elimination period for periods before STD benefits commence. Merit employees who are injured on the job and approved for workers' compensation (WC) should not be charged with sick leave for any portion of the day of the injury, pursuant to Merit Rule 5.3.8. Non-merit employees must comply with the rules that apply to their employing organization. The date of the injury is the first day of the STD calendar day elimination period for employees who work twelve months per calendar year.	Removed "participating" from "participating employee" for consistency; Language added for clarification	Clarification (General)	Not Sure	Do not recommend last sentence. 4.1 applies to all employees and is about use of leave and compensation. The exception for less than 12 month employees is already covered in 4.3. If it is necessary add Date of Injury to the definitions.	Last sentence will be removed.
5.1	Employees enrolled in the DIP are required to file an STD claim with the DIP insurance carrier and/or Administrator if the employee expects to be out of work for at least 30 calendar days even if the employee applied for and/or is receiving lost wage benefits (i.e., Workers' Compensation) and/or parental leave, upon the birth of a child(ren). Once an employee exhausts their elimination period, the employee will be deemed to have applied for benefits under this section and shall not be eligible to utilize paid sick and/or annual leave in lieu of application for STD. Employees not meeting the requirements noted in Section 9.0, will be deemed to have applied for benefits under this section and shall not be eligible to utilize paid sick and/or annual leave in lieu of application for an extension of STD benefits.	5.1.1	Employees enrolled in the DIP are required to file an STD claim with the DIP insurance carrier and/or third-party administrator within 15-calendar days of their date of disability or last day worked if the employee expects to be out of work for at least 30 calendar days, even if the employee applied for and/or is receiving lost wage benefits (i.e., Workers' Compensation) and/or Parental Leave, upon the birth of a child(ren). Once an employee exhausts their elimination period, the employee will be deemed to have applied for benefits under this subsection and shall not be eligible to utilize paid sick and/or annual leave in lieu of application for STD. Employees not meeting the requirements noted in subsection 9.0 of this regulation, will be deemed to have applied for benefits under this subsection and shall not be eligible to utilize paid sick and/or annual leave in lieu of application for an extension of STD benefits.	Added "third-party administrator" to "DIP insurance carrier and/or third-party administrator" for consistency of term and added clarification for timeframe of filing an STD claim	Clarification (General)	Not Sure	Has the 15 calendar day notification period been employed prior to this change?	Reference to "within 15 calendar days" will be removed, so the first sentence reads: Employees enrolled in the DIP are required to file an STD claim with the DIP insurance carrier and/or third-party administrator within 15-calendar days of their date of disability or last day worked if the employee expects to be out of work for at least 30 calendar days, even if the employee applied for and/or is receiving lost wage benefits (i.e., Workers' Compensation) and/or Parental Leave, upon the birth of a child(ren).

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5.1	<p>Employees enrolled in the DIP are required to file an STD claim with the DIP insurance carrier and/or Administrator if the employee expects to be out of work for at least 30 calendar days even if the employee applied for and/or is receiving lost wage benefits (i.e., Workers' Compensation) and/or parental leave, upon the birth of a child(ren). Once an employee exhausts their elimination period, the employee will be deemed to have applied for benefits under this section and shall not be eligible to utilize paid sick and/or annual leave in lieu of application for STD. Employees not meeting the requirements noted in Section 9.0, will be deemed to have applied for benefits under this section and shall not be eligible to utilize paid sick and/or annual leave in lieu of application for an extension of STD benefits.</p>	5.1.1	<p>Employees enrolled in the DIP are required to file an STD claim with the DIP insurance carrier and/or third-party administrator within 15-calendar days of their date of disability or last day worked if the employee expects to be out of work for at least 30 calendar days, even if the employee applied for and/or is receiving lost wage benefits (i.e., Workers' Compensation) and/or Parental Leave, upon the birth of a child(ren). Once an employee exhausts their elimination period, the employee will be deemed to have applied for benefits under this subsection and shall not be eligible to utilize paid sick and/or annual leave in lieu of application for STD. Employees not meeting the requirements noted in subsection 9.0 of this regulation, will be deemed to have applied for benefits under this subsection and shall not be eligible to utilize paid sick and/or annual leave in lieu of application for an extension of STD benefits.</p>	<p>Added "third-party administrator" to "DIP insurance carrier and/or third-party administrator" for consistency of term and added clarification for timeframe of filing an STD claim</p>	Clarification (General)	Not Sure	<p>Is the added requirement to file within 15 calendar days a change from current practice?</p>	<p>Reference to "within 15 calendar days" will be removed, so the first sentence reads:</p> <p>Employees enrolled in the DIP are required to file an STD claim with the DIP insurance carrier and/or third-party administrator within 15-calendar days of their date of disability or last day worked if the employee expects to be out of work for at least 30 calendar days, even if the employee applied for and/or is receiving lost wage benefits (i.e., Workers' Compensation) and/or Parental Leave, upon the birth of a child(ren).</p>
5.2	<p>All employees enrolled in DIP who expect to be out of work for the length of the calendar day elimination period are required to file a STD claim in a complete and timely manner, even if the employee applied for and/or is receiving Workers' Compensation (WC) benefits, parental leave or Other Income Benefits defined in the STD benefits booklet per Delaware Code. Hazardous duty employees injured in the line of duty, who are employed by the Department of Corrections (or its successor agency), the Delaware Psychiatric Center (or its successor agency) who are assigned to programs for the criminally insane, the Department of Services for Children, Youth and Their Families who are assigned to work in the Division of Youth Rehabilitative Services facilities, state law-enforcement officers in the performance of their duties including state employees serving in response to imminent danger of hazardous waste material, including but not limited to the SERT Team are required to file an STD claim in a complete and timely manner if they expect to be out of work for the length of the calendar day elimination period. Employing organizations are required to provide the DIP insurance carrier and/or Administrator with the names of hazardous duty employees who are injured while performing a hazardous duty who are entitled to be paid the twelve month salary supplement pursuant to 29 Del.C. §5933(c).</p>	5.1.2	<p>All employees enrolled in DIP who expect to be out of work for the length of the calendar day elimination period are required to file an STD claim in a complete and timely manner, even if the employee applied for and/or is receiving Workers' Compensation (WC) benefits, Parental Leave or Other Income Benefits defined in subsections 8.6 and 8.7 of this regulation. Hazardous duty employees whose injury or injuries arose out of and in the course of performing hazardous duty, who qualify under 29 Del C. §5933 (c) and (d) as well as those approved through Section 30 of Senate Bill No. 250 of the 151st Delaware General Assembly, are required to file an STD claim in a complete and timely manner if they expect to be out of work for the length of the calendar day elimination period. Employing organizations are required to provide the DIP insurance carrier and/or third-party administrator with the names of hazardous duty employees who are injured while performing a hazardous duty who are entitled to be paid the twelve month salary supplement.</p>	<p>Streamlined language of "hazardous duty" by removing reference to specific groups. Additional groups were added via Senate Bill No. 250 of the 151st Delaware General Assembly; however, there is not a comprehensive list easily available to direct individuals to so we kept it general.</p>	Clarification (General)	Not Sure	<p>Generally agree but I would use the Laws citation (83 Del Laws c 325 section 30) instead of the bill number.</p>	<p>Will use law citation throughout document rather than bill number.</p>

