

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION**29 CFR Ch. XVI****Semiannual Regulatory Agenda**

AGENCY: Equal Employment Opportunity Commission.

ACTION: Semiannual regulatory agenda.

SUMMARY: The Equal Employment Opportunity Commission (EEOC or Commission) is publishing its semiannual regulatory agenda pursuant to Executive Order 12866, 58 FR 51735, and the Regulatory Flexibility Act, 5 U.S.C. chapter 6. The agenda lists all regulations that are scheduled for review or development during the next 12 months or that have been finalized since the publication of the last agenda.

FOR FURTHER INFORMATION CONTACT: Peggy R. Mastroianni, Legal Counsel, Office of Legal Counsel, Equal Employment Opportunity Commission, 131 M Street NE., Washington, DC 20507; telephone (202) 663-4609.

SUPPLEMENTARY INFORMATION: The Commission has identified nine items in this regulatory agenda. EEOC's regulatory agenda is published online at www.reginfo.gov and www.regulations.gov.

Signed in Washington, DC, this 4th day of March 2014.

For the Commission

NAME: Jacqueline A. Berrien,

Chair.

The 9 Regulatory Agendas

Equal Employment Opportunity Commission - PreRule

| Title | Regulation Identifier Number |
|--|------------------------------|
| Revisions to the Federal Sector's Affirmative Employment Obligations Regarding Individuals with Disabilities Under Section 501 of the Rehabilitation Act of 1973, as Amended | 3046-AA94 |
| Federal Sector Equal Employment Opportunity Process | 3046-AB00 |

Equal Employment Opportunity Commission - Proposed Rule

| Title | Regulation Identifier Number |
|---|------------------------------|
| Revisions to Procedures for Complaints or Charges of Employment Discrimination Based on Disability Subject to the Americans With Disabilities Act and Section 504 of the Rehabilitation Act of 1973 | 3046-AA91 |
| Revisions to Procedures for Complaints/Charges of Employment Discrimination Based on Disability Filed Against Employers Holding Government Contracts or Subcontracts | 3046-AA92 |
| Revisions to Procedures for Complaints of Employment Discrimination Filed Against Recipients of Federal Financial Assistance | 3046-AA93 |
| Revision of Federal Sector Regulation on Time Limits for Filing a Civil Action | 3046-AA97 |
| Amendments to Regulations Under the Americans With Disabilities Act | 3046-AB01 |
| Amendments to Regulations Under the Genetic Information Nondiscrimination Act of 2008 | 3046-AB02 |

Equal Employment Opportunity Commission - Completed Action

| Title | Regulation Identifier Number |
|--|------------------------------|
| Adjusting the Penalty for Violation of Notice Posting Requirements | 3046-AA98 |

Equal Employment Opportunity Commission (EEOC)

RIN: 3046-AA94

[View Related Documents](#)

Title: Revisions to the Federal Sector's Affirmative Employment Obligations Regarding Individuals with Disabilities Under Section 501 of the Rehabilitation Act of 1973, as Amended

Abstract: Section 501 of the Rehabilitation Act, as amended (Section 501), prohibits discrimination against individuals with disabilities in the Federal Government. The EEOC's regulations implementing section 501, as set forth in 29 CFR part 1614, require Federal agencies and departments to be "model employers" of individuals with disabilities.¹ The Commission intends to issue an Advance Notice of Proposed Rulemaking that seeks public comments on whether and how the existing regulations could be improved to provide more detail on what being a "model employer" means and how Federal agencies and departments should "give full consideration to the hiring, placement and advancement of qualified individuals with disabilities."² The EEOC's review of the comments and potential revisions would be informed by the discussion in Management Directive 715 of the tools Federal agencies should use to establish goals for the employment and advancement of individuals with disabilities. The EEOC's review of the comments and potential revisions would also be informed by and consistent with the goals of Executive Order 13548 to increase the employment of individuals with disabilities and the employment of individuals with targeted disabilities. _____ 1 29 CFR 1614.203(a). 2 Id.

