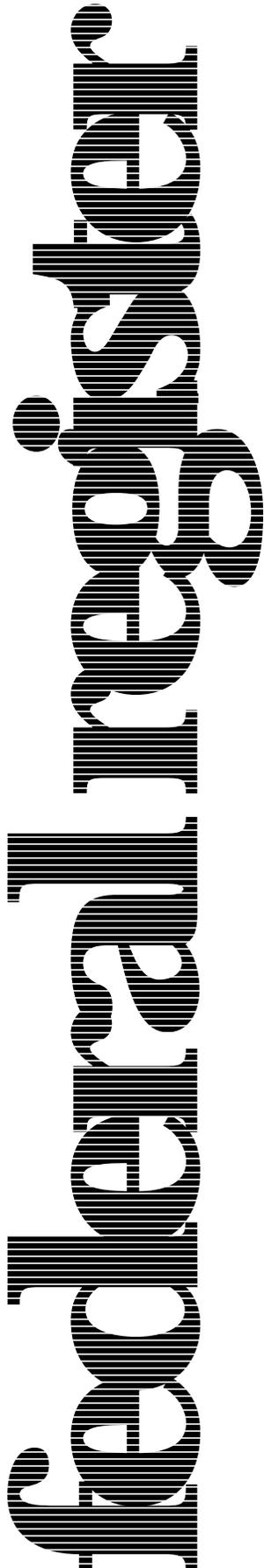

Friday
April 25, 1997



Part XXIII

**Equal Employment
Opportunity
Commission**

Semiannual Regulatory Agenda

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION (EEOC)

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

29 CFR Ch. XIV

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: Ellen J. Vargyas, Legal Counsel, Office of the Legal Counsel, Equal Employment Opportunity Commission, 1801 L Street NW., Washington, DC 20507; telephone (202) 663-7197.

SUPPLEMENTARY INFORMATION: The Commission has identified seven current and projected regulations for inclusion in this regulatory agenda. These seven are currently under development or review by Commission staff.

Signed in Washington, DC, this 21st day of February 1997.

For the Commission.

Gilbert F. Casellas,
Chairman.

Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3468	Guidelines on the Application of the Americans With Disabilities Act of 1990 to Employer Provided Health Insurance	3046-AA53
3469	Regulations Interpreting Title II of the Older Workers Benefit Protection Act of 1990 (OWBPA)	3046-AA58

Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3470	Procedures for Complaints of Employment Discrimination by Previously Exempt State and Local Government Employees	3046-AA56
3471	Supplemental Standards of Ethical Conduct for Employees of the Equal Employment Opportunity Commission	3046-AA61

Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
3472	Procedures—The Age Discrimination in Employment Act	3046-AA54
3473	Procedures on Interagency Coordination of Equal Employment Opportunity Issuances	3046-AA55
3474	Federal Sector Equal Employment Opportunity	3046-AA57

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION (EEOC)

Proposed Rule Stage

3468. GUIDELINES ON THE APPLICATION OF THE AMERICANS WITH DISABILITIES ACT OF 1990 TO EMPLOYER PROVIDED HEALTH INSURANCE

Priority: Other Significant

Legal Authority: 42 USC 12111 et seq

CFR Citation: 29 CFR 1631

Legal Deadline: None

Abstract: The Commission proposes to issue guidelines to explain how the Americans with Disabilities Act (ADA)

applies to employer provided health insurance plans. The guidelines will reexamine the issues addressed in the Commission's "Interim Enforcement Guidance on the Application of the ADA to Disability-Based Distinctions in Employer Provided Health Insurance," issued on June 8, 1993. The guidelines will also address a number of issues that were not addressed in either the Interim Enforcement Guidance or in the Commission regulations implementing title I of the ADA, including the ADA's application to corporate "wellness"

programs. The proposed guidelines will be published for public comment. After consideration of the comments, the Commission will issue final guidelines.

