

WORKPLACE WELLNESS POLICY AND PROCEDURES

DHR-Policy #: To be assigned.	Authority: 29 Del. C. § 9003D. General powers and duties.
Effective Date: June 10, 2022	Supersedes: N/A
Application: Executive Branch Agencies	Signature: <i>Claire M. Matthews</i>

1. Policy Purpose Statement

The Workplace Wellness Policy provides guidance on the foundation and infrastructure for Executive Branch agencies to establish and maintain workplace wellness initiatives. Workplace wellness initiatives focus on promoting a healthy lifestyle — including exercise, healthy eating, tobacco cessation, and preventive care — as well as supporting employees’ social and emotional wellness — including stress management and mental health. As the state’s largest public employer, the State of Delaware, has a responsibility to lead by example by promoting a culture of health; reducing health care costs, unplanned absences, and disability and workers’ compensation claims; improving health-related productivity; and enhancing morale and staff retention.

2. Scope

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.

3. Definitions and Acronyms

- **Absences** – Absences are when employees are not working during their regularly scheduled hours or other hours that the employee has agreed to work. Absences may be planned (e.g., annual leave) or unplanned (e.g., due to illness or injury).
- **Agency Leadership** – Agency head or their chosen designee for decision-making purposes.
- **Culture of Health** – Creation of a working environment where employee health and safety are valued, supported, and promoted through workplace wellness initiatives, policies, benefits, and environmental supports. Building a culture of health involves all levels of the organization and establishes the workplace wellness initiative as a routine part of business operations aligned with overall business goals.

- **Diversity, Equity, and Inclusion** – Diversity is the practice or quality of including or involving people from different social and ethnic backgrounds and of different genders, sexual orientations, etc. Equity in the workplace refers to fair treatment in access, opportunity, and advancement for all individuals. Inclusion is the act or practice of including and accommodating people who have historically been excluded (because of their race, gender, sexuality, or ability). The State of Delaware is an Equal Opportunity employer and values a diverse workforce. We strongly encourage and seek out a workforce representative of Delaware including race, color, religion, age, sex, national origin, disability status, genetics, protected veteran status, sexual orientation, gender identity, or expression.
- **Fitness Activities** – Any level of physical activity which requires participation in an organized session and/or use of fitness equipment at the workplace.
- **Health Education** – Learning opportunities designed to encourage or promote the adoption of healthy behaviors.
- **Health Equity** – Assuring that every person has a fair and just opportunity to be as healthy as possible. This requires removing obstacles from individuals achieving their full health potential due to their social position or other socially-determined circumstances.
- **Healthy Lifestyle** – A lifestyle, which includes activities and habits, that encourages the development of total physical, mental, and spiritual fitness and reduces the risk of major illness.
- **Health Status** – The state of health, such as the prevalence of diseases or health conditions, of an individual, group, or population.
- **Health-Related Productivity** – A measure of employee work output impacted by the employee’s health status.
- **Personally Identifiable Health Information** – Information, including demographic data, that relates to the individual’s past, present, or future physical or mental health condition and the provision of health care to the individual.
- **State Facilities** – Any facilities or properties owned or leased by the State.
- **Trauma-Informed Care** – An intervention and organizational approach that focuses on the widespread impact of trauma on employees’ lives by recognizing the signs and symptoms of trauma; fully integrating knowledge about trauma into policies, procedures, and practices; actively promoting resilience and self-care; and resisting re-traumatization. There are four levels of the trauma developmental framework: Trauma-Aware, Trauma Sensitive, Trauma-Responsive, and Trauma-Informed.

- **Wellness Activities** – Events, campaigns, or programs specific to workplace wellness, which agencies offer as part of their wellness initiatives.
- **Wellness Initiative** – Formalized workplace wellness efforts at the agency level.
- **Wellness Plan** – Plan that details how an agency’s wellness initiative and related wellness activities will be organized and implemented.
- **Workplace** – The location where employees conduct official State business during their scheduled hours of employment. This may include an on-site location, an alternate location, or may be a combination of the two.

4. Policy

Agencies are permitted and encouraged to develop wellness initiatives that are based on the needs, wants, health status, and risks of their specific employee population. The workplace wellness initiatives should generally align with the [Centers for Disease Control and Prevention \(CDC\) Workplace Health Model](#) and address the main components of a healthy lifestyle, including but not limited to, physical activity, weight management, nutrition, condition management, tobacco use, and stress management.