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5.2	All employees enrolled in DIP who expect to be out of work for the length of the calendar day elimination period are required to file a STD claim in a complete and timely manner, even if the employee applied for and/or is receiving Workers' Compensation (WC) benefits, parental leave or Other Income Benefits defined in the STD benefits booklet per Delaware Code. Hazardous duty employees injured in the line of duty, who are employed by the Department of Corrections (or its successor agency), the Delaware Psychiatric Center (or its successor agency) who are assigned to programs for the criminally insane, the Department of Services for Children, Youth and Their Families who are assigned to work in the Division of Youth Rehabilitative Services facilities, state law-enforcement officers in the performance of their duties including state employees serving in response to imminent danger of hazardous waste material, including but not limited to the SERT Team are required to file an STD claim in a complete and timely manner if they expect to be out of work for the length of the calendar day elimination period. Employing organizations are required to provide the DIP insurance carrier and/or Administrator with the names of hazardous duty employees who are injured while performing a hazardous duty who are entitled to be paid the twelve month salary supplement pursuant to 29 Del.C. §5933(c).	5.1.2	All employees enrolled in DIP who expect to be out of work for the length of the calendar day elimination period are required to file an STD claim in a complete and timely manner, even if the employee applied for and/or is receiving Workers' Compensation (WC) benefits, Parental Leave or Other Income Benefits defined in subsections 8.6 and 8.7 of this regulation. Hazardous duty employees whose injury or injuries arose out of and in the course of performing hazardous duty, who qualify under 29 Del C. §5933 (c) and (d) as well as those approved through Section 30 of Senate Bill No. 250 of the 151st Delaware General Assembly, are required to file an STD claim in a complete and timely manner if they expect to be out of work for the length of the calendar day elimination period. Employing organizations are required to provide the DIP insurance carrier and/or third-party administrator with the names of hazardous duty employees who are injured while performing a hazardous duty who are entitled to be paid the twelve month salary supplement.	Streamlined language of "hazardous duty" by removing reference to specific groups. Additional groups were added via Senate Bill No. 250 of the 151st Delaware General Assembly; however, there is not a comprehensive list easily available to direct individuals to so we kept it general.	Clarification (General)	Not Sure	Just want to ensure the new language does not inadvertently remove any groups as "hazardous duty".	SBO consulted with the DHR Compensation Manager and DHR Insurance Coverage Administrator and they are in agreement with the following revisions: All employees enrolled in DIP who expect to be out of work for the length of the calendar day elimination period are required to file an STD claim in a complete and timely manner, even if the employee applied for and/or is receiving Workers' Compensation (WC) benefits, Parental Leave or Other Income Benefits defined in subsections 8.6 and 8.7 of this regulation. Employees injured while performing a hazardous duty assignment, Hazardous duty employees whose injury or injuries arose out of and in the course of performing hazardous duty, who qualify under 29 Del C. §5933 (c) and (d) and 83 Del Laws c 325 section 30 as well as those approved through Section 30 of Senate Bill No. 250 of the 151st Delaware General Assembly, are required to file an STD claim in a complete and timely manner if they expect to be out of work for the length of the calendar day elimination period. Employing organizations are required to provide the DIP insurance carrier and/or third-party administrator with the names of employees injured while performing a hazardous duty assignment hazardous duty employees who are injured while performing a hazardous duty who are entitled to be paid the twelve month salary supplement. Reference to Delaware Code and Delaware Laws covers the groups considered as "hazardous duty." The edits to the language do not inadvertently remove any groups.
5.3	Employees are required to immediately report all absences from work to their supervisor and are required to stay in contact with their supervisor and Human Resource office during all absences from work. For specific reporting time frames, merit employees should refer to the Merit Rules. Non-merit employees should refer to their employing organization's leave policy. All requested documentation must be provided. Supervisors are required to immediately report an employee's absence from work to their Human Resource office. The Human Resources office must send a letter to the employee no later than the fifth calendar day of absence from work to remind the employee of their STD claim filing requirement in the event the employee expects to be out of work for at least the length of the elimination period. It is the employee's responsibility to promptly acknowledge receipt of the communication from their Human Resources office by signing and returning an "Employee Acknowledgement" to their Human Resources office within 5 business day of receiving the letter from the Human Resources office.	5.1.3	Employees are required to immediately report all absences from work to their supervisor and are required to stay in contact with their supervisor and Human Resource/Benefits Office during all absences from work. For specific reporting time frames, merit employees should refer to the Merit Rules. Non-merit employees should refer to their employing organization's leave policy. All required documentation must be provided to the DIP insurance carrier and/or third-party administrator, the employee's Human Resource/Benefits Office, the SBO RTWC, and/or other representatives from the SBO. It is the employee's responsibility to promptly acknowledge receipt of the STD Form Letter communication from their Human Resource/Benefits Office by signing and returning an "Employee Acknowledgement" to their Human Resource/Benefits Office within 5 business days of receiving the letter from the Human Resource/Benefits Office.	Added language for clarification and streamlined use of terms to match definitions	Clarification (General)	Disagree	The following language sounds like ALL required documents must be sent to the RTWC and SBO "...the SBO RTWC, and/or other representatives from the SBO..."	Will change sentence to "All required documentation must be provided when requested by the DIP insurance carrier and/or third-party administrator, the employee's Human Resource/Benefits Office, the SBO RTWC, and/or other representatives from the SBO." Added "when requested by" so it does not give the impression that employees need to submit documentation to all of these groups each time.