Priority: Other Significant**Agenda Stage of Rulemaking:** PreRule**Major:** No**Unfunded Mandates:** No**CFR Citation:** 29 CFR 1614.203(a) (To search for a specific CFR, visit the [Code of Federal Regulations](#).)**Legal Authority:** 29 USC 791(b)**Legal Deadline:** None

Timetable:

| Action | Date | FR Cite |
|--------|------------|---------|
| NPRM | | |
| ANPRM | 05/00/2014 | |

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** Federal**Small Entities Affected:** No**Federalism:** No**Energy Affected:** No**Related RINs:** Related to 3046-AA73

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Equal Employment Opportunity Commission (EEOC)**RIN:** 3046-AB00 [View Related Documents](#)**Title:** Federal Sector Equal Employment Opportunity Process

Abstract: In July 2012, the Commission published a final rule containing 15 discrete changes to various parts of the Federal sector EEO complaint process, and indicated that the rule was the Commission's initial step in a broader review of the Federal sector EEO process. The Commission intends to develop an Advance Notice of Proposed Rulemaking (ANPRM), which would seek public input on additional issues associated with the Federal sector EEO process.

Priority: Other Significant**Agenda Stage of Rulemaking:** PreRule**Major:** No**Unfunded Mandates:** No**CFR Citation:** 29 CFR 1614 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)**Legal Authority:** 29 USC 206(d); 29 USC 633a; 29 USC 791; 29 USC 794; 42 USC 2000e-16; EO 10577; EO 11222; EO 11478; EO 12106; Reorganization Plan No. 1 of 1978; 42 USC 2000ff-6(e)**Legal Deadline:** None**Timetable:**

| Action | Date | FR Cite |
|--------|------------|---------|
| ANPRM | 10/00/2014 | |

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** Federal**Small Entities Affected:** No**Federalism:** No**Energy Affected:** No

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Equal Employment Opportunity Commission (EEOC)

RIN: 3046-AA91

 [View Related Documents](#)

Title: Revisions to Procedures for Complaints or Charges of Employment Discrimination Based on Disability Subject to the Americans With Disabilities Act and Section 504 of the Rehabilitation Act of 1973

Abstract: The EEOC has a joint regulation with the Department of Justice (DOJ) to explain how Federal agencies that provide financial assistance should process disability-based employment discrimination complaints/charges against entities subject to both title I of the Americans with Disabilities Act, as amended (ADA) (prohibiting disability-based employment discrimination by employers with 15 or more employees), and section 504 of the Rehabilitation Act (Section 504) (prohibiting disability-based discrimination in programs or activities receiving Federal financial assistance).¹ This proposed rule would amend this joint regulation to revise the definitions of certain terms and clarify the procedures for referring these complaints/charges between agencies with responsibility for enforcing title I of the ADA and section 504. In drafting this regulation, EEOC will explore ways to make it more consistent with two other coordination regulations (29 CFR part 1641 and 29 CFR part 1691), as well as with the recently revised Memorandum of Understanding (MOU) between the EEOC and the Department of Labor's Office of Federal Contract Compliance Programs (OFCCP). This MOU addresses the investigation and processing of complaints or charges alleging employment discrimination that may fall within the jurisdiction of title VII of the Civil Rights Act of 1964, as amended, and/or Executive Order 11246. _____¹ The proposed rule would also incorporate provisions established by the DOJ's rule on title II of the ADA (which prohibits discrimination on the basis of disability in all programs and activities of State and local government entities) for coordinating the processing of discrimination complaints that: (1) Fall within the jurisdiction of title II and title I (but are not covered by section 504); and (2) fall within the jurisdiction of title II, but not title I (whether or not they are covered by section 504). See 28 CFR 35.171(b)(2) and (3). The revisions described above would not impact the portions of the regulation addressing title II.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 29 CFR 1640 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: 5 USC 301; 29 USC 794(d); 42 USC 12117(b); EO 12067

Legal Deadline: None

Timetable:

| Action | Date | FR Cite |
|--------|------------|---------|
| NPRM | 10/00/2014 | |

