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

RIN: 3046-AA91 (Long-Term Actions) # Paper Print: No

# REGULATORY PLAN: No

PRIORITY: Other Significant

# UNFUNDED MANDATES: No

# MAJOR: No

LEGAL AUTHORITY:
5 U.S.C. 301; 29 U.S.C. 794(d); 42 U.S.C. 12117(b); E.O. 12067

CFR CITATION:
29 CFR 1640

LEGAL DEADLINE: None

OVERALL DESCRIPTION OF DEADLINE:

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). 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 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.

# STATEMENT OF NEED:
This regulation was identified as needing potential revision in EEOC's Final Plan for Retrospective Analysis of Existing Rules available at: http://www.eeoc.gov/laws/regulations/retro_review_plan_final.cfm

# SUMMARY OF LEGAL BASIS:

# ALTERNATIVES:
The EEOC will consider all alternatives offered by the public commenters.

# ANTICIPATED COSTS AND BENEFITS:
These procedures govern the agencies' internal handling of complaints/charges of employment discrimination and do not impose any regulatory costs on employers or complainants/charging parties. The revised procedures, however, will provide a net benefit to stakeholders and the agencies by creating consistency between this coordination regulation and others.

# RISKS:
The proposed changes do not affect risks to public health, safety, or the environment.

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Date: 08/08/2016

TIMETABLE:

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REGULATORY FLEXIBILITY ANALYSIS REQUIRED: No

SMALL ENTITIES AFFECTED: No

GOVERNMENT LEVELS AFFECTED: Federal, Local, State

# FEDERALISM AFFECTED: No

# ENERGY AFFECTED: No

INTERNATIONAL IMPACTS: No

USER SORT CODES:

ADDITIONAL INFORMATION:

URL FOR MORE INFORMATION:

URL FOR PUBLIC COMMENTS:

RELATED RIN:
Related to 3046-AA92;
Related to 3046-AA93

RELATED AGENCY:
Department of Justice, JOINT

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

RIN: 3046-AA92 (Long-Term Actions)  # Paper Print: No

# REGULATORY PLAN: No
PRIORITY: Other Significant

# UNFUNDED MANDATES: No
# MAJOR: No

LEGAL AUTHORITY: 42 U.S.C. 12117(b); E.O. 12067

CFR CITATION: 29 CFR 1641

LEGAL DEADLINE: None

OVERALL DESCRIPTION OF DEADLINE:

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 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.

# STATEMENT OF NEED:
This regulation was identified as needing potential revision in EEOC’s Final Plan for Retrospective Analysis of Existing Rules available at: http://www.eeoc.gov/laws/regulations/retro_review_plan_final.cfm

# SUMMARY OF LEGAL BASIS:

# ALTERNATIVES:
The EEOC will consider all alternatives offered by the public commenters.

# ANTICIPATED COSTS AND BENEFITS:
These procedures govern the agencies’ internal handling of complaints/charges of employment discrimination and do not impose any regulatory costs on employers or complainants/charging parties. The revised procedures, however, will provide a net benefit to stakeholders and the agencies by creating consistency between this coordination regulation and others.

# RISKS:
The proposed changes do not affect risks to public health, safety, or the environment.

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REGULATORY FLEXIBILITY ANALYSIS REQUIRED: No
SMALL ENTITIES AFFECTED: No
GOVERNMENT LEVELS AFFECTED: Federal, Local, State
# FEDERALISM AFFECTED: No
# ENERGY AFFECTED: No
INTERNATIONAL IMPACTS: No
USER SORT CODES:

ADDITIONAL INFORMATION:

URL FOR MORE INFORMATION:

URL FOR PUBLIC COMMENTS:

RELATED RIN:
Related to 3046-AA91;
Related to 3046-AA93

RELATED AGENCY:
Office of Federal Contract Compliance Programs, JOINT;
Department of Justice, JOINT

AGENCY CONTACT:
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**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 under various EEO statutes that prohibit discrimination by recipients of Federal financial assistance when the complaints against such recipients of Federal financial assistance 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). 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 Memorandum of Understanding (MOU) between EEOC and the Department of Labor's Office of 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.

