

## CHAPTER 14

### Reports and Records

#### 14.1 Reports to the Department of Human Resources

- 1 Department heads or designees shall notify the Department of Human Resources of all proposed appointments to, status changes in, and separations from the classified service at such time, in such form, and with such supporting or pertinent information as these rules prescribe or as the County Executive shall deem necessary.
- 2 Department heads or designees shall notify the Department of Human Resources of all changes in the duties and responsibilities of a position when the change is of such a nature that the position should properly be reallocated to another class.
- 3 Department heads or designees having jurisdiction over positions in the exempt service shall report to the Department of Human Resources the names of appointees, their titles and the dates of their appointments.

#### 14.2 Records and Tabulations

The Human Resources Director shall maintain such other personnel records as he/she may consider desirable, or as the County Executive shall direct, and shall make available to the Board of County Supervisors, the County Executive, the Civil Service Commission, department heads and other persons having a proper interest therein, tabulations and analyses of such personnel data as he/she has available.

#### 14.3 Public Inspection

The records of the Department of Human Resources shall, with the exception of records specified in these rules, and such other records as may be specified by the County Executive, be public records and be open to public inspection during regular office hours at such times and following such procedures as may be prescribed by the Human Resources Director.

#### 14.4 Reports to County Executive, Civil Service Commission and Employees Advisory Council

The Human Resources Director shall submit a written report to the County Executive annually. Copies of such reports shall be sent to the Civil Service Commission and the Employees' Advisory Council. Copies of such other reports on administrative matters as are sent to the Board of Supervisors by the Department of Human Resources shall also be sent to the Employees Advisory Council.

14.5 Employee Medical Records

- 1 The term “employee medical records,” as used in this section, means any documents or other materials (e.g., ~~photographs~~) relating to or including any medical information concerning job applicants and/or employees that federal or state law, or County policy, requires the County as an employer to keep confidential. Subjects that employee medical records cover include, but are not limited to, employment entrance medical examinations or inquiries (including medical histories) made after a conditional offer of employment, employee fitness-for-duty examinations or inquiries, and voluntary medical examinations and inquiries (including voluntary medical histories) that are part of an employee health program available to employees at the work site. This section applies to employee medical records relating to current and former employees and job applicants. Job applicants include employees applying for other positions in the County service.
- 2 Employee medical records shall be maintained in secured files ~~physically~~ separate from personnel files. In those instances in which a document or other material designated for a personnel file includes any medical information that federal or state law, or current County policy, requires the county as an employer to keep confidential, this medical information shall be removed from the document or other material before placing it in the personnel file.
- 3 Employee medical records shall be retained in accordance with federal and/or state record retention rules or guidelines. Once the longest applicable retention period has expired, the records shall be disposed-of in a confidential and secure manner, unless they are potentially relevant to an ongoing or a reasonably anticipated legal proceeding, in which case the records shall be retained until the proceeding ends or is time-barred.
- 4 Employee medical records shall be kept confidential, unless disclosure of the records is required or authorized by law, or by a court or other person or entity empowered to compel such disclosure.
- 5 Access to employee medical records shall be limited to authorized County staff on a need-to-know basis.
- 6 No employee shall read any employee medical records that he or she is not authorized to review.
- 7 Any transmission of employee medical records shall be done using a means that reasonably avoids disclosure of the records to persons not authorized to have access to those records (i.e., unauthorized persons).

**Commented [AJ1]:** Removed with the purpose of not specifying methods thus allowing for other records retention methods in the future.

**Commented [AJ2]:** Removed with the purpose of not specifying methods thus allowing for other records retention methods in the future.

- 8 No employee shall discuss information found in another individual's employee medical records with unauthorized persons. Any discussion of any employee medical records shall take place in a location where unauthorized persons should not be able to overhear the discussion.
- 9 Any employee who violates any part of this section shall be subject to appropriate disciplinary action.
- 10 This section does not abrogate any duty of the County under federal or state law, or County policy, to keep medical records confidential. To the extent that such a duty provides for greater confidentiality protection than the confidentiality protection provided by this section, it shall control.

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