Timetable:

Action	Date	FR Cite
NPRM	09/00/97	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

EEOC

Proposed Rule Stage

Agency Contact: Christopher Kuczynski, Assistant Legal Counsel, Office of Legal Counsel, Equal Employment Opportunity Commission, 1801 L Street NW., Washington, DC 20507
Phone: 202 663-4503
TDD: 202 663-7026
RIN: 3046-AA53

3469. REGULATIONS INTERPRETING TITLE II OF THE OLDER WORKERS BENEFIT PROTECTION ACT OF 1990 (OWBPA)

Priority: Other Significant

Legal Authority: 29 USC 628

CFR Citation: 29 CFR 1625

Legal Deadline: None

Abstract: The Age Discrimination in Employment Act of 1967 (ADEA) was

amended in 1990 by OWBPA. Title II of OWBPA sets forth the statutory requirements for a valid waiver of rights under the ADEA.

Regulations under title II would provide guidance on implementing OWBPA's requirements for unsupervised ADEA waivers. As part of the development of this regulation, the Commission engaged in regulatory negotiations on waivers of rights and claims under the ADEA.

Timetable:

Action	Date	FR Cite
ANPRM	03/27/92	57 FR 10626
ANPRM Comment Period End	07/27/92	
Notice of Intent To Form Rulemaking Advisory Committee	08/31/95	60 FR 45388

Action	Date	FR Cite
Notice of Establishment of Rulemaking Advisory Committee	10/20/95	60 FR 54207
NPRM	03/10/97	62 FR 10787
NPRM Comment Period End	05/09/97	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Joseph N. Cleary, Assistant Legal Counsel, Office of Legal Counsel, Equal Employment Opportunity Commission, 1801 L Street NW., Washington, DC 20507
Phone: 202 663-4690
TDD: 202 663-7026

RIN: 3046-AA58

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION (EEOC)

Final Rule Stage

3470. PROCEDURES FOR COMPLAINTS OF EMPLOYMENT DISCRIMINATION BY PREVIOUSLY EXEMPT STATE AND LOCAL GOVERNMENT EMPLOYEES

Priority: Substantive, Nonsignificant

Legal Authority: 2 USC 1220, sec 321 of Government Employee Rights Act of 1991; 42 USC 2000e et seq, Title VII of the Civil Rights Act; 29 USC 621 et seq, Age Discrimination in Employment Act; 42 USC 12101 et seq, Americans with Disabilities Act

CFR Citation: 29 CFR 1603

Legal Deadline: None

Abstract: Under title VII of the Civil Rights Act of 1964, the ADEA and the ADA, certain staff members of State and local elected officials were exempt from protection against employment discrimination. Section 321 of the Government Employee Rights Act of 1991 extends employment discrimination protections to the employment of persons who have been chosen or appointed by a State or local elected public official to serve on his or her personal staff, to serve the elected official on the policymaking level, or to serve as an immediate advisor with respect to the exercise of the constitutional or legal powers of the official's office.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/00/97	

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: State, Local

Agency Contact: Thomas J. Schlageter, Assistant Legal Counsel, Office of Legal Counsel, Equal Employment Opportunity Commission, 1801 L Street NW., Washington, DC 20507
Phone: 202 663-4669
TDD: 202 663-7026

RIN: 3046-AA56

3471. SUPPLEMENTAL STANDARDS OF ETHICAL CONDUCT FOR EMPLOYEES OF THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Priority: Info./Admin./Other

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will eliminate existing text in the CFR.

Legal Authority: 5 USC 7301; 5 USC app; EO 12674; EO 12731; 5 USC 5514

CFR Citation: 29 CFR 1600; 5 CFR 7201; 29 CFR 1650

Legal Deadline: None

Abstract: With the concurrence of the U.S. Office of Government Ethics (OGE), EEOC is issuing supplemental ethical standards for EEOC employees. These standards supplement OGE's Standards of Conduct for Employees of the Executive Branch. The OGE regulations and the EEOC supplemental regulations supersede subparts A through D of 29 CFR 1600, which are therefore being deleted. Subpart E of 29 CFR 1600, concerning debt collection, is being moved and redesignated as subpart A of 29 CFR 1650.

