



Extended Recordkeeping Requirements Take Effect April 3rd

02.27.2012

The Equal Employment Opportunity Commission's (EEOC) final rule extending the recordkeeping requirements imposed under Title VII of the Civil Rights Act and the Americans with Disabilities Act (ADA) to employers covered by Title II of the Genetic Information Nondiscrimination Act (GINA) will take effect on April 3, 2012.

The rule requires the same record retention requirements mandated under Title VII and the ADA to GINA without requiring the creation of any documents or new reporting requirements. Employers must retain all employment and personnel records for one year from the date created or the date the personnel action was taken, whichever is later. In addition, all records relating to a charge filed under GINA must be maintained until final disposition of the charge.

Title II of GINA prohibits the use of genetic information in making employment decisions, restricts acquisition of genetic information by covered employers and entities, and strictly limits the disclosure of genetic information. GINA covers employers with 15 or more employees, employment agencies, labor unions, joint labor-management training programs, and federal sector employers.