

DEPARTMENT OF FAIR EMPLOYMENT & HOUSING

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**MEMORANDUM OF UNDERSTANDING BETWEEN
CALIFORNIA DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING,
STATE OF CALIFORNIA
AND
UNITED STATES DEPARTMENT OF JUSTICE
OFFICE OF SPECIAL COUNSEL FOR IMMIGRATION RELATED
UNFAIR EMPLOYMENT PRACTICES**

In recognition of the growing diversity of California, the State of California Department of Fair Employment and Housing (DFEH) and the Office of Special Counsel (OSC) for Immigration Related Unfair Employment Practices of the U.S. Department of Justice agree to work together to increase the levels of information and assistance regarding the rights and responsibilities of residents under the anti-discrimination provisions of immigration and other laws.

They further agree to replace their existing Memorandum of Understanding as follows:

The California Department of Fair Employment and Housing (DFEH) has jurisdiction to enforce the California Fair Employment and Housing Act (FEHA) which prohibits, in part, employment discrimination and harassment on the bases of national origin and ancestry, and prohibits retaliation. The Office of Special Counsel for Immigration Related Unfair Employment Practices (OSC) is charged with the enforcement of the provisions of the Immigration and Nationality Act [8 U.S.C. 1324(b)] that prohibit unfair document and employment discrimination based on national origin or citizenship status.

The purposes of this Agreement are to minimize duplication of effort, to ensure that matters within the jurisdiction of the Office of Special Counsel are communicated to that agency as soon as possible, to distribute informational materials from the OSC and to refer information to the OSC in cases involving national origin, document abuse and citizenship discrimination.

When the DFEH receives a charge containing allegations that fall, in whole or in part, within the jurisdiction of the OSC, the charging party will be provided with informational materials from the OSC, describing its jurisdiction and contact information. DFEH agrees to refer, as soon as possible and with the consent of the charging party, a copy of the charge to the OSC.

AGREEMENT
between

STATE OF CALIFORNIA
DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

and

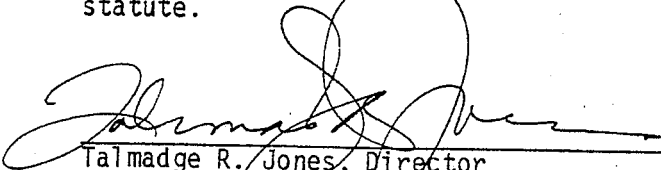
UNITED STATES DEPARTMENT OF JUSTICE
OFFICE OF SPECIAL COUNSEL FOR IMMIGRATION RELATED
UNFAIR EMPLOYMENT PRACTICES

The California Department of Fair Employment and Housing is charged with the enforcement of the provisions of the California Fair Employment and Housing Act, which prohibits discrimination in employment on the basis of race, religion, age (40 or over), sex, ancestry, national origin, color, physical handicap, medical condition (cancer), or marital status. The Office of Special Counsel for Immigration Related Unfair Employment Practices, U.S. Department of Justice, is charged with the enforcement of the provisions of the Immigration Reform and Control Act of 1986 that prohibit discrimination in employment on the basis of citizenship status or national origin. The purpose of this Agreement is to minimize duplication of effort and to facilitate proper referral of charging parties to agencies which have appropriate jurisdiction.

When either agency receives a charge containing allegations that fall within the jurisdiction of the other agency, the agency receiving the charge will, to the extent practical, advise the charging party that an opportunity exists to file a complaint with the other agency.

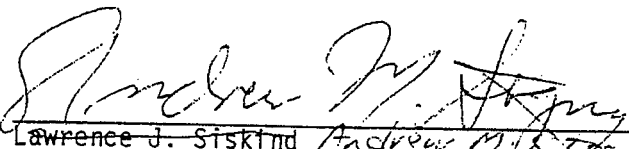
If both agencies are investigating a charge arising from the same fact situation, the agencies will coordinate their investigations to the greatest extent practical and share information so as to minimize duplication of effort. It is understood that neither agency will divulge information under this Agreement in violation of applicable laws.

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


Talmadge R. Jones, Director
Department of Fair Employment and Housing
State of California

Date

5/15/89


Lawrence J. Siskind
Special Counsel for Immigration Related
Unfair Employment Practices
U.S. Department of Justice

Date

6/1/89

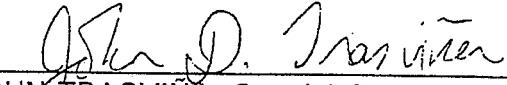
OSC, at its expense, will provide to the DFEH informational materials to distribute to members of the public at each of its offices.

OSC will provide training, within 45 days of the date of this agreement, to DFEH training staff in identifying cases and issues which may arise under the jurisdiction of OSC. Thereafter, OSC will periodically provide additional training to DFEH training staff.

Nothing in this MOU shall be interpreted to require DFEH to defer to the jurisdiction of the OSC, nor does it require DFEH to file charges on behalf of, or directly refer any charges to, the OSC, except as provided within this MOU.

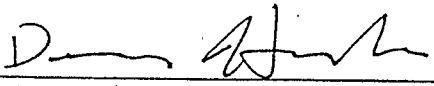
Furthermore, nothing in this MOU diminishes either agency's authority to investigate and prosecute charges that fall within its jurisdiction, nor does this MOU give rise to claims against DFEH, its agents, employees, or former employees that are actionable in any court of law. If both agencies are investigating a charge arising from the same fact situation, the agencies will consult with each other on coordinating their investigations to the greatest extent practicable.

The effective date of this Agreement shall be October 26, 2000. This agreement supercedes the Agreement entered into by DFEH and OSC in 1989 and shall remain in effect until either agency notifies the other in writing that it is terminated.



JOHN TRASVINA, Special Counsel for Immigration
Related Employment Practices
United States Department of Justice

10-19-00
Date



DENNIS W. HAYASHI, Director
Department of Fair Employment and Housing
State of California

10.25.00
Date