

AGREEMENT BETWEEN

NORTH CAROLINA OFFICE OF ADMINISTRATIVE HEARINGS CIVIL RIGHTS DIVISION

and

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

THIS AGREEMENT is made and entered into this 24th day of October, 2007, by and between the Civil Rights Division of the State of North Carolina Office of Administrative Hearings (hereinafter identified as "CRD/NCOAH") 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. The purpose of this Agreement is to minimize the duplication of effort by CRD/NCOAH and OSC, and to ensure that matters within the jurisdiction of each agency are communicated to that agency.

I. BACKGROUND

1. The CRD/NCOAH is charged with the enforcement of the nondiscrimination provision of §126-36 of the Personnel Act, Chapter 126 of the North Carolina General Statutes ("Personnel Act"), which prohibit employment-related discrimination or harassment by a state or local government on the basis of race, color, national origin, sex, religion, age, or disability; or retaliation against an individual for engaging in activities protected under §126-36 the Act. In addition, under Section 7A-759 of the North Carolina General Statutes, the NCOAH is authorized to act as the designated deferral agency for North Carolina under Section 706 of the Civil Rights Act of 1964, as amended, 42 U.S.C. §2000e, *et seq.*, for charges filed by state and local government employees covered under Chapter 126 of the North Carolina General Statutes.
2. The OSC is charged with the enforcement of the antidiscrimination provision of the Immigration and Nationality Act ("INA") against persons or entities that employ four or more employees, with the exception of national origin claims as described below. The categories of discrimination prohibited under the INA are:
 - A. Citizenship status discrimination: when individuals are rejected for employment, treated adversely in the hiring process, or fired because they are not U.S. citizens or because of their immigration status or type of work authorization. U.S. citizens, temporary

residents, recent lawful permanent residents, asylees, and refugees are protected from citizenship status discrimination.

B. National origin discrimination: when individuals are rejected for employment, treated adversely in the hiring process, or fired based on their country of origin, ancestry, native language, accent, or because they are perceived as looking or sounding "foreign." All work-authorized individuals are protected from national origin discrimination. The Office of Special Counsel has national origin discrimination jurisdiction over smaller employers (generally those with between 4-14 employees) that are not covered by Title VII of the Civil Rights Act of 1964.

C. Document abuse: when employers request more or different documents than are required to verify employment eligibility, reject reasonably genuine-looking documents or specifically request certain documents with an intent to discriminate on the basis of national origin or citizenship. All work-authorized individuals are protected from document abuse.

D. Retaliation: when employers intimidate or coerce an individual who has filed a charge or intends to file a charge or who participates in an investigation or any proceeding or asserts his or her rights under this provision of law. All individuals are protected from retaliation.

Injured parties must file charges under the INA within 180 days of the alleged discrimination. Upon receipt of a charge alleging discrimination under the INA, the Office of Special Counsel will investigate the charge, pursuing meritorious claims through settlement or litigation. Settlements or successful adjudications may result in civil penalty assessments, back pay awards, hiring or reinstatement, and the imposition of other remedies.

3. Both the Personnel Act and the INA require aggrieved parties to file charges of discrimination with the CRD/NCOAH or the OSC, respectively, within 180 days of the last alleged act of discrimination.
4. In light of the similar filing periods under both statutes, and the potential for receipt of charges that fall under the other office's jurisdiction, the CRD/NCOAH and the OSC wish to enter into an agreement to minimize the potential for duplicative efforts and incorrect charge filings, which adversely affect efficient operations and the interests of aggrieved parties.

II. APPOINTMENT OF AGENTS

By this Agreement, CRD/NCOAH and the OSC hereby appoint each other to act as

their respective agents for the sole purpose of accepting charges for each other 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

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 outside its jurisdiction, but may be within the jurisdiction of the other agency, the agency processing the charge will, if the charging party has not declined referral, refer the charge to the other agency by forwarding a copy of the charge to the other agency as soon as possible. To the extent permitted under applicable law, each agency will forward the other agency copies of all relevant, non-privileged documents upon request. The agency processing the charge will notify the charging party of the referral.

All charge referrals or other written communications required or permitted in accordance with this Agreement shall be addressed as follows (or to such addresses as may subsequently be given in writing):

Civil Rights Division
North Carolina Office of Administrative Hearings
1200 Front Street, Suite 101
Raleigh, North Carolina 27609

Office of Special Counsel for Immigration Related Unfair
Employment Practices
Civil Rights Division
950 Pennsylvania Avenue, N.W.
NYAV Bldg., Suite 9000
Washington, D.C. 20530

IV. COORDINATION OF INVESTIGATIONS

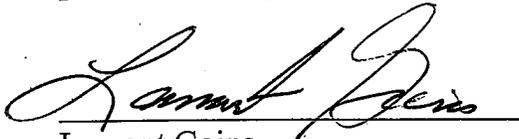
If the agency referring the charge has retained jurisdiction over any aspect of the charge, both agencies will coordinate their investigations to the greatest extent practicable, and will share, to the extent permitted under applicable law, non-privileged information so as to minimize duplication of effort.

V. TRAINING AND TECHNICAL ASSISTANCE

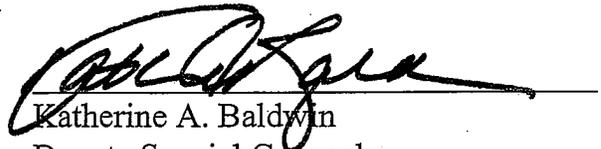
1. To the extent reasonably practicable, and at such times and places as might be mutually agreeable, each party to this Agreement will offer to the other such training and technical assistance to assist each party to better understand the policies, procedures, and law governing the enforcement activities of the other party.
2. The CRD/NCOAH may obtain telephonic technical assistance and guidance from the OSC by calling 1-800-255-8155 (toll free) between the hours of 9:00 a.m. - 5:00 p.m. (ET), Monday - Friday (excluding holidays).
3. The OSC may obtain telephonic technical assistance and guidance from the CRD/NCOAH by calling (919) 733-0431 between the hours of 8:00 a.m. - 5:00 p.m. (ET), Monday - Friday (excluding holidays).

VI. NO DIMINUTION OF AGENCY AUTHORITY

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



Lamont Goins
Director (Acting)
Civil Rights Division
North Carolina Office of Administrative
Hearings



Katherine A. Baldwin
Deputy Special Counsel
Office of Special Counsel for Immigration
Related Unfair Employment Practices