



Legal Alert: EEOC Revises "EEO is the Law" Poster to Include Information on GINA

10/29/2009

As of November 21, 2009, covered employers will be required to post information on the ban on employment discrimination based on genetic information contained in the Genetic Information Nondiscrimination Act of 2008 (GINA). GINA prohibits employers from discriminating against applicants and employees based on genetic information. The law also restricts employers' acquisition and disclosure of genetic information. The employment provisions of GINA apply to private and state and local government employers with 15 or more employees, employment agencies, labor unions, and joint labor-management training programs. They also cover Congress and federal executive branch agencies.

The Equal Employment Opportunity Commission (EEOC) has approved a proposed final rule implementing the employment nondiscrimination provisions and has revised its "Equal Employment Opportunity is the Law" poster to add information about GINA. The revised poster also includes updates from the Department of Labor. The EEOC has provided several ways for employers to comply with the posting requirement:

- Employers can print the EEOC's "EEO is the Law" poster supplement and post it alongside the EEOC's September 2002 "EEO is the Law" poster or the OFCCP's August 2008 "EEO is the Law" poster. The supplement can be downloaded at no charge from the EEOC's website at http://www.eeoc.gov/gina_supplement.pdf.
- Alternatively, employers can print and post the EEOC's November 2009 version of the "EEO is the Law" poster, which is also available at no charge on the EEOC's website at http://www.eeoc.gov/self_print_poster.pdf.
- Employers who need more than ten copies of the poster should order it from the EEOC Clearinghouse. Although the EEOC website states that the poster is on backorder, it also states that it will be shipped when it becomes available in the near future.

Although employers may receive solicitations from companies offering to sell them the revised EEO poster or a combination poster, it is not necessary to purchase a poster because the EEOC makes all required postings available at no charge on its website.

If you have any questions regarding GINA or the new posting requirement or other labor or employment related issues, please contact the Ford & Harrison

attorney with whom you usually work.