

## 3.3: Employee Exposure

### Employer Exposure and Medical Records Access

The medical record for each employee shall be preserved and maintained for at least the duration of employment, plus thirty (30) years, except that the following types of records need not be retained for any specified period:

1. Health insurance claims.
2. First aid records (not including medical histories) of one-time treatment.
3. The medical records of employees who have worked for less than one year.

Each employee exposure record shall be preserved and maintained for at least thirty (30) years, except that:

1. Background data to environmental (workplace) monitoring or measuring, such as laboratory reports and worksheets, need only be retained for one (1) year.
2. Safety data sheets.
3. Biological monitoring results designated as exposure records by specific occupational safety and health standards shall be preserved and maintained as required by the specific standard.

### Access to records

Whenever an employee or designated representative requests access to a record, the employer shall assure that access is provided in a reasonable time, place, and manner. If the employer cannot reasonably provide access to the record within fifteen (15) working days, the employer shall within the fifteen (15) working days apprise the employee or designated representative requesting the record of the reason for the delay and the earliest date when the record can be made available.

### Copies of records

Whenever an employee or designated representative requests a copy of a record, the employer shall assure that either

1. a copy of the record is provided without cost to the employee or representative;
2. the necessary mechanical copying facilities (e.g., photocopying) are made available without cost to the employee or representative for copying the record; or
3. the record is loaned to the employee or representative for a reasonable time to enable a copy to be made.

### Written consent required

Each employer shall, upon request, assure the access of each employee to employee medical records of which the employee is the subject, except when the information contained in the records could be detrimental to the employee's health, such as a specific diagnosis of a terminal illness or a psychiatric condition. In such cases the information will be released to a designated representative by written consent only.

Each employer shall, upon request, assure the access of each employee and designated representative to each analysis using exposure or medical records concerning the employee's working conditions or workplace.

Upon an employee's first entering into employment, and at least annually thereafter, each employer shall inform current employees covered by this section of the following:

1. The existence, location, and availability of any records covered by this section.
2. The person responsible for maintaining and providing access to records.
3. Each employee's rights of access to these records.

### Succession of records

Whenever an employer is ceasing to do business, the employer shall transfer all records subject to this section to the successor employer. The successor employer shall receive and maintain these records.

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