

## 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.

**§ 1601.79**

(c) The Commission may, on its own motion, require an evaluation at any time.

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

**§ 1601.79 Revocation of certification.**

Certification of a designated FEP agency is discretionary with the Commission and the Commission may, upon its own motion, withdraw such certification as a result of an evaluation conducted pursuant to § 1601.78 or for any reason which leads the Commission to believe that such certification no longer serves the interest of effective enforcement of title VII or the ADA. The Commission will accept comments from any individual or organization concerning the efficacy of the certification of any designated FEP agency. The revocation shall be effected by the issuance and publication of an amendment to § 1601.80 of this part.

[46 FR 50367, Oct. 13, 1981. Redesignated and amended at 56 FR 9624, 9625, Mar. 7, 1991]

**§ 1601.80 Certified designated FEP agencies.**

The designated FEP agencies receiving certification by the Commission are as follows:

- Alaska Commission for Human Rights
- Alexandria (VA) Human Rights Office
- Anchorage (AK) Equal Rights Commission
- Arizona Civil Rights Division
- Arlington County (VA) Human Rights Commission
- Austin Human Relations Commission
- Baltimore (MD) Community Relations Commission
- Broward County (FL) Human Relations Commission
- California Department of Fair Employment and Housing
- Clearwater (FL) Office of Community Relations
- Colorado Civil Rights Division
- 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
- East Chicago (IN) Human Rights Commission
- Fairfax County (VA) Human Rights Commission
- Florida Commission on Human Rights

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

- Fort Wayne (IN) Metropolitan Human Relations Commission
- Fort Worth (TX) Human Relations Commission
- Gary (IN) Human Relations Commission
- Hawaii Department of Labor and Industrial Relations
- Howard County (MD) Office of Human Rights
- Idaho Human Rights Commission
- Illinois Department of Human Rights
- Indiana Civil Rights Commission
- Iowa Civil Rights Commission
- Jacksonville (FL) Equal Employment Opportunity Commission
- Kansas Commission on Civil Rights
- Lexington-Fayette (KY) Urban County Human Rights Commission
- Louisville and Jefferson County Human Relations Commission
- Maine Human Rights Commission
- Maryland Commission on Human Relations
- Massachusetts Commission Against Discrimination
- Michigan Department of Civil Rights
- Minneapolis (MN) Department of Civil Rights
- Minnesota Department of Human Rights
- Missouri Commission on Civil Rights
- Montana Human Rights Division
- Nebraska Equal Opportunity Commission
- Nevada Commission on Equal Rights of Citizens
- New Hampshire Commission for Human Rights
- New Hanover Human Relations Commission
- New Jersey Division on Civil Rights
- New Mexico Human Rights Commission
- New York City (NY) Commission on Human Rights
- New York State Division on Human Rights
- Ohio Civil Rights Commission
- Oklahoma Human Rights Commission
- Omaha (NE) Human Relations Department
- Oregon Bureau of Labor
- Orlando (FL) Human Relations Department
- Pennsylvania Human Relations Commission
- Philadelphia Commission on Human Relations
- Pittsburgh Commission on Human Relations
- Puerto Rico Department of Labor and Human Resources
- Rhode Island Commission for Human Rights
- St. Louis (MO) Civil Rights Enforcement Agency
- St. Petersburg (FL) Human Relations Department
- Seattle (WA) Human Rights Commission
- South Bend (IN) Human Rights Commission
- South Carolina Human Affairs Commission
- South Dakota Division of Human Rights
- Tacoma (WA) Human Relations Division
- Tennessee Human Rights Commission
- Texas Commission on Human Rights
- Utah Industrial Commission, Anti-Discrimination Division
- Vermont Attorney General's Office, Civil Rights Division