



# EMPLOY MILWAUKEE POLICY 20-08

**POLICY:** 20-08

**SUBJECT:** MEDICAL AND DISABILITY-RELATED INFORMATION COLLECTION AND STORAGE

**ISSUANCE DATE:** 12/03/2020

**EFFECTIVE DATE:** 07/01/2020

- |   |
|---|
| <b>POLICY SCOPE</b>   |
| <input checked="" type="checkbox"/> EMPLOY MILWAUKEE AGENCY   |
| <input checked="" type="checkbox"/> WIOA WDA 2 SYSTEM         |
| <input checked="" type="checkbox"/> WIOA TITLE I-B PROGRAM(S) |
| <input checked="" type="checkbox"/> ADULT PROGRAM             |
| <input checked="" type="checkbox"/> DISLOCATED WORKER PROGRAM |
| <input checked="" type="checkbox"/> YOUTH PROGRAM             |
| <input checked="" type="checkbox"/> NON-WIOA PROGRAMS         |

## REFERENCES:

WIOA Title I-A & I-B Policy & Procedure Manual  
 Chapter 5) Nondiscrimination/Equal Opportunity and Affirmative Action  
 5.7 Collection and Maintenance of Medical and Disability-Related Information  
 29 CFR § 38.41

---

## BACKGROUND

Employ Milwaukee, Inc., “the entity,” is committed to providing equal opportunity in all programs, services, and activities. To that end, all medical information and information regarding disability of any kind should remain confidential and should not be made accessible within a personnel or participant file. 29 CFR § 38.41, requires that any medical or disability-related information obtained about an individual, including information that could lead to the disclosure of a disability, be collected on separate forms. All such information whether in hard copy, electronic, or both, must be maintained in one or more separate files, apart from any other information about the individual and treated as confidential. These files, whether in hard copy or electronically maintained, must be locked, or otherwise secured.

## PURPOSE

This policy outlines Employ Milwaukee’s practice and procedure for collecting and storing medical and disability information in participant files.

## POLICY

Any medical or disability-related information obtained about an individual, including information that could lead to the disclosure of a disability, must be collected on separate forms. This applies to information collected for purposes of establishing eligibility and to employee personnel files.- Such records must include, but are not limited to, records on applicants, registrants, eligible applicants/registrants, participants, terminees, employees, and applicants for employment.

All questions pertaining or alluding to an individual's disability, including the basic, "Do you have a disability, Yes/No" question or disclosures of SSDI as a potential source of income must be asked on a separate form. If ASSET information is printed for the file, such as the Manage Programs attestation printout, all disability sections must be redacted before the document is placed in the participant file.

Access to the medical file must be limited; only persons in the following categories may be informed about the individual's disability or medical condition and access the medical file:

- program staff who are responsible for documenting eligibility, where disability is an eligibility criterion for a program or activity;<sup>4</sup>
- first aid and safety personnel in the event of an emergency;<sup>5</sup>  
and
- local, state, and federal monitors.<sup>6</sup>

Supervisors, managers, and other necessary personnel may be informed of restrictions on the activities of individuals with disabilities and regarding reasonable accommodations for such individuals but may not have access to information in medical files.

Medical and disability-related information that is acquired during the delivery of case management services must also be stored securely.<sup>8</sup> DWD-DET requires staff to make the ASSET case notes containing information about medical or disability status confidential and redact such information from any paper documents. If any documentation is received and not needed, staff must return the document to the participant, or shred it, after recording any necessary information in a confidential ASSET case note.

## PROCEDURES

The entity requires its staff and subrecipients to comply with this procedure for collecting and storing medical information and information that could lead to the disclosure of a disability. The entity fulfills the obligation of protecting this Personally Identifiable Information by requiring subrecipients and staff to adhere to the following procedure:

1. All applications and initial intake forms should not contain any questions referring to disability status or inquiring about any medical conditions.
2. All Participants participating in Employ Milwaukee programs should complete an Employ Milwaukee Disability Supplemental Form in addition to the Intake form. This supplemental form should be kept in a sealed envelope within the file or in a separate file
3. All medical information or information that could lead to the disclosure of a disability should be placed in a separate file and stored separately from participant program file.

**NOTE:** If medical information is not pertinent to participant's involvement in the program, the information should not be collected. (I.e.: Doctor's excuse, reasonable accommodation request are relevant.)

#### 4. **Electronic collection and storage of information:**

Any case notes regarding medical information or a disability or information that could lead to a disclosure of a disability should NOT be placed as a visible case note. The case manager should create a confidential case note in ASSET or other Data Collection System.

---

**REVISIONS:** N/A

**BOARD APPROVAL DATE:** 12/3/20

A proud partner of the  **americanjobcenter** network

Employ Milwaukee is an Equal Opportunity employer and service provider. If you need this information or printed material in an alternate format, or in different language, please contact us at (414)-270-1700. Deaf, hard of hearing, or speech impaired callers can contact us through Wisconsin Relay Service at 7-1-1.