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5.4	Employees must contact their physician(s) to authorize the release of medical information required by the Return to Work (RTW) Coordinator and/or the DIP insurance carrier and/or third party administrator (Administrator) selected to administer and/or insure the program by the SEBC pursuant to 29 Del.C. §5254. It is the employee's responsibility to be sure that his or her medical documentation is submitted to the DIP insurance carrier and/or Administrator and the RTW Coordinator in a complete and timely manner throughout the duration of the disability as requested. Employees are required to take any and all action necessary in a timely manner to maintain their claim in an approved status throughout the period of disability.	5.1.4	Employees must contact their treating licensed health care provider(s) to authorize the release of medical information required by the SBO RTWC and/or the DIP insurance carrier and/or third-party administrator selected to administer and/or insure the program by the SEBC pursuant to 29 Del.C. §5254. It is the employee's responsibility to be sure that his or her medical documentation is submitted to the DIP insurance carrier and/or third-party administrator and the SBO RTWC in a complete and timely manner throughout the duration of the disability as requested. Employees are required to take any and all action necessary in a timely manner to maintain their claim in an approved status throughout the period of disability.	Changed "physician" to "treating licensed health care provider" and used acronym SBO RTWC to be consistent with use of terms	Language Consistency	Not Sure	Is this language necessary "selected to administer and/or insure the program by the SEBC pursuant to 29 Del.C. §5254". It's in the definitions.	We will remove the language here "selected to administer and/or insure the program by the SEBC pursuant to 29 Del.C. §5254."
	New content added	5.2.1	Supervisors are required to immediately report an employee's absence from work to their Human Resource/Benefits Office. The Human Resource/Benefits Office must review and follow the information in the Human Resources DIP Checklist before customizing and sending the STD Form Letter to the employee no later than the fifth calendar day of absence from work to remind the employee of their STD claim filing requirement in the event the employee expects to be out of work for at least the length of the elimination period.	Outline/clarify responsibilities of DIP/RTW Representatives	Clarification (General)	Not Sure	Following language does not seem appropriate for a rule/regulation "The Human Resource/Benefits Office must review and follow the information in the Human Resources DIP Checklist before customizing and sending the STD Form Letter ..." What is the end result that you are looking for? Customized letters must be consistent with...?	Discuss the language "...review and follow the information in the Human Resources DIP Checklist before customizing" at the 3/18/2024 HP&P Subcommittee Meeting.
6.2	The employing organization is responsible for providing the DIP insurance carrier and/or Administrator, with the last day worked and any partial day(s) worked information, if applicable, for each claimant. Organizations that employ hazardous duty employees who are entitled to the twelve month salary supplement as a result of being injured while performing a hazardous duty must notify the DIP insurance carrier and/or Administrator of the employees entitlement to the twelve month (versus 3 month) salary supplement. Organizations that employ Less Than Twelve Month Educational Employees who have filed an STD claim with the DIP insurance carrier and/or Administrator, must also provide the DIP insurance carrier and/or Administrator with confirmation of whether the employee is a "Less Than Twelve Month Educational Employee", the number of contractual days in the employee's school year and a list of all non-contractual days for the twenty-six week period starting with the claimants date of disability. This information must be provided by the employing organization to the DIP insurance carrier and/or Administrator within 48 hours of the date when the employee files their STD claim or from the date the employing organization receives formal notification of an employee's STD claim filing from the DIP insurance carrier and/or Administrator.		The employing organization is responsible for providing the DIP insurance carrier and/or third-party administrator with information needed to process an employee's STD claim that is not shared on the electronic enrollment file to the DIP insurance carrier and/or third-party administrator because it is not stored in the State of Delaware's Human Resource/Benefits & Payroll system(s), such as, last day worked, any partial day(s) worked and/or whether the employee was awarded the three month or twelve month Salary Supplement. Organizations that employ hazardous duty employees who are entitled to the twelve month salary supplement as a result of being injured while performing a hazardous duty must notify the DIP insurance carrier and/or third-party administrator of the employees entitlement to the twelve month (versus three month) salary supplement. This information must be provided by the employing organization to the DIP insurance carrier and/or third-party administrator within 48 hours of the date when the employee files their STD claim or from the date the employing organization receives formal notification of an employee's STD claim filing from the DIP insurance carrier and/or third-party administrator.	Streamlined use of term "DIP insurance carrier and/or third-party administrator" for consistency, added clarification on information needed, and removed "Less Than Twelve Month" information because it provided in a different manner	Clarification (General)	Not Sure	How exactly is this handled for less than twelve month employees?	The current practice is prior to the beginning of each school year, SBO proactively reaches out to all of the educational organizations requesting the non-contractual dates for the upcoming school year. SBO compiles this information and provides it separately to the DIP vendor. Therefore, this rule was updated to reflect that DIP/RTW reps do not have to submit this information separately to the DIP vendor each time an employee files a claim. SBO consulted with the DHR Compensation Manager and DHR Insurance Coverage Administrator and they are in agreement with the following revisions: The employing organization is responsible for providing the DIP insurance carrier and/or third-party administrator with information needed to process an employee's STD claim that is not shared on the electronic enrollment file to the DIP insurance carrier and/or third-party administrator because it is not stored in the State of Delaware's Human Resource/Benefits & Payroll system(s), such as, last day worked, any partial day(s) worked and/or whether the employee was awarded the three month or twelve month Salary Supplement. Organizations that employ hazardous duty employees who are with employees injured performing hazardous duty assignments entitled to the twelve month salary supplement as a result of being injured while performing a hazardous duty must notify the DIP insurance carrier and/or third-party administrator of the employees entitlement to the twelve month (versus three month) salary supplement. This information must be provided by the employing organization to the DIP insurance carrier

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8.6.7	Compulsory "no fault" automobile insurance; or		Compulsory "no fault" (also known as Personal Injury Protection (PIP)) automobile insurance;	Added reference to PIP to be consistent with use of terms/acronyms and removed "or"	Clarification (General)	Not Sure	Seems like a definition	Will remove "also known as" and change to (or Personal Injury Protection (PIP)). This language was added since PIP is how it is commonly referenced in the State of Delaware.
