



County of Santa Clara

Policy Name: Employee Medical File Policy

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Policy Type: Administrative

Category: Personnel

Policy Name: Employee Medical File Policy

Policy Owner: Employee Services Agency

Policy Purpose

The purpose of this policy is to identify Human Resources' practices regarding the maintenance and access of employee medical files.

Policy Summary

The County shall maintain a confidential employee medical file on current, as well as inactive, employees that contains medical-related information. Such a file must be kept separate from the personnel file in order to protect the privacy of the employee. It should be retained in a way that limits access in a locked cabinet. This policy applies to any Service Center and/or department that maintain personnel files, as well as the main County Government Center Human Resources Department.

Access to employee medical files shall be limited to County staff charged with maintaining or reviewing the medical file, and others with proper legal authority such as those conducting an investigation relevant to medical information and parties in court proceedings; or as may otherwise be required by law.

Contents of the employee medical file may include but not be limited to:

- Post-offer physical exam reports.



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- Any health-care provider memos and return-to-work notes; (Doctors notes that are for payroll purposes only are an administrative issue and need not come to ESA Human Resources, as long as they are retained in a confidential manner, separate and apart from any personnel files).
- Forms and reports relating to workers' compensation claims that are completed by a health care provider and/or include medical information.
- Medical disability leave documentation completed by a health care provider that includes medical information, including that relating to FMLA leaves and medical disability retirements.
- Americans with Disability Act (ADA) or other accommodation requests associated with physical disability or medical condition and related documentation.
- Any other documents referring to an employee's medical condition or medical information.

If a Personnel Action Request (PAR) or notice of discipline contains confidential medical information, it must be kept in the employee medical file or the medical information must be redacted. If medical documentation is attached to a PAR or notice of discipline, then the medical documentation should be removed and placed in the employee medical file. If the PAR merely documents the fact that an employee is on a workers' compensation or medical leave, it can remain in the regular personnel file as it does not contain confidential medical information.

Retention of Medical Information

Except as noted below, contents of the medical file shall ordinarily be retained throughout the employee's term of employment, and for seven years after the employee leaves County employment. After seven years, the employee medical file should be shredded and disposed of in a manner that ensures confidentiality.



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If an employee has been exposed or potentially exposed to any hazardous substance, the Occupational Safety and Health Administration requires that the personnel and employee medical files be kept for 30 years after the individual leaves County employment. Workers' Compensation will notify Human Resources of an employee exposure or potential exposure so the file can be flagged for a thirty-year retention.

The medical information file will follow the employee from department to department because it is an extension of the personnel file

Procedures

None.

Definitions

For purposes of this policy, the following definition applies:

- 1) **"Medical Information"** means any information identifiable to an employee regarding a medical condition or medical information

Frequently Asked Questions

None.

Related Policies

- Health Insurance Portability and Accountability Act of 1996 – [\[url\]/sites/cco/Client%20Legal%20Guide/Pages/20-Health-Insurance-Portability-and-Accountability-Act.aspx](#)



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- Merit System Rules –
https://www.municode.com/library/ca/santa_clara_county/codes/code_of_ordinances?nodeId=TITAGEAD_DIVA25PEDE_CHIIMESY

Related Forms and Information

- Human Resources Practices Manual –
<https://www.sccgov.org/sites/esa/employment/hr/Documents%20Available%20for%20Download/PRINTABLE%20-%20HR%20Practices%20Manual.pdf>

History

Date	Changes Made
1/31/2018	Policy Uploaded (Kyle Larson)
11/30/2017	Policy Revision
9/23/2004	Policy Adopted