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal; Local; State

Small Entities Affected: No

Federalism: No

Energy Affected: No

Related RINs: Related to 3046-AA92; Related to 3046-AA93

Related Agencies: Joint: DOJ

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Equal Employment Opportunity Commission (EEOC)

RIN: 3046-AA92

 [View Related Documents](#)

Title: Revisions to Procedures for Complaints/Charges of Employment Discrimination Based on Disability Filed Against Employers Holding Government Contracts or Subcontracts

Abstract: The EEOC has a joint regulation with the Department of Labor's Office of Federal Contract Compliance Programs (OFCCP) to coordinate the processing of disability-based employment discrimination complaints/charges filed against employers holding Government contracts or subcontracts, where the complaints/charges appear to state a claim under both section 503 of the Rehabilitation Act (Section 503) (requiring affirmative action and prohibiting disability-based employment discrimination by Federal Government contractors and subcontractors), and title I of the ADA (prohibiting disability-based employment discrimination by employers with 15 or more employees). This proposed rule would amend this joint regulation to revise the definition of certain terms and clarify the procedures for referring these complaints/charges between the agencies with responsibility for enforcing section 503 and title I of the ADA. In drafting this regulation, EEOC will explore ways to make it more consistent with two other coordination regulations (29 CFR part 1640 and 29 CFR part 1691), as well as with the recently revised Memorandum of Understanding between EEOC and OFCCP. This MOU addresses the investigation and processing of complaints or charges alleging employment discrimination that may fall within the jurisdiction of title VII of the Civil Rights Act of 1964, as amended and/or Executive Order 11246.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 29 CFR 1641 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 42 USC 12117(b); EO 12067

Legal Deadline: None

Timetable:

| Action | Date | FR Cite |
|--------|------------|---------|
| NPRM | 10/00/2014 | |

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal; Local; State

Small Entities Affected: No

Federalism: No

Energy Affected: No

Related RINs: Related to 3046-AA91; Related to 3046-AA93

Related Agencies: Joint: OFCCP; Joint: DOJ

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Equal Employment Opportunity Commission (EEOC)

RIN: 3046-AA93

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Title: Revisions to Procedures for Complaints of Employment Discrimination Filed Against Recipients of Federal Financial Assistance

Abstract: The EEOC has a joint regulation with the Department of Justice (DOJ) to explain how Federal agencies that grant financial assistance or revenue sharing funds should process complaints of employment discrimination subject to various EEO statutes if the complaints allege discrimination that is also prohibited by title VII of the Civil Rights Act of 1964, as amended (Title VII), or the Equal Pay Act of 1963 (EPA).¹ This proposed rule would amend this joint regulation to revise the definitions of certain terms and clarify the procedures for handling these complaints. In drafting this regulation, EEOC will explore ways to make it more consistent with two other coordination regulations (29 CFR part 1640 and 29 CFR part 1641), as well as with the recently revised Memorandum of Understanding (MOU) between EEOC and the Department of Labor's Office Federal Contract Compliance Programs. This MOU addresses the investigation and processing of complaints or charges alleging employment discrimination that may fall within the jurisdiction of title VII and/or Executive Order 11246. _____¹ The relevant EEO statutes are: Title VI of the Civil Rights Act of 1964, title IX of the Education Amendments of 1972, the State and Local Fiscal Assistance Act of 1972, as amended (the revenue sharing act), and provisions similar to title VI and title IX in Federal grant statutes to the extent they prohibit discrimination on the basis of race, color, religion, sex, or national origin.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 29 CFR 1691 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: EO 12250; EO 12067

Legal Deadline: None

Timetable:

| Action | Date | FR Cite |
|--------|------------|---------|
| NPRM | 10/00/2014 | |

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal; Local; State

Small Entities Affected: No

Federalism: No

Energy Affected: No

Related RINs: Related to 3046-AA91; Related to 3046-AA92

Related Agencies: Joint: DOJ

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Equal Employment Opportunity Commission (EEOC)

RIN: 3046-AA97

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Title: Revision of Federal Sector Regulation on Time Limits for Filing a Civil Action

Abstract: This revision would affect time limits applicable to a complainant's right to file a civil action and further define when a complainant is deemed to have exhausted his or her administrative remedies after filing an appeal with EEOC, as set forth in *Bullock v. Berrien*, 688 F.3d 613 (9th Cir. 2012).

