

SECTION 20-3 | DIVISION OF INITIAL CHARGE-PROCESSING RESPONSIBILITIES

In recognition of the statutory authority granted to the FEPA by Section 706(c) and 706(d) of Title VII as amended; and by Title I of the Americans with Disabilities Act, and the transmittal of charges of age discrimination pursuant to the Age Discrimination in Employment Act of 1967, the primary responsibility for resolving charges between the FEPA and the EEOC will be divided as follows:

A. The EEOC and the FEPA will process all Title VII, ADA, GINA, and ADEA charges that they originally receive.

1. For charges originally received by the EEOC and/or to be initially processed by the EEOC, the FEPA waives its right of exclusive jurisdiction to initially process such charges for a period of 60 days for the purpose of allowing the EEOC to proceed immediately with the processing of such charges before the 61st day.

In addition, the EEOC will initially process the following charges:

- All Title VII, ADA, and concurrent Title VII/ADA charges jurisdictional with the FEPA and received by the FEPA 240 days or more after the date of violation;
- All disability-based charges that may not be resolved by the FEPA in a manner consistent with the ADA.
- All concurrent Title VII/EPA charges;
- All charges against the FEPA or its parent organization where such parent organization exercises direct or indirect control over the charge decision-making process;
- All charges filed by EEOC Commissioners;
- Charges also covered by the Immigration Reform and Control Act;
- Complaints referred to the EEOC by the U.S. Department of Justice, Office of Federal Contract Compliance Programs, or Federal fund-granting agencies under 29 CFR § 1640, 1641, and 1691.



- Any charge where the EEOC is a party to a Conciliation Agreement or a Consent Decree that, upon mutual consultation and agreement, is relevant to the disposition of the charge. The EEOC will notify the FEPA of all Conciliation Agreements and Consent Decrees that have features relevant to the disposition of subsequent charges;
- Any charge alleging retaliation for filing a charge with the EEOC or for cooperating with the EEOC; and
- All charges against Respondents that are designated for initial processing by the EEOC in a supplementary memorandum to this Agreement.
- ***(Add additional provisions specific to District Office here)***

2. The FEPA will initially process the following types of charges:

- Any charge alleging retaliation for filing a charge with the FEPA or cooperating with the FEPA;
- Any charge where the FEPA is a party to a Conciliation Agreement or a Consent Decree that, upon mutual consultation and agreement, is relevant to the disposition of the charge. The FEPA will provide the EEOC with an on-going list of all Conciliation Agreements and Consent Decrees that have features relevant to the disposition of subsequent charges;

All charges that allege more than one basis of discrimination where at least one basis is not covered by the laws administered by the EEOC but is covered by the FEPA Ordinance, or where the EEOC is mandated by federal court decision or by internal administrative EEOC policy to dismiss the charge, but the FEPA can process that charge.

- All charges against Respondents that are designated for initial processing by the FEPA in a supplementary memorandum to this Agreement; and
- All disability-based charges against Respondents over which the EEOC does not have jurisdiction.



(Add additional provisions specific to the FEPA here.)

B. Notwithstanding any other provision of the Agreement, the FEPA or the EEOC may request to be granted the right to initially process any charge subject to agreement of the other agency. Such variations shall not be inconsistent with the objectives of this Worksharing Agreement or the Contracting Principles.

C. Each Agency will on a quarterly basis notify the other of all cases in litigation and will notify each other when a new suit is filed. As charges are received by one Agency against a Respondent on the other Agency * s litigation list a copy of the new charge will be sent to the other Agency *s litigation unit within ____ working days.

(US Equal Employment Opportunity Commission // Florida Commission on Human Relations)