**STATEMENT OF NEED:**

This regulation was identified as needing potential revision in EEOC's Final Plan for Retrospective Analysis of Existing Regulations available at: http://www.eeoc.gov/laws/regulations/retro_review_plan_final.cfm

**SUMMARY OF LEGAL BASIS:**

**ALTERNATIVES:**

The EEOC will consider all alternatives offered by the public commenters.

**ANTICIPATED COSTS AND BENEFITS:**

These procedures govern the agencies' internal handling of complaints of employment discrimination and do not impose any regulatory costs on employers or complainants. The revised procedures, however, will provide a net benefit to stakeholders and the agencies by creating consistency between this coordination regulation and others.

**RISKS:**

The proposed changes do not affect risks to public health, safety, or the environment.

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REGULATORY FLEXIBILITY ANALYSIS REQUIRED: No
SMALL ENTITIES AFFECTED: No
GOVERNMENT LEVELS AFFECTED: Federal, Local, State
# FEDERALISM AFFECTED: No
# ENERGY AFFECTED: No
INTERNATIONAL IMPACTS: No
USER SORT CODES:

ADDITIONAL INFORMATION:

URL FOR MORE INFORMATION:

URL FOR PUBLIC COMMENTS:

RELATED RIN:
  Related to 3046-AA91;
  Related to 3046-AA92

RELATED AGENCY:
  Department of Justice, JOINT

AGENCY CONTACT:
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Title: Affirmative Action for Individuals With Disabilities in the Federal Government

RIN: 3046-AA94 (Final Rule Stage)  # Paper Print: No

REGULATORY PLAN: Yes
PRIORITY: Other Significant

# UNFUNDED MANDATES: No
# MAJOR: No

LEGAL AUTHORITY:
29 U.S.C. 791(b)

CFR CITATION:
29 CFR 1614.203(a)

LEGAL DEADLINE:
None

OVERALL DESCRIPTION OF DEADLINE:

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. On May 15, 2014, the Commission issued an Advance Notice of Proposed Rulemaking (79 FR 27824) that sought 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." The NPRM was published on February 24, 2016 (81 FR 9123). The EEOC's review of the comments and potential revisions was 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 was also 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.

Statement of Need:
Pursuant to section 501 of the Rehabilitation Act, the Commission is authorized to issue such regulations as it deems necessary to carry out its responsibilities under this Act. Executive Order 13548 called for increased efforts by Federal agencies and departments to recruit, hire, retain, and return individuals with disabilities to the Federal workforce.

Summary of Legal Basis:
Section 501 of the Rehabilitation Act of 1973, as amended (section 501), 29 U.S.C. 791, in addition to requiring nondiscrimination with respect to Federal employees and applicants for Federal employment who are individuals with disabilities, also requires Federal agencies to maintain, update annually, and submit to the Commission an affirmative action program plan for the hiring, placement, and advancement of individuals with disabilities. As part of its responsibility for the administration and enforcement of equal opportunity in Federal employment, the Commission is authorized under 29 U.S.C. 794a(a)(1) to issue rules, regulations, orders, and instructions pursuant to section 501.

Alternatives:
The EEOC considered all alternatives offered by ANPRM public commenters. The EEOC will consider all alternatives offered by future public commenters.

Anticipated Costs and Benefits:
Any costs that might result would only be borne by the Federal Government. The revisions would contribute to increased employment of individuals with disabilities.

Risks:
The proposed changes do not affect risks to public health, safety, or the environment.
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<td>02/24/2016</td>
<td>81 FR 9123</td>
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REGULATORY FLEXIBILITY ANALYSIS REQUIRED: No

SMALL ENTITIES AFFECTED: No

GOVERNMENT LEVELS AFFECTED: Federal

# FEDERALISM AFFECTED: No

# ENERGY AFFECTED: No

INTERNATIONAL IMPACTS: No

USER SORT CODES:

ADDITIONAL INFORMATION:

URL FOR MORE INFORMATION:

URL FOR PUBLIC COMMENTS:

RELATED RIN:

Related to 3046-AA73

RELATED AGENCY:

AGENCY CONTACT:

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

LEGAL AUTHORITY:

CFR CITATION:
29 CFR 1614.407

LEGAL DEADLINE: None

OVERALL DESCRIPTION OF DEADLINE:

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).

