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| **WORKPLACE WELLNESS POLICY (DRAFT)** | |
| **Policy # To be assigned** | **Authority:** |
| **Effective Date:** | **Supersedes: N/A** |
| **Application: Executive Branch Agencies** | **Signature:** |

**STATE OF DELAWARE**

1. **POLICY PURPOSE STATEMENT**

State agencies and departments are permitted and encouraged to develop and maintain workplace wellness initiatives for their employees. The workplace wellness initiatives should focus on the main components of a healthy lifestyle, including physical activity, healthy eating, weight management, tobacco cessation, stress management and preventive care. Workplace wellness initiatives help employees adopt healthier lifestyles and reduce their risk of developing chronic disease. These initiatives also benefit the State by creating a culture of health, reducing health care costs, decreasing absenteeism, increasing productivity, reducing disability and workers’ compensation claims, and enhancing morale and retention of staff. In addition, families of employees are likely to experience positive benefits resulting in better health for families and the community.

1. **SCOPE**

This policy applies to all agencies and employees in the executive branch departments.

1. **DEFINITIONS AND ACRONYMS**

* **Absenteeism** – The time an employee spends away from work. Absences can be scheduled (e.g. vacation time) or unscheduled (e.g., due to illness or injury).
* **Culture of Health** – Creation of a working environment where employee health and safety is valued, supported and promoted through workplace health programs, policies, benefits, and environmental supports. Building a Culture of Health involves all levels of the organization and establishes the workplace health program as a routine part of business operations aligned with overall business goals.
* **Health Education** – Learning opportunities designed to encourage or promote the adoption of healthy behaviors.
* **Health Status** – The state of health such as the prevalence of diseases or health conditions of an individual, group, or population.
* **Non-Pay Status** – Before work, after work and non-paid time during the normal workday.

* **Productivity (Health-Related)** – A measure of worker output impacted by the worker’s health status.