Priority: Info./Admin./Other**Agenda Stage of Rulemaking:** Proposed Rule**Major:** No**Unfunded Mandates:** No**CFR Citation:** 29 CFR 1614.407 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)**Legal Authority:** 29 USC 633a; 29 USC 794a; 42 USC 2000e-16(c)**Legal Deadline:** None**Timetable:**

| Action | Date | FR Cite |
|--------|------------|---------|
| NPRM | 09/00/2014 | |

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** Federal**Small Entities Affected:** No**Federalism:** No**Energy Affected:** No

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Equal Employment Opportunity Commission (EEOC)

RIN: 3046-AB01

[View Related Documents](#)**Title:** Amendments to Regulations Under the Americans With Disabilities Act

Abstract: This proposed rule would amend 29 CFR section 1630.14(d) to address whether, and to what extent, title I of the Americans with Disabilities Act (ADA) allows employers to offer financial inducements and/or impose financial penalties as part of wellness programs offered through their health plans, and to address other aspects of wellness programs that may be subject to the ADA's nondiscrimination provisions.

Priority: Other Significant**Agenda Stage of Rulemaking:** Proposed Rule**Major:** No**Unfunded Mandates:** No**CFR Citation:** 29 CFR 1630 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)**Legal Authority:** 42 USC 12101 et seq**Legal Deadline:** None**Timetable:**

| Action | Date | FR Cite |
|--------|------------|---------|
| NPRM | 06/00/2014 | |

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** Federal; Local; State**Small Entities Affected:** Business; Governmental Jurisdictions; Organizations**Federalism:** No**Energy Affected:** No

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Equal Employment Opportunity Commission (EEOC)

RIN: 3046-AB02

 [View Related Documents](#)

Title: Amendments to Regulations Under the Genetic Information Nondiscrimination Act of 2008

Abstract: This proposed rule would amend 29 CFR sections 1635.8(b)(2) and 1635.8(c)(2) to resolve the frequently-asked question of whether employers may offer inducements to employees' spouses or other family members who answer questions about their current medical conditions on a health risk assessment (HRA). Additionally, some technical amendments would correct a typographical error in the rule's discussion of wellness programs and would add references to the Affordable Care Act (ACA), where appropriate.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 29 CFR 1635 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 42 USC 2000ff

Legal Deadline: None

Timetable:

| Action | Date | FR Cite |
|--------|------------|---------|
| NPRM | 06/00/2014 | |

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal; Local; State

Small Entities Affected: Business; Governmental Jurisdictions; Organizations

Federalism: No

Energy Affected: No

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Equal Employment Opportunity Commission (EEOC)

RIN: 3046-AA98

 [View Related Documents](#)**Title:** Adjusting the Penalty for Violation of Notice Posting Requirements**Abstract:** In accordance with the Federal Civil Monetary Penalty Adjustment Act of 1990, as amended, this final rule adjusts for inflation the civil monetary penalty for violation of EEO notice posting requirements under title VII of the Civil Rights Act, the Americans with Disabilities Act, and the Genetic Information Nondiscrimination Act. It does not affect notice posting violations under the Age Discrimination in Employment Act or the Equal Pay Act because those statutes do not impose civil monetary penalties for notice posting violations.**Priority:** Info./Admin./Other**Agenda Stage of Rulemaking:** Completed Action**Major:** No**Unfunded Mandates:** No**CFR Citation:** 29 CFR 1601.30(b) (To search for a specific CFR, visit the [Code of Federal Regulations](#).)**Legal Authority:** 28 USC 2461 note; 42 USC 2000e-10**Legal Deadline:** None**Timetable:**

| Action | Date | FR Cite |
|--------------|------------|-------------|
| Final Action | 03/19/2014 | 79 FR 15220 |

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** Local; State**Small Entities Affected:** Business; Governmental Jurisdictions; Organizations**Federalism:** No**Energy Affected:** No

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