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/26/96	61 FR 7065
Interim Final Rule Comment Period End	04/26/96	
Final Action	06/00/97	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Thomas J. Schlageter, Assistant Legal Counsel, Office of Legal Counsel, Equal Employment Opportunity Commission, 1801 L Street NW., Washington, DC 20507
Phone: 202 663-4669
TDD: 202 663-7026

RIN: 3046-AA61

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION (EEOC)

Long-Term Actions

3472. PROCEDURES—THE AGE DISCRIMINATION IN EMPLOYMENT ACT

Priority: Substantive, Nonsignificant

Legal Authority: 29 USC 628, sec 115, Civil Rights Act of 1991

CFR Citation: 29 CFR 1626

Legal Deadline: None

Abstract: Section 115 of the Civil Rights Act of 1991 deleted references to the Portal to Portal Act from the private suit provisions of the Age Discrimination in Employment Act (ADEA) and replaced them with a requirement that suit be filed no later than 90 days after termination of proceedings or dismissal of a charge by EEOC. Accordingly, section 1626.7(a) is being deleted and section 1626.15(b) is being revised because they were both based upon the Portal to Portal Act. New sections are being added concerning termination of EEOC proceedings and the issuance of notices of the new 90-day limitation period.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Thomas J. Schlageter, Assistant Legal Counsel, Office of Legal Counsel, Equal Employment Opportunity Commission, 1801 L Street NW., Washington, DC 20507
Phone: 202 663-4669
TDD: 202 663-7026

RIN: 3046-AA54

3473. PROCEDURES ON INTERAGENCY COORDINATION OF EQUAL EMPLOYMENT OPPORTUNITY ISSUANCES

Priority: Substantive, Nonsignificant

Legal Authority: EO 12067

CFR Citation: 29 CFR 1690

Legal Deadline: None

Abstract: Executive Order 12067 requires the Equal Employment Opportunity Commission and other Federal agencies to informally and formally coordinate with each other when they develop rules, policies, procedures, and other issuances affecting equal employment opportunity. 29 CFR part 1690 sets forth specific procedures for this interagency coordination. These amendments to 29 CFR part 1690 will update the coordination process to suit the broad range of materials now being presented to EEOC for review, and also to formalize existing practices as to the sequence of review between the EEOC under Executive Order 12067; the Department of Justice under Executive Order 12250; and the Office of Management and Budget under Executive Order 12866 and the Paperwork Reduction Act.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Carol R. Miaskoff, Acting Director, Coordination Division, Office of Legal Counsel, Equal Employment Opportunity Commission, 1801 L Street NW., Washington, DC 20507
Phone: 202 663-4689

TDD: 202 663-7026

RIN: 3046-AA55

3474. FEDERAL SECTOR EQUAL EMPLOYMENT OPPORTUNITY

Priority: Substantive, Nonsignificant

Legal Authority: PL 102-569, The Rehabilitation Act Amendments of 1992; 42 USC 2000e-16; 29 USC 633a; 29 USC 794a

CFR Citation: 29 CFR 1614

Legal Deadline: None

Abstract: The proposed amendments to this regulation implement the Rehabilitation Act Amendments of 1992. Those amendments provide that the standards used to determine if title I of the Americans With Disabilities Act has been violated will apply to complaints of nonaffirmative action employment discrimination under the Rehabilitation Act. The Commission may also make other changes to the Federal Sector complaint processing regulations as appropriate.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Thomas J. Schlageter, Assistant Legal Counsel, Office of Legal Counsel, Equal Employment Opportunity Commission, 1801 L Street NW., Washington, DC 20507
Phone: 202 663-4669
TDD: 202 663-7026

RIN: 3046-AA57

[FR Doc. 97-5796 Filed 04-24-97; 8:45 am]

BILLING CODE 6570-01-F