

Justification for Change Request
OMB Control No. 0690-0015

The Department of Commerce, Office of Civil Rights (OCR) collects information pertaining to Equal Employment Opportunity (EEO) complaints by Commerce employees and applicants on Form CD-498, Complaint of Employment Discrimination (Used by Permanent Employees and Applicants for Employment at DOC). The CD-498 currently contains check boxes for complainants to identify the statutory basis for their complaint (*e.g.* race, color, sex, religion, national origin, age, disability, or retaliation). The OCR proposes to add a checkbox for “Genetic Information” to the CD-498 to comply with new statutory requirements under the Genetic Information Nondiscrimination Act of 2008 (GINA).

GINA became effective on November 21, 2009. The new law prohibits employers, including Federal agencies, from discriminating against job applicants and employees based on genetic information. GINA also restricts employers’ acquisition and disclosure of genetic information. An employer may not use genetic information in making employment decisions under any circumstances. An employee who believes that he/she has been discriminated against on the basis of his/her genetic information may go through the EEO complaint process.

To comply with GINA, the OCR must modify the CD-498 to allow Commerce employees and applicants to pursue EEO complaints under GINA.

The requested modification does not add to the burden hours.