Genetic Info Nondiscrimination Act (GINA) Regs Published

The EEOC (Equal Employment Opportunity Commission) has just published its regulations regarding the passage of the Genetic Information Nondiscrimination Act of 2008 (GINA), which took effect on November 21, 2009. **Under Title II of GINA, it is illegal to discriminate against employees or applicants because of genetic information.** Title II prohibits the use of genetic information in making employment decisions, restricts employers and other covered entities from requesting, requiring, or purchasing genetic information, and strictly limits the disclosure of genetic information.

The EEOC enforces Title II of GINA (which deals with genetic discrimination in employment). The Departments of Labor, Health and Human Services and the Treasury have responsibility for issuing regulations for Title I of GINA, which addresses the use of genetic information in health insurance.

**What does this mean for you?** It means that at every location where employees or applicants gather or have an opportunity to read about their rights (break rooms, time clocks, bulletin boards) you should ensure that you have the EEOC’s most current poster in plain view. (A free copy can be downloaded at [http://www.eeoc.gov/employers/upload/eeoc_self_print_poster.pdf](http://www.eeoc.gov/employers/upload/eeoc_self_print_poster.pdf). There is also a Spanish version available at the EEOC’s poster site.) Please make sure that outdated posters are removed too.

At the practical level, it means that you shouldn’t be asking applicants or employees about their family’s genetic history of illnesses, nor should you use any genetic information about an employee as a decision-making factor in any term or condition of employment (refusal to hire, refusal to promote, decisions about who gets to travel, etc.).

The new GINA regulations also mean that in coming weeks the University’s Equal Employment Opportunity Policy and its Policy Prohibiting Harassment of Employees will add “genetic information” as one of the protected classes. When those policies has been officially changed and approved, you’ll be notified in this newsletter and should download copies of the new policies for posting as well.

**Questions?** Call the AA/EEO Office at 844-4794.

HRD to Offer Two New Income Tax Prep Courses

On December 6 and again on December 9, Human Resource Development (HRD) will offer, for the first time,
workshops to assist individuals with their individual income tax preparations: First on December 6 from 3:30 to 4:30, Mr. Sam Deal-CPA CFE, Accountant III, Department of Clinical Sciences-will present FM600 "Self-Preparing Your Annual Tax Return "; participants will learn the benefits of preparing their own taxes, the items needed to prepare returns, some recommendations for items that will make tax return preparation easier, and tips to know when consulting a tax professional. Then on December 9 from 1:30 to 4:30, Mr. Deal will facilitate FM610 "Annual Tax Return Preparation: Forms and Basic Schedules"; this course will overview the most common tax forms and when they are required to be filed, cover some of the more common tax credits that individuals may be entitled to, briefly review how to amend previous year’s tax returns if an error was made, and explain how to receive a refund if a credit/deduction was missed by a previous tax preparer. To register in either or both of these courses, go to A-Train at https://atrains.auburn.edu/ or contact Pamela Rogers (pkr0001@auburn.edu or 844-7363) for more information.

**HRD Spring Semester 2011 Schedule Publication Times**

The HRD Spring Semester 2011 electronic schedule will be posted on Monday, December 6, on the HRD web page https://atrains.auburn.edu/. The paper copy will be distributed on campus sometime during the week of January 3-7, 2011.

**Seasonal Holidays**

Christmas holidays will be observed on Monday, Dec. 20 through Thursday, Dec. 27.

New Year's 2011 will be observed on Friday, Dec. 21, 2010.

Martin Luther King, Jr. day will be observed on Monday, Jan. 17, 2011.

Employees who are not scheduled to work on those dates, but who are eligible for holidays (i.e. Regular nonstudent employees), should be afforded equivalent time off as close to the holiday date as is practical. The 2010-11 Holiday schedule is summarized here.

**Exempt vs. Non-Exempt**

Exempt and non-exempt are two terms most people have heard but may not fully understand. One major misconception is that a person can simply choose whether a particular position is classified as exempt or non-exempt. Many people believe that simply by paying a salary and not an hourly wage that an employee is exempt from receiving overtime pay. Neither of these statements is true.

The terms exempt and non-exempt come from a federal law – the Fair Labor Standards Act or FLSA. This law has many provisions including minimum wage provisions, recordkeeping, child labor standards, and overtime provisions. It is from the overtime provisions of the Fair Labor Standards Act that we find the terms exempt and non-exempt. The law requires employers to classify positions as either exempt or non-exempt and provides the guidelines employers use to make such a determination. Non-exempt employees are entitled to overtime pay. Exempt employees are not entitled to overtime pay; hence, they are "exempt" from the overtime provisions of the law.

For non-exempt employees, the law provides for a minimum hourly wage, the maintenance of detailed records of hours worked, and overtime pay of one and one-half the regular rate for work in excess of 40 hours during a seven day pay period. Public institutions, such as Auburn University, are authorized to award compensatory time off at the premium rate equal to one and one-half hour for each overtime hour worked in lieu of pay.

**Nominations sought for Spirit of Excellence Award**

The Department of Human Resources is seeking nominations for the Spirit of Excellence Award. Each month
the award is given to an employee from each of the following employment groups: Service and Maintenance, Secretarial and Clerical, Technical and Paraprofessional, and Administrative and Professional. To nominate an employee, a form must be completed and sent to the Spirit of Excellence Award, Department of Human Resources, 332 Foy Hall. To print a form, go to this link. For more information, contact Sonya Dixon at 844-7612 or dixonsa@auburn.edu.

**Spirit of Excellence Winners**

Each month AU presents Spirit of Excellence awards to four employees for outstanding service.

**Recipients for September 2010 are:**

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<thead>
<tr>
<th>Category</th>
<th>Name</th>
<th>Unit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Office/Admin</td>
<td>Nancy Evans</td>
<td>Special Ed, Rehab, Coun/Sch Psy</td>
</tr>
<tr>
<td>Administrative/Professional</td>
<td>Mitzi Moran</td>
<td>CES Administration</td>
</tr>
<tr>
<td>Service Maintenance</td>
<td>Dora Moore</td>
<td>Building Services</td>
</tr>
<tr>
<td>Technical/Paraprofessional</td>
<td>Hollie Lee</td>
<td>Clinical Sciences</td>
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Do you know a fellow AU employee whose performance is consistently beyond what is expected? One who exemplifies professionalism and routinely puts forth extra effort? One whose contribution to the department's or university's mission is significant? If so, that person would be a perfect nominee for AU's monthly Spirit of Excellence award. You can link to the nomination form at [http://www.auburn.edu/administration/human_resources/forms/spirit.pdf](http://www.auburn.edu/administration/human_resources/forms/spirit.pdf).

**Moving? Want to Continue Your Career in Higher Ed?**

The Department of Human Resources routinely receives position announcements from other colleges and universities. These are maintained in notebooks in the lobby of our department in 332 James E. Foy Hall. Please feel free to come by to review these during our lobby hours of 7:45 a.m. to 4:45 p.m., Monday through Friday.

**Your Newsletter Subscription**

Subscribers to the HR Newsletter receive a brief email alert message, and a pointer to this newsletter on the web, whenever the newsletter is updated. You can read the newsletter without subscribing, of course -- just visit [http://www.auburn.edu/administration/human_resources/hrnews.htm](http://www.auburn.edu/administration/human_resources/hrnews.htm).

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