

**WORKPLACE WELLNESS POLICY AND PROCEDURES
FREQUENTLY ASKED QUESTIONS (FAQs)**

DHR-STW-Q #: To be assigned.	Authority: 29 Del. C. § 9003D. General powers and duties.
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The content in these Frequently Asked Questions (FAQs) applies to State of Delaware (State) Executive Branch agency employees. Other employers of State personnel may choose to adopt the [Workplace Wellness Policy and Procedures](#) as well as the provisions in this FAQs. Non-Executive Branch agency personnel should contact their supervisor to determine whether their employer has adopted these provisions. **Employees should direct questions or concerns to their supervisor or agency Human Resources representative.**

1. Why was the Workplace Wellness Policy and Procedures created and how did it come about?

In 2017, Governor John Carney released the [Action Plan for Delaware](#), which included recommendations to help the State of Delaware achieve goals related to its economy, education system, workforce, health care system, and more. One of the objectives noted in the action plan was “Improve health outcomes and reduce health costs for all Delawareans.” A suggested action item under this objective, identified for the Delaware State Employee Benefits Committee (SEBC) and the Department of Human Resources (DHR), was to “Investigate ways to incentivize better health and wellness among State employees.” Promoting employee health and well-being is a component of the mission statement of the SEBC’s [Group Health Insurance Plan \(GHIP\) Strategic Framework](#). The Statewide Benefits Office (SBO) functions as the “administrative arm” of the SEBC.

At the request of Governor John Carney, the [Cancer Risk Reduction Committee](#) of the [Delaware Cancer Consortium](#) took responsibility for developing a strategy for implementing priority initiatives. This request led to the development of the [Healthy Lifestyles Subcommittee \(HLSC\)](#), which was tasked with studying and recommending policies that could positively influence healthy lifestyles for Delawareans. Lieutenant Governor Bethany Hall-Long and Dr. Karyl Rattay of the Delaware Division of Public Health (DPH), co-chaired the HLSC. A representative from SBO, DHR participated in the HLSC as a member and shared with the HLSC a draft of a comprehensive Workplace Wellness Policy for Executive Branch agencies. In January 2021, the HLSC produced its [final report](#) with policy recommendations, which included the following related to workplace wellness:

- Create a formal workplace wellness program infrastructure for State employers. Encourage non-State employers to adopt workplace wellness program infrastructure.
- Strengthen breastfeeding supports in the workplace and other settings, including anti-discrimination protections.

The policy recommendation related to creating a formal workplace wellness program infrastructure for State employers, was to build upon the existing draft of the Workplace Wellness Policy by working with key stakeholders (i.e., HLSC members, leadership, organization Human Resources Leads, DPH, etc.) to continue the development and implementation of the policy. The goals of the

policy recommendation were to (1) create a Workplace Wellness Policy for the State workforce that included language on equity to protect workers from inequitable impact and that reflected the Centers for Disease Control and Prevention (CDC) Workplace Health Model, (2) memorialize Delaware’s recent healthy vending policies, healthier food, and snack guidelines, and (3) address behavioral health. It was recommended that State agencies adopt the policy first, then expand by working with school districts, charter schools, and higher education (Delaware Technical Community College and Delaware State University) to adopt similar policies for their employees.

Upon the release of the HLSC’s final policy recommendations, SBO, DHR worked with DPH’s Physical Activity, Nutrition, and Obesity Prevention Program (PANO) under the statewide [Advancing Healthy Lifestyles initiative](#), to implement the recommendations related to workplace wellness for State employees. With the support of the DPH-contracted vendor, Mathematica, SBO, DHR and PANO formed the Workplace Wellness Policy Workgroup, which included representatives (HR Leads or their designees) from Executive Branch agencies across the State, as well as the Office of the Governor. Together, the workgroup continued to develop the Workplace Wellness Policy and Procedures, a statewide policy that provides guidance on the foundation and infrastructure for Executive Branch agencies to establish and maintain workplace wellness initiatives.

The development efforts entailed gathering input from the Workplace Wellness Policy Workgroup and reviewing available policies and documents from several states. The workgroup consulted representatives from a small sample of these states about their experiences implementing their workplace wellness policies and the Team Lead of Workplace Health Programs at CDC, who has direct knowledge of workplace wellness initiatives and best practices across all states. These individuals provided feedback on the policy and participated in a subject matter expert panel at a workgroup meeting, and this feedback was used to update the policy draft. As part of the policy development efforts, a standardized Liability Waiver for Participation in Workplace Fitness Activities and Media Release Form, as well as a comprehensive Workplace Wellness Toolkit, were also created. In support of the policy recommendation from the HLSC around strengthening breastfeeding supports in the workplace, the [Pregnant Workers Fairness Act Guidelines](#) are referenced in the associated policy/regulations/information section of the Workplace Wellness Policy, in addition, a section on Lactation Support was included in the [Workplace Wellness Toolkit](#).

