

PROCEDURES FOR HANDLING MEDICAL INFORMATION REQUIRED FOR EMPLOYMENT

Health information acquired as part of a person's employment is not covered under the Health Insurance Privacy Portability Act (HIPPA). However, employment based medical information be protected and remain confidential. These procedures address the following categories of employment based medical information:

- Americans with Disabilities Act (ADA) accommodations
- Blood Borne Pathogen Work-Related Exposure Incidents and Immunization Records
- Disability Plan claims: Virginia Sickness and Disability Program & UNUM employee purchased disability insurance policies
- Disability Retirements
- Fitness for Duty Requests
- Family Medical Leave Act (FMLA) requests
- Pre-employment physical and/or psychological examinations and screening tests
- Virginia Department of Transportation Substance Abuse Screening Tests
- Workers Compensation Claims

To ensure the confidentiality of this information the following guidelines outline the process for managing the flow of the information and the information itself.

General Guidelines

All medical information must be filed separately from all other personnel records

Employees have a right to obtain copies of employment based medical information through the Occupational Health Office.

Supervisors may not request or retain medical documentation from employees (e.g. Fitness for Duty, Family Medical Leave Requests).

Specific Guidelines

Americans with Disabilities Act (ADA) Accommodations

Medical information used to establish if an employee is covered under the ADA and/or to determine reasonable work accommodations will be requested and reviewed by the ADA Coordinator, Office of Equity and Diversity Resources. The ADA Coordinator and the Occupational Health Manager may jointly review this information. Only medical information relevant to the employee's eligibility for accommodation will be requested and the information received may be used only for the purpose of establishing eligibility for accommodations.

Blood Borne Pathogen Work-Related Exposure Incidents

All employee medical information required under the Occupational Safety and Health Act (OSHA), section 1910.1030, must be maintained in the Occupational Health Office, Human Resources. This includes, but is not limited to, Hepatitis A & B immunization information, Tuberculosis Skin Testing results (PPD), Vaccinia (smallpox) immunization records, and all additional pre-employment immunization and health screening results.

Disability Insurance Claims and Disability Retirement Medical information

Medical information related to a short-term disability claim under a privately held UNUM policy or a Virginia Retirement System (VRS) long-term disability retirement claim will be handled by the Benefits Manager. When required the Benefits Manager will coordinate with the Occupational Health Manager to clarify the information received. The medical information may not become a part of the individual's employment record.

Family Medical Leave Act (FMLA) Requests

All employee requests for protection under FMLA must be approved by Human Resources and Payroll. Employees are requested to submit their FMLA request thirty (30) days prior to the need to go out on leave, or as soon as possible following the precipitating event. The completed and signed FMLA certification form must be on file in Human Resources and Payroll before the leave can be approved. Only the Occupational Health Manager may contact the signing physician, with employee permission, to clarify the medical reason to be out on FMLA leave. If the Occupational Health Manager determines that an additional medical opinion is necessary, it will be at agency expense and will follow the guidelines set out in "Independent Medical Evaluations". FMLA medical certifications must be filed separately from all other employee information. FMLA medical certification may not be kept in departmental files.

Fitness for Duty Assessments

All departmental supervisors are to contact the Occupational Health Manager, Claudia Young, if they feel that an employee is not able to perform the responsibilities of their job due to a serious health (physical or psychological) condition.

If it is decided that a "fitness for duty" medical evaluation is necessary, the employee will be requested to sign a release of information allowing the Occupational Health Manager to contact the physician and receive any medical documentation pertinent to the employee's job performance. Should a second opinion be required it will be at University expense. All medical information will be received and reviewed through the Occupational Health Office. (See IME's below)

Independent Medical Examinations (IME)

If it is determined that an IME is necessary, arrangements will be made by the Occupational Health Manager for the employee to see a physician chosen by the University and will be at agency expense. The employee will need to sign a release of information allowing the Occupational Health Manager contact the physician and receive the results of the medical evaluation. Medical information received through an IME may be used only to evaluate an employee's fitness for duty and may not be used to as a basis for disciplinary action.

Pre-Employment Physical/Psychological Examinations, Employment required Medical Examinations, Federal, State and Local Required Medical Screenings and Tests

All post offer employment examination details, both physical and psychological, should be sent from the physician's office directly to the Occupational Health Office, Human Resources. Physicians are requested to include a cover letter with general information documenting, whether or not the employee is able to perform the duties of the position. The actual examination information will be maintained in a separate file in the Occupational Health Office.

Transitional Modified Duties (TMD) Requests

The Occupational Health Manager must approve all requests for Transitional Modified Duties. This includes VSDP, traditional accrual system and workers' compensation claims. The Occupational Health Manager will review the request with the employee's supervisor and check for compliance with GMU Administrative Policy 2023, Transitional Modified Duties (TMD). If necessary, a Job Summary Analysis and acceptable TMD's from the department will be requested. In the case that an employee's injury/illness may fall under the American's with Disabilities Act, the Occupational Health Manager will confer with the ADA Coordinator, Office of Equity and Diversity Services.

Virginia Department of Transportation (VDOT) Substance Abuse Testing for Holders of Commercial Drivers License

Results of VDOT tests (Breath Alcohol & 5 panel drug screen) must be sent directly to the OHO from the physician's office. If the Medical Review Officer, a VDOT certified physician, reports a positive test result, the OHM will immediately inform Employee Relations, HR.

Virginia Sickness and Disability Program (VSDP)

All knowledge of an employee's medical condition related to a VSDP short-term disability claim must remain confidential. In order to assist an employee with the forwarding of medical documentation to UNUM Provident, third party administrator for the plan, a signed Release of Information must be on file in Human Resources. As soon as the claim is closed all medical documentation is to be shredded and removed from the file.

Workers' Compensation Claims

All claims of work related injury and/or illness must be filed through the Occupational Health Office. Any medical information received as a result of the injury will remain on file in the Occupational Health Office. All medical information regarding the injury/illness will be forwarded to the third party administrator retained by the Commonwealth of Virginia, Managed Care Innovations. Employees may request copies of their files from the Occupational Health Manager. In the case that an employee's injury may fall under the American's with Disabilities Act, the Occupational Health Manager will confer with the ADA Coordinator, Office of Equity and Diversity