State of Delaware
Department of Human Resources
Statewide Benefits Office

STATE EMPLOYEE BENEFITS COMMITTEE

Request for Proposal
for the State of Delaware's
Short-Term and Long-Term Disability Programs

***Release Date*: June 25, 2018**

Addendum #2

July 10, 2018

DHR18002–DisabIns

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QUESTION AND ANSWERS – QUESTIONS DUE FROM VENDORS

The deadline for the questions from vendors of Friday, July 13, at 1:00 p.m. EST (local time) is changed throughout the document to **Monday, July 16, at 3:00 p.m. EST** (local time). Questions submitted after 3:00 p.m. will not be accepted.

PARENTAL LEAVE

Summary:

The Delaware General Assembly recently passed a bill providing twelve weeks of paid parental leave to employees of the State of Delaware. The bill allows full-time state workers employed for at least a year to take up to three months of paid maternity or paternity leave within a year of their child's birth. Parents who adopt a child ages six and younger also will be eligible. The effective date is April 1, 2019. Attached is a copy of the legislation.

Since the state currently administers FMLA in–house, parental leave will run concurrently with the DIP and be administered alongside FMLA. However, the following minimum requirements apply to the DIP.

16.00 Parental Leave

16.01 Please confirm that you have reviewed the legislation.

Response:

16.02 Please confirm that the intake script can be customized for claim examiners to mention the availability of parental leave and they will direct employees to call their human resources office for additional information and to file a concurrent FMLA/parental leave claim (or potentially warm transfer after the STD call is complete).

Response:

16.03 Please confirm that you will provide a monthly report to the State with key fields for all maternity claims (date of disability, date of delivery, last day worked, expected RTW, etc.). This reporting requirement is added to the *Master Report List*, Attachment 3.

Response:

16.04 Please confirm that you could add language to EOB's or other reports to prompt the organization regarding Parental leave.

Response:

16.05 Please confirm your ability to create a dedicated phone number just for State of Delaware claimants, (i.e., press 1 for maternity claim, 2 for all other claims). Once identified, please confirm how your organization could help educate the employee about their parental leave and how it can be used for their STD claim.

Response:

DATA DESTRUCTION DEADLINE

The date of September 1, 2018 in both the Non-Disclosure Agreement and in the Data Destruction Certificate is changed to January 1, 2019. Please use the form on page 123 in the Word version of the RFP and change the date.

BID SUBMISSION BY CD

The requirement for your bid submission to only be on a CD is changed to either a CD or a flash drive. CD is preferred, but a flash drive is acceptable. (Section II.C., Submission of Proposal)

SPONSOR: Rep. Heffernan & Rep. Longhurst & Sen. McDowell & Sen. Henry
Reps. Baumbach, Bennett, Bentz, Bolden, Brady, Keeley, Kowalko, Lynn, Paradee, Potter, B. Short, K. Williams; Sens. Cloutier, Hansen, Lavelle, Lopez, Marshall, Poore, Sokola, Townsend, Walsh

HOUSE OF REPRESENTATIVES
149th GENERAL ASSEMBLY

HOUSE BILL NO. 3
AS AMENDED BY
HOUSE AMENDMENT NO. 4

AN ACT TO AMEND TITLES 14 AND 29 OF THE DELAWARE CODE RELATING TO FAMILY LEAVE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Section 1333, Title 14 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1333. Paid leave for birth of a child or adoption of a child.

~~For child care purposes, a full-time or part-time employee of a reorganized school district shall be entitled to utilize accumulated sick leave upon the birth of a child of the employee or the employee's spouse, or upon the adoption by the employee of a pre-kindergarten age child for maternity leave.~~

(a) Any full-time employee or employee who has been employed by a reorganized school district, charter school or vocational school district for at least one year, shall be entitled to 12 weeks of paid leave upon the birth of a child of the employee, or upon the adoption by the employee of a child who is 6 years of age or younger.

(b) The entitlement to leave under subsection (a) of this section shall expire at the end of the 12-month period beginning on the date of such birth or adoption.

(c) Without regard to length of employment, a full-time or part-time employee of a reorganized school district, charter school, or vocational school district shall be entitled to use accumulated sick leave upon the birth of a child of the employee, or upon the adoption of a child who is 6 years of age or younger.

(d) The rights and benefits described in this section shall run concurrently with any rights and benefits available under the Family Medical Leave Act, 29 U.S.C. 2601, et. seq. for the birth and adoption of a child and Short-term disability benefit pursuant to § 5253 of Title 29 for the birth of a child.