2. What is the purpose of the Workplace Wellness Policy and Procedures?

The [Workplace Wellness Policy and Procedures](#) provides guidance on the foundation and infrastructure for Executive Branch agencies to establish and maintain workplace wellness initiatives.

3. Who does the Workplace Wellness Policy and Procedures apply to?

This policy applies to Executive Branch agency employees. Casual/seasonal employees may be approved for wellness initiatives based on operational needs and agency discretion. Delaware’s Legislative Branch, Judicial Branch, Elected Offices, School Districts, Charter Schools, Delaware Technical Community College, Delaware State University, and Non-State Participating Groups (e.g., University of Delaware, towns, and cities) may elect to adopt the policy and take responsibility for administering the policy with their employees.

4. Does the Workplace Wellness Policy and Procedures *require* agencies to develop and offer wellness initiatives for their employees?

No, wellness initiatives are offered at the agency discretion and are not an employee entitlement or right. The [Workplace Wellness Policy and Procedures](#) provides guidance on the foundation and infrastructure for Executive Branch agencies to establish and maintain workplace wellness initiatives if they wish to do so.

5. What does “agency” mean as mentioned in the Workplace Wellness Policy and Procedures?

An agency as a whole is permitted and encouraged to develop wellness initiatives that are based on the needs, wants, health status, and risks of their specific employee population. Wellness initiatives offered at an agency’s department, division, or section level should align with the agency’s overall position, plan, and goals surrounding employee workplace wellness.

6. Which types of incentives/gifts are agencies allowed to provide to employees as part of their workplace wellness infrastructure?

Cash gifts include cash/check, gift cards, and gift certificates and should **not** be offered as an incentive due to tax implications for employees.

Non-cash awards or incentives/gifts not to exceed \$75.00 in value may be provided to individual employees for participation in wellness activities, achievement of specific goals, or adherence to a personalized wellness program. Some examples of non-cash incentives/gifts include water bottles, lunch bags, fruit baskets, trophies or plaques, t-shirts, and health-related items (e.g., resistance bands and pedometers). Any funding to purchase the non-cash incentives/gifts shall come from available agency sources and must include approval by the agency’s leadership and fiscal unit. Agencies may also accept donated or sponsored non-cash incentives/gifts not to exceed \$75.00 in value from private/public entities to provide to their individual employees and are encouraged to consult with their legal counsel on the specifics.

7. Why is it recommended in the Workplace Wellness Policies and Procedures that vending machines in State buildings with food products offer healthy options that comprise at least 40% of all options offered?

In 2017, Governor John Carney released the [Action Plan for Delaware](#), which included recommendations to help the State of Delaware achieve goals related to its economy, education system, workforce, health care system, and more. One of the objectives noted in the action plan was “Improve health outcomes and reduce health costs for all Delawareans.” A suggested action item under this objective, identified for the Department of Health and Social Services (DHSS), was to “Provide healthier food and beverage options in the vending machines within State agencies and service centers.”

Since 2017, the Delaware Health and Social Services (DHSS) Division of Public Health (DPH) has been working with the Division for the Visually Impaired (DVI), the Blind Vendor Committee within the Business Enterprise Program, and Canteen Vending Services to implement healthy vending product offerings on State property. Currently, 40% of products in all vending machines from the

Blind Vendor Committee are healthy, and Canteen Vending Services offers a minimum of 40% healthy selections in all of its vending machines on State property. The Healthy Vending Initiative improved the nutritional quality of foods in vending machines, resulting in healthier product offerings across the State and increased sales of healthier items. Not all State buildings have vending machines operated by DVI, but those that do have conformed to the 40% ratio based on contractual language.

One of the goals of the Workplace Wellness Policy, as defined in the [final report](#) of the Healthy Lifestyle Subcommittee, was to “memorialize Delaware’s recent healthy vending policies, healthier food, and snack guidelines.” As a result, healthy vending guidelines based on Delaware’s Healthy Vending Initiative were included in the policy.