STATEMENT OF NEED:
29 CFR part 1614, at section 1614.407 would be revised to clarify that a Federal sector EEO complainant who files an optional administrative appeal but then files a civil action before 90 days have passed since the issuance of final agency action (and before the Commission has issued a decision on the appeal) will be deemed to have exhausted administrative remedies.

SUMMARY OF LEGAL BASIS:
In Bullock v. Berrien, 688 F.3d 613 (9th Cir. 2012), the Ninth Circuit held that a Federal sector complainant has exhausted her administrative remedies and can file a civil action within 90 days of receiving notice of final agency action on her complaint. Exhaustion applies even if the complainant first files an appeal with EEOC so long as she subsequently withdraws her appeal and files a civil action during the 90-day period.

# ALTERNATIVES:
The EEOC will consider all alternatives offered by public commenters.

# ANTICIPATED COSTS AND BENEFITS:
The clarification of the rule for filing a civil action regarding a Federal sector complaint of employment discrimination will not impose any regulatory costs on private employers, Federal agencies, or Federal sector complainants. The revised rule will provide a net benefit to stakeholders, agencies, and EEOC by clarifying when an EEO Federal sector complainant is deemed to have exhausted administrative remedies and can proceed to court.

# RISKS:
The proposed revision will not affect risks to the public health, safety, or the environment.

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REGULATORY FLEXIBILITY ANALYSIS REQUIRED: No

SMALL ENTITIES AFFECTED: No

GOVERNMENT LEVELS AFFECTED: Federal
# FEDERALISM AFFECTED: No
# ENERGY AFFECTED: No
INTERNATIONAL IMPACTS: No
USER SORT CODES:

ADDITIONAL INFORMATION:

URL FOR MORE INFORMATION:

URL FOR PUBLIC COMMENTS:

RELATED RIN:

RELATED AGENCY:

AGENCY CONTACT:

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TITLE: Federal Sector Equal Employment Opportunity Process

RIN: 3046-AB00 (Long-Term Actions) # Paper Print: No

# REGULATORY PLAN: No

PRIORITY: Other Significant

# UNFUNDED MANDATES: No

# MAJOR: No


CFR CITATION: 29 CFR 1614

LEGAL DEADLINE: None

OVERALL DESCRIPTION OF DEADLINE:

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. On February 6, 2015, the Commission issued an Advance Notice of Proposed Rulemaking (ANPRM) (80 FR 6669), that sought public input on additional issues associated with the Federal sector EEO process.

# STATEMENT OF NEED: Any proposals contained in an NPRM would be aimed at making the process more fair and efficient.

# SUMMARY OF LEGAL BASIS: Title VII of the Civil Rights Act of 1964 authorizes EEOC "to issue such rules, regulations, orders, and instructions as it deems necessary and appropriate to carry out its responsibilities under ... section [717]." 42 U.S.C. 2000e-16(b).

# ALTERNATIVES: The EEOC will consider all alternatives offered by public commenters.

# ANTICIPATED COSTS AND BENEFITS: Based on the information currently available, we anticipate that most of the changes will have no cost and will benefit users of the process by correcting or clarifying the requirements. Any cost that might result would only be borne by the Federal Government.