8.12	If a participating employee returns to the employee's position on a full-time basis, as defined by the SEBC, for 15 consecutive calendar days or longer, any succeeding period of disability for which the employee shall be approved for STD benefits shall constitute a new period of short-term disability with a new corresponding calendar day elimination period. A new period of short term disability shall not be constituted if a participating employee returns to work on a part-time basis. If recurrent periods of disability are due to the same or a related cause; and separated by less than 15 consecutive day(s) of work as an active full-time employee, they will be considered to be the same period of disability.		In accordance with 29 Del. C §5253(b)(5), if an employee returns to the employee's position on a full-time basis for 15 consecutive calendar days or longer, any succeeding period of disability for which the employee shall be approved for STD benefits shall constitute a new period of STD with a new corresponding calendar day elimination period. A new period of STD shall not be constituted if an employee returns to work on a part-time basis. If recurrent periods of disability are due to the same or a related cause; and separated by less than 15 consecutive day(s) of work as an active full-time employee, they will be considered to be the same period of disability.	Added reference to DE Code, removed word "participating" and "as defined by the SEBC," and streamlined use of acronym "STD" for consistency	Language Consistency	Not Sure	I would like an explanation as to why the reference to the SEBC's definition of full-time should be removed.	Reference to Delaware Code (29 Del. C §5253(b)(5)) was added to simplify the content as reference to the "Committee" is in the code.
9.1	Merit & Non-Merit Executive Branch, Elected Offices, Courts and Legislative Organization Employees		Merit & Non-Merit Executive Branch, Elected Offices, DOE, Courts and Legislative Organization Employees	Added DOE for clarification	Clarification (General)	Not Sure	I'm a bit confused, "Employee" is defined in Section 2.0 so I don't see the need for the clarification. Who are we not covering?	Added "DOE" because DOE is a hybrid organization that employees Merit, Non-Merit, and educational employees.
9.1.7	Employees on approved STD may choose to use accrued annual and sick leave earned each month in its entirety or to save the annual and sick accrual for payout upon the commencement of LTD or service pension. Upon the birth of a child, employees on approved STD are required to utilize parental leave. Rules for parental leave, FMLA and donated leave take precedence.		Employees on approved STD may choose to use accrued annual and sick leave earned each month in its entirety or to save the annual and sick accrual for payout upon employment termination, commencement of LTD or service pension. Upon the birth of a child, employees on approved STD are required to utilize Parental Leave. Rules for Parental Leave, FMLA and donated leave take precedence.	Added "employment termination" for clarification and capitalized "Parental Leave" for consistency	Clarification (General)	Not Sure	Change "employment termination" to "termination of employment"	Will change "employment termination" to "termination of employment."

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9.1.10	Upon the exhaustion of the maximum STD benefit period, any employee, except those entitled to hazardous duty pay as defined in 29 Del. C. §5933(c), and those working on a temporary reduced, alternate, light duty and/or part-time basis, shall no longer be an employee of the State or any of its political subdivisions provided the employee has exhausted their FLMA entitlement and/or is not FMLA eligible. Employees entitled to hazardous duty pay as defined in 29 Del. C. §5933(c) who exhaust the maximum short term disability benefit period shall no longer be an employee of the State or any of its political subdivisions at the end of their entitlement to hazardous duty pay or parental leave, provided the employee has exhausted their FMLA entitlement and/or is not FMLA eligible and is not working on a temporary reduced, alternate, light duty and/or part-time basis. Upon termination of employment, the employee shall not be eligible for payment of any unused parental leave. The employee has two options with respect to remaining accrued sick and annual leave only.		Upon the exhaustion of the maximum STD benefit period, any employee, except those entitled to hazardous duty pay as defined in 29 Del. C. §5933(c), and those working on a temporary reduced, alternate, light duty and/or part-time basis, shall no longer be an employee of the State or any of its political subdivisions provided the employee has exhausted their FLMA entitlement and/or is not FMLA eligible. Employees entitled to hazardous duty pay as defined in 29 Del. C. §5933(c) who exhaust the maximum STD benefit period shall no longer be an employee of the State or any of its political subdivisions at the end of their entitlement to hazardous duty pay or Parental Leave, provided the employee has exhausted their FMLA entitlement and/or is not FMLA eligible and is not working on a temporary reduced, alternate, light duty and/or part-time basis. Upon termination of employment, the employee shall not be eligible for payment of any unused Parental Leave. The employee has two options with respect to remaining accrued sick and annual leave only.	Capitalized "Parental Leave" for consistency and streamlined use of acronym "STD"	Language Consistency			SBO consulted with the DHR Compensation Manager and DHR Insurance Coverage Administrator. They are in agreement with the following revisions: Upon the exhaustion of the maximum STD benefit period, any employee, except those entitled to hazardous duty pay as defined in 29 Del. C. §5933(c) and (d) and 83 Del Laws c 325 section 30, and those working on a temporary reduced, alternate, light duty and/or part-time basis, shall no longer be an employee of the State or any of its political subdivisions provided the employee has exhausted their FLMA entitlement and/or is not FMLA eligible. Employees entitled to hazardous duty pay as defined in 29 Del. C. §5933(c) and (d) and 83 Del Laws c 325 section 30 who exhaust the maximum STD benefit period shall no longer be an employee of the State or any of its political subdivisions at the end of their entitlement to hazardous duty pay or Parental Leave, provided the employee has exhausted their FMLA entitlement and/or is not FMLA eligible and is not working on a temporary reduced, alternate, light duty and/or part-time basis. Upon termination of employment, the employee shall not be eligible for payment of any unused Parental Leave. The employee has two options with respect to remaining accrued sick and annual leave only.
9.1.12	Pursuant to Merit Rule 5.3.8, employees who are injured on the job and approved for Workers' Compensation will not be charged with sick leave for any portion of the day of injury.		Pursuant to Merit Rule 5.3.8, Merit employees who are injured on the job and approved for Workers' Compensation will not be charged with sick leave for any portion of the day of injury.	Added " Merit" to "Merit employees" for added clarification	Clarification (General)	Not Sure	What about merit-comparables and exempts (excluding elected officials and judges?)	SBO consulted with the Insurance Coverage Administrator of DHR's Insurance Coverage Office (ICO) and was informed that most merit-comparable and exempts follow the Merit rule.
