

REVISED AGREEMENT BETWEEN
STATE OF WYOMING DEPARTMENT OF EMPLOYMENT
LABOR STANDARDS PROGRAM

AND

OFFICE OF SPECIAL COUNSEL FOR IMMIGRATION
RELATED UNFAIR EMPLOYMENT PRACTICES
CIVIL RIGHTS DIVISION, U.S. DEPARTMENT OF JUSTICE

THIS AGREEMENT is made and entered into this 14TH day of JUNE, 2004, by and between the State of Wyoming Department of Employment, Labor Standards Program and the Office of Special Counsel for Immigration Related Unfair Employment Practices ("Office of Special Counsel"), Civil Rights Division, U.S. Department of Justice. The purpose of this Agreement is to minimize the duplication of effort by the State of Wyoming Department of Employment, Labor Standards Program, and the Office of Special Counsel, and to ensure that matters within the jurisdiction of each agency are communicated to that agency without delay.

BACKGROUND

The Wyoming Department of Employment, Labor Standards Program, is charged with the enforcement of the provisions of the Wyoming Fair Employment Practices Act, which prohibits discrimination in employment on the bases of race, sex, creed, color, national origin, ancestry, age, or disability.

The Wyoming Fair Employment Practices Act covers employers employing two (2) or more employees in the state. An aggrieved party must file a charge with the Labor Standards Program within 90 days of the alleged discrimination.

The Office of Special Counsel is charged with the enforcement of the antidiscrimination provisions of the Immigration and Nationality Act ("INA"). The categories of discrimination prohibited under the INA are:

1. Citizenship status discrimination: when individuals are rejected for employment, treated adversely in the hiring process, or fired because they are not U.S. citizens or because of their immigration status or type of work authorization. U.S. citizens, temporary residents, lawful permanent residents, asylees, and refugees are protected from citizenship status discrimination.
2. National origin discrimination: when individuals are rejected for employment, treated

adversely in the hiring process, or fired based on their country of origin, ancestry, native language, accent, or because they are perceived as looking or sounding "foreign." All work-authorized individuals are protected from national origin discrimination. The Office of Special Counsel has jurisdiction over smaller employers (generally those with between 4 and 14 employees) that are not covered by Section 703 of Title VII of the Civil Rights Act of 1964.

3. Document abuse: when employers request more or different documents than are required to verify employment eligibility, reject reasonably genuine-looking documents or specifically request certain documents with an intent to discriminate on the basis of national origin or citizenship status. All work-authorized individuals are protected from document abuse.
4. Retaliation: when employers intimidate or coerce an individual who has filed a charge or intends to file a charge or who participates in an investigation or any proceeding or asserts his or her rights under this provision of law. All individuals are protected from retaliation.

Injured parties must file charges under the INA within 180 days of the alleged discrimination. Upon receipt of a charge alleging discrimination under the INA, the Office of Special Counsel will investigate the charge, pursuing meritorious claims through settlement or litigation. Settlements or successful adjudications may result in civil penalty assessments, back pay awards, hiring or reinstatement, and the imposition of other remedies.

APPOINTMENT AS AGENTS

By this Agreement, State of Wyoming Department of Employment, Labor Standards Program, and the Office of Special Counsel hereby appoint each other to act as their respective agents for the sole purpose of accepting charges for each other to toll the statutory time limits for filing charges. To ensure that filing deadlines are satisfied, each agency will accurately record the date of receipt of charges, and notify the other agency of the date of receipt when referring a charge.

REFERRAL OF CHARGES

When, during the 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 outside its jurisdiction, but may be within the jurisdiction of the other agency, the agency processing the charge will, if the charging party has not declined referral, refer the charge to the other agency by forwarding a copy of the charge to the other agency as soon as possible. Each agency will forward the other agency copies of all relevant documents upon request. The agency processing the charge will notify the charging party of the referral.

All charge referrals or other communications required or permitted in accordance with this Agreement shall be addressed as follows or to such addresses as may subsequently be given in writing:

State of Wyoming Department of Employment
Labor Standards Program
Cheyenne Business Center
1510 E. Pershing Blvd. West Wing, Room 150
Cheyenne, Wyoming 62002

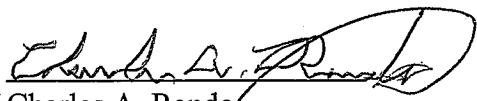
Office of Special Counsel for Immigration Related
Unfair Employment Practices
Civil Rights Division, U.S. Dept. of Justice
950 Pennsylvania Ave. NW
1425 NYAV Bldg., Suite 9000
Washington, DC 20530

COORDINATION OF INVESTIGATIONS

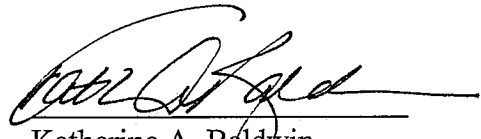
If the agency referring the charge has retained jurisdiction over any aspect of a charge when another aspect of the charge has been referred to the other agency, both agencies will coordinate their investigations to the greatest extent practicable and share information so as to minimize duplication of effort.

NO DIMINUTION OF AGENCY AUTHORITY

Nothing in this Agreement diminishes either agency's authority to investigate and prosecute charges that fall within the coverage of its enabling statute.



Charles A. Rando
Administrator
Wyoming Department of Employment
Labor Standards Program



Katherine A. Baldwin
Deputy Special Counsel
Office of Special Counsel for
Immigration Related Unfair
Employment Practices