# Cincinnati Law Library News

A Monthly Newsletter from the Cincinnati Law Library Association June 2008

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**The Cincinnati Law Library Association**

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## A New Discrimination Law: The Genetic Information Non-Discrimination Act

**By Allen S. Kinzer,**
**Vorys, Sater, Seymour and Pease LLP**

It started when a railroad had certain employees submit a blood test.

The employees later learned that the railroad ran a genetic test to see if the employees had a genetic predisposition to carpal tunnel syndrome. When the employees learned of their employer's actions, they went public, and Congress took action.

President Bush will soon sign into law the Genetic Information Non-Discrimination Act ("GINA"), which prohibits

(1) health insurance companies from using genetic information to set premiums or determine enrollment eligibility; and

(2) employers, employment agencies and labor organizations from using genetic information about employees or their family members in making employment or membership decisions.

GINA's employment provisions also prohibit employers, employment agencies and labor organizations from requesting, requiring or purchasing genetic information relating to an employee, union member or a family member of an employee or union member, except in situations where:

1. A covered entity inadvertently requests or acquires such information;

2. Health or genetic services are offered by a covered entity, including such services offered as part of a wellness program, and the employee or member provides prior, knowing, written authorization to release such information to the health care professional or genetic counselor providing such services, and individually identifiable information is only available for such purposes and is not disclosed to the covered entity;

3. A covered entity purchases documents that are commercially and publicly available that include family medical history;

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4. The information involved is to be used for genetic monitoring of the biological effects of toxic substances in the workplace that is required by law, the covered entity provides written notice of the monitoring, and the covered entity informs the employee or member of the results of such monitoring;

5. The information is acquired by a covered entity in conjunction with the certification provisions of the Family Medical Leave Act; or

6. The employer conducts DNA analysis for law enforcement purposes as a forensic laboratory and the DNA of employees is a necessary quality control measure to detect sample contamination.

If genetic information is lawfully obtained, GINA requires that it be maintained on separate forms and in separate medical files and be treated as a confidential medical record of the employee or member.

For most covered entities, GINA will not trigger any change in existing practices concerning the gathering and storage of employee or member medical or genetic information. However, the broad definition of "genetic information" in GINA could pose traps for the unwary, as it includes not only genetic testing results but also information regarding "the manifestation of a disease or disorder" in family members of the employee or member as well.

In other words, information that an employee or member's parent or sibling has a genetic disease or disorder could be transformed from a topic of everyday conversation into a much more sensitive matter requiring appropriate safeguards, and could also have important implications for self-insured health plans.

*Mr. Kinzer is a partner in the Vorys Columbus office and a member of the labor and employment practice group. Mr. Kinzer has lectured on a variety of topics including the Americans with Disabilities Act, the Family and Medical Leave Act, the National Labor Relations Act, decisions of the National Labor Relations Board, Title VII and state discrimination laws, and Fair Labor Standards Act.*

*Mr. Kinzer received his J.D. from the University of North Carolina School of Law with honors where he was a member of the University of North Carolina Law Review. He received his B.A. summa cum laude from Vanderbilt University where he was Phi Beta Kappa.*

## Revisiting GINA

**By Glenna Herald**

If you would like more information about the Genetic Information Non-Discrimination Act or other legislative activity, check out the following websites.

THOMAS, a site from the Library of Congress, is a database used for tracking current, as well as historical, congressional activity. This is a free service covering information on legislative activity from the 101st Congress to the present.

http://thomas.loc.gov/

Another good site promising to keep you apprised of your government's actions is OpenCongress. This resource, brought to you by the Sunlight Foundation and the PPF, "*brings together official government information with news and blog coverage to give you the real story behind what's happening in Congress.*"

OpenCongress offers readers blogs with insightful comments, links to bills, information on "hot" issues, and information regarding your elected officials.

http://www.opencongress.org/

Try GovTrack, in addition to OpenCongress and THOMAS. GovTrack is another free and useful resource to help searchers gather information about federal legislation, voting records, and other information helpful in keeping government accessible.

http://www.govtrack.us/about.xpd

These free and easy to use resources oil the wheels of democracy by helping the populace stay informed.

## Member Benefits

All members have access to the following valuable resources and services:

**Circulation privileges** to borrow from over 40,000 print volumes for **up to 6 weeks** at a time

Access to extensive electronic databases from the Law Library, including **LexisNexis**, **Shepards'**, **CCH Omnitax**, **CCH Human Resources Group**, and **CCH Business Group** resources, **Hein Online** Law Journals and Federal Register, and over 70 **Aspen** / **LOISLaw** treatises in 16 substantive areas

**Wireless network** throughout the Law Library

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5 **meeting rooms** with speaker phones

Professional **reference service** by our law librarians, available via e-mail, telephone, and in person;

Free **document delivery** by fax or e-mail of print and electronic materials

Inexpensive **CLE seminars** throughout the year, on legal research and substantive topics

In addition, solos and members whose firm has a membership have **24 hour remote access** to Fastcase.com case law and Aspen/LOISLaw treatises

## Announcing New BNA Databases

**By Mary Jenkins**

These online databases from BNA are now available for your use at the Law Library and on the County intranet (HCNet). Give the Health Law and Income/Tax Management Portfolios a try online – they're loaded with functionality and more searchable than print versions – and let us know if you appreciate them.

- **Digital Discovery & e-Evidence:** A compelling new information service on the evidentiary value of electronic data in litigation, providing in-depth intelligence and insights from leading courtroom and computer forensics experts.

- **Health Law & Business Library:** Portfolios in which experienced practitioners offer an inside look, in an industry-wide context, at the critical issues arising where health law and business interests intersect.

- **Pensions and Benefits Reporter:** Current reports providing news and developments so you can monitor the laws, regulations, cases, and issues that influence pension and benefits policy, design, and administration; a complete collection of authoritative pension reference documents and forms.

- **Workplace Immigration:** Original reporting on workplace immigration news developments, federal and state legislation and regulations, and immigration enforcement actions in various industries. It also offers guidance for employers on workplace immigration policies and practices.

- **U.S. Income Portfolios Library – Tax, Estates, Gifts, Trusts, Foreign Income:** Analysis and news on the highly complex and quickly evolving area of transfer pricing. This Library has three main components: the Portfolios, featuring in-depth analysis of renowned transfer pricing experts; the Transfer Pricing Report providing biweekly news and developments; and instant access to relevant source documents and practice tools.

# 2008 Annual Meeting!!!!

You are invited to participate in the 2008 annual meeting of the membership of the Cincinnati Law Library Association.

**Thursday, June 26, 2008**

**12:00 noon – 1:00 p.m.**

**Cincinnati Law Library**

**Hamilton County Courthouse, Room 601**

Approval of Minutes  Annual Report  Election of Trustees

Other Business before the Membership

**Please Mark Your Calendar to Attend.**

**For additional information, please call 513.946.5300.**

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ADDRESS CORRECTION REQUESTED

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