

MEMORANDUM OF UNDERSTANDING BETWEEN
DISTRICT OF COLUMBIA OFFICE OF HUMAN RIGHTS

and

UNITED STATES DEPARTMENT OF JUSTICE
OFFICE OF SPECIAL COUNSEL FOR IMMIGRATION-RELATED
UNFAIR EMPLOYMENT PRACTICES

THIS MEMORANDUM OF UNDERSTANDING is made and entered into this 11th day of September, 2014, by and between the District of Columbia Office of Human Rights and the Office of Special Counsel for Immigration-Related Unfair Employment Practices (hereinafter identified as "OSC") of the Civil Rights Division, U.S. Department of Justice.

I. BACKGROUND

1. The District of Columbia Office of Human Rights, a designated fair employment practice agency under section 706(c) of Title VII of the Civil Rights Act of 1964, is charged with the enforcement of the District of Columbia Human Rights Act, which prohibits employment discrimination on the basis of the following categories: race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, family responsibilities, genetic information, disability, matriculation, or political affiliation. Individuals or entities are prohibited from using such a basis in consideration of employment, referral, and discharge, as well as compensation, terms, conditions or privileges of employment, and apprenticeship and training opportunities.
2. OSC is charged with the enforcement of the antidiscrimination provision of the Immigration and Nationality Act ("INA"), codified at 8 U.S.C. § 1324b, which prohibits (1) covered persons or entities that employ four or more employees from using citizenship status in consideration of hiring, firing, or recruitment for a fee; (2) covered persons or entities that employ four to fourteen employees from using national origin in consideration of hiring, firing, or recruitment for a fee; (3) covered persons or entities that employ four or more employees from engaging in unfair documentary practices in the employment eligibility verification process on the basis of citizenship status or national origin, and (4) covered persons or entities that employ four or more employees from retaliation for engaging in protected activity relating to the rights and privileges secured under 8 U.S.C. § 1324b.

3. The District of Columbia Human Rights Act requires aggrieved parties to file charges of discrimination with the District of Columbia Office of Human Rights within 1 year after the alleged unlawful discriminatory practice. OSC requires complaints to be filed within 180 days of the last alleged act of discrimination.

II. PURPOSE OF THE MEMORANDUM OF UNDERSTANDING

1. The purpose of this Memorandum of Understanding is to minimize the duplication of effort by the District of Columbia Office of Human Rights and OSC, and to ensure that matters within the jurisdiction of each agency are referred to the other agency.
2. The District of Columbia Office of Human Rights and OSC hereby appoint each other to act as their respective agents for the sole purpose of accepting charges that fall within each other's jurisdiction in order to toll the statutory time limits for filing charges. To ensure that filing deadlines are satisfied, each agency will accurately record the date of receipt of charges, and notify the other agency of the date of receipt when referring a charge.

III. REFERRAL OF CHARGES

1. When, during the processing of a charge by either agency, it becomes apparent to the agency processing the charge that the charge or any aspect of the charge falls within the jurisdiction of the other agency, the agency processing the charge will, to the extent permitted by applicable law and to the extent the charge has not already been filed with the other agency, refer the charge to the other agency by forwarding a copy of the charge and all relevant, non-privileged documents related to the charge to the other agency as soon as possible in accordance with any referral instructions established by the other agency. The instructions for referring charges to OSC are set forth in Attachment A. The referral agency processing the charge will notify the charging party of the referral.
2. For the purpose of coordinating the referral of charges, each agency shall designate a senior-level point of contact responsible for the agency's investigative and enforcement matters. For OSC, the points of contact shall be OSC's Special Litigation Counsels.
3. Referrals to be made by the District of Columbia Office of Human Rights to OSC include categories of discrimination listed in Section I, Paragraph 2 of this document.

4. Referrals to be made by OSC include categories of discrimination listed in Section I, Paragraph 1 of this document.
5. Where a charge that is referred falls within the jurisdiction of the referring agency, the agencies shall coordinate the investigation of the charge as set forth in Section IV.
6. All charge referrals shall be addressed to the designated point of contact and be sent to the other agency in the manner requested.

IV. COORDINATION OF INVESTIGATIONS

If the agency referring the charge has retained jurisdiction over any aspect of the charge, both agencies will coordinate their respective investigations to the extent practicable and to minimize duplication of effort. The agencies may share information relating to the investigation to the extent permitted under applicable law and subject to the agreement of the parties. Information shared between the agencies shall not operate as a waiver of any applicable privileges. Individuals from each agency assigned to investigate the charge may communicate directly on matters related to the charge.