- a. Some examples of voluntary wellness activities that may be incorporated into the workplace and offered as a part of an agency’s wellness initiative can be found in the [Workplace Wellness Toolkit](#).
- b. As part of the workplace wellness infrastructure, non-cash awards or incentives may be provided to individual employees for participation in wellness activities, achievement of specific goals, or adherence to a personalized wellness program. Any funding shall come from available agency sources and must include approval by the agency’s leadership and fiscal unit. There shall be no penalties for non-participation or wellness activity results.
- c. As part of physical activity at the workplace:
 - 1) Signed liability waivers must be obtained from employees prior to participating in any physical fitness activities at State facilities. Liability waivers must also be obtained for home-based State employees who are teleworking and participating in the workplace fitness activities. Completed waivers should be provided to agency Human Resources offices and shall be retained in the employee’s personnel files. The [Liability Waiver for Participation in Workplace Fitness Activities](#) may be used. Non-State facilities that house State employees (e.g., external manufacturing plants) should have their own liability waiver.
 - 2) Signs must be posted in fitness areas reminding employees that participation is at their own risk and that any unsafe conditions must be reported immediately to the designated agency contact. It is advised that directions for the safe use of equipment also be posted in the area, as well as signage of where the nearest automated external defibrillator (AED), if available, is located in the building.

- d. Employees participating in workplace wellness activities must continue to perform the essential functions of their position.
- e. Agencies that implement workplace wellness initiatives must provide equal access to wellness activities to employees at all levels and across all workplaces, encourage diversity and inclusion, and promote health equity. All employees – regardless of race, color, religion, age, sex, national origin, disability status, genetics, protected veteran status, sexual orientation, gender identity or expression, or any other category protected by applicable State and/or federal law – must have access to the same opportunities and supervisory support.
- f. Privacy interests of all participants must be protected in connection with all wellness initiatives and data. It is required by law to maintain the privacy and security of personally identifiable health information. Personally identifiable health information that is provided in connection with the wellness activities will not be provided to the employee’s supervisor or manager, will not be used to make decisions regarding employment, and shall only be retained in the employee’s confidential medical file according to the applicable retention schedule. Information stored electronically will be encrypted.
- g. Employee health information will not be sold, exchanged, transferred, or otherwise disclosed except to the extent permitted by law to carry out specific activities related to the wellness activities. Employees will not be asked or required to waive the confidentiality of their health information as a condition of participating in the wellness activities.
- h. Employees must not be discriminated and retaliated against because of the health information they provide as part of participating in the wellness activities. Employees who choose not to participate must not be discriminated and retaliated against. Participation and non-participation in wellness activities will not adversely affect an employee’s eligibility for advancement or any other employee right or benefit.
- i. Wellness initiatives are offered at the agency discretion and are not an employee entitlement or right.
- j. Agencies must continue to implement existing policies and procedures for protecting employees from work-related health and safety hazards. If agencies do not have existing policies or procedures, they should consider steps that can be taken to address occupational health and safety, such as providing educational materials about health and safety at work; or implementing a system through which employees can report uncomfortable, unsafe, or hazardous working conditions.
- k. Prior to use of employee photographs, video recordings, social media posts, written testimonials, and/or digital recordings in print and electronic communications, a signed release form must be obtained from employees. Completed forms should be provided to agency Human Resources offices and shall be retained in the employee’s personnel files. The [Media Release Form](#) may be used.

5. Procedures

This section details a model approach based on best practices that agencies may adopt for their own workplace wellness initiatives. Agencies have the flexibility to adopt all or some of the practices detailed below, based on their agency's and employees' unique needs and preferences.