# RISKS: Any proposed revisions would not affect risks to the public health, safety, or the environment

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REGULATORY FLEXIBILITY ANALYSIS REQUIRED: No

SMALL ENTITIES AFFECTED: No

GOVERNMENT LEVELS AFFECTED: Federal

# FEDERALISM AFFECTED: No

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# ENERGY AFFECTED: No
INTERNATIONAL IMPACTS: No
USER SORT CODES:

ADDITIONAL INFORMATION:

URL FOR MORE INFORMATION:

URL FOR PUBLIC COMMENTS:

RELATED RIN:

RELATED AGENCY:

AGENCY CONTACT:

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PHONE: 202 663-4666,
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EMAIL: gary.hozempa@eeoc.gov
TITLE:
Amendments to Regulations Under the Americans With Disabilities Act

RIN: 3046-AB01 (No Stage)

# REGULATORY PLAN: No

PRIORITY: Other Significant

# UNFUNDED MANDATES: No

# MAJOR: No

LEGAL AUTHORITY:
42 U.S.C. 12101 et seq.

CFR CITATION:
29 CFR 1630

LEGAL DEADLINE: None

OVERALL DESCRIPTION OF DEADLINE:

ABSTRACT:
This rule amends the regulations to implement the equal employment provisions of the Americans with Disabilities Act (ADA) to address the interaction between title I of the ADA and financial inducements and/or penalties as part of wellness programs offered through health plans. EEOC has addressed other aspects of wellness programs that may be subject to the ADA's nondiscrimination provisions.

# STATEMENT OF NEED:
The revision to 29 CFR 1630.14(d) is needed to address numerous inquiries EEOC has received about whether an employer that complies with regulations implementing the final Health Insurance Portability and Accountability Act (HIPAA) rules concerning wellness program incentives, as amended by the Affordable Care Act (ACA), will be in compliance with the ADA.

# SUMMARY OF LEGAL BASIS:
The ADA requires the EEOC to issue regulations implementing title I of the Act. The EEOC initially issued regulations in 1991 on the law's requirements and prohibited practices with respect to employment and issued amended regulations in 2011 to conform to changes to the ADA made by the ADA Amendments Act of 2008. These revisions are based on that statutory requirement.

# ALTERNATIVES:
The EEOC considered all alternatives offered by public commenters.

# ANTICIPATED COSTS AND BENEFITS:
Based on the information currently available, the Commission does not anticipate that the rule will impose additional costs on employers, beyond minimal costs to train human resource professionals. The regulation does not impose any new employer reporting or recordkeeping obligations. We anticipate that the changes will benefit entities covered by title I of the ADA by generally promoting consistency between the ADA and HIPAA, as amended by the ACA, and result in greater predictability and ease of administration.

# RISKS:
The rule imposes no new or additional risks to employers. The rule does not address risks to public safety or the environment.

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REGULATORY FLEXIBILITY ANALYSIS REQUIRED: No
SMALL ENTITIES AFFECTED: Businesses, Governmental Jurisdictions, Organizations
GOVERNMENT LEVELS AFFECTED: Federal, Local, State
# FEDERALISM AFFECTED: No
# ENERGY AFFECTED: No
INTERNATIONAL IMPACTS: No
USER SORT CODES:

ADDITIONAL INFORMATION:

URL FOR MORE INFORMATION:

URL FOR PUBLIC COMMENTS:

RELATED RIN:

RELATED AGENCY:

AGENCY CONTACT:

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PHONE: 202 663-7031,
FAX: 202 653-6034,
EMAIL: joyce.walker-jones@eeoc.gov
TITLE: Amendments to Regulations Under the Genetic Information Nondiscrimination Act of 2008

RIN: 3046-AB02 (No Stage)  # Paper Print: No

# REGULATORY PLAN: No
PRIORITY: Other Significant

# UNFUNDED MANDATES: No
# MAJOR: No
LEGAL AUTHORITY:
42 U.S.C. 2000ff

CFR CITATION:
29 CFR 1635

LEGAL DEADLINE: None

OVERALL DESCRIPTION OF DEADLINE:

ABSTRACT:
This rule amends the regulations on the Genetic Information Nondiscrimination Act of 2008 to address inducements to employees' spouses or other family members who respond to questions about their current or past medical conditions on health risk assessments (HRA). This rule also corrects a typographical error in the rule's discussion of wellness programs and adds references to the Affordable Care Act, where appropriate.

