



# Federal Register

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**Thursday,  
November 30, 2000**

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**Part XXIII**

## **Equal Employment Opportunity Commission**

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**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 Legal Counsel, Equal Employment Opportunity Commission, 1801 L Street NW., Washington, DC 20507; telephone (202) 663-7197.

**SUPPLEMENTARY INFORMATION:** The Commission has identified six regulations for inclusion in this regulatory agenda. One of these items is completed and five are currently under development or review by Commission staff.

For this edition of EEOC's regulatory agenda, the most important significant regulatory actions are included in The Regulatory Plan, which appears in part II of this issue of the **Federal Register**. The Regulatory Plan entries are listed in the table of contents and are denoted by bracketed bold references, which direct the reader to the appropriate sequence numbers in part II.

Signed in Washington, DC, this 29th day of August 2000.

For the Commission.

**Ida L. Castro,**  
*Chairwoman.*

**Equal Employment Opportunity Commission—Final Rule Stage**

Sequence Number	Title	Regulation Identification Number
3911	Federal Sector Equal Employment Opportunity ( <b>Reg Plan Seq No. 147</b> ) .....	3046-AA57
3912	Waivers of Rights and Claims: Tender Back of Consideration ( <b>Reg Plan Seq No. 148</b> ) .....	3046-AA68

References in boldface appear in the **Regulatory Plan** in Part II of this issue of the **Federal Register**.

**Equal Employment Opportunity Commission—Long-Term Actions**

Sequence Number	Title	Regulation Identification Number
3913	Procedures—The Age Discrimination in Employment Act .....	3046-AA54
3914	Disparate Impact Under the Age Discrimination in Employment Act (ADEA) .....	3046-AA64
3915	Conforming Treatment of Federal Sector Administrative Judge Decisions .....	3046-AA71

**Equal Employment Opportunity Commission—Completed Actions**

Sequence Number	Title	Regulation Identification Number
3916	Clarification of Standards in Interpretive Appendix to ADA Regulations Regarding Mitigating Measures .....	3046-AA70

**Equal Employment Opportunity Commission (EEOC)**

**Final Rule Stage**

**3911. FEDERAL SECTOR EQUAL EMPLOYMENT OPPORTUNITY**

**Regulatory Plan:** This entry is Seq. No. 147 in Part II of this issue of the **Federal Register**.

**RIN:** 3046-AA57

**3912. WAIVERS OF RIGHTS AND CLAIMS: TENDER BACK OF CONSIDERATION**

**Regulatory Plan:** This entry is Seq. No. 148 in Part II of this issue of the **Federal Register**.

**RIN:** 3046-AA68

## Equal Employment Opportunity Commission (EEOC)

## Long-Term Actions

**3913. 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	To Be	Determined

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

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**RIN:** 3046-AA54**3914. DISPARATE IMPACT UNDER THE AGE DISCRIMINATION IN EMPLOYMENT ACT (ADEA)****Priority:** Substantive, Nonsignificant**Legal Authority:** 29 USC 628**CFR Citation:** 29 CFR 1625.7 (Revision); 29 CFR 1625.23 (New)**Legal Deadline:** None

**Abstract:** The Commission proposes to issue legislative regulations to reaffirm and clarify its long-standing interpretive rule regarding the availability of the disparate impact theory under the ADEA. The proposed rule also would set forth the nature and order of proof in such disparate impact cases.

**Timetable:** Next Action Undetermined**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None

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**RIN:** 3046-AA64**3915. CONFORMING TREATMENT OF FEDERAL SECTOR ADMINISTRATIVE JUDGE DECISIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** 29 USC 206(d), 633(a), 791 and 794a; 46 USC 2000e-16**CFR Citation:** 29 CFR 1614.204**Legal Deadline:** None

**Abstract:** We propose to conform the treatment of decisions by administrative judges on class complaints to the treatment of decisions by administrative judges on individual complaints; i.e., instead of issuing recommended decisions on reports of findings and recommendations, administrative judges will issue decisions that agencies can either fully implement or appeal.

**Timetable:** Next Action Undetermined**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal

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**RIN:** 3046-AA71

## Equal Employment Opportunity Commission (EEOC)

## Completed Actions

**3916. CLARIFICATION OF STANDARDS IN INTERPRETIVE APPENDIX TO ADA REGULATIONS REGARDING MITIGATING MEASURES****Priority:** Info./Admin./Other**CFR Citation:** 29 CFR sec 1630, app sec 1630.2(h); 29 CFR sec 1630, app sec 1630.2(j)**Completed:**

Reason	Date	FR Cite
Final Action	06/08/00	65 FR 36327

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

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**RIN:** 3046-AA70

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