



CHAPTER: Equal Employment Opportunity Policy

SUBJECT: Genetic Information Nondiscrimination Act of 2008

POLICY NUMBER: 4.313 PAGES:2

RELATED POLICIES: 4.711 4.506 **ENABLING RESOLUTION: 208-2011 210-2011** **REVISION DATE(S): New 10/11**

DEPARTMENT OF PRIMARY RESPONSIBILITY: HUMAN RESOURCES

SPECIAL NOTES: This Policy/Procedures Manual does not in any way constitute an employment contract. Sedgwick County reserves the right to amend this Manual at any time subject only to approval by the Board of County Commissioners and the Governing Body of Sedgwick County Fire District Number One. The Memorandum of Agreement should be consulted for those Fire District employees who are included in the bargaining unit.

I. Purpose

The purpose of this Policy is to provide policy and procedures to protect applicants, current and former employees from discrimination based on their genetic information in full compliance with Title II of the Genetic Non-discrimination Act (“GINA”).

II. Policy

- A. Sedgwick County prohibits the deliberate acquisition of, as well as the use or disclosure of genetic information, including information obtained inadvertently, to discriminate against any employee or applicant in regard to hiring, termination, promotion, compensation, job training, or any other term, condition, or privilege of employment.
- B. Sedgwick County prohibits requests for genetic information from an employee or family member through the following actions, including but not limited to:
- Pre and post employment medical questionnaires
 - Information about sick leave in a way that is likely to result in genetic information
 - Requests for Fit-For-Duty or Independent Medical Exams
 - Requests for Workman’s Compensation and related examinations
 - Requests for ADA medical certification
 - Substance abuse screening tests
 - Health Risk Assessments for employee wellness program (subject to exceptions under GINA)
 - Requests for FML for the employee (not family member as defined by Sedgwick County Policy number 4.711)
 - Conducting internet searches in a way that is likely to result in the County obtaining genetic information
 - Soliciting information in an interview
 - Actively listening to 3rd party conversations

III. Definitions:

- A. For the purpose of this policy “genetic information” is defined as:
 - i. An individual’s genetic tests;
 - ii. The genetic tests of that individuals family members; and
 - iii. The manifestation of disease of disorder in family members of the individual (family medical history).

- B. “Family member”: a person who is a dependent of that individual as a result of marriage, birth, adoption or placement for adoption; or a first –degree, second-degree, third-degree, or fourth-degree relative of the individual or of a dependant of the individual. First-degree relatives include an individual’s parents, siblings, and children. Second-degree relatives include an individual’s grandparents, grandchildren, uncles, aunts, nephews, nieces and half-siblings. Third-degree relatives include an individual’s great-grandparents, great-grandchildren, great uncles/aunts and first cousins. Fourth-degree relatives include an individual’s great-great-grandparents, great-great-grandchildren and first cousins once-removed.

IV. Procedure

- A. Requests for genetic information on official Sedgwick County Family Medical Leave forms may be required to provide medical certification to support an employee’s request.
- B. Any genetic information acquired, even unintentionally, must be maintained as confidential in Human Resources in a file separate from the employee’s official Human Resources file.
- C. In accordance with this policy, managers, supervisors and employees are expected to understand what type of information requests are permitted, what type of requests are prohibited, and recognize that any genetic information obtained must be kept confidential.
- D. Complaints of discrimination or harassment based on Genetic Information shall follow Sedgwick County Discrimination and Harassment Policy number 4.506.