

**Equal Employment Opportunity Commission's proposed regulations under the Genetic Information Nondiscrimination Act of 2008 (GINA)**

The federal Equal Employment Opportunity Commission has released proposed regulations for administration of the Genetic Information Nondiscrimination Act of 2008 (GINA), which protects employees against discrimination by employers, employment agencies, labor unions and insurers, based on genetic information. The proposed rules may be found here:

[http://www.eeoc.gov/policy/docs/qanda\\_geneticinfo.html](http://www.eeoc.gov/policy/docs/qanda_geneticinfo.html)

The Act must be considered for its effect on proper administration of other State and federal statutes, including: the West Virginia Parental Leave Act; the federal Family and Medical Leave Act (FMLA), and; the federal Americans with Disabilities Act (ADA). Employees requesting leave under the Parental Leave Act or FMLA may provide family medical information, which must be kept in a separate medical file and treated as a confidential medical record. When you seek information from an employee requesting reasonable accommodation any genetic information obtained to support the request must be treated in the same manner as medical information. Although genetic information must be kept in a medical file separate from other personnel information, it may be kept in the same file as medical information subject to the ADA.