9.1.13	If an employee is in a no pay status during the STD elimination period, sick and annual leave accrual stops. The employee should receive sick and annual leave accrual prorated for the portion of the month they last worked and a prorated amount of annual and sick leave for the portion of the month in which the employee receives STD benefits. Please see DIP FAQ's, Section 6 for more information.		If an employee is in a no pay status during the STD elimination period, sick and annual leave accrual stops. The employee should receive sick and annual leave accrual prorated for the portion of the month they last worked and a prorated amount of annual and sick leave for the portion of the month in which the employee receives STD benefits. Refer to DIP FAQ's, Section 6 for more information found on the SBO website.	Revised last sentence for consistency	Language Consistency	Not Sure	Recommend removing "Section 6". Number could change.	Will remove "Section 6" from sentence.
9.1.14	Merit employees accrue sick and annual leave equivalent to the total combined benefit and wage (STD, sick, parental or annual leave, WC, donated leave and PIP, not to exceed 100% of pre-disability earnings) paid to the employee. Please see DIP FAQ's, Section 6 for specific examples.		Merit employees accrue sick and annual leave equivalent to the total combined benefit and wage (STD, sick, parental or annual leave, WC, donated leave and PIP, not to exceed 100% of pre-disability earnings) paid to the employee. Refer to DIP FAQ's, Section 6 for specific examples found on the SBO website.	Revised last sentence for clarification	Clarification (General)	Not Sure	What about merit-comparables and exempts (excluding elected officials and judges?)	SBO consulted with DHR Talent Management. 29 Del. C. §5905 outlines leaves regulations for certain exempt positions. Similar rules apply for certain exempt positions.
9.1.14	Merit employees accrue sick and annual leave equivalent to the total combined benefit and wage (STD, sick, parental or annual leave, WC, donated leave and PIP, not to exceed 100% of pre-disability earnings) paid to the employee. Please see DIP FAQ's, Section 6 for specific examples.		Merit employees accrue sick and annual leave equivalent to the total combined benefit and wage (STD, sick, parental or annual leave, WC, donated leave and PIP, not to exceed 100% of pre-disability earnings) paid to the employee. Refer to DIP FAQ's, Section 6 for specific examples found on the SBO website.	Revised last sentence for clarification	Clarification (General)	Disagree	Do not recommend change. Not needed for rules and regulations.	Will remove "Section 6" as noted earlier. The topic of "leaves" can be confusing and it is helpful for the reader to know where to view more information and examples on SBO's website.

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9.2.4	<p>Upon the exhaustion of the maximum STD benefit period, any employee, except those entitled to hazardous duty pay as defined in 29 Del.C. §5933(c), and those working on a temporary reduced, alternate, light duty and/or part-time basis, shall no longer be an employee of the State or any of its political subdivisions provided the employee has exhausted their FMLA entitlement and/or is not FMLA eligible. Employees entitled to hazardous duty pay as defined in 29 Del.C. §5933(c) who exhaust the maximum short term disability benefit period shall no longer be an employee of the State or any of its political subdivisions at the end of their entitlement to hazardous duty pay or parental leave, provided the employee has exhausted their FMLA entitlement and/or is not FMLA eligible and is not working on a temporary reduced, alternate, light duty and/or part-time basis. Upon termination of employment, the employee shall not be eligible for payment of any unused parental leave. The employee has two options with respect to remaining unused sick and annual leave.</p>		<p>Upon the exhaustion of the maximum STD benefit period, any employee, except those entitled to hazardous duty pay as defined in 29 Del.C. §5933(c), and those working on a temporary reduced, alternate, light duty and/or part-time basis, shall no longer be an employee of the State or any of its political subdivisions provided the employee has exhausted their FMLA entitlement and/or is not FMLA eligible. Employees entitled to hazardous duty pay as defined in 29 Del.C. §5933(c) who exhaust the maximum STD benefit period shall no longer be an employee of the State or any of its political subdivisions at the end of their entitlement to hazardous duty pay or Parental Leave, provided the employee has exhausted their FMLA entitlement and/or is not FMLA eligible and is not working on a temporary reduced, alternate, light duty and/or part-time basis. Upon termination of employment, the employee shall not be eligible for payment of any unused Parental Leave. The employee has two options with respect to remaining unused sick and annual leave.</p>	Capitalized "Parental Leave" and used acronym "STD" for consistency	Language Consistency			<p>SBO consulted with the DHR Compensation Manager and DHR Insurance Coverage Administrator and they are in agreement with the following revisions:</p> <p>Upon the exhaustion of the maximum STD benefit period, any employee, except those entitled to hazardous duty pay as defined in 29 Del.C. §5933(c) and (d) and 83 Del Laws c 325 section 30, and those working on a temporary reduced, alternate, light duty and/or part-time basis, shall no longer be an employee of the State or any of its political subdivisions provided the employee has exhausted their FMLA entitlement and/or is not FMLA eligible. Employees entitled to hazardous duty pay as defined in 29 Del.C. §5933(c) and (d) and 83 Del Laws c 325 section 30 who exhaust the maximum STD benefit period shall no longer be an employee of the State or any of its political subdivisions at the end of their entitlement to hazardous duty pay or Parental Leave, provided the employee has exhausted their FMLA entitlement and/or is not FMLA eligible and is not working on a temporary reduced, alternate, light duty and/or part-time basis. Upon termination of employment, the employee shall not be eligible for payment of any unused Parental Leave. The employee has two options with respect to remaining unused sick and annual leave.</p>
