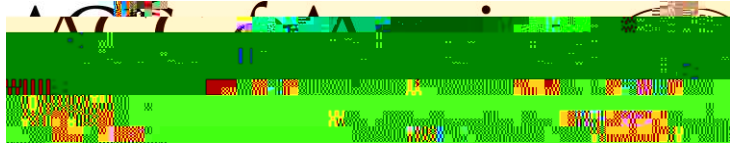


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STEPHEN E. SANDHERR, Chief Executive Officer
DAVID LUKENS, Chief Operating Officer



June 19, 2015

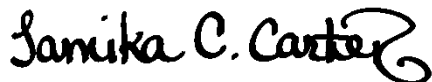
If implemented, the proposed rule would require employers to provide a notice to employees that clearly explains what medical information will be obtained, how it will be used, who will receive it, and the restrictions on disclosure wellness plan. Additionally, employers may be required to obtain from employees prior written confirmation that their participation is voluntary. AGC is not aware of any wellness plan administered by its members that is not voluntary. As such, additional administrative requirements, such as the requirement to provide an employee notice, will not only detract from the overall objective of promoting employee wellness programs, but will also add unnecessary time and cost burdens for employers. Those costs could, instead, be applied toward incentives for promoting healthy living among employees.

Also with regard to the employee notice, the NPRM is seeking comments on whether the notice requirement should be waived if wellness programs only offer a *de minimis* incentive. Again, while AGC believes that the notice requirement is burdensome, costly, and

the notice requirement, AGC further recommends that the Commission expressly define the *de minimis* reward amount as 20% or less of the total cost of coverage premium. The 20% standard is currently being used by other government agencies in its enforcement of other employment-related regulations and it is familiar to employers.

AGC appreciates the opportunity to engage in the rulemaking process and looks forward to working with the EEOC as it continues to develop and/or amend regulations that impact construction employers. If we can offer assistance in any way, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink that reads "Tamika C. Carter" with a stylized flourish at the end.

Tamika C. Carter
Director, Construction HR