



STATEWIDE BENEFITS OFFICE

Return to Work Guidelines

Current or Former employees enrolled in the
Disability Insurance Program

What is the Return to Work (RTW) Program?

- The Return to Work Program is *legislated* and can be found in Delaware Code, TITLE 29, State Government Public Officers and Employees, CHAPTER 52A. DISABILITY INSURANCE PROGRAM, § 5257. Return to work.
- The RTW program is available to eligible employees prior to or during Short Term Disability (STD) or eligible former employees during Long Term Disability (LTD) or after the exhaustion of the STD benefit period.
- Employees and former employees may contact the RTW-C at returntowork@state.de.us or 302-672-5162 for assistance at any time prior to or during STD, LTD or after the exhaustion of the STD benefit period.

Who is eligible to receive RTW services?

Any merit, former merit, non-merit or former non-merit employee enrolled in the Disability Insurance Program (DIP).

Return to Work (RTW) during Short Term Disability (STD)

- Please contact the State of Delaware's Return to Work Coordinator (RTW-C) at returntowork@state.de.us or 302-672-5162 for assistance with returning to work or with questions regarding the RTW process.
- When released to return to work and require temporary modifications, light duty or transitional work, the RTW-C will contact the employee's agency or district to determine if modified or transitional duty is available and appropriate.
- If the agency or district is able to accommodate the modified, light duty or transitional work, the employee is required to return to work at that time.

Return to Work/Rehire - Former Merit Employees enrolled in the DIP

- If previously employed in a merit position please contact the Return to Work Coordinator (RTW-C) for assistance with returning to work/rehire at returntowork@state.de.us or 302-672-5162.
- When requesting RTW services, the RTW-C will contact the previous employing organization to obtain a Performance/Conduct Recommendation to determine the former employee's eligibility for return to work services.
- The recommendation is reviewed by the RTW-C and forwarded to Labor Relations of the Office of Management and Budget for a final determination.

Performance Conduct Recommendation Former Merit Employees Only

State of Delaware - Return to Work Policy – Former Merit Employees

PURPOSE

The purpose of this policy is to establish and apply consistent standards in accordance with 29 Del.C. Section 5257 as it relates to placing former Merit employees into vacant positions consistent with a release to return to work from Long Term Disability.

POLICY

Placement for individuals who are released to return to work following Long Term Disability will initiate at the agency with whom they were employed prior to their Long Term Disability.

Upon receipt of a return to work authorization, the Return to Work Coordinator will contact the prior employing agency to determine whether there are any vacant positions available, and to request the agency complete a Performance/Conduct Recommendation. The prior employing agency shall submit the completed Performance/Conduct Recommendation to the Return to Work Coordinator. If the Performance/Conduct Recommendation reveals documented performance or conduct deficiencies, the prior employing agency may request that the individual not be rehired.

If the Office of Management and Budget determines that the individual's performance or conduct deficiencies make it inappropriate for the individual to be rehired, the individual will be informed of this in writing by the Return to Work Coordinator and provided the reasons for this determination.

If the Office of Management and Budget determines that it is appropriate for the individual to be rehired, the Return to Work Coordinator along with the employee will receive full cooperation from the prior employing agency to determine if there are any vacant positions for which the individual qualifies.

If there are no vacancies in the prior employing agency, the Return to Work Coordinator will research other vacant Merit positions for which the individual may apply, qualify and be placed in accordance with Title 29, Section 5257(b)(1).

Delaware Code - RTW Former Merit Employees enrolled in the DIP

Title 29, Chapter 52A, Section 5257 provides:

- (b) Once an individual has been determined to have the ability to return to employment by the committee, the individual will receive the following assistance:
- (1) Former merit employees enrolled in and previously deemed eligible for the Long-Term Disability Program may, when available and appropriate, be placed by the Office of Management and Budget in any merit position, for which they qualify without a certification list, as long as the paygrade does not exceed their paygrade at the time of their acceptance into and eligibility for the Short-Term Disability Program. Exceptions to the paygrade limitation may be made for vacancies for which a documented shortage of qualified applicants exists.

Return to Work/Rehire - Former Non-Merit Employees enrolled in the DIP

- If previously employed by a school district, charter school, institution of higher education or a non-merit employee employed in a merit agency, please contact the Human Resource department of the previous school/agency for placement.
- Although the RTW-C may not place a former non-merit employee into a non-merit position within another agency/district, assistance is still available for placement with the previous employer.
- The RTW-C may be reached at returntowork@state.de.us or 302-672-5162

Delaware Code - RTW Former Non-Merit Employees enrolled in the DIP

Title 29, Chapter 52A, Section 5257 provides:

- (b) Once an individual has been determined to have the ability to return to employment by the committee, the individual will receive the following assistance:
- (2) Former nonmerit employees enrolled in and previously deemed eligible for the Long-Term Disability Program will be placed by their previous employer into a vacant position within their respective agency for which they qualify.

Questions?

- returntowork@state.de.us
- 302-672-5162

Website:

www.ben.omb.delaware.gov