10.1.5	<p>Upon the exhaustion of the maximum STD benefit period, any employee, except those entitled to hazardous duty pay as defined in 29 Del.C. §5933(c), shall no longer be an employee of the State or any of its political subdivisions provided the employee has exhausted their FMLA entitlement and/or is not FMLA eligible. Employees entitled to hazardous duty pay as defined in 29 Del.C. §5933(c) who exhaust the maximum short term disability benefit period shall no longer be an employee of the State or any of its political subdivisions at the end of their entitlement to hazardous duty pay or parental leave, provided the employee has exhausted their FMLA entitlement and/or is not FMLA eligible.</p>		<p>Upon the exhaustion of the maximum STD benefit period, any employee, except those entitled to hazardous duty pay as defined in 29 Del.C. §5933(c), shall no longer be an employee of the State or any of its political subdivisions provided the employee has exhausted their FMLA entitlement and/or is not FMLA eligible. Employees entitled to hazardous duty pay as defined in 29 Del.C. §5933(c) who exhaust the maximum STD benefit period shall no longer be an employee of the State or any of its political subdivisions at the end of their entitlement to hazardous duty pay or Parental Leave, provided the employee has exhausted their FMLA entitlement and/or is not FMLA eligible; or</p>	Capitalized "Parental Leave" and used acronym "STD" for consistency	Language Consistency			<p>SBO consulted with the DHR Compensation Manager and DHR Insurance Coverage Administrator and they are in agreement with the following revisions:</p> <p>Upon the exhaustion of the maximum STD benefit period, any employee, except those entitled to hazardous duty pay as defined in 29 Del.C. §5933(c) and (d) and 83 Del Laws c 325 section 30, shall no longer be an employee of the State or any of its political subdivisions provided the employee has exhausted their FMLA entitlement and/or is not FMLA eligible. Employees entitled to hazardous duty pay as defined in 29 Del.C. §5933(c) and (d) and 83 Del Laws c 325 section 30 who exhaust the maximum STD benefit period shall no longer be an employee of the State or any of its political subdivisions at the end of their entitlement to hazardous duty pay or Parental Leave, provided the employee has exhausted their FMLA entitlement and/or is not FMLA eligible; or</p>

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12.3	Six weeks prior to the commencement of LTD benefits, the employing organization will provide the employee with Transitioning to LTD documents for the purpose of escrowing sick and annual leave accruals for a 6 month period and for benefit elections for while on approved LTD. See subsection 9.1.11.1 for complete description of escrowing leave.		Six weeks prior to the exhaustion of STD benefit period, regardless of whether the employee's claim is in an approved status or has had their STD claim extended through the 182nd calendar day of disability, the employing organization will provide the employee with Transitioning to LTD documents for the purpose of obtaining the employee's intentions of returning to work, retiring, or becoming an LTD beneficiary and for escrowing sick and annual leave accruals for a 6 month period and for benefit elections for while on approved LTD. Refer to subsections 9.1.10 and 9.2.4 of this regulation for complete descriptions of escrowing leave.	Language revised for clarification	Clarification (General)	Not Sure	Please explain need for clarification	This is a current practice. Additional language was added for clarity regarding the employing organization needing to provide the Transitioning to LTD documents regardless of whether the employee's claim is in an approved status or has had their STD claim extended through the 182nd calendar day of disability. Additional language was also added regarding the purpose of the Transitioning to LTD documents of obtaining the employee's intentions of returning to work, retiring, or becoming an LTD beneficiary. Will change "Transitioning to LTD documents" to "Exhaustion of STD Benefit communications."
12.4	Pursuant to 29 Del.C. §5933(c), hazardous duty employees injured while performing a hazardous duty assignment and whose injuries arose out of and in the course of performing hazardous duty are entitled to a 12 month salary supplement. Employees entitled to hazardous duty pay as defined in 29 Del.C. §5933(c) who exhaust the maximum short term disability benefit period shall no longer be an employee of the State or any of its political subdivisions at the end of their entitlement to hazardous duty pay or parental leave, provided the employee has exhausted their FMLA entitlement and/or is not FMLA eligible and the employee is not working on a temporary reduced, alternate, light duty and/or part-time basis. Upon termination of employment, the employee shall not be eligible for payment of any unused parental leave. See subsection 9.1.10 and 9.2.4 for a complete description.		Pursuant to 29 Del. C. §5933 (c), hazardous duty employees injured while performing a hazardous duty assignment and whose injuries arose out of and in the course of performing hazardous duty are entitled to a 12 month salary supplement. Employees entitled to hazardous duty pay as defined in 29 Del.C. §5933(c) who exhaust the maximum STD benefit period shall no longer be an employee of the State or any of its political subdivisions at the end of their entitlement to hazardous duty pay or Parental Leave, provided the employee has exhausted their FMLA entitlement and/or is not FMLA eligible and the employee is not working on a temporary reduced, alternate, light duty and/or part-time basis. Upon termination of employment, the employee shall not be eligible for payment of any unused Parental Leave. Refer to subsections 9.1.10 and 9.2.4 of this regulation for a complete description.	Capitalized "Parental Leave", used acronym "STD", and edited last sentence for consistency	Language Consistency			SBO consulted with the DHR Compensation Manager and DHR Insurance Coverage Administrator and they are in agreement with the following revisions: Pursuant to 29 Del. C. §5933 (c) and (d) and 83 Del Laws c 325 section 30, hazardous duty employees injured while performing a hazardous duty assignment and whose injuries arose out of and in the course of performing hazardous duty are entitled to a 12 month salary supplement. Employees entitled to hazardous duty pay as defined in 29 Del.C. §5933(c) and (d) and 83 Del Laws c 325 section 30 who exhaust the maximum STD benefit period shall no longer be an employee of the State or any of its political subdivisions at the end of their entitlement to hazardous duty pay or Parental Leave, provided the employee has exhausted their FMLA entitlement and/or is not FMLA eligible and the employee is not working on a temporary reduced, alternate, light duty and/or part-time basis. Upon termination of employment, the employee shall not be eligible for payment of any unused Parental Leave. Refer to subsections 9.1.10 and 9.2.4 of this regulation for a complete description.