- a. **Agency Wellness Leader:** Agency leadership may designate a Wellness Leader(s) who has direct access to leadership. In collaboration with agency management, departments, and employees, this individual would be responsible for creating and coordinating workplace wellness plans and activities, overseeing the development and maintenance of an employee wellness committee, providing ongoing assessment of the effectiveness of the initiative, and directing employees to wellness resources. The Wellness Leader also would participate in a Department of Human Resources (DHR) cross-agency wellness committee to network with Wellness Leaders from other agencies. The Wellness Leader would fulfill this position in addition to their usual work.
- b. **Agency Wellness Committee:** In addition to the designation of a Wellness Leader(s), agencies may develop a wellness committee to increase employee participation and sustain a successful initiative. A wellness committee is a team of employees who meet formally and have identified objectives, goals, and strategies to encourage healthy behaviors at the workplace and establish health-friendly work environments, led by the Wellness Leader. The committee should encompass a cross-section of the employee population who are interested in promoting workplace wellness. Multiple committees may be necessary depending on the size and number of departments and locations of the agency. Wellness committee members would fulfill these positions in addition to their usual work.
- c. **Department of Human Resources (DHR) Wellness Coordinator and Cross-Agency Committee:** The DHR Secretary may designate a Wellness Coordinator(s) within DHR to oversee the creation and maintenance of a cross-agency wellness committee, through which Wellness Leaders from the various agencies can communicate with one another to share and learn best practices, communicate progress about their respective agencies, and determine opportunities for collaboration and branding. The DHR Wellness Coordinator(s) should conduct the cross-agency committee's meetings, maintain the [Workplace Wellness Toolkit](#), and fulfill their responsibilities during regular work hours.
- d. **Designing an Employee Workplace Wellness Infrastructure:**
 - Agencies are encouraged to identify measurable wellness goals and objectives to include in their strategic plans, as appropriate.
 - Use available resources within State government and free/discounted services from the private sector, as much as possible. This includes the [Workplace Wellness Toolkit](#), a resource document on the DHR website that aims to facilitate agencies in developing and maintaining workplace wellness initiatives by centralizing information on best practices, tools, and resources.

- Non-cash incentives/awards may be provided as noted in the policy section of this document.
 - Agencies, to the extent possible, should make computers available to employees in order to facilitate health education and maximize use of online resources.
 - Agencies and departments are encouraged to collaborate by coordinating initiatives and sharing ideas/resources. This is especially true for those agencies with 24/7 facilities, whose employees have unique programming and communications needs.
 - In addition to activities and services, agencies are encouraged to consider changes to policies or the physical environment that support employee wellness.
- e. **Quality Monitoring and Evaluation:** Agencies should have a plan for routinely monitoring the quality of wellness activities. This consists of creating a monitoring and evaluation plan, collecting information on the implementation of health and wellness activities, and discussing findings with the agency staff.
- f. **Increasing Employee Levels of Physical Activity in the Workplace:**
- 1) Designation of space for wellness activities, including exercise, in State owned and leased office space may be permissible and encouraged. Permission to use designated office space for a wellness or fitness area must be requested from agency leadership.
 - 2) As noted in the policy section of this document, signed liability waivers must be obtained and signs must be posted in fitness areas.
- g. **Improving Access to Healthier Food Options in the Workplace:**
- 1) Agencies are encouraged to adhere to the following nutrition guidelines when offering a meal or snack at meetings, trainings, and conferences –
 - Provide reduced-fat, low-sodium, and nutrient dense food options such as fruit, vegetables, whole grains, low-fat or nonfat dairy and lean protein.
 - For entrees and side dishes served, offer baked, grilled, or broiled options.
 - Offer reduced-fat versions of condiments (i.e., salad dressings, mayonnaise, cream cheese, sour cream, dips). Provide condiments on the side.
 - Serve low-or nonfat milk (1% or skim), 100% fruit juice, water, unsweetened hot or iced tea or diet soda as options.
 - Include a vegetarian option at all meals.
 - 2) Vending and Food Service – State entities are encouraged to make available healthy snacks/foods at catered events, in cafeterias, and in snack bars. Clear identification of healthy snacks is strongly encouraged. It is recommended that vending machines in State buildings with food products offer healthy options that comprise at least 40% of all options offered. Procurement with external vendors for catered events may specify healthy options to be included for prepared foods and drinks.
 - 3) Food Storage and Preparation – Equipment to support food preparation and storage (e.g., sinks, refrigerators, microwaves) are encouraged to support employees in bringing healthy lunches and snacks to work.
 - 4) Agencies and Wellness Leaders are encouraged to form partnerships with local farmers to increase the offering of healthy, locally sourced foods to employees. This could be achieved through the facilitation of regular on-site farmer’s markets, the development of a local produce delivery service, advertising local food cooperatives, and more.

