

§ 1601.71

qualifications of paragraph (a) (1) and (2) of § 1601.70.

(d) Where both State and local FEP agencies exist, the Commission reserves the right to defer to the State FEP agency only. However, where there exist agencies of concurrent jurisdiction, the Commission may defer to the FEP agency which would best serve the purposes of title VII or the ADA, or to both.

(e) The Chairman or his or her designee, will provide to the Attorney General of the concerned State (and corporation counsel of a concerned local government, if appropriate) an opportunity to comment upon aspects of State or local law which might affect the qualifications of any new agency in that State otherwise cognizable under this section.

[45 FR 33606, May 20, 1980, as amended at 47 FR 53733, Nov. 29, 1982. Redesignated and amended at 56 FR 9625, Mar. 7, 1991; 60 FR 46220, Sept. 6, 1995]

§ 1601.71 FEP agency notification.

(a) When the Commission determines that an agency or authority meets the criteria outlined in section 706(c) of title VII and § 1601.70, the Commission shall so notify the agency by letter and shall notify the public by publication in the FEDERAL REGISTER of an amendment to § 1601.74.

(b) Where the Commission determines that an agency or authority does not come within the definition of a FEP agency for purposes of a particular basis of discrimination or where the agency or authority applies for designation as a Notice Agency, the Commission shall notify that agency or authority of the filing of charges for which the agency or authority is not a FEP agency. For such purposes that State or local agency will be deemed a Notice Agency.

(c) Where the Chairman becomes aware of events which lead him or her to believe that a deferral Agency no longer meets the requirements of a FEP agency and should no longer be considered a FEP agency, the Chairman will so notify the affected agency and give it 15 days in which to respond to the preliminary findings. If the Chairman deems necessary, he or she may convene a hearing for the purpose

29 CFR Ch. XIV (7-1-04 Edition)

of clarifying the matter. The Commission shall render a final determination regarding continuation of the agency as a FEP agency.

[45 FR 33606, May 20, 1980, as amended at 47 FR 53733, Nov. 29, 1982. Redesignated at 56 FR 9625, Mar. 7, 1991; 60 FR 46220, Sept. 6, 1995]

§§ 1601.72-1601.73 [Reserved]

§ 1601.74 Designated and notice agencies.

(a) The designated FEP agencies are:

Alaska Commission for Human Rights
Alexandria (VA) Human Rights Office
Allentown (PA) Human Relations Commission
Anchorage (AK) Equal Rights Commission
Anderson (IN) Human Relations Commission
Arizona Civil Rights Division
Arlington County (VA) Human Rights Commission²
Austin (TX) Human Relations Commission³
Baltimore (MD) Community Relations Commission
Bloomington (IL) Human Relations Commission
Bloomington (IN) Human Rights Commission
Broward County (FL) Human Relations Commission
California Department of Fair Employment and Housing
Charleston (WV) Human Rights Commission
City of Salina (KS) Human Relations Commission and Department
Clearwater (FL) Office of Community Relations
Colorado Civil Rights Commission
Colorado State Personnel Board⁴

²The Arlington Human Rights Commission has been designated as a FEP agency for all charges except charges alleging a violation of title VII by a government, government agency, or political subdivision of the State of Virginia. For these types of charges it shall be deemed a "Notice agency" pursuant to 29 CFR 1601.71(b).

³The Austin (TX) Human Relations Commission has been designated as a FEP agency for all charges except charges alleging a violation of title VII by a government, government agency, or political subdivision of the State of Texas. For these types of charges it shall be deemed a "Notice Agency," pursuant to 29 CFR 1601.71(b).

