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Question of the Day: Employee Health Screening Records

Legal Update

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By Kristin LeBre and Erin M. Edgerton

Question

If an employer is conducting daily employee health screenings, how long must it keep the screening records?

Answer

If businesses are conducting health screenings — such as those required for certain businesses to reopen under Minnesota Executive Orders 20–40 and 20–56 — and they create written or electronic records of screening results, federal OSHA regulations require that an employer maintain the records for the duration of employment plus 30 years. 29 C.F.R. 1910.1020.

Businesses should also be aware that employee medical information must be maintained separately from the employee personnel file under the Americans with Disabilities Act. Records of health screenings such as temperature logs or questionnaires must be kept confidential if they contain employee medical information. Employers should keep these types of records in a secure filing system separate from other employee records and strictly limit access to the records.

Additional information about OSHA employer recordkeeping requirements during COVID-19 can be found in our April 14, 2020, Employment Law Question of the Day.

If you have questions about this or other return to work topics, contact your Fredrikson & Byron attorney.

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