

## § 1601.75

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  
Reading (PA) Human Relations 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 Division<sup>11</sup>  
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 Commission<sup>12</sup>

<sup>11</sup>On 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.

<sup>12</sup>The 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

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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 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

tion under 704(a) of title VII. Accordingly, for retaliation charges, it shall be deemed a Notice Agency pursuant to 29 CFR 1601.71(b).

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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.

(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