# STATEMENT OF NEED:
The revision to 29 CFR 1635.8 is needed to address numerous inquiries received by EEOC about whether an employer will violate the Genetic Information Nondiscrimination Act (GINA) of 2008 by offering an employee a financial inducement if the employee's family member completes an HRA that asks about the family member's current health status. Technical amendments are also needed to correct a typographical error and to include references to the ACA, where appropriate.

# SUMMARY OF LEGAL BASIS:
GINA, section 211, 42 U.S.C. section 2000ff-10, requires the EEOC to issue regulations implementing title II of the Act. The EEOC issued regulations on November 9, 2010. These revisions are based on that statutory requirement.

# ALTERNATIVES:
The EEOC considered all alternatives offered by public commenters.

# ANTICIPATED COSTS AND BENEFITS:
Based on the information currently available, the Commission does not anticipate that the rule will impose additional costs on employers, beyond minimal costs to train human resource professionals. The regulation does not impose any new employer reporting or recordkeeping obligations. We anticipate that the changes will benefit entities covered by title II of GINA by clarifying that employers who offer wellness programs are free to adopt a certain type of inducement without violating GINA, as well as correcting an internal citation, and providing citations to the ACA.

# RISKS:
The rule imposes no new or additional risks to employers. The rule does not address risks to public safety or the environment.

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REGULATORY FLEXIBILITY ANALYSIS REQUIRED: No
SMALL ENTITIES AFFECTED: Businesses, Governmental Jurisdictions, Organizations
GOVERNMENT LEVELS AFFECTED: Federal, Local, State
# FEDERALISM AFFECTED: No
# ENERGY AFFECTED: No
INTERNATIONAL IMPACTS: No
USER SORT CODES:

ADDITIONAL INFORMATION:

URL FOR MORE INFORMATION:

URL FOR PUBLIC COMMENTS:

RELATED RIN:

RELATED AGENCY:

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**TITLE:**
Adjusting the Penalty for Violation of Notice Posting Requirements

**RIN:** 3046-AB03 (No Stage)  
**# Paper Print:** No

**RIN:** 3046-AB03 (No Stage)  
**# REGULATORY PLAN:** No

**PRIORITY:** Info./Admin./Other

**# UNFUNDED MANDATES:** No

**# MAJOR:** No

**LEGAL AUTHORITY:**  
28 U.S.C. 2461, note

**CFR CITATION:**  
29 CFR 1601.30(b)

**LEGAL DEADLINE:**  
Final, Statutory, 07/01/2016, Final rule must be published in Federal Register.  
Final, Statutory, 08/01/2016, Final rule must be effective.

**OVERALL DESCRIPTION OF DEADLINE:**  
The Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, requires that each agency adjust their civil monetary penalties by the inflation adjustment described in the Act no later than July 1, 2016. 28 U.S.C. 2461 note.

**ABSTRACT:**  
Under 42 U.S.C. 2000e-10(a) and 29 CFR 1601.30(a), every employer, employment agency, labor organization, and joint labor-management committee controlling an apprenticeship or other training program covered by title VII, ADA, and GINA must post notices describing the applicable provisions of title VII, ADA, and GINA in prominent and conspicuous places on the entity's premises. Failure to comply with the notice posting requirement is punishable by a fine for each separate offense. This final rule revises the EEOC's procedural regulations to increase the current civil monetary penalty for violation of the notice posting requirements from $210 to $525, pursuant to the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (2015 Act), which further amended the Federal Civil Penalties Inflation Adjustment Act of 1990 (FCPIA Act). In November 2015, the FCPIA Act was further amended to require that each Federal agency issue regulations, adjusting for inflation, the maximum civil penalties that may be imposed pursuant to each agency's statutes, no later than July 1, 2016, and no later than January 15 of every year thereafter.

