



City of New London  
Access to Employee  
Medical and Exposure  
Records  
Policy

## **I. PURPOSE**

The purpose of this policy is to establish procedures to insure that employee medical and exposure records of any current employee, former employee and/or designated employee representatives or a Department of Commerce Safety Compliance Officer has access to employee medical and exposure records in accordance with the DCOMM/OSHA Standard, "Access to Employee Exposure and Medical Records" 29 CFR 1910.1020.

## **II. AUTHORITY & REFERENCE**

Occupational Safety and Health Administration (OSHA) 29 CFR 1910.1020

Department of Commerce (DCOMM) 32.15

## **III. APPLICATION**

All employers who maintain medical records and/or exposure records, which document that employee's are or were exposed to toxic substances and/or harmful physical agents must comply with DCOMM/OSHA Standard 29 CFR 1910.1020. This standard requires that these records be made available to employees, former employees, and any designated employee representative or a Department of Commerce Safety Compliance Officer in accordance with the following procedures.

- A. If an employee, former employee, designated representative and/or Department of Commerce Compliance Officer would like to examine and receive copies of medical and/or exposure records and/or any analysis based on these records, a *City of New London Employee Medical/Exposure Record Request* form (See Form #3) must be filled out and submitted to the Human Resource Coordinator. An employee, former employee, designated representative and/or Department of Commerce Compliance Officer has the right to examine and receive copies of medical records, exposure records, and any analysis based on these records. An employee may designate any individual or organization by means of a written authorization to exercise the right of access to such records. (See Form #1).
- B. Recognized collective bargaining agents who have statutory authority to represent the interests of the employees within the bargaining unit are automatically considered designated representatives. While these representatives do not have the right to secure individual medical records without written consent of the employee, they have the right to access employee exposure records and analysis without employee consent. However, union representatives must show an occupational health need when seeking access to employee exposure records for which the employee's written consent has not been given.
- C. Department of Commerce Safety Compliance Officers can request these records for any reason relative to their statutory authority and for any purpose.

## **IV. DEFINITIONS**

- A. A medical record is any record concerning the health status of an employee made or maintained by a doctor, nurse, or other health care professional or technician. This includes:
  1. Medical and employment questionnaires or histories including past descriptions and occupational exposures.

2. The results of any medical exam (pre-employment, pre-assignment, periodic or episodic), and any laboratory tests (x-ray and all biological monitoring).
3. Medical opinions, diagnosis, progress notes and recommendations.
4. Description of treatments and prescriptions.

**NOTE:** The following will not be considered a medical record.

- a. Physical specimens normally discarded.
  - b. Health insurance claims, accident investigation reports and other non-medical correspondence if maintained separately from the medical file.
  - c. The record of any voluntary employee assistance program (alcohol, drug, etc.) if maintained separately.
- B. An exposure record contains any of the following kinds of information concerning employee exposure to various substances or physical agents used in the workplace.
1. Workplace monitoring including personal, area, grab, wipe, or other forms of sampling and includes related collection and analytical methods.
  2. Biological tests, which assess absorption of a substance into the body. A biological test, which assesses the effect of the body, would be a medical record.
  3. A Material Data Safety Sheet is considered part of an exposure record.
  4. Any other record which identifies a substance or physical agent as potentially toxic or harmful.
- C. A toxic substance or harmful physical agent will be defined as any chemical substance, biological agent (bacteria, fungus, virus, etc.) or physical stress (noise, heat, cold, ionizing radiation or non-ionizing radiation, etc.) which:
1. Is regulated under federal law or rule due to a hazard to health.
  2. Is listed in the National Institute of Occupational Safety and Health (NIOSH) Registry of Toxic Effects of Chemical Substances (RTECS).
  3. Shows the positive evidence of acute or chronic health hazard in human, animal or other biological test by or known to the employer.
  4. Has a Material Safety Data Sheet stating the substance may present hazard to humans.
- D. Analysis of exposure or medical records will mean any compilation of data, and research, or other studies based, at least in part, on information collected from individual employee exposure or medical records or other sources including information from health insurance claim forms. The analysis must have been reported to the employer or no further work is to be done by the person responsible for preparing the analysis.
- E. Access will mean the right and opportunity to evaluate and copy.
- F. Designated representative will mean any individual or organization to whom an employee gives written authorization to exercise a right of access.