(e) No state agency, board, department, reorganized school district, charter school, vocational school district or other employing officer or agency of this State may alter or terminate the benefits of or terminate the employment of any full-time employee as a result of taking leave pursuant to this section.

Section 2. Amend Section 5116, Title 29 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

HD : KL : APS : 5361490017
LC : HVW : NMW : 5081490210
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§ 5116. Leave of absence upon adoption of child.

(a) Any employee of the State who has been continuously employed on a full-time basis for at least 1 year at the time of application for leave under this section is entitled to 6 weeks unpaid leave upon the adoption of a minor child who is over 6 years of age. Said employee shall be entitled to be reinstated in the position held at the time of the granting of the leave of absence. Neither vacation leave nor sick leave shall be accumulated during such leave of absence without pay under this section.

Section 3. Amend Section 5120, Title 29 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 5120. Paid leave for birth of a child or adoption of a child.

~~For child care purposes, a full-time or part-time employee shall be entitled to utilize accumulated sick leave upon the birth of a child of the employee or the employee's spouse, or upon the adoption by the employee of a pre-kindergarten age child as per the rules and regulations adopted by the Merit Employee Relations Board or State Personnel Office for maternity leave. Said regulations shall be issued within 30 days of July 16, 1999.~~

(a) Any full-time employee, who has been employed by the State for at least one year, shall be entitled to 12 weeks of paid leave upon the birth of a child of the employee, or upon the adoption by the employee of a child who is 6 years of age or younger.

(b) The entitlement to leave under subsection (a) of this section shall expire at the end of the 12-month period beginning on the date of such birth or adoption.

(c) Without regard to length of employment, a full-time or part-time employee of the State shall be entitled to use accumulated sick leave upon the birth of a child of the employee, or upon the adoption of a child who is 6 years of age or younger pursuant to the rules adopted by the Merit Employee Relations Board or State Personnel Office.

(d) The rights and benefits described in this section shall run concurrently with any rights and benefits available under the Family Medical Leave Act, 29 U.S.C. 2601, et. seq. and Short-term disability benefit pursuant to § 5253 of Title 29 for the birth of a child.

(e) No state agency, board, department or other employing officer or agency of this State may alter or terminate the benefits of or terminate the employment of any full-time employee as a result of taking parental leave pursuant to this section.

Section 4. Amend Section 5253, Title 29 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 5253 Specifications of the coverage.

(a) Participating employees shall be eligible to utilize earned sick leave for absences due to accident, illness, or injury, or parental leave, if eligible upon the birth of a child, 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 leave balance.

(b) Short-term disability benefit. —

(4) An employee may utilize annual, sick, parental, compensatory, or donated leave to supplement short-term disability benefits to equal 100% of pre-disability creditable compensation for the maximum period of 182-calendar-days.

(7) Except those who qualify for parental leave upon the birth of a child, Once 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 leave in lieu of application for short-term disability.

(c) Long-term disability benefit. —

(5) Upon the exhaustion of the maximum short-term disability benefit period, any employee, except those entitled to hazardous duty pay as defined in § 5933(c) of this title, shall no longer be an employee of the State or any of its political subdivisions provided the employee has exhausted their Family Medical Leave Act of 1993 (FMLA) [29 U.S.C. § 2601 et seq.] entitlement and/or is not FMLA eligible. Employees entitled to hazardous duty pay as defined in § 5933(c) of this title 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.

Section 5. This Act shall take effect April 1, 2019.

Section 6. The Department of Human Resources shall, by the effective date of this Act, establish guidelines for state agencies governing the application and granting of leave under this Act, including required notice and documentation and shall distribute such guidelines to all affected state agencies. Reorganized school districts, charter schools and vocational school districts shall, by the effective date of this Act, establish guidelines governing the application and granting of leave under this Act, including required notice and documentation and shall distribute such guidelines to their employees. The Department of Human Resources shall submit a report to the Delaware General Assembly and the Governor on the parental leave program annually. The report shall include projected program participation, actual program participation, demographic information of participants, including gender, race, and ethnicity, duration of leave taken by participants, outreach efforts, and impacts of the program on recruitment and retention. Reorganized school districts, charter schools and vocational school districts shall submit their program participation, demographic information of participants, including gender, race and ethnicity, duration of leave taken by participants, outreach efforts, and impacts of the program on recruitment and retention to the Department of Human Resources annually to be included in the report to the General Assembly and the Governor.