15.5	If an individual has a disability because of:		No change					Based on the SEBC's decision to remove the Mental/Nervous and Substance Abuse limitation from the Disability Insurance Program effective July 1, 2024, this language will be removed from the document as it will no longer be applicable
15.5.1	mental condition that results from any cause;		No change					Based on the SEBC's decision to remove the Mental/Nervous and Substance Abuse limitation from the Disability Insurance Program effective July 1, 2024, this language will be removed from the document as it will no longer be applicable
15.5.2	any condition that may result from mental condition;		No change					Based on the SEBC's decision to remove the Mental/Nervous and Substance Abuse limitation from the Disability Insurance Program effective July 1, 2024, this language will be removed from the document as it will no longer be applicable

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15.5.3	alcoholism; or		No change					Based on the SEBC's decision to remove the Mental/Nervous and Substance Abuse limitation from the Disability Insurance Program effective July 1, 2024, this language will be removed from the document as it will no longer be applicable
15.5.4	the non-medical use of narcotics, sedatives, stimulants, hallucinogens, or any other such substance, then, subject to all other policy provisions, LTD benefits will be payable:		No change					Based on the SEBC's decision to remove the Mental/Nervous and Substance Abuse limitation from the Disability Insurance Program effective July 1, 2024, this language will be removed from the document as it will no longer be applicable
15.5.4.1	only for so long as the claimant is confined in a hospital or other place licensed to provide medical care for the disabling condition; or		No change					Based on the SEBC's decision to remove the Mental/Nervous and Substance Abuse limitation from the Disability Insurance Program effective July 1, 2024, this language will be removed from the document as it will no longer be applicable
15.5.4.2	when the claimant is not so confined, a total of 24 months for all such disabilities during the individual's lifetime.		No change					Based on the SEBC's decision to remove the Mental/Nervous and Substance Abuse limitation from the Disability Insurance Program effective July 1, 2024, this language will be removed from the document as it will no longer be applicable
15.6	Pursuant to 29 Del.C. §5524(d), DIP participants vested in the Delaware State Employees' Pension Plan as of December 31, 2005 may be enrolled in the disability pension plan upon the exhaustion of LTD benefits due to mental condition and/or substance abuse. Members will be mailed an authorization form to complete and return to the DIP insurance carrier and/or Administrator. Upon receipt, the DIP insurance carrier and/or Administrator will send a copy of the member's disability file to the Pension Office for processing.		Pursuant to 29 Del.C. §5524(d), DIP participants vested in the Delaware State Employees' Pension Plan as of December 31, 2005 may be enrolled in the disability pension plan upon the exhaustion of LTD benefits due to mental condition and/or substance abuse. Members will be mailed an authorization form to complete and return to the DIP insurance carrier and/or third-party administrator. Upon receipt, the DIP insurance carrier and/or third-party administrator will send a copy of the member's disability file to the Office of Pensions for processing.	Streamlined use of "DIP insurance carrier and/or third-party administrator" and "Office of Pensions" for consistency purposes	Language Consistency			Based on the SEBC's decision to remove the Mental/Nervous and Substance Abuse limitation from the Disability Insurance Program effective July 1, 2024, this language will be removed from the document as it will no longer be applicable
16.4	Any claimant who applies for LTD benefits must apply to the Social Security Administration for disability benefits. LTD benefits shall be reduced by any disability benefits received from the Social Security Administration.	16.3	Any claimant who applies for LTD benefits must apply to the Social Security Administration for disability benefits. LTD benefits shall be reduced by any disability benefits awarded to all family members by the Social Security Administration.	Added "awarded to all family members" for clarification that it is a family offset to include spouse and dependent child(ren)	Clarification (General)	Not Sure	What is the current practice relative to offsets?	It is a clarification outlining current practice. SSDI benefits awarded to any family member (i.e., spouse, child) reduces the LTD check amount.
16.7	If the State of Delaware notifies the DIP insurance carrier and/or administrator that a claimant receiving LTD benefits has been overpaid STD benefits, the DIP insurance carrier and/or administrator shall make any LTD payments that it would otherwise pay to the claimant directly to the State of Delaware until the State of Delaware has been paid in full for the claimant's overpaid STD benefits.	16.6	If the State of Delaware notifies the DIP insurance carrier and/or third-party administrator that a claimant receiving LTD benefits has been overpaid LTD benefits for any reason, the DIP insurance carrier and/or third-party administrator shall recoup all overpaid LTD payments directly from the LTD beneficiary.	Streamlined use of "DIP insurance carrier and/or third-party administrator" for consistency and clarified section for "LTD"	Clarification (General)	Not Sure	The original text references overpaid STD benefits. Is the intent here to change the reference to overpaid LTD benefits?	Yes, the intent is to change the reference to overpaid LTD benefits to address situations where the member was overpaid wages while receiving LTD benefits.

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	New content added	20.1.1.2.2	If an employee is returning to work with restrictions, or is requesting modified/alternate/part-time work schedule, the employee must submit the documentation to the SBO RTWC and their employing organization's Human Resource/Benefits Office as soon as possible and prior to reporting to work. Accommodations, including a part-time/modified work schedule, must be approved by the employing organization's Human Resource/Benefits Office prior to the employee returning to work.	Added for clarification	Clarification (General)	Not Sure	What is current practice?	This is the current practice. Language added in DIP Rules and Regulations for clarification.
20.1.1.3	Return to work assistance for employees enrolled in DIP who expect to be out of work for less than the STD calendar day elimination period are eligible to utilize the services of the RTW Coordinator from the Statewide Benefits Office.		As part of the State of Delaware's DIP, the SBO RTWC provides return to work assistance to employees who are currently on an approved STD claim, or were previously on an approved STD claim within the past 36 months. The SBO RTWC will work with an employee's Human Resource/Benefits Office, supervisor (if applicable), the employing organization's ADA coordinator (or designee), and the DIP insurance carrier and/or third-party administrator, to return the employee to work.	Since the inception of the DIP, there has been no set timeframe for RTW assistance. The timeframe of 36 months was chosen by SBO as a reasonable amount of time and is currently being used in other SBO documents. Added reference to ADA coordinator. Clarified who SBO RTWC works with.	Clarification (General)	Not Sure	Please explain the practical implications of this change.	This is a current practice. SBO RTWC does not work with individuals who are not on an approved claim. Added to DIP Rules and Regs for clarification. Employees who are currently on an approved STD claim, or were previously on an approved STD claim within the past 36 months are eligible to work with the SBO RTWC for return to work assistance.
20.1.1.8	When looking for options beyond the employee's own job, the RTW Coordinator and employing organization shall consider the employee's abilities, anticipated absence duration, training and experience. If placement cannot be accommodated, the employing organization must provide a written explanation to the RTW Coordinator.		When looking for options beyond the employee's own job, the SBO RTWC and employing organization shall consider the employee's abilities, anticipated absence duration, training and experience. If placement cannot be accommodated, the employing organization must provide a written explanation to the SBO RTWC. 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 their qualifications and restrictions.	Streamlined use of acronym "SBO RTWC" for consistency; Added last sentence for clarification	Clarification (General)	Not Sure	suggest changing "can assist" to "will assist".	Suggest keeping language as is, because "will assist" indicates that it will occur all of the time but there are scenarios where this may not happen as the employee may not want assistance.

