

MEMORANDUM OF UNDERSTANDING BETWEEN
SOUTH CAROLINA HUMAN AFFAIRS COMMISSION

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 24th day of June, 2014, by and between the South Carolina Human Affairs Commission (hereinafter identified as "SCHAC") 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 SCHAC, 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 South Carolina Human Affairs Law, which prohibits employment discrimination on the basis of the following categories: race, color, national origin, religion, sex, age and disability. Individuals or entities that employ fifteen or more employees 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. South Carolina Human Affairs Law § 1-13-90 requires aggrieved parties to file charges of discrimination with the SCHAC within 180 days after the alleged unlawful discriminatory practice. OSC requires complaints to be filed within 180 days of the last alleged act of discrimination.

II. ASSISTANCE TO AGGRIEVED PARTIES

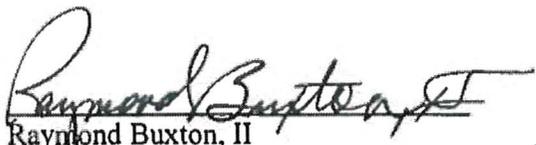
1. The purpose of this Memorandum of Understanding is to ensure that aggrieved parties are directed to the other agency where it appears that their claims may fall within the jurisdiction of the other agency.
2. When, during the initial processing of a charge by either agency, it becomes apparent to the agency processing the charge that the charge or any aspect of the charge falls within the jurisdiction of the other agency as described in section 1, 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, direct the aggrieved individual as soon as practicable to the other agency by providing the aggrieved individual with the agency's contact information and information about how to file a charge with that agency as described on the agency's website.

III. TRAINING AND TECHNICAL ASSISTANCE

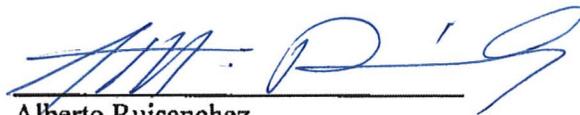
1. To the extent reasonably practicable, and at such times and places as might be mutually agreeable, each party to this Memorandum of Understanding will offer to the other such training and technical assistance to assist each party to better understand the policies, procedures, and law governing the enforcement activities of the other party.
2. The SCHAC 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 SCHAC by calling (803) 737-7800 between the hours of 9:00 a.m. - 5:00 p.m. (ET), Monday - Friday (excluding holidays).

IV. 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.



Raymond Buxton, II
Commissioner
South Carolina Human Affairs Commission



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