

Washoe County Guidelines for Handling Medical Information

The County is firmly committed to protecting the privacy rights of our employees. This is done in ways that are reasonable and consistent with good business/human resource practices. In an effort to ensure that an employee's right to privacy is protected, the following guidelines should be followed:

- Request and use only that personal information which is related to our business needs
- Consider personal information to be confidential and take actions to protect that confidentiality
- Restrict access to any personal record to those who have proper authorization and legitimate business reason, unless otherwise required by law or legal process
- Communicate to employees their responsibility in handling personal information in accordance with the principles of privacy and confidentiality

The following is intended to provide guidelines for the appropriate handling of medical records.

- Medical related information (i.e., results of medical examinations and post-offer inquiries, workers compensation disability reports, etc.) must be kept in a locked file separate from the personnel files. The department head should designate a specific person or persons who will have access to the medical file. An employee's medical related information must be kept confidential and only those individuals having a business need to know will be informed of medical related information for an appropriate business/management purpose. Officials who have access to such information are required to maintain the confidentiality of the information. In addition, supervisors, managers, and others included in making and implementing personnel management decisions involving employees with medical conditions should strictly observe applicable privacy and confidentiality requirements.
- Blood Borne Pathogen/Exposure control and TB records must be kept in the Human Resources Department in a locked file separate from the personnel files. No information will be disclosed to anyone without the employee's written consent except as allowed by NRS 441A.
- Reports on referrals made to the Employee Assistance Program/Substance Abuse Professional as a result of Washoe County's Drug and Alcohol Program will include the recommended treatment plan. This report will be filed in the employee's medical file in the Human Resources Department. This information will be kept confidential and only those supervisors/managers having a business need to know shall be advised of the treatment plan. Any "Last Chance Agreement" will be filed in the employee's personnel file in the Human Resources Department and in the employee's departmental personnel file.
- The physician's portion of the Family and Medical Leave Act Forms must be kept confidential. If departments are keeping copies these forms, they must be kept in a locked medical file separate from the personnel files. The Human Resources Department is maintaining these forms in a confidential medical file.

- Should a department have a need to request additional information from a physician concerning an employee's medical condition and the impact upon the employee's ability to perform the essential job functions, this request should be made in writing to the employee. Essential job functions forms are available from the Human Resources Department.

Also, please remember that email should not be used to communicate confidential personnel matters including medical/health related matters.

On the attached sheet are some of the more commonly asked questions with responses to guide you on this matter.

If you have any questions or concerns regarding this process, please feel free to consult with the Department of Human Resources.

Washoe County Department of Human Resources

Questions and Answers about Confidential Personnel Information

Who has access to the personnel files maintained in the Department of Human Resources?

The employee or his/her authorized representative may access the entire file. An appointing authority who is considering the employee for hire may access performance evaluations and related materials.

Who has access to the personnel files maintained in the department?

The employee or his/her authorized representative, supervisors in the chain of command, and the departmental personnel representative.

What should be contained in my department's personnel files?

Any documents pertaining to the employee's employment, such as copies of the application, action forms, payroll documents, performance evaluation forms, letters of commendation, disciplinary actions, and grievances. Anything in the personnel file should be either signed by the employee, or a copy should be provided to the employee.

Is a physician or psychologist's report to an employer always confidential and kept separate from the employee's personnel file?

Information about the diagnosis or medication is kept confidential and separate from the employee's personnel file. Only those portions of a report which address work limitations or restrictions should be maintained in the employee's personnel file.

If a physician's report does not address the employee's ability to perform the essential functions of the job, who is responsible for obtaining clarification from the physician?

The employee should be provided the documents describing the essential functions of the job, as well as the physical demands and working conditions, and he/she should give these documents to the doctor and ask for a report which specifically addresses any limitations which will affect job performance.

Can physician's statements, FMLA forms, Blood borne Pathogen/TB records be stored together in a locked file, separate from the personnel files?

Yes, medical records should be stored in a separate medical file for the employee. These records should only be accessed by the appointing authority or appropriate designated managers or supervisors.

If an employee volunteers personal information to co-workers, isn't it then public information, and anyone can discuss it?

No the employee decides who is privileged to hear personal information. Anyone who the employee confides in should keep the information private, and anyone overhearing such information should not discuss it.

Where do I keep records of alcohol and drug tests, and who has access to them?

These records are maintained by the Department of Human Resources in accordance with the federal Department of Transportation regulations. Departments will receive specific instructions on a case-by-case basis when an incident occurs.

Where do I keep records of disciplinary actions, and who has access to them?

In the employee's personnel file in your department. Only the employee or his/her authorized representative, supervisors in the chain of command, and the departmental personnel representative have access to this file.

Where do I keep records of grievances, and who has access to them?

In the employee's personnel file in your department. Only the employee or his/her authorized representative, supervisors in the chain of command, and the departmental personnel representative have access to this file.