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	New content added	20.1.2	STD – Return to Work (RTW) for Non-Merit Employees	Added new section specific to Non-Merit Employees for clarification	Clarification (General)	Not Sure	I would like more context for this entire section specific to non-merit employees. Is there a section of DE code that applies here for non-merit employees? How substantively different are the below provisions from the above Merit section? What are the existing regulations that apply to non-merit employees?	<p>29 Del. C. §5257(a) is referenced at the beginning of the RTW from STD section before it breaks it out by Merit and Non-Merit. Example of a difference between Merit vs. Non-Merit includes reference to Merit Rules in the Merit section as they wouldn't be applicable to Non-Merit employees. Another example is per 29 Del. C. §5257(a), Non-Merit employees can only be placed by the SBO RTWC into a vacant position within their current employing organization.</p> <p>As SBO shared during our DIP presentation at the January 22, 2024 HP&P meeting, prior to bringing the proposed revisions for the DIP Rules and Regs to the Subcommittee, SBO shared and vetted the proposed revisions with a Review Workgroup that included HR, Benefits, and Payroll Representatives from Merit and Non-Merit Organizations (e.g., schools districts, charter schools, DTCC, and DSU). Overall feedback from the Non-Merit organizations was very positive regarding SBO's proposal of separating out the Non-Merit sections. In fact, one charter school representative stated "New language and structure definitely makes it easier to reference/digest the policy."</p>
	New content added	20.1.2.3	As part of the State of Delaware's DIP, the SBO RTWC provides return to work assistance to employees who are currently on an approved STD claim, or were previously on an approved STD claim within the past 36 months. The SBO RTWC will work with an employee's Human Resource/Benefits Office, supervisor (if applicable), the employing organization's ADA coordinator (or designee), and the DIP insurance carrier and/or third-party administrator, to return the employee to work.	Since the inception of the DIP, there has been no set timeframe for RTW assistance. The timeframe of 36 months was chosen by SBO as a reasonable amount of time and is currently being used in other SBO documents. Added reference to ADA coordinator. Clarified who SBO RTWC works with.	Clarification (General)	Not Sure	Same question referenced earlier (Please explain the practical implications of this change.)	This is a current practice. Added to DIP Rules and Regs for clarification. Employees who are currently on an approved STD claim, or were previously on an approved STD claim within the past 36 months are eligible to work with the SBO RTWC for return to work assistance.

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			When looking for options beyond the employee's own job, the SBO RTWC and employing organization shall consider the employee's abilities, anticipated absence duration, training and experience. If placement cannot be accommodated, the employing organization must provide a written explanation to the SBO RTWC. If an employee's disability/illness/injury prevents them from returning to their previous position, the SBO RTWC can assist in finding another position within their employing organization, based upon the employee's qualifications and restrictions.		Clarification (General)	Not Sure	Must assist in lieu of "can assist."	Suggest keeping language as is, because "will assist" indicates that it will occur all of the time but there are scenarios where this may not happen as the employee may not want assistance.
	New content added	20.1.2.7		Added for clarification since the inception of the DIP, there has been no set timeframe for RTW assistance. As a result, there have been cases where people who were previously on LTD whose LTD terminated 5, 10 + years ago, were asking for RTW assistance. The timeframe of 36 months was chosen by SBO to allow ample time for people to get other education/training if needed in order to return to work. The timeframe of 36	Clarification (General)	Not Sure	see previous response (Must assist in lieu of "can assist.")	Not clear on comment. Unable to find "can assist" in proposed language.
21.2	Individuals previously employed in a Merit position, should contact the RTW Coordinator at the Statewide Benefits Office prior to the beginning of LTD to discuss the RTW processes.	21.1.1.2	As part of the State of Delaware's DIP, the SBO RTWC provides return to work assistance to 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 36 months. 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. In order to be eligible for return to work services from LTD, the former employee must be eligible for rehire.		Clarification (General)	Not Sure		
21.8	If an LTD beneficiary is offered a position for which the employee is qualified and the employee declines the position, RTW assistance will terminate.	21.1.1.7	If an LTD beneficiary is offered a position for which the employee is qualified and the employee declines the position, LTD benefits and SBO RTWC assistance may be suspended, terminated, or denied.	Information added for clarification	Clarification (General)	Disagree	This appears to be a substantive change and not a clarification	This is not a change in practice. Additional language was added to this document to provide clarification.
21.9	Individuals are not required to have been approved or be approved for LTD to receive RTW services from the Statewide Benefits Office.	Remove		Clarified in this regulation that RTW assistance by the SBO RTWC is provided to those currently on an approved claim or were previously on an approved claim	Clarification (General)	Not Sure	No comment provided	We removed this language and added clarity in other places that the SBO RTWC works with individuals on an approved LTD or who were previously on an approved LTD claim within a specific period of time. Working with individuals from an "approved" claim means that they were determined by the DIP vendor to have had an approved disability. This information has been previously removed from SBO's other DIP/RTW communications and now here since we are updating the DIP R&R.

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	New content added	21.2.1.3	If an LTD beneficiary is offered a position for which the employee is qualified and the employee declines the position, LTD benefits and SBO RTWC assistance may be suspended, terminated, or denied.	Added for clarification	Clarification (General)	Not Sure	What is the existing regulation applicable here?	The existing DIP Rule (https://dhr.delaware.gov/benefits/disability/documents/rules-regulations.pdf) is 21.8 "If an LTD beneficiary is offered a position for which the employee is qualified and the employee declines the position, RTW assistance will terminate." We added "LTD benefits and SBO RTWC assistance may be suspended, terminated, or denied" because it provides clarification of current practices.
	New content added	23.0	Stay at Work Assistance	Added for clarification on "Stay at Work Assistance" process	Clarification (General)	Not Sure	For all items in this section, during the recent DIP bid process there was much discussion of utilizing the DIP provider resources to provide funding for accommodations to keep employees in the workplace. Should the DIP provider be mentioned in these sections?	The selected DIP vendor does not provide funding for accommodations.
	New content added	23.4	The SBO RTWC coordinates with the employee's Human Resource/Benefits Office and organization's ADA coordinator (or designee) to identify possible reasonable accommodations that would allow the employee to remain in their current position performing their essential functions.	Added for clarification on "Stay at Work Assistance" process	Clarification (General)	Not Sure	change to SBO RTWC works with	Will change to "SBO RTWC works with..."