**STATEMENT OF NEED:**  
The Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (2015 Act) requires each Federal agency, not later than July 1, 2016, and not later than January 15 of every year thereafter, to issue regulations adjusting for inflation the maximum civil penalty that may be imposed pursuant to each agency's statutes. EEOC last adjusted the civil monetary penalty for violation of the notice posting requirements in 2014. This final rule is necessary in order to increase the maximum civil monetary penalty for violation of the notice posting requirements to an amount that complies with the requirements of the 2015 Act.

**SUMMARY OF LEGAL BASIS:**  
The Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 requires each Federal agency, not later than July 1, 2016, and not later than January 15 of every year thereafter, to issue regulations adjusting for inflation the maximum civil penalty that may be imposed pursuant to each agency's statutes. 28 U.S.C. 2461 note.

**ALTERNATIVES:**  
There are no alternatives. The adjustment to the penalty is prescribed by statute, and the Commission has no discretion in determining the amount of the published adjustment.

**ANTICIPATED COSTS AND BENEFITS:**  
The final rule adjusts the civil monetary penalty in accordance with inflation as required by the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015. Congress, in mandating the inflationary adjustments, has already determined that any possible increase in costs is justified by the overall benefits of such adjustments.
The rule is in the interest of the public and further encourages compliance. The benefit provided by the inflationary adjustment is that of maintaining the level of deterrence effectuated by the civil monetary penalty, and not allowing such deterrent effect to be diminished by inflation.

# RISKS:
The change does not affect risks to public health, safety, or the environment.

**TIMETABLE:**

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**REGULATORY FLEXIBILITY ANALYSIS REQUIRED:** No

**SMALL ENTITIES AFFECTED:** No

**GOVERNMENT LEVELS AFFECTED:** Local, State, Tribal

**# FEDERALISM AFFECTED:** No

**# ENERGY AFFECTED:** No

**INTERNATIONAL IMPACTS:** No

**USER SORT CODES:**

**ADDITIONAL INFORMATION:**

**URL FOR MORE INFORMATION:**

**URL FOR PUBLIC COMMENTS:**

**RELATED RIN:**

**RELATED AGENCY:**

**AGENCY CONTACT:**

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Agenda Review Report 3046-AB05

Date: 08/08/2016

TITLE:
@ Revisions to Availability of Records

RIN: 3046-AB05 (Final Rule Stage) # Paper Print: No

# REGULATORY PLAN: No

PRIORITY: Substantive, Nonsignificant

# UNFUNDED MANDATES: No

# MAJOR: No

LEGAL AUTHORITY:
5 U.S.C. 552

CFR CITATION:
29 CFR 1610

LEGAL DEADLINE:
Final, Statutory, 12/30/2016, The regulation must be issued within 180 days after enactment on June 30, 2016

OVERALL DESCRIPTION OF DEADLINE:
The regulation must be issued 180 days after enactment on June 30, 2016.

ABSTRACT:
The Freedom of Information Act Improvement Act of 2016 requires agency review and issuance of regulations on procedures for the disclosure of records under the Freedom of information Act (FOIA) in accordance with the amendments made by Section 2.

# STATEMENT OF NEED:
The FOIA Improvement Act of 2016 requires both a review and issuance of agency regulations on procedures for the disclosure of records under FOIA.

# SUMMARY OF LEGAL BASIS:
5 U.S.C. 552

# ALTERNATIVES:
There are no alternatives. The regulations are prescribed by the statute and the Commission has no discretion in the matter.

# ANTICIPATED COSTS AND BENEFITS:
These regulations govern the Commission's handling of FOIA requests and do not impose any regulatory costs on requesters. The revised procedures will provide a benefit to requesters by providing additional explanations regarding withheld and/or redacted documents and also extend the time within which an individual may appeal the Commission's initial FOIA determination.

# RISKS:
The proposed changes do not affect risks to public health, safety or environment.

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REGULATORY FLEXIBILITY ANALYSIS REQUIRED: No

SMALL ENTITIES AFFECTED: No

GOVERNMENT LEVELS AFFECTED: Federal

# FEDERALISM AFFECTED: No

# ENERGY AFFECTED: No

INTERNATIONAL IMPACTS: No

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