## V. ACCESS PROCEDURE

- A. The Human Resource Coordinator will maintain applicable medical and exposure records for all employees.
- B. All requests to access medical and exposure records and analysis based on those records must be submitted to the Human Resource Coordinator using the forms provided for that purpose.
- C. The Human Resource Coordinator will assure access of each employee and/or their designated representative, to all exposure and medical records concerning the employee's work conditions or workplace within a reasonable time period, but no later than 15 days after the request is made. If the records cannot be provided within 15 days, the employee or designated representative requesting the record will be told the reason(s) for the delay and the earliest date when the record(s) can be made available.
- D. Except for a recognized collective bargaining agent, any designated representative must have the employee's written permission for access to exposure records and analysis. It is necessary however, for the union representative to specify the occupational need for access to records absent the employees consent. Union representatives must have the employee's written permission to access medical records.
- E. Employees or their representatives will be provided with one copy of the records at no cost or free use of the copy machine. There will also be no charge for the first request for information by a recognized collective bargaining agent, even if the employee has previously received a copy of the same record. Additional copies will be provided at a cost of five cents per copy. Each copy provided will be stamped with the word COPY. At no time will original records and/or x-rays be loaned out to enable the requesting party to make a copy.
- F. Any review of medical or exposure records by an employee or union representative shall be done on his or her own time, outside of normal working hours, at a time mutually agreeable to the parties. The review will be conducted in person with the individual requesting access to the records.
- G. The employee is entitled access to his or her medical records except when a physician determines that this knowledge would be detrimental to the employee's health as in such cases of terminal illness or psychological conditions. However, if the employee provides a designated representative with specific written consent, access to medical records must be provided even if the physician has denied the employee access to the records.
- H. The City of New London will provide the Compliance Officer with immediate access to employee exposure and medical records. In most cases, the Department of Commerce must provide a written access order that must be posted for 15 days before personally identifiable medical records are copied. A copy of the written access order will be provided to the union if applicable.
- I. The authorized physician may delete the identity of anyone who has provided confidential information concerning the employee's health status but cannot withhold the information itself.
- J. When an analysis of medical records identifies the employee, a physician may remove direct or indirect personal identification. If this cannot be done, the personally identifiable portions need not be provided to the person seeking such information.

- K. Employees and their designated representatives will be permitted upon request, access to past and present exposure data to toxic substances or harmful physical agents.
- L. Copies of exposure records of other employees with past or present job duties or working conditions like or similar to those of the employee will also be provided upon request.
- M. Any employee or designated representative is also permitted access to any record of exposure information that pertains to a new workplace or condition(s) to which the employee is being assigned or transferred.

**V. RECORD RETENTION**

- A. Employee medical records, except first aid records of minor scratches, cuts, burns, etc. and separately maintained health and worker's compensation claim records, shall be maintained for at least the duration of employment plus 30 years.
- B. Employee exposure records shall be preserved and maintained for at least thirty (30) years, except that:
  - 1. Material Safety Data Sheets and any other records concerning the identity of a substance or agent need not be retained for any specified period as long as some record of the identity (chemical name if known) of the toxic substance or harmful physical agent, where it was used, and when it used is retained for at least thirty (30) years.
  - 2. Any analysis of medical records or exposure records will be retained for thirty (30) years.
  - 3. Only chest x-rays must be kept in the original form. All other records may be retained in any retrievable form.

**VI. EMPLOYEE INFORMATION**

- A. The Human Resource Coordinator will provide each new employee and all current employees the following information:
  - 1. The existence of, location and availability of covered records.
  - 2. The name of the individual maintaining these records.
  - 3. The right of every employee to access these records.
- B. The Access to Employee Exposure and Medical Record Standard (29 CFR 1910.1020) will be readily available for review by employees upon request.
- C. The Human Resource Coordinator will distribute to all current employees any new informational material pertaining to this standard made available to the Department of Commerce.
- D. A copy of the employee notice that will be used to comply with the employee information requirements is included with this policy (See Form #2). This notice will be posted on those bulletin boards where other notices normally appear.

Form #1

**AUTHORIZATION LETTER FOR THE  
RELEASE OF EMPLOYEE MEDICAL RECORDS**

I, \_\_\_\_\_ hereby authorize the City of New  
(Full Name of Employee)

London to release to \_\_\_\_\_  
(Individual or organization authorized to receive the medical information)

the following medical records \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_.

Permission for release of these records is for the following reason(s): \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

I do not give permission for any other use or reason.

I understand that this authorization expires twelve (12) months from today's date unless I  
specify a particular date less than twelve (12) months which is \_\_\_\_\_.

\_\_\_\_\_  
Signature of employee or his/her legal representative

\_\_\_\_\_  
Date of Signature

Reviewed on: \_\_\_\_\_ with \_\_\_\_\_

Copies given: Yes \_\_\_\_\_ No \_\_\_\_\_

Form #2

**ACCESS TO MEDICAL/EXPOSURE RECORDS NOTICE**

The Wisconsin Administrative Code 32.15 and Federal Regulation 29 CFR 1910.1020 requires us to inform you that the City of New London does keep records designated as Employee Exposure and Employee Medical Records.

The above regulation gives you the right to review those records with certain exceptions.

The records are maintained in the Human Resources Department and the Human Resource Coordinator is responsible for the records.

A copy of CFR 1910.1020 is available for viewing at City Hall.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Note: This notice must be posted annually.

**CITY OF NEW LONDON  
REQUEST FOR COPIES OF  
EMPLOYEE MEDICAL RECORDS PERTAINING TO EXPOSURE,  
EXPOSURE RECORDS AND/OR ANALYSIS RECORDS**

Date of Request: \_\_\_\_\_

I, \_\_\_\_\_ hereby request the following:

1 Medical Records that pertain to exposure for \_\_\_\_\_, an employee of the City of New London.

1 Exposure records for \_\_\_\_\_, an employee of the City of New London.

1 Analysis records pertaining to exposure of \_\_\_\_\_, an employee of the City of New London.

The above records are needed for the following reason(s): \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Company

**Your request will be processed within seven working days from the date that the Authorization for the Release of Employee Medical Records is received from the affected employee.**

Date Authorization Received from Employee: \_\_\_\_\_

Date Records Sent to Requesting Party: \_\_\_\_\_