



December 2, 2009

MEMORANDUM FOR: All NOAA Employees

FROM: Larry J. Beat (Jerry),
Director, NOAA Civil Rights Office

SUBJECT: Genetic Information Non-Discrimination Act of 2008 (GINA)

The employment-related provisions of the Genetic Information Non-Discrimination Act of 2008 (GINA) became effective Saturday, November 21, 2009. GINA prohibits employers, including Federal Agencies, from discriminating against job applicants and workers based on genetic information. It also limits employers' ability to gather and disclose information about employees' genetic conditions—generally, inherited health issues or tendencies toward certain diseases.

Please note that the Rehabilitation Act and the Americans with Disabilities Act (ADA) prohibit discrimination on the basis of manifested conditions, whereas GINA prohibits discrimination based on genetic information and not on the basis of a manifested condition. *An employer is strictly prohibited from using genetic information to make an employment decision because genetic information doesn't tell the employer anything about someone's current ability to work.*

Employees who believe they have been discriminated against on the basis of his/her genetic information may go through the EEO Complaint process. To initiate this process, employees should contact the NOAA Civil Rights Office (CRO) at (301) 713-0500, or 1-800-452-6728 within 45 days of an alleged discriminatory event.

To learn more about GINA, please visit the Equal Employment Opportunity Commission (EEOC)'s website at: <http://www.eeoc.gov/laws/types/genetic.cfm>.

If you have any questions concerning this announcement, you may reply to this e-mail or contact the Civil Rights Office at the number above.