



POLICY

CATEGORY:	Administration	No: 1.0.114.01
TITLE:	Storage and Use of Disability-Related and Medical Information	
SUPERSEDES:	1.0.114.00 dtd April 29, 2011	
EFFECTIVE:	October 31, 2014	
BOARD APPROVAL:	October 30, 2014	
DATE OF LAST REVIEW:	October 30, 2014	

I. PURPOSE

To comply with all applicable federal and state laws, rules, guidelines, and regulations for the storage and use of disability-related and medical information.

II. DEFINITIONS

Board – Coastal Bend Workforce Development Board, d.b.a. Workforce Solutions of the Coastal Bend.

Equal Employment Opportunity – Employment practices which do not discriminate on the basis of race, color, religion, sex, or national origin. Such discrimination is outlawed by Title VII of the Civil Rights Act of 1964. 42 U.S.C. §2000e-2.

Workforce Investment Act, Title I, Section 188- prohibits discrimination on the grounds of race, color, national origin, sex, age, disability, religion, political affiliation or belief, participant status, and against certain noncitizens.

Equal Opportunity (EO) Officer –Administers Equal Employment Opportunity (EEO) policies and procedures in accordance with applicable laws.

Contracted Service Provider (Contractor) – Responsible for the delivery of workforce services in accordance with applicable laws, rules, Board policy and the terms and conditions of the contract.

III. POLICY STATEMENT

The Texas Workforce Commission's WD Letter 17-07 requires development and implementation of written procedures to address the storage and use of disability-related and medical information as required by the Workforce Investment Act (WIA) §188, 29 CFR 32.15(d), and 37.37(b)(1)-(2), and the State of Texas Methods of Administration.

In particular, 29 CFR 37.37(b)(2) states: Such records must include, but are not limited to, records on applicants, registrants, eligible applicants/registrants, participants, terminees, employees, and applicants for employment. Each recipient must record the race/ethnicity, sex, age, and where known, disability status, of every applicant, registrant, eligible applicant/registrant, participant, terminee, applicant for employment, and employee.

Such information must be stored in a manner that ensures confidentiality, and must be used only for the purposes of recordkeeping and reporting; determining eligibility, where appropriate, for WIA Title I-financially assisted programs or activities; determining the extent to which the recipient is operating its WIA Title I-financially assisted program or activity in a nondiscriminatory manner; or other use authorized by law.

Section 504 of the Rehabilitation Act of 1973 requires that individuals with disabilities be afforded equal opportunity to participate in and benefit from WIA §188 services and activities.

IV. PROCEDURES

1. Medical information or history is to be collected and maintained secured on separate forms that are kept confidential by filing in a separate file, except that:
 - a. Employing officials may obtain the information after making a conditional decision to make a job offer to the applicant or the applicant was placed conditionally in a job pool or placed conditionally on an eligibility list;
 - b. Supervisors and managers may be informed regarding restrictions on the work or duties of qualified individuals who have a disability and regarding necessary accommodations;
 - c. First aid and safety personnel may be informed, where appropriate, if the condition might require emergency treatment; and
 - d. Government officials investigating compliance with the WIA shall be provided information upon request.
2. To guard against the unauthorized access of customer information, Workforce Solutions system staff must make every effort to maintain customer confidentiality and adhere to Board Policy.

V. RELATED POLICY - N/A

VI. RESPONSIBILITIES

President/CEO – Responsible for the Board’s adherence to all applicable laws and rules with respect to this policy.

EO Officer – Responsible for ensuring Board and contractors are trained to comply with this policy; coordinating the recipient’s obligations and compliance activities under the nondiscrimination and equal opportunity provisions of WIA and for providing oversight and monitoring of adherence and compliance with this policy.

Contractors – Must ensure staff is apprised of and complies with the requirements of this policy.

VII. FORMS & INSTRUCTIONS - N/A

VIII. DISTRIBUTION

Board of Directors

Board Staff

Contracted Service Provider Staff

IX. SIGNATURES:

Reviewed by EO Officer

Date

President/CEO

Date