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**Genetic Information
Nondiscrimination Act of 2008**

The Equal Employment Opportunity Commission (“EEOC”) issued a proposed rule to implement Title II of the Genetic Information Nondiscrimination Act of 2008 (“GINA”) to protect job applicants, current and former employees, labor union members and apprentices and trainees from discrimination based on their genetic information. Title II of GINA restricts the deliberate acquisition of genetic information by employers and other “covered entities” (as defined in this proposed rule), prohibits use of genetic information in employment decision-making, requires that genetic information be kept confidential (which includes maintaining written genetic information that exists in paper or electronic form as a confidential medical record) and strictly limits disclosure of genetic information.

This proposed rule bars actions by covered entities that may limit, segregate, or classify employees because of genetic information. In addition, this proposed rule prohibits retaliation where an individual opposes any act made unlawful by GINA, files a charge of discrimination or assists another in doing so, or gives testimony in connection with a charge.

Genetic information includes information from genetic tests, the

genetic tests of family members, family medical history, and genetic information of a fetus carried by an individual or an individual’s family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services. Genetic information also includes information about an individual’s or family member’s request for or receipt of genetic services.

For more information please contact Popovits & Robinson at 708/479-3230.

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