

Subpart D—Construction of Rules

§ 1601.34 Rules to be liberally construed.

These rules and regulations shall be liberally construed to effectuate the purpose and provisions of title VII and the ADA.

[44 FR 4670, Jan. 23, 1979. Redesignated and amended at 56 FR 9624, 9625, Mar. 7, 1991]

Subpart E—Issuance, Amendment, or Repeal of Rules

§ 1601.35 Petitions.

Any interested person may petition the Commission, in writing, for the issuance, amendment, or repeal of a rule or regulation. Such petition shall be filed with the Equal Employment Opportunity Commission, 1801 L Street NW., Washington DC 20507, and shall state the rule or regulation proposed to be issued, amended, or repealed, together with a statement of grounds in support of such petition.

[42 FR 55388, Oct. 14, 1977, as amended at 54 FR 32061, Aug. 4, 1989. Redesignated at 56 FR 9625, Mar. 7, 1991]

§ 1601.36 Action on petition.

Upon the filing of such petition, the Commission shall consider the same and may thereupon either grant or deny the petition in whole or in part, conduct an appropriate proceeding thereon, or make other disposition of the petition. Should the petition be denied in whole or in part, prompt notice shall be given of the denial, accompanied by a simple statement of the grounds unless the denial be self-explanatory.

[42 FR 55388, Oct. 14, 1977. Redesignated at 56 FR 9625, Mar. 7, 1991]

Subpart F [Reserved]

Subpart G—FEP Agency Designation Procedures

§ 1601.70 FEP agency qualifications.

(a) State and local fair employment practice agencies or authorities which qualify under section 706(c) of title VII and this section shall be designated as "FEP agencies." The qualifications for

designation under section 706(c) are as follows:

(1) That the State or political subdivision has a fair employment practice law which makes unlawful employment practices based upon race, color, religion, sex, national origin or disability; and

(2) That the State or political subdivision has either established a State or local authority or authorized an existing State or local authority that is empowered with respect to employment practices found to be unlawful, to do one of three things: To grant relief from the practice; to seek relief from the practice; or to institute criminal proceedings with respect to the practice.

(b) Any State or local agency or authority seeking FEP agency designation should submit a written request to the Chairman of the Commission. However, if the Commission is aware that an agency or authority meets the above criteria for FEP agency designation, the Commission shall defer charges to such agency or authority even though no request for FEP agency designation has been made.

(c) A request for FEP agency designation should include a copy of the agency's fair employment practices law and any rules, regulations and guidelines of general interpretation issued pursuant thereto. Submission of such data will allow the Commission to ascertain which employment practices are made unlawful and which bases are covered by the State or local entity. Agencies or authorities are requested, but not required, to provide the following helpful information:

(1) A chart of the organization of the agency or authority responsible for administering and enforcing said law;

(2) The amount of funds made available to or allocated by the agency or authority for fair employment purposes;

(3) The identity and telephone number of the agency (authority) representative whom the Commission may contact with reference to any legal or other questions that may arise regarding designation;

(4) A detailed statement as to how the agency or authority meets the

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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

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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