



March 22, 2011

Equal Employment Opportunity Commission
131 M Street, NE
Washington, DC 20002
Via email to Public.Comments.RegulatoryReview@eeoc.gov

Re: The EEOC's plan for retrospective analysis of significant regulations pursuant to Executive Order 13563

Dear Sir or Madam:

The American Association of People with Disabilities (AAPD) submits this response to the Equal Employment Opportunity Commission's request for public comment on its plan to review its significant regulations. AAPD is the country's largest cross-disability membership organization. Our mission is to organize the disability community to be a powerful force for change – politically, economically, and socially. AAPD appreciates the opportunity to provide comments as the EEOC develops its plan.

The EEOC has undertaken this review pursuant to Executive Order 13563, "Improving Regulation and Regulatory Review." 76 Fed. Reg. 3821 (Jan. 21, 2011). Executive Order 13563 directs each federal agency to develop "a preliminary plan, consistent with law and its resources and regulatory priorities, under which the agency will periodically review its existing significant regulations to determine whether such regulations should be modified, streamlined, expanded, or repealed so as to make the agency's regulatory program more effective or less burdensome in achieving the regulatory objectives." Specifically, the EEOC "is soliciting public comment to assist in the development of its plan to periodically review existing significant regulations, including input on factors the Commission should consider, the process it should use, and the specific regulations that should be reviewed in the next two years."

Strong regulatory guidance by the EEOC plays an important role in promoting equality of opportunity, full participation, independent living, and economic self-sufficiency for people with disabilities. In reviewing its regulations, the EEOC should ensure that all regulations provide clarity and support vigorous enforcement of the civil rights laws. Strong and specific regulations provide important guidance to

employers and employees about the meaning of the civil rights laws, which can lead to higher levels of voluntary compliance. Regulations requiring reporting and data collection should be robust and ensure that the data reported allow the EEOC to evaluate whether the reporting entity is complying with the law.

AAPD appreciates the careful and thorough process that the EEOC undertook in promulgating regulations under the Genetic Information Nondiscrimination Act (GINA) and the Americans with Disabilities Act Amendments Act (ADAAA). The regulations under GINA reflect the careful consideration of the comments submitted by all parties, and the regulations provide clear guidance about the requirements of the Act. AAPD is optimistic that the ADAAA regulations will similarly provide clear guidance to inform people with disabilities of their rights and help employers understand their obligations under the Act. Following the issuance of the ADA Amendments Act regulations, AAPD hopes that the EEOC will issue additional guidance on reasonable accommodations.

For effective enforcement of the anti-discrimination laws, the EEOC should collect data concerning the employment of people with disabilities. The EEOC should revise the EEO-1 form to include the collection of data on disability.

The EEOC has convened meetings on a number of employment practices that can adversely impact people with disabilities. AAPD believes the EEOC should issue guidance on the use of arrest and conviction records, credit checks, and unemployment status and that the EEOC should address the impact these practices have on people with disabilities in that guidance.

AAPD appreciates the opportunity to submit comments as the EEOC undertakes this review. If you have any questions concerning these comments, you can contact me at rshaffert@aapd.com or 202-521-4309.

Sincerely yours,

A handwritten signature in black ink that reads "Robin L. Shaffert". The signature is written in a cursive style with a prominent initial "R" and a stylized "S".

Robin L. Shaffert
Senior Director of Corporate Social Responsibility