

4(b)(3) of this Executive Order.

(2) Participation in the Medical Monitoring Program

(i) If an employee agrees to work in a position which involves incidental exposure to asbestos after completing a formal asbestos training program, medical monitoring is mandatory.

(b) An employee who participates in the medical monitoring program, but refuses any or all components of the examination, shall be advised that the refusal may compromise his health status.

(c) If an employee refuses to work with asbestos, he or she will not be eligible for medical monitoring, except as provided in subsection (a)(5) of this section. The refusal shall be documented.

(3) Discrimination Involving Medical Examination

Any employee found to be unable to wear a respirator, or is otherwise unfit for potential asbestos exposure, may not be permitted to work with asbestos. the employee may not be subjected to adverse personnel action because of his or her inability to be exposed to asbestos.

(4) Partial Disability Involving Asbestos-Related Disease

If an employee's asbestos-related disability is detected during asbestos medical monitoring, the employee shall be transferred to a job within his or her capacity.

(5) Past Exposure to Asbestos

If an employee can document previous Level II exposure as a State employee but no longer works with asbestos, he or she may volunteer to receive medical monitoring from the State.

(6) Confidentiality of Medical Data

(i) The confidentiality of all medical records will be assured by maintaining medical records separately from personnel records and limiting access to those records to medical personnel and the employee or his or her designated representative.

(ii) Any reports to management concerning medical examinations for the purposes of carrying out the Asbestos Safety and Health Program will contain only