

MEMORANDUM OF UNDERSTANDING BETWEEN

MINNESOTA DEPARTMENT 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 by and between the Minnesota Department of Human Rights (hereinafter identified as "MDHR") 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 MDHR, 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 Minnesota Human Rights Act, which prohibits, among other things, employment discrimination on the basis of the following categories either actual or perceived: race, color, creed, religion, national origin, sex, marital status, disability, status with regard to public assistance, sexual orientation, and age. Labor organizations, employers, and employment agencies are prohibited from using such a basis in consideration of labor organization membership, representation, or referral, employment hiring, discharge, or conditions of employment, and employment agency referral, applicant rejection, or compliance with employer requests.
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 intimidation, threats, coercion, or retaliation for engaging in protected activity relating to the rights and privileges secured under 8 U.S.C. § 1324b.
3. MDHR requires aggrieved parties to file charges of discrimination with the MDHR within 1 year after the alleged unlawful discriminatory practice. Minn. Stat. § 363A.28.

OSC requires charges of discrimination to be filed within 180 days of the last alleged act of discrimination. 8 U.S.C. § 1324b(d)(3).

II. Purpose of the Memorandum of Understanding

4. The purpose of this Memorandum of Understanding is to minimize the duplication of effort by MDHR and OSC, and to ensure that matters within the jurisdiction of each agency are referred to the other agency.
5. MDHR 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

6. 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 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 related to the charge. The referral agency processing the charge will notify the charging party of the referral.
7. 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 MDHR, Assistant Commissioner, Gregory Torrence. For Office of Special Counsel for Immigration-Related Unfair Employment Practices, Special Litigation Counsel, Sebastian Aloit.
8. Referrals to be made by MDHR include categories of discrimination listed in Paragraph 2 of this document.
9. Referrals to be made by OSC include categories of discrimination listed in Paragraph 1 of this document.
10. 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 paragraph 12 of this document.
11. 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

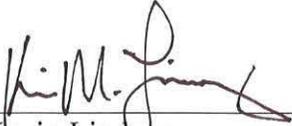
12. If the agency referring the charge has retained jurisdiction over any aspect of the charge, both agencies will coordinate their respective investigations to the maximum extent practicable, and will share, to the extent permitted under applicable law, non-confidential information so as to minimize duplication of effort. Investigators from each agency assigned to the charge may communicate directly on matters related to the charge.

V. Training and Technical Assistance

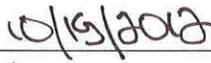
13. To the extent reasonably practicable, and at such times and places as might be mutually agreeable, each party to this Memorandum of Understanding will offer to the other such training and technical assistance to assist each party to better understand the policies, procedures, and law governing the enforcement activities of the other party.
14. The MDHR 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), or by submitting a written request by mail, facsimile, or email.
15. OSC may obtain telephonic technical assistance and guidance from the MDHR by calling (651) 539-1133 between the hours of 8:00 a.m. - 4:30 p.m. (CT), Monday -Friday (excluding holidays);

VI. No Diminution of Agency Authority

16. 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.



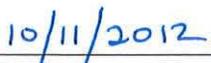
Kevin Lindsey
Commissioner
Minnesota Department of Human Rights



Date



Seema Nanda
Deputy Special Counsel
Office of Special Counsel for Immigration-Related
Unfair Employment Practices



Date