



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Washington, D.C. 20507

Office of
Legal Counsel

February 12, 2014

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U.S. Department of Transportation
1200 New Jersey Avenue SE
Docket Operations, M-30
West Building, Ground Floor, Room W12-140
Washington, DC 20590-0001

Re: 79 Fed. Reg. 7,276, Department of Transportation, Federal Transit Administration, Notice of Request for the Extension of a Currently Approved Information Collection [FTA Docket No. 2014-0005]

To Whom It May Concern:

The U.S. Equal Employment Opportunity Commission (“EEOC”) submits this comment in response to the Department of Transportation, Federal Transit Administration’s (FTA’s) request for comments on the extension of a currently approved information collection.¹ EEOC offers these comments as the agency responsible for enforcing the federal laws that prohibit employment discrimination on the basis of race, color, religion, sex, national origin, age, disability, and genetic information.² The laws enforced by EEOC also prohibit retaliation for filing a charge or complaint of discrimination, participating in a discrimination proceeding, or otherwise opposing discrimination.³

FTA solicits comments regarding its intent to request that the Office of Management and Budget renew information collections pertaining to three FTA programs, including the Nondiscrimination Program. FTA’s Federal Register notice states that the Nondiscrimination Program information collection is “necessary to ensure that any employee or applicant for

¹ Notice of Request for the Extension of a Currently Approved Information Collection, 79 Fed. Reg. 7,276 (Feb. 6, 2014).

² See Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e et seq.; the Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C. § 621 et seq.; Section 501 of the Rehabilitation Act of 1973, 29 U.S.C. § 791; the Equal Pay Act of 1963, 29 U.S.C. § 206(d); and Title II of the Genetic Information Nondiscrimination Act of 2008, 42 U.S.C. § 2000ff.

³ See generally EEOC, *Retaliation*, <http://www.eeoc.gov/laws/types/retaliation.cfm> (last visited Feb. 10, 2014).

employment is not discriminated against on the basis of race, color, creed, sex, national origin, age or disability.”⁴

We recommend that FTA consider replacing “creed” with “religion” in Nondiscrimination Program materials and activities. This revision would be consistent with federal transit law.⁵ Moreover, this revision may enhance comprehension of and compliance with the law, as applicants, employees, and grant recipients may be more likely to understand “religion” than “creed.”

Thank you for the opportunity to provide these comments. Should you wish to discuss them in further detail, please feel free to contact Senior Attorney Advisor Lisa Schnall at (202) 663-4845.

Sincerely,

/s/

Corbett L. Anderson
Assistant Legal Counsel

⁴ 79 Fed. Reg. at 7,276.

⁵ *See, e.g.*, 49 U.S.C. § 5332(b) (“A person may not be excluded from participating in, denied a benefit of, or discriminated against under, a project, program, or activity receiving financial assistance under this chapter because of race, color, *religion*, national origin, sex, disability, or age.”) (emphasis added).