

Service

Labor & Employment

Professional

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GINA Employment Provisions Effective November 21

Title II of the Genetic Information Non-Discrimination Act of 2008 (GINA) covering employment goes into effect on November 21, 2009. GINA prohibits employers from making employment decisions on the basis of genetic information of applicants or employees or their dependents or relatives, and from deliberately acquiring such information. Employers are also prohibited from disclosing any such genetic information concerning its applicants or employees, including information obtained prior to the effective day of the law, except under certain limited circumstances defined by the statute. Employers are also required to segregate and maintain all such information in Americans with Disabilities Act compliant medical files.

On October 23, 2009, the Equal Employment Opportunity Commission issued the language required for employer postings. If you have not yet updated your posters, you may print and display posters prepared by the EEOC that are available at its website. Alternatively, you can print the language found under Related Files and post that adjacent to your current posters.

What This Means to You

With the effective date of GINA quickly approaching, employers should immediately prepare themselves by printing and displaying the required EEOC posting, educating their workforces on their employees' rights and responsibilities under GINA, and updating all relevant policies and procedures to reflect the those rights and responsibilities.

Contact Info

Should you have any questions about the statute or its requirements, please contact your Husch Blackwell Sanders attorney.

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