

## »Business Alert

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### November 2009—Workplace EEOC Poster

Employers should be aware that a new mandatory change is required to the Equal Employment Opportunity Commission (EEOC) notice in the *Employment Notices Poster*.

The change is required by the federal Genetic Information Nondiscrimination Act (GINA) which was signed into law on May 21, 2008. The posting requirement is mandatory for all covered employers (i.e., employers with 15 or more employees.) Employers must begin to comply with the new posting requirement by November 21, 2009. The text of the new posting was provided by the EEOC on October 22, 2009, as a supplement to the current version of the EEOC poster.

GINA is designed to prohibit the improper use of genetic information in health insurance and employment. Among other things, GINA bars employers from using an individual's genetic information when making decisions regarding hiring, firing, job placement or promotion, and regulates the collection and disclosure of genetic information by employers. The law also prohibits retaliation against employees who exercise their rights under GINA.

To comply with GINA, employers should ensure that all documents related to an employee's health, medical condition or treatment are maintained in a secure

location and in a confidential file separate from other personnel records. GINA requires that genetic information about an employee or job applicant be maintained in a separate medical file and kept discretely as a confidential medical record.



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*This alert was authored by J. Michael Summerour, a shareholder whose practice focuses on labor and employment matters. Mr. Summerour also has broad experience in handling a variety of business litigation matters. His approach to all cases is to obtain the best result possible in a cost-efficient manner. For more information, contact Mr. Summerour by sending a message to: [Michael.Summerour@GreshamSavage.com](mailto:Michael.Summerour@GreshamSavage.com) or calling (951) 684-2171.*

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