

## It's Time for GINA and a New Poster

The Genetic Information Nondiscrimination Act (GINA) becomes effective on November 21, 2009. The Act protects applicants and employees from discrimination based on genetic information.

Employers not only should become familiar with GINA's requirements, they will also need to make some changes. The Equal Employment Opportunity Commission (EEOC) has revised its "Equal Employment Opportunity is the Law" poster to incorporate GINA's requirements.

GINA applies to private and state and local government employers with 15 or more employees, employment agencies, labor unions, and joint labor-management training programs. The Act prohibits use of genetic information in making decisions related to any terms, conditions, or privileges of employment, prohibits covered entities from intentionally acquiring genetic information, requires confidentiality with respect to genetic information (with limited exceptions), and prohibits retaliation.

Covered entities in possession of genetic information about applicants or employees must treat it the same way they treat medical information generally. They must keep the information confidential and, if the information is in writing, must keep it apart from other personnel information in separate medical files. A covered entity may keep genetic information in the same file as medical information subject to the ADA.

### What Should Employers Do to Ensure Compliance?

- Update employee handbooks and policy manual EEO statements to include non-discrimination on the basis of genetics.
- Review (and revise as needed) any medical request or certification forms so that they don't inadvertently collect inappropriate information.
- Review your applications and interview questions to ensure you aren't collecting information that violates the ADA or GINA.
- Review your confidentiality practices and storage of medical records. It's a good time to ensure that you are in compliance with all legal requirements.
- Add a summary of GINA to your employment law training. Underscore to managers the importance of compliance with the ADA and avoiding asking "stray" medical questions. GINA is another good reason to ensure that managers really understand their obligations under the ADA.
- Make sure you also understand any related state law requirements and how they may interface with federal law.
- Get a new poster.

You can comply with the new poster requirements by going to:

<http://archive.eeoc.gov/posterform.html> and

1. Printing a poster supplement at [eeoc.gov/employers/upload/eeoc\\_gina\\_supplement.pdf](http://eeoc.gov/employers/upload/eeoc_gina_supplement.pdf) and posting it next to the EEOC's 2002 "EEO is the Law" poster, or
2. Printing and posting the current version of the "EEO is the Law" poster, or
3. Ordering a new poster.

The new poster is also available in Spanish, Arabic, and Chinese.

#### **Interested in reprinting the above information?**

As a service to the human resource community, we are pleased to allow our white papers to be reprinted. However, when reprinting this article, you must maintain the accuracy, intent of the content, include final credit paragraph which includes our name, HRN Management Group, and a link to our site at [www.hrnonline.com](http://www.hrnonline.com).

Need text version? Let us know.

#### **HRN Launches Incentive Pro!**

Incentive Pro is an online incentive plan development and administration solution built and supported by HRN compensation professionals.

- Customized to your organization
- Fair and equitable
- Administrative guidelines
- Employee buy-in
- Continual updates and upgrades
- HRN compensation consultant expertise

For more information or to request a no-obligation price quote  
**Contact HRN at 1-800-940-7522. | [www.hrnonline.com/incentivepro](http://www.hrnonline.com/incentivepro)**