

## Ensuring Employer Compliance with the California Genetic Information Nondiscrimination Act

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Attorney Articles

On January 1, 2012, the California Genetic Information Nondiscrimination Act (CalGINA) took effect. CalGINA was passed to broaden the protections from genetic discrimination provided through the federal Genetic Information Nondiscrimination Act (GINA). While CalGINA applies to housing, education, and in other arenas where discrimination can often occur, the new law also has a substantial impact on California employers.

CalGINA directly amends the California Fair Employment and Housing Act (FEHA), which protects the employment rights of those in protected classes including race, national origin, physical disability, age, and sexual orientation. Specially, CalGINA adds genetic information as a prohibited basis for employment discrimination under FEHA. "Genetic information" is defined under the new law as information about: (1) the individual's genetic tests; (2) the genetic tests of family members of the individual; or (3) the manifestation of a disease or disorder in family members of the individual. Genetic information does not include information about the sex or age of any individual.

As a result of the new legislation, Dorsey & Whitney's California labor and employment attorneys have updated the Family and Medical Leave Act (FMLA) forms provided by the U.S. Department of Labor to ensure that California employers do not ask questions that, while appropriate under federal law, may violate CalGINA and expose California employers to liability.

The relevant forms can be found [here](#).

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