⁴The Colorado State Personnel Board has been designated as a FEP agency for only those charges which relate to appointments, promotions, and other personnel actions that take place in the State personnel system. In addition, it has been designated as a FEP agency for all of the above mentioned

Equal Employment Opportunity Comm.**§ 1601.74**

Commonwealth of Puerto Rico Department of Labor⁵
 Connecticut Commission on Human Rights and Opportunity
 Corpus Christi (TX) Human Relations Commission
 Dade County (FL) Fair Housing and Employment Commission
 Delaware Department of Labor
 District of Columbia Office of Human Rights
 Durham (NC) Human Relations Commission
 East Chicago (IN) Human Rights Commission
 Evansville (IN) Human Relations Commission
 Fairfax County (VA) Human Rights Commission
 Florida Commission on Human Relations
 Fort Dodge-Webster County (IA) Human Rights Commission
 Fort Wayne (IN) Metropolitan Human Relations Commission
 Fort Worth (TX) Human Relations Commission
 Gary (IN) Human Relations Commission
 Georgia Office of Fair Employment Practices⁶
 Hawaii Department of Labor and Industrial Relations⁷
 Hillsborough County (FL) Equal Opportunity and Human Relations Department
 Howard County (MD) Human Rights Commission⁸

Huntington (WV) Human Relations Commission
 Idaho Human Rights Commission
 Illinois Department of Human Rights
 Indiana Civil Rights Commission
 Iowa Civil Rights Commission
 Jacksonville (FL) Equal Employment Opportunity Commission
 Kansas City (KS) Human Relations Department
 Kansas City (MO) Human Relations Department
 Kansas Human Rights Commission
 Kentucky Commission on Human Rights
 Lee County (FL) Department of Equal Opportunity
 Lexington-Fayette (KY) Urban County Human Rights Commission
 Lincoln (NE) Commission on Human Rights⁹
 Louisiana (LA) Commission on Human Rights
 Louisville and Jefferson County (KY) Human Relations Commission
 Madison (WI) Equal Opportunities Commission
 Maine Human Rights Commission
 Maryland Commission on Human Relations
 Mason City (IA) Human Rights Commission
 Massachusetts Commission Against Discrimination
 Michigan City (IN) Human Rights Commission
 Michigan Department of Civil Rights
 Minneapolis (MN) Department of Civil Rights
 Minnesota Department of Human Rights
 Missouri Commission on Human Rights
 Montana Human Rights Division
 Montgomery County (MD) Human Relations Commission
 Nebraska Equal Opportunity Commission
 Nevada Commission on Equal Rights of Citizens
 New Hampshire Commission for Human Rights
 New Hanover (NC) Human Relations Commission¹⁰

charges except charges which allege a violation of section 704(a) of title VII. For this type of charge it shall be deemed a "Notice Agency" pursuant to 29 CFR 1601.71(b).

⁵The Commonwealth of Puerto Rico Department of Labor has been designated as a FEP agency for all charges except (1) charges alleging a "labor union" has violated title VII; (2) charges alleging an "Employment Agency" has violated title VII; (3) charges alleging violations of title VII by agencies or instrumentalities of the Government of Puerto Rico when they are not operating as private businesses or enterprises; and (4) all charges alleging violations of sec. 704(a) or title VII. For these types of charges it shall be deemed a "Notice Agency," pursuant to 29 CFR 1601.71(b).

⁶The Georgia Office of Fair Employment Practices has been designated as a FEP agency for all charges covering the employment practices of the departments of the State of Georgia only.

⁷The Hawaii Department of Labor and Industrial Relations has been granted FEP agency designation of all charges except those filed against units of the State and local government, in which case it shall be deemed a "Notice Agency."

⁸The Howard County (MD) Human Rights Commission has been granted designation of all charges except those filed against agen-

cies of Howard County in which case it shall be deemed a "Notice Agency."

⁹The Lincoln (NE) Commission on Human Rights has been designated as a FEP agency for all charges except (1) a charge by an "applicant for membership" alleging a violation of section 703(c)(2) of title VII (2) a charge by an individual alleging that a "joint labor-management committee" has violated section 704(a) of title VII; and (3) a charge by an individual alleging that a "joint labor-management committee" has violated section 704(b) of title VII. For those types of charges, it shall be deemed a "Notice Agency," pursuant to 29 CFR 1601.71(b).

