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To: Vermont Senate  
Committee on Health and Welfare

From: Emily Chamberlain Adams, Assistant Attorney General Civil Rights Unit  
Vermont Attorney General's Office

Date: March 11, 2020

Re: S. 197 – An act related to prohibiting discrimination based on genetic information

Dear Chair Lyons and members of the Senate Committee on Health & Welfare:

Per your request, below is a summary of my testimony this morning regarding the proposed revisions to Vermont's Fair Employment Practices Act (VFEPa) contained in S. 197.

The Civil Rights Unit of The Vermont Office of the Attorney General (CRU) is responsible for enforcing various Vermont laws related to employment discrimination and harassment. Our work includes investigating claims of employment discrimination and answering questions from the general public regarding the laws we enforce.

VFEPa is one of the laws that falls within the CRU's enforcement authority. The present draft of S. 197 proposes to add "genetic information" to the list of protected categories under VFEPa. This would prohibit Vermont employers from making employment decisions or otherwise discriminating against or harassing employees based on genetic information, as defined in the bill.

Presently, Vermont employers with more than fifteen employees are already subject to the federal Genetic Information Nondiscrimination Act (GINA). GINA's definition of genetic information is substantially similar to that in the first draft of S. 197 and, among other things, prohibits employers from discriminating against employees based on genetic information, as defined by that law. By adding this same category to VFEPa, the obligations of these larger employers would not change, but employers with less than 15 employees would now be subject to the same non-discrimination requirements.

Current members of the CRU do not recall receiving any complaints of genetic information discrimination for investigation. That being said, given that genetic information discrimination

is already prohibited for larger employers under GINA, we support the addition of this protected class to VFEPA.

If you have any further questions, please let me know.

Sincerely,

A handwritten signature in black ink, appearing to read "Emily Adams", with a large, stylized flourish at the end.

Emily Chamberlain Adams  
Assistant Attorney General, Civil Rights