- h. **Enhancing Mental Wellness in the Workplace:** To promote a culture of health at the workplace, agencies should encourage employees to complete training related to stress management at least annually, as well as support employees completing training on trauma-informed care. Agencies should encourage managers and supervisors to complete training on empathy, communication and listening skills, and emotional intelligence at least annually. In addition to training available in the [Delaware Learning Center](#), the State's contracted Employee Assistance Program (EAP) vendor offers free workshops (onsite or virtual). View the EAP [Training Catalog \(Workshops\)](#) for a listing of available topics. Requests for EAP training must come from agency Human Resources offices, managers/supervisors, or training administrators. Each agency Human Resources office has the discretion to delegate which staff in their organization can request EAP training.
- i. **Promoting Financial Wellness:** There are tools and resources available to help State employees take control of their finances and lead a happy, healthy life. Refer to the [DHR Financial Wellness Resources Page](#).
- j. **Occupational Health and Safety:** Agency Human Resources offices may request ergonomic evaluations for employees (fees may apply) and safety/risk management trainings by contacting the Insurance Coverage Office (ICO) at inscov@delaware.gov.
- k. **Employee Use of Time:** 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.

6. Exclusions or Exceptions

- Participation in wellness activities is completely voluntary. There will be no ramifications for employees choosing not to participate in wellness activities. Moreover, the State is not liable for injuries sustained to employees during their participation in these nonwork related wellness and fitness activities. As a general reference, an injury that occurs before work, after work, or during non-paid time during employees' regular workday is not compensable.
- Whenever possible, alternatives should be considered for employees unable to participate in wellness activities offering incentives for participation. Agencies with 24/7 facilities should offer wellness activities and communications equitably to all employees and across all shifts.
- For outside vendors who are not currently contracted with the State, agencies and departments must comply with all State procurement and insurance requirements before vendor(s) can provide programs or activities at State facilities and/or at any location on behalf of the State.

7. Dissemination and Training

- Employees are to acknowledge their review of this policy within 30 days of request from the Delaware Learning Center.

8. Data Reporting

- Any medical information obtained from an employee as a result of their participation in a wellness activity will be kept confidential. All surveys administered that collect data on wellness activity participants may be completed anonymously.
- All agencies are encouraged to complete the [CDC Worksite Health ScoreCard](#) at the start of their wellness initiatives, as well as on an annual basis going forward. The ScoreCard is a tool that helps employers assess whether their workplace offers evidence-based health promotion programs, policies, benefits, and environmental supports to employees. The ScoreCard should take approximately one hour to complete, and agencies may have multiple employees complete it together. Agencies are also encouraged to complete the [CDC National Healthy Worksite Program Health and Safety Climate Survey](#) at the start of their wellness initiatives.
- The Statewide Benefits Office (SBO) provides annual score cards to agency leadership which contains aggregate data (e.g., utilization, screening rates, site of care usage, and condition prevalence) for their agency's employees who are enrolled in a State health plan. Benchmark comparisons against other State agencies and the State overall are included. Agencies are encouraged to act on the areas of opportunity in the score card by incorporating them into their wellness plans, activities, and communications.

9. Associated Policy/Regulations/Information

Workplace wellness initiatives must be open and accessible to all interested employees, in compliance with Equal Employment Opportunity laws and disability accommodation requirements.

- [Alternative Work Arrangement \(AWA\) Policy and Procedures](#)
- [American With Disabilities Act \(ADA\) Policy](#)
- [DHR Financial Wellness Resources Page](#)
- [DHR Policies and Procedures](#)
- [Drug-Free Workplace](#)
- [Notice Regarding Wellness Program](#)
- [Pregnant Workers Fairness Act Guidelines](#)
- [Tobacco-Free Indoor Workplace Policy](#)
- [U.S. Equal Employment Opportunity Commission](#)
- [Workplace Violence Policy](#)

10. Appendices and Forms Associated with this Policy

- [CDC National Healthy Worksite Program Health and Safety Climate Survey](#)
- [CDC Workplace Health Model](#)
- [CDC Worksite Health ScoreCard](#)
- [Employee Assistance Program \(EAP\)](#)
- [Liability Waiver for Participation in Workplace Fitness Activities](#)
- [Media Release Form](#)
- [Workplace Wellness Toolkit](#)
- [Workplace Wellness Policy and Procedures Frequently Asked Questions \(FAQs\)](#)

11. Policy Owner

Division Name: Statewide Benefits Office (SBO)
Policy Administrator: State Human Resource Administrator
Website: <https://dhr.delaware.gov/benefits>

This policy is not intended to create any individual right or cause of action not already existing and recognized under State and Federal law. If there is a conflict with, i.e., the law or regulation and this policy, the law and/or regulation govern.