¹⁰The New Hanover Human Relations Commission is being designated as a FEP agency

Continued

§ 1601.74

29 CFR Ch. XIV (7-1-04 Edition)

New Haven (CT) Commission on Equal Opportunities
New Jersey Division of Civil Rights, Department of Law and Public Safety
New Mexico Human Rights Commission
New York City (NY) Commission on Human Rights
New York State Division on Human Rights
North Carolina State Office of Administrative Hearings
North Dakota Department of Labor
Ohio Civil Rights Commission
Oklahoma Human Rights Commission
Omaha (NE) Human Relations Department
Orange County (NC) Human Relations Commission
Oregon Bureau of Labor
Orlando (FL) Human Relations Department
Paducah (KY) Human Rights Commission
Palm Beach County (FL) Office of Equal Opportunity
Pennsylvania Human Relations Commission
Philadelphia (PA) Commission on Human Relations
Pinellas County (FL) Affirmative Action Office
Pittsburgh (PA) Commission on Human Rights
Prince George's County (MD) Human Relations Commission
Prince William County (VA) Human Rights Commission
Rhode Island Commission for Human Rights
Richmond County (GA) Human Rights Commission
Rockville (MD) Human Rights Commission
St. Louis (MO) Civil Rights Enforcement Agency
St. Paul (MN) Department of Human Rights
St. Petersburg (FL) Human Relations Division¹¹

Seattle (WA) Human Rights Commission
Sioux Falls (SD) Human Relations Commission
South Bend (IN) Human Rights Commission
South Carolina Human Affairs Commission
South Dakota Division of Human Rights
Springfield (OH) Human Relations Department
Tacoma (WA) Human Relations Commission
Tampa (FL) Office of Community Relations
Tennessee Commission for Human Development
Texas Commission on Human Rights
Topeka (KS) Human Relations Commission
Utah Industrial Commission, Anti-Discrimination Division
Vermont Attorney General's Office, Civil Rights Division
Vermont Human Rights Commission
Virgin Islands Department of Labor
Virginia Council on Human Rights
Washington Human Rights Commission
West Virginia Human Rights Commission
Wheeling (WV) Human Rights Commission
Wichita Falls (TX) Human Relations Commission
Wisconsin Equal Rights Division, Department of Industry, Labor and Human Relations
Wisconsin State Personnel Commission¹²
Wyoming Fair Employment Practices Commission
York (PA) Human Relations Commission
Youngstown (OH) Human Relations Commission

(b) The designated Notice Agencies are:

Arkansas Governor's Committee on Human Resources
Ohio Director of Industrial Relations
Raleigh (NC) Human Resources Department, Civil Rights Unit

(Sec. 713(a) 78 Stat. 265 (42 U.S.C. 2000e-12(a)))

[46 FR 33030, June 26, 1981. Redesignated at 56 FR 9625, Mar. 7, 1991]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 1601.74, see the List of CFR Sections Affected, which appears in the

for charges covering employment practices under section 706(c) of title VII and CFR 1601.70 *et seq.* (1980) within New Hanover County and "such cities within the county as may by resolution of their governing boards, permit the Ordinance of the Board of Commissioners of New Hanover County entitled 'Prohibition of Discrimination in Employment' to be applicable within such cities." This covers Wilmington City and the unincorporated area of New Hanover County. At this time Wrightsville Beach, Carolina Beach and Kure Beach are not included in this designation. For charges from these latter locales the New Hanover Human Relations Commission shall be deemed a "Notice Agency," pursuant to 29 CFR 1601.71(b).

¹¹On June 1, 1979, the St. Petersburg Office of Human Relations was designated a FEP agency for all charges except those charges alleging retaliation under section 704(a) of title VII. Accordingly, "for retaliation charges" it was deemed a "Notice Agency," pursuant to 29 CFR 1601.71(c). See 44 FR

31638. On May 23, 1979, an ordinance amended the St. Petersburg, FL Human Relations law to include charges of retaliation. Therefore, retaliation charges will be deferred to that agency effective immediately.