1. **POLICY**
2. Agencies and departments are permitted and encouraged to offer wellness programs that are based on the needs, wants, health status and risks of their specific employee population.
3. Some examples of wellness initiatives that may be incorporated into the workplace are -
   1. Online health risk assessments available through the State’s health plan vendors
   2. Screenings
   3. Flu Shot Clinics
   4. Seminars and Workshops (examples noted below)
      1. Available through the State’s contracted Employee Assistance Program (EAP) vendor
      2. Diabetes Prevention Program (DPP) information sessions and classes available through the State’s contracted DPP vendor
      3. Self-Management Workshops offered through Delaware’s Division of Public Health (DPH)
   5. Health fairs
   6. Employee interest surveys
   7. Exercise classes
   8. Challenges – walking/fitness and or weight loss/management
   9. Organizing teams for a 5K run/walk
   10. Encouraging the integration of healthy activities into the workplace (i.e., taking the stairs instead of the elevator)
   11. Communication of programs, services and events available through the Statewide Benefits Office (SBO)
   12. Meetings “on the go” (walking meetings)
   13. Healthy food options at meetings, trainings and conferences
4. **PROCEDURES**
5. **Wellness Leader:** Each agency head shall designate a Wellness Leader(s) at the management level who has direct access to the agency head. In collaboration with agency management and employees, this individual would be responsible for creating and coordinating workplace wellness initiatives, overseeing the development and maintenance of an employee wellness committee and providing ongoing assessment of the effectiveness of the initiatives.
6. **Wellness Committee:** The development of a wellness committee is recommended to increase employee participation and sustain a successful program. 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. 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 locations of the agency.
7. **Committee Chair(s) and Member Responsibilities:** Committees should elect a wellness chair or co-chairs to conduct meetings and run activities. Committee members may need as much as four hours a month and the wellness chair(s) as much as six hours a month to plan and implement the agency’s wellness plan.
8. **Designing an Employee Workplace Wellness Infrastructure:**
   1. Measurable wellness goals should be contained in each agency’s strategic plan and in employee work plans, as appropriate.
   2. Use available resources within State government and free/discounted services from the private sector, as much as possible.
   3. Non-cash incentives/awards may be provided with a value of less than $75 each. Incentives may be offered to individual employees for participation in wellness activities, achievement of specific goals, or adherence to a wellness program. There shall be no penalties for non-participation or wellness activity results. Any funding shall come from agency sources.
   4. State agencies, to the extent possible, should make computers available to employees in order to facilitate health education and maximize use of online resources.
   5. Agencies and departments are encouraged to collaborate by coordinating initiatives and sharing ideas/resources.
9. **Quality and Accessibility:** Agencies and departments should have a plan for routinely monitoring the quality of wellness programs provided and employee access to programs across all worksites. The Wellness Leader would be responsible for creating the evaluation plan anddiscussing findings with the agency staff. This is to ensure all employees receive the same level of services and supervisory support.
10. **Increasing Employee Levels of Physical Activity in the Workplace:**
    1. Managers and supervisors will support employees to use breaks and lunch periods for physical activity if desired, and if feasible for the employee’s position. Employees may request a flexible schedule to engage in physical activity, including an alternate start or end time to the workday to accommodate physical activity before, during or after work.
    2. Employees will be encouraged to engage in active meetings, including taking walking meetings, providing activity breaks during meetings, and allowing for standing during meetings.
    3. Employees will be encouraged to use stairwells. Agencies and departments will place signs at the elevator directing employees to the stairs, and make stairwells more appealing for use (consider music, lighting, cleanliness, and safety).
    4. Activity Space - Designation of space for wellness activities, including exercise, in state owned and leased office space is permissible and encouraged. Permission to use designated office space in leased or state owned property for a wellness or fitness area must be requested from INSERT APPROPRIATE DEPARTMENT. Empty office space may be used on a temporary basis without permission. Approval is not required to include fitness areas as part of multi-use space such as storage, workrooms or break areas.
    5. Signed liability waivers must be obtained from employees participating in fitness activities at state facilities. Completed waivers are to be retained for three years.
    6. Signs should be posted in exercise areas reminding employees that participation is at their own risk and that any unsafe conditions should 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.
11. **Improving Access to Healthier Food in the Workplace:**
12. The following nutrition guidelines should be adhered to when offering a meal or snack at meetings, trainings and conferences -
    * 1. Provide reduced-fat, low-sodium and nutrient dense food options such as fruit, vegetables, whole grains, low-fat or nonfat dairy and lean protein.
      2. For entrees and side dishes served, offer baked, grilled or broiled options.
      3. Offer reduced-fat versions of condiments (i.e., salad dressings, mayonnaise, cream cheese, sour cream, dips). Provide condiments on the side.
      4. Serve low-or nonfat milk (1% or skim), 100% fruit juice, water, unsweetened hot or iced tea or diet soda.
      5. Include a vegetarian option at all meals.
13. Vending and Food Service - State entities are encouraged to make available healthy snacks/foods at catered events, in vending machines, in cafeterias, and in snack bars. For example, provide at least 15 to 20 percent healthier snacks in machines. Clear identification of healthy snacks is strongly encouraged.
14. Food Storage and Preparation - Environmental accommodations for food preparation and storage (e.g. sinks, refrigerators, microwaves) are encouraged to support employees in bringing healthy lunches and snacks to work.
15. **Enhancing Mental Wellness in the Workplace:** Stress reduction and management training should be provided annually to managers and supervisors to improve their supervisory skills and to reduce conflict and stress in the workplace. Trainings should also be provided annually to employees who wish to improve their stress reduction and time management skills. The State’s contracted Employee Assistance Program (EAP) vendor offers free onsite workshops. View the [Resource Catalog (Workshops)](https://dhr.delaware.gov/benefits/eap/index.shtml) for a listing of available topics.
16. **Supporting Tobacco Cessation:** Refer to the [State’s Tobacco-Free Workplace Policy](https://dhr.delaware.gov/policies/index.shtml).
17. **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. **Agency leadership has discretion in delegating authority to approve the participation of their employees in workplace wellness activities as paid time without the use of flexible scheduling or leave.** At the discretion of department directors, employees may be required to flex their time by coming in early, staying late or working a shortened lunch hour in order to account for time. Annual leave and accrued compensatory time can be utilized if flexible scheduling is not possible.
18. **EXCLUSIONS OR EXCEPTIONS**
19. Participation in wellness activities is completely voluntary; and, therefore, the State is not liable for injuries sustained to employees during their participation in these activities. As a general reference, injury that occurs during non-pay status is not compensable.
20. Alternatives should be offered for any employees unable to participate in a wellness program offering incentives for participation.
21. For outside vendors who are not currently contracted with the State, departments must comply with all procurement and insurance requirements before vendor(s) can provide programs or activities on State property and/or at any location on behalf of the State.
22. **DISSEMINATION AND TRAINING**
23. The Agency HR office shall provide current employees a review of this policy and procedure within 30 days of its effective date and shall provide employees who are new to their respective Agencies a review of this policy and procedure within 30 days of the employee’s hire date.
24. **DATA REQUIREMENTS/REPORTING**

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. Agencies and departments may use aggregate information it collects to design a program based on identified health risks in the workplace. Never disclose any personal information either publicly or to the State of Delaware, except as necessary to respond to a request for a reasonable accommodation needed to participate in the wellness program, or as expressly permitted by law. Medical information that personally identifies an employee that is provided in connection with the wellness activities will not be provided to the employee’s supervisor or manager and may never be used to make decisions regarding employment.

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, and employees will not be asked or required to waive the confidentiality of their health information as a condition of participating in the wellness activities. Anyone who receives employee information for purposes of providing them services as part of the wellness program will abide by the same confidentiality requirements.

In addition, all medical information obtained through the wellness program will be maintained separate from employee personnel records, information stored electronically will be encrypted, and no information employees provide as part of the wellness activities will be used in making any employment decision. Appropriate precautions will be taken to avoid any data breach, and in the event a data breach occurs involving information employees provide in connection with the wellness program, you must notify said employees immediately. Employees may not be discriminated against in employment because of the medical information they provide as part of participating in the wellness activities, nor may employees be subjected to retaliation if they choose not to participate.

1. **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.
* [Americans with Disabilities Act (ADA) - Wellness Program Rules](https://jabenefits.com/2018/11/08/ada-wellness-program-rules/)
* [Notice Regarding Wellness Program](https://dhr.delaware.gov/benefits/notices/documents/notice-wellness-program.pdf)

1. **FORMS ASSOCIATED WITH THIS POLICY**

* Exercise Liability Waiver Form

*This policy is not intended to create any individual right or cause of action not already existing and recognized under State or Federal law.*