



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

POLICY SCOPE

- EMPLOY MILWAUKEE AGENCY
- WIOA WDA 2 SYSTEM
- WIOA TITLE I-B PROGRAM(S)
 - ADULT PROGRAM
 - DISLOCATED WORKER PROGRAM
 - YOUTH PROGRAM
- 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;⁴
- first aid and safety personnel in the event of an emergency;⁵
and
- local, state, and federal monitors.⁶

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.⁸ 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. Applications and initial intake forms should refrain from containing any questions referring to disability status or inquiring about any medical conditions. Any forms containing such information should be stored following item number 3 below.
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 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 a participant program file.

NOTE: If medical information is not pertinent to the participant's involvement in the program, the information should not be collected. (I.e.: Doctor's excuse and 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