¹²The Wisconsin State Personnel Commission is being designated as a FEP agency for all charges covering the employment practices of the agencies of the State of Wisconsin except those charges alleging retaliation under 704(a) of title VII. Accordingly, for retaliation charges, it shall be deemed a Notice Agency pursuant to 29 CFR 1601.71(b).

Equal Employment Opportunity Comm.

§ 1601.78

Finding Aids section of the printed volume and on GPO Access.

§ 1601.75 Certification of designated FEP agencies.

(a) The Commission may certify designated FEP agencies based upon the past, satisfactory performance of those agencies. The effect of such certification is that the Commission shall accept the findings and resolutions of designated FEP agencies in regard to cases processed under contracts with those agencies without individual, case-by-case substantial weight review by the Commission except as provided in §§ 1601.76 and 1601.77 of this part.

(b) Eligibility criteria for certification of a designated FEP agency are as follows:

(1) That the State or local agency has been a designated FEP agency for 4 years;

(2) That the State or local designated FEP agency's work product has been evaluated within the past 12 months by the Systemic Investigations and Individual Compliance Programs, Office of Program Operations, and found to be in conformance with the Commission's Substantial Weight Review Procedures (EEOC Order 916); and

(3) That the State or local designated FEP agency's findings and resolutions pursuant to its contract with the Commission, as provided in section 709(b) of title VII, have been accepted by the Commission in at least 95% of the cases processed by the FEP agency in the past 12 months.

(c) Upon Commission approval of a designated FEP agency for certification, it shall notify the agency of its certification and shall effect such certification by issuance and publication of an amendment to § 1601.80 of this part.

[46 FR 50367, Oct. 13, 1981, as amended at 54 FR 32061, Aug. 4, 1989. Redesignated and amended at 56 FR 9625, Mar. 7, 1991]

§ 1601.76 Right of party to request review.

The Commission shall notify the parties whose cases are to be processed by the designated, certified FEP agency of their right, if aggrieved by the agency's final action, to request review by the Commission within 15 days of that

action. The Commission, on receipt of a request for review, shall conduct such review in accord with the procedures set forth in the Substantial Weight Review Procedures (EEOC Order 916).

[46 FR 50367, Oct. 13, 1981. Redesignated at 56 FR 9625, Mar. 7, 1991]

§ 1601.77 Review by the Commission.

After a designated FEP agency has been certified, the Commission shall accept the findings and resolutions of that agency as final in regard to all cases processed under contract with the Commission, as provided in section 709(b) of title VII, except that the Commission shall review charges closed by the certified FEP agency for lack of jurisdiction, as a result of unsuccessful conciliation, or where the charge involves an issue currently designated by the Commission for priority review.

[46 FR 50367, Oct. 13, 1981, as amended at 51 FR 18778, May 22, 1986. Redesignated at 56 FR 9625, Mar. 7, 1991]

§ 1601.78 Evaluation of designated FEP agencies certified by the Commission.

To assure that designated FEP agencies certified by the Commission, as provided in § 1601.75 of this part, continue to maintain performance consistent with the Commission's Substantial Weight Review Procedures (EEOC Order 916), the Commission shall provide for the evaluation of such agencies as follows:

(a) Each designated FEP agency certified by the Commission shall be evaluated at least once every 3 years; and

(b) Each designated FEP agency certified by the Commission shall be evaluated when, as a result of a substantial weight review requested as provided in § 1601.76 of this part or required in regard to cases closed as a result of unsuccessful conciliation or for lack of jurisdiction as provided in § 1601.77 of this part, the Commission rejects more than 5% of a designated FEP agency's findings at the end of the year or 20% or more of its findings for two consecutive quarters. When the Commission rejects 20% or more of a designated FEP agency's findings during any quarter, the Commission shall initiate an inquiry and may conduct an evaluation.