



Federal Register

**Monday,
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Part XXV

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:

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Employment Opportunity Commission, 1801 L Street NW., Washington, DC 20507; telephone (202) 663-4637.

SUPPLEMENTARY INFORMATION: The Commission has identified six items in this regulatory agenda.

Signed in Washington, DC, this 2nd day of March 2007.

For the Commission.

Naomi C. Earp,
Chair.

Equal Employment Opportunity Commission—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3041	Revision of Race and Ethnicity Data Collection Method	3046-AA81
3042	Nondiscrimination on the Basis of Disability in Programs and Activities Conducted by the Equal Employment Opportunity Commission and Accessibility in Electronic and Information Technology	3046-AA82

Equal Employment Opportunity Commission—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3043	Coverage Under the Age Discrimination in Employment Act	3046-AA78

Equal Employment Opportunity Commission—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
3044	Coordination of Retiree Health Benefits With Medicare and State Health Benefits	3046-AA72
3045	Federal Sector Equal Employment Opportunity Complaint Processing	3046-AA73
3046	Disparate Impact and Reasonable Factors Other Than Age	3046-AA76

Equal Employment Opportunity Commission (EEOC)

Proposed Rule Stage

3041. REVISION OF RACE AND ETHNICITY DATA COLLECTION METHOD

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 2000e-8(c); 42 USC 2000e-12(a)

CFR Citation: 29 CFR 1602.13

Legal Deadline: None

Abstract: This NPRM will conform the Commission's rules to a key change for the revised EEO-1. EEOC will propose to make employee self-identification the preferred method for collecting race and ethnic data on employees. The current rule permits employers to

gather this data from revised surveys or from employment records.

Timetable:

Action	Date	FR Cite
NPRM	08/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Tribal

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RIN: 3046-AA81

EEOC

Proposed Rule Stage

3042. NONDISCRIMINATION ON THE BASIS OF DISABILITY IN PROGRAMS AND ACTIVITIES CONDUCTED BY THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION AND ACCESSIBILITY IN ELECTRONIC AND INFORMATION TECHNOLOGY**Priority:** Substantive, Nonsignificant**Legal Authority:** 29 USC secs 794, 794(f)(2)**CFR Citation:** 29 CFR 1615.101; 29 CFR 1615.102; 29 CFR 1615.103; 29 CFR 1615.135; 29 CFR 1615.140; 29 CFR 1615.170**Legal Deadline:** None

Abstract: The Equal Employment Opportunity Commission proposes to amend its regulation at 29 CFR part 1615 to establish that all complaints under section 508 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. section 794d(f)(2) (section 508), whether filed by members of the public or EEOC employees, will be processed under the procedures in 29 CFR section 1615.170 (d-m) (procedures for section 504 public complaints). This NPRM also would update terminology in 29 CFR part 1615, which outlines how EEOC enforces section 504 of the Rehabilitation Act with respect to its own programs and activities.

Timetable:

Action	Date	FR Cite
NPRM	09/00/07	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** Federal

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RIN: 3046-AA82

Equal Employment Opportunity Commission (EEOC)

Final Rule Stage

3043. COVERAGE UNDER THE AGE DISCRIMINATION IN EMPLOYMENT ACT**Priority:** Other Significant**Legal Authority:** 29 USC 621 et seq**CFR Citation:** 29 CFR 1625.2; 29 CFR 1625.4 to 1625.5**Legal Deadline:** None

Abstract: In General Dynamics Land Systems v. Cline, 540 U.S. 581 (2004), the U.S. Supreme Court held that the Age Discrimination in Employment Act of 1967 (ADEA) only prohibits age-based discrimination against relatively older individuals. It rejected the

Commission's position that the ADEA also prohibits age-based discrimination against relatively younger individuals who are age 40 or over. The Commission is therefore revising relevant portions of its regulations to conform to the holding in Cline.

Timetable:

Action	Date	FR Cite
NPRM	08/11/06	71 FR 46177
NPRM Comment Period End	10/10/06	
Final Action	09/00/07	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** Businesses, Governmental Jurisdictions, Organizations**Government Levels Affected:** Federal, Local, State

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RIN: 3046-AA78

Equal Employment Opportunity Commission (EEOC)

Long-Term Actions

3044. COORDINATION OF RETIREE HEALTH BENEFITS WITH MEDICARE AND STATE HEALTH BENEFITS**Priority:** Other Significant**CFR Citation:** 29 CFR 1625**Timetable:**

Action	Date	FR Cite
NPRM	07/14/03	68 FR 41542
NPRM Comment Period End	09/12/03	
Next Action	Undetermined	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** Federal, Local, State

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RIN: 3046-AA72**3045. FEDERAL SECTOR EQUAL EMPLOYMENT OPPORTUNITY COMPLAINT PROCESSING****Priority:** Other Significant**CFR Citation:** 29 CFR 1614**Timetable:**

Action	Date	FR Cite
NPRM	To Be Determined	

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

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EEOC

Long-Term Actions

3046. DISPARATE IMPACT AND REASONABLE FACTORS OTHER THAN AGE

Priority: Other Significant. Major status under 5 USC 801 is undetermined.

CFR Citation: 29 CFR 1625.7(d)

Timetable:

Action	Date	FR Cite
NPRM	04/00/08	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Federal, Local

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