

# **MEMORANDUM OF UNDERSTANDING**

**Between**

**REGION 13 OF THE NATIONAL LABOR RELATIONS BOARD**

**And**

**CITY OF CHICAGO COMMISSION ON HUMAN RELATIONS**

The parties to this MEMORANDUM OF UNDERSTANDING are Region 13 of the National Labor Relations Board (Region 13) and the Chicago Commission on Human Relations.

## **I. BACKGROUND**

1. Region 13 is a Regional Office of the National Labor Relations Board (NLRB). The NLRB is an independent agency of the United States government that enforces the National Labor Relations Act, 29 U.S.C. § 151 ("NLRA"), which guarantees the right of certain private sector employees to form, join, or assist labor organizations; to bargain collectively through representatives of their own choosing; to engage in other concerted activities for the purpose of collective bargaining or other mutual aid and protection; and to refrain from any of these activities. The NLRA prohibits employers and labor organizations from interfering with these rights, or discriminating against employees because they have exercised these rights. The NLRB is responsible for investigating and remedying any alleged violation of these rights, and is also responsible for conducting elections to determine whether employees wish to be collectively represented.
2. The Chicago Commission on Human Relations is the civil rights agency for the City of Chicago and is charged with enforcing the Chicago Human Rights Ordinance and the Chicago Fair Housing Ordinance which prohibit discrimination in employment, housing, public accommodations, credit, and bonding. These ordinances protect individuals from discrimination on the basis of race, color, religion, national origin, sex, age, sexual orientation, gender identity, disability, ancestry, parental status, marital status, military discharge status, source of income, and credit history (as to employment only).

## **II. PURPOSE OF MEMORANDUM OF UNDERSTANDING**

3. The purposes of this Memorandum of Understanding are to foster cooperation, conserve resources, minimize duplication of effort, and ensure thorough investigations.

## **III. PROVISION OF JURISDICTIONAL INFORMATION TO PUBLIC**

4. When, during an intake interview or case processing, it becomes apparent to Region 13 personnel or the Chicago Commission on Human Relations personnel that the alleged unlawful conduct may fall within the jurisdiction of the other agency, the agency will advise the member of the public that an opportunity may exist to file a charge with the

other agency. Agency personnel will further provide the member of the public with informational materials prepared by the other agency, which describes that agency's jurisdiction and contact information.

5. Region 13 will make referrals to the Chicago Commission on Human Relations based on the categories of discrimination and protected classes as described in Section I, Paragraph 2 of this document.
6. The Chicago Commission on Human Relations will make referrals to Region 13 based on the categories of discrimination described in Section I, Paragraph 1 of this document.
7. Region 13 and the Chicago Commission on Human Relations will provide training to staff of the other agency in identifying cases and issues that may arise under its jurisdiction.

#### **IV. SHARING OF INFORMATION BETWEEN AGENCIES**

8. Where the Chicago Commission on Human Relations or Region 13 reasonably believe that information and/or documents in the possession of the other agency would assist them in carrying out their mission, the agencies hereby agree to share the respective information and documents in their files with the other agency in order to conserve public resources and minimize duplication of efforts.
9. An agency seeking information or documents in the investigative files of the other agency must submit a written request to inspect the material in the other agency's files pursuant to paragraph 10 below. The request should identify the investigator or attorney of the other agency, if known, and either specify the case files to be reviewed or describe the specific information and/or documents sought.
10. The Commissioner of the Chicago Commission on Human Relations should direct his/her request to review investigative files to the Regional Director of Region 13. The Regional Director of Region 13 should direct his/her request to review investigative files to the Commissioner of the Chicago Commission on Human Relations or the Commissioner's designee.
11. A request by the Chicago Commission on Human Relations to inspect or receive documents in a Region 13 investigative case file will be processed pursuant to 29 C.F.R. Section 102.118. A request by Region 13 to inspect or receive documents in a Chicago Commission on Human Relations investigative case file will be made pursuant to the Illinois Freedom of Information Act, 5 ILCS 140 or other applicable state law. Should the requesting agency receive a demand from outside the agency for disclosure of any information provided by the other agency pursuant to this Memorandum of Understanding, each agency agrees to assert any available privileges and use all appropriate FOIA exemptions. The agency receiving the information agrees to notify the agency that provided the information before information supplied from the investigative case file is provided to any outside entity. It is the understanding of both agencies that

any records received by the Chicago Commission on Human Relations will be subject to the Local Records Act, 50 ILCS 205, the Illinois Freedom of Information Act, 5 ILCS 140 or other applicable state law.

12. After a written request is submitted, as described above in subparagraphs 10-12, investigators from each agency may communicate directly on matters related to the information sought as it relates to case-processing.
13. To the extent reasonably practicable, and at such times and places as might be mutually agreeable, each agency will offer training and technical assistance to the other to provide each other with a better understanding of the other agency's policies, procedures, and applicable laws.
14. Each agency will also designate representatives to monitor and evaluate the coordination efforts set forth in Paragraph IV of this Memorandum of Understanding and to provide technical assistance to the other agency.
15. The Chicago Commission on Human Relations may obtain telephonic technical assistance and guidance from Region 13 by calling 1-312-353-7570 between the hours of 8:30 a.m. – 5:00 p.m. (Central Time), Monday – Friday (excluding holidays) and requesting to speak to Region 13's designated representative as described above in subparagraph 14.
16. Region 13 may obtain telephonic technical assistance and guidance from the Chicago Commission on Human Relations by calling 1-312-744-4111 between the hours of 9:00 a.m. – 5:00 p.m. (Central Time), Monday – Friday (excluding holidays) and requesting to speak with the Commissioner's designated representative as described above in subparagraph 14.

#### **V. NO DIMINUTION OF AGENCY AUTHORITY**

17. Nothing in this Memorandum of Understanding diminishes either agency's authority to investigate and prosecute charges or cases that fall within the coverage of its enabling statute(s).

#### **VI. RIGHT OF MODIFICATION AND EFFECTIVE DATE**


18. This Memorandum of Understanding may be modified in writing at any time by mutual consent of the Chicago Commission on Human Relations and Region 13. Should either agency wish to discontinue participation in this Memorandum of Understanding, that agency should endeavor to provide thirty (30) days advance written notice of its intent to representatives of the other agency. The Chicago Commission on Human Relations shall provide its written notice to Region 13's Regional Director. Region 13 shall provide its notice to the Commissioner of the Chicago Commission on Human Relations.

19. This Agreement shall be effective on the date it is fully executed by the parties.

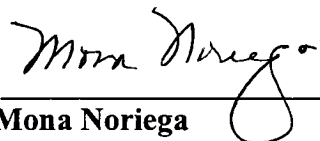
Signed at Chicago, Illinois, this 18th day of April 2014

Dated: 4.18.14

Dated: 4/18/2014



**Peter Sung Ohr**  
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**Mona Noriega**  
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