V. TRAINING AND TECHNICAL ASSISTANCE

1. To the extent reasonably practicable, and at such times and places as might be mutually agreeable, each party to this Memorandum of Understanding will offer to the other such training and technical assistance to assist each party to better understand the policies, procedures, and law governing the enforcement activities of the other party.
2. The District of Columbia Office of Human Rights may obtain telephonic technical assistance and guidance from OSC by calling 1-800-255-8155 between the hours of 9:00 a.m. – 5:00 p.m. (ET), Monday-Friday (excluding holidays), and requesting to speak to one of OSC's Special Litigation Counsels, or by submitting a written request by mail, facsimile, or email.
3. OSC may obtain telephonic technical assistance and guidance from the District of Columbia Office of Human Rights by calling (202) 727-4559 between the hours of 8:30

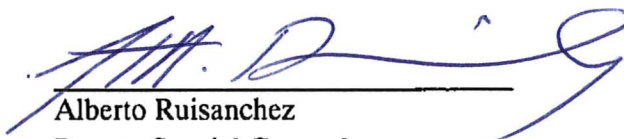
a.m. – 5:00 p.m. (ET), Monday – Friday (excluding holidays), and requesting to speak to Director of Investigations.

VI. NO DIMINUTION OF AGENCY AUTHORITY

Nothing in this Memorandum of Understanding diminishes either agency's authority to investigate and prosecute charges that fall within the coverage of its enabling statute.



Mónica Palacio
Director
District of Columbia Office of Human Rights



Alberto Ruisanchez
Deputy Special Counsel
Office of Special Counsel for Immigration-
Related Unfair Employment Practices

ATTACHMENT A

How to Make a Charge Referral to OSC

Where To Send A Referral	<p>A charge referral can be sent to OSC by:</p> <ul style="list-style-type: none"> • By electronic mail addressed to: OSCTReferral@usdoj.gov (preferred), • By facsimile transmitted to: (202) 616-5509 (if under 25 pages), or • By U.S. mail addressed to: <ul style="list-style-type: none"> U.S. Department of Justice Civil Rights Division Office of Special Counsel for Immigration-Related Unfair Employment Practices 950 Pennsylvania Avenue, NW (NYA) Washington, DC 20530
What To Send With A Referral	<p>The following information and documents is requested with your referral to OSC:</p> <ol style="list-style-type: none"> 1. All forms completed or documents and statements provided by the Charging Party. 2. The following information: <ul style="list-style-type: none"> • Case number assigned by your agency • Date charge was filed with your agency • Date of the alleged discrimination • Whether your agency will continue to investigate any aspect of the charge, and if so, which aspect(s) • Name and contact information of attorney or investigator assigned (if any) • Whether the charge has been filed or referred to another agency, and if so, the agency, point of contact, case number, and date filed (if known) <p>This information can be provided by completing the Office of Special Counsel Referral Transmittal Information Sheet (below) or via any other appropriate means.</p>
Getting Help	<p>To speak with an OSC representative about the referral process generally or to consult about this specific referral, call OSC at (202) 616-5594 (Monday-Friday, 9 am – 5 pm Eastern) and ask to speak with the Referral Duty Attorney. Questions about a referral may also be directed to OSCTReferral@usdoj.gov.</p>

**U.S. Department of Justice
Office of Special Counsel for Immigration-Related Unfair Employment Practices
Referral Transmittal Information Sheet**

Name of Referring Agency:	City, State:
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Matter Name Used By Your Agency:	Case No. Assigned By Your Agency:
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Date Filed:	Discrimination Date:	Charging Party's Primary Language:
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Name of Assigned Attorney/Investigator:	Telephone Number:	E-Mail Address:
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Will your agency continue to investigate any aspect of this charge? Yes No

If "Yes," identify what aspects of the charge remains under investigation by your agency:

Has the Charging Party filed a parallel charge with another agency? Yes No

If "Yes," identify the agency receiving parallel charge:	City, State:	Case Number, if known:
	Point of Contact, if known:	Date Filed, if known:

Has all or part of this charge been referred to another agency? Yes No

If "Yes," identify the office/agency that received the referral and the nature of the referral:	City, State:	Case Number, if known:
	Point of Contact, if known:	Date referred:

Accompanying Documents:

<input type="checkbox"/> Agency intake documents	<input type="checkbox"/> Charging Party submissions	<input type="checkbox"/> Respondent submissions	<input type="checkbox"/> Other, specify below
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Description of Additional Documents Enclosed:

Comments: