

June 19, 2015
Bernadette Wilson
Acting Executive Officer
U.S. Equal Employment Opportunity Commission
131 M Street NE
Washington DC 20507

**Re: Comments on Proposed Rule, Amendments to Regulations
Under the Americans With Disabilities Act, RIN 3046-AB01**

Dear Ms. Wilson:

I write on behalf of the Association of University Centers on Disabilities, a network of 125 university-community centers in every state and territory, regarding the proposed rule related to prevention and wellness programs and its impact on people with disabilities.

We strongly oppose the proposed rule and are perplexed that the EEOC would consider such a rule, given the EEOC's responsibility to protect against discrimination workers, including those workers with disabilities.

The proposed rule will narrow the protection of rights for people with disabilities in the workplace afforded to them by the Americans with Disabilities Act, allowing employers to subject workers to medical inquiries and exams unrelated to their job performance. This is a serious erosion of civil rights and opens the door to increased discrimination against a group of Americans who already experience bias, disproportionate rates of poverty, and extraordinarily low rates of participation in the workforce, partly due to the prejudice they experience. The proposed rule has the likely effect of reinforcing those prejudices and further limiting opportunities for people with disabilities to secure and retain employment.

We find the proposed EEOC rule's redefinition of "voluntary" participation in a wellness program, allowing employers to penalize employees up to 30% the cost of their entire health insurance cost if they refuse to answer questions related to their health status, to be discriminatory. The result could be a direct monetary penalty to the worker refusing to answer questions or submit to an exam of upwards of \$1,800 a year given the current cost of health insurance for an individual.

Any rule related to the prevention and wellness programs should not impose a penalty on workers and should protect the civil rights employees and potential employees with disabilities. We urge the EEOC to amend the address these concerns to the satisfaction of the disability community before finalizing this rule.

Sincerely,



Andrew J. Imparato
Executive Director

1100 Wayne Avenue
Suite 1000
Silver Spring, MD 20910
t: 301-588-8252
f: 301-588-2842
www.aucd.org

Olivia Raynor, PhD
President

Karen Edwards, MD, MPH
President-Elect

Leslie Cohen, JD
Past-President

Julie Anne Fodor, PhD
Past-Past President

Brent Askvig, PhD
Secretary

Harold Kleinert, EdD
Treasurer

Harolyn Belcher, MD, MHS
Member at Large

Cynthia Ellis, MD
Member at Large

Celia Feinstein, MA
Member at Large

Bruce Keisling, PhD
Member at Large

Philip Wilson, PhD
Member at Large

Dawn Olson, BS
Council on Community Advocacy

Mark Smith, MS
Council on Community Advocacy

Kelly Roberts, PhD
Council on Research and Evaluation

Thomas Uno, EdS
Multicultural Council

Maria Mercedes Avila, PhD
Multicultural Council

Jerry Alliston, PhD
Community Education and
Dissemination Council

Michelle Schladant, PhD
National Training Directors Council

Elaine Eisenbaum, MSW
Trainee Representative

Andrew J. Imparato
Executive Director