

CLIENT NEWS BRIEF

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**NEW FEDERAL LAW PROHIBITS DISCRIMINATION
BASED ON GENETIC INFORMATION AND IMPOSES
NEW NOTICE REQUIREMENTS ON EMPLOYERS**

The federal Genetic Information Nondiscrimination Act (42 U.S.C. §2000ff *et seq.*; “GINA”) of 2008, signed into law on May 21, 2008, takes effect November 21, 2009. Congress enacted GINA to address growing concerns about the misuse of genetic information and its impact on access to health coverage and employment.

GINA applies to all private, state and local government employers, including public school employers, with 15 or more employees. GINA prohibits employers: (1) from intentionally acquiring genetic information, except in specific situations, and (2) from discriminating or retaliating against an employee or applicant based on genetic information in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral or any other aspect of employment.

Employers possessing genetic information about an employee must maintain such information on separate forms in separate medical files treated as confidential medical records. Genetic information may be kept in the same file as medical information that is subject to the Americans with Disabilities Act.

GINA requires that employers update their Equal Employment Opportunity Commission (“EEOC”) employment notices posters to include GINA information. This can be done by printing and posting the supplemental notice or ordering a new poster through the EEOC website (<http://www1.eeoc.gov/employers/poster.cfm>). The EEOC also is currently developing GINA regulations.

If you have any questions about this case, please contact one of our seven offices statewide.

As the information contained herein is necessarily general, its application to a particular set of facts and circumstances may vary. For this reason, this News Brief does not constitute legal advice. We recommend that you consult with your counsel prior to acting on the information contained herein.



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