

Date: 3/2/2020 9:01:33 AM
From: "Meindl, Max" max.meindl@fema.dhs.gov
To: femamax@gmail.com
Subject: FW: FMLA RECERTIFICATION
Attachment: image001.png;image002.png;FMLA RECERT 11-05-2019.pdf;

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[REG 6]

From: Meindl, Max
Sent: Tuesday, November 5, 2019 11:16 AM
To: patricia.silva@fema.dhs.gov
Subject: FMLA RECERTIFICATION

"CONFIDENTIAL MEDICAL RECORDS"

As part of the certification process, the employer will almost certainly obtain sensitive medical information regarding the employee. The FMLA right to privacy places strict limits on how the employer must treat this information. Federal regulations<<https://www.law.cornell.edu/cfr/text/29/825.500>> require that information related to an FMLA leave request must be treated as "confidential medical records" and kept in "separate files/records from the usual personnel files." This point is important, and bears repeating: employee medical information should never be kept in the employee's basic personnel file. Instead, the employer must keep a second, parallel personnel file which includes any information related to the FMLA request or other employee medical issues. If a supervisor - or anyone else - asks for a worker's personnel file, the company should provide the file without the medical information.

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