

## What Employers Are Covered?

Those with 15 or more employees

## What Are GINA's Basics?

The Genetic Information Nondiscrimination Act (GINA) imposes strict confidentiality rules on genetic information and prohibits:

- discrimination based on genetic information
- employers from collecting genetic information, with very narrow exceptions
- health insurers and plans from requiring genetic testing and from discriminating based on genetic information in enrollment and premium-setting
- retaliation

## What About Disparate Impact?

GINA specifically exempts disparate impact from coverage. Instead, the law gives Congress six years from the March 2008 date of enactment to appoint a commission to review scientific developments and make recommendations on whether to add disparate impact liability.

## How Does GINA Affect an Employer's FMLA Certification Rights?

It doesn't. Although GINA prohibits employers from acquiring genetic information, there are certain exceptions, including when that information is obtained in the FMLA context.

## When Does GINA Go Into Effect?

The EEOC is required to issue final regulations within a year of GINA's March 2008 enactment and then employers will have six months to implement the required changes.

## What Are the Potential Penalties?

- Back pay
- Front pay
- Compensatory damages
- Punitive damages
- Attorneys' fees