8. How should agencies handle “employee use of time” for participation in workplace wellness initiatives?

Benefits of workplace wellness initiatives for employers and employees include reduced health risks and improved health status and quality of life among employees, lower health care costs, improved productivity, morale, and retention, and reduced unplanned absences from illness or injury. Because of the combined benefit to both employees and the State, participation in workplace wellness initiatives is encouraged wherever operationally feasible. Workplace wellness initiatives are options offered at the agency’s discretion and are not an employee entitlement or right.

Agencies should consider how they will handle employee use of time for participation in workplace wellness activities, prior to implementing the initiatives. At the discretion of supervisors or appropriate agency management, employees may be allowed to flex their time to participate in workplace wellness initiatives. Employees may request to flex their regular work schedule on the day of a wellness activity (e.g., Employee works from 8:00 a.m. to 4:30 p.m. and the wellness activity is scheduled for 4:00 p.m. The employee may request to work 7:00 to 3:30 p.m. that day to prepare and participate in the wellness activity.). Leave per the [Merit Rules](#) may be utilized if eligible and applicable.

9. Should agencies provide alternatives for employees unable to participate in wellness activities offering incentives for participation?

A critical step in planning a workplace wellness initiative is taking the time to assess an employee population’s health needs and interests to ensure wellness activities are equitable and accessible. Whenever possible, alternatives should be considered for employees unable to participate in wellness activities offering incentives for participation.

10. How and when should agencies use liability waivers for employees participating in workplace physical fitness activities?

Agencies must obtain signed liability waivers from employees prior to them participating in:

- Any physical fitness activities occurring at State facilities (facilities and properties owned or leased by the State)
- Any “agency-sponsored” physical fitness activities occurring while teleworking

Copies of completed waivers should be provided to agency Human Resources offices and shall be retained in the employee's personnel files.

Examples of "agency-sponsored" physical fitness activities include exercise classes/demonstrations/breaks, 5K run/walk teams, or physical activity challenges that are permitted/offered/promoted by the agency to employees. Liability waivers are not required for employees who engage in "non-agency sponsored" physical fitness activities while teleworking (e.g., employees who use their lunch time to complete a workout in their house, neighborhood, or local gym - not related to any "agency-sponsored" wellness initiative).

The DHR [Liability Waiver for Participation in Workplace Fitness Activities](#) was created to provide a standardized, approved form for use across Executive Branch agencies for employees participating in physical fitness activities. The liability waiver can be completed/signed electronically or printed and handwritten.

Note: Agencies who have their own existing liability waiver should consult with their legal counsel regarding continued use of their liability waiver and/or adoption of the DHR Liability Waiver for Participation in Workplace Fitness Activities.

11. How and when should agencies use release forms to obtain consent from employees for the use of information (e.g., wellness testimonials) in print and electronic communications?

Wellness testimonials and success stories are a great way to celebrate the positive accomplishments achieved by employees and agencies, as well as to encourage others.

Prior to the use and publishing of employee photographs, video recordings, written testimonials, and/or digital recordings in print (e.g., posters and flyers) and electronic communications (e.g., websites and social media posts) by an agency:

- A. The employee must be made aware and agree to the information that will be used and how it will be used, including which communication channels (print and/or electronic).
- B. A signed release form must be obtained from the employee providing permission for the agency to use the agreed upon information.

Copies of completed release forms should be provided to agency Human Resources offices and shall be retained in the employee's personnel files. It is recommended that agencies attach to the form any correspondences (e.g., email) where the employee provides their approval of the specific information that will be used and provide to the agency Human Resources offices.

The DHR [Media Release Form](#) was created to provide a standardized, approved form for use across Executive Branch agencies who wish to use employee information in print and electronic communications. The release form can be completed/signed electronically or printed and handwritten.

Note: Agencies who have their own existing release form should consult with their legal counsel regarding continued use of their release form and/or adoption of the DHR Media Release Form.

12. What is the Workplace Wellness Toolkit?

The Workplace Wellness Toolkit is intended to assist Executive Branch agencies with implementation of the [Workplace Wellness Policy and Procedures](#). This toolkit offers best practices for employers, tips, tools, and shareable resources **(with quick links to additional information)** related to workplace wellness, including organizing and planning workplace wellness initiatives and on a variety of health and wellness topics, such as physical activity, healthy eating, mental health and wellness, chronic condition prevention and management, and more. The toolkit can be viewed online or printed (references with website addresses are included at the end of the toolkit document).

ADDITIONAL RESOURCES:

[Workplace Wellness Policy and Procedures](#)

[Liability Waiver for Participation in Workplace Fitness Activities](#)

[Media Release Form](#)

[Workplace Wellness Toolkit](#)