

# **MEMORANDUM OF UNDERSTANDING**

**Between**

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

**And**

**ILLINOIS DEPARTMENT OF LABOR**

The parties to this MEMORANDUM OF UNDERSTANDING are Region 13 of the National Labor Relations Board (Region 13) and the Illinois Department of Labor (IDOL).

## **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. IDOL is an agency of the Illinois government that has the mission of enforcing state laws dealing with wages, hours, working conditions of workers, the misclassification of workers and retaliation against workers for exercising rights under those laws, including laws covering the payment of minimum wage and overtime under the Illinois Minimum Wage Law, 820 ILCS §105, the misclassification of employees under the Illinois Employee Classification Act, 820 ILCS §185, the proper payment of wages under the Illinois Prevailing Wage Act, 820 ILCS §130, the right of privacy under the Illinois Right to Privacy in the Workplace Act, 820 ILCS § 55, and the Personnel Records Review Act, 820 ILCS 40.

## **III. 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 IDOL 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 IDOL based on the (categories of discrimination/violations/other appropriate characterization depending on the agency) described in Section I, Paragraph 2 of this document.
6. IDOL 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 IDOL 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 IDOL 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. 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. IDOL should direct its request to review investigative files to the Regional Director of Region 13. Region 13 should direct its request to review IDOL investigative files to the Assistant General Counsel of IDOL.
11. A request by IDOL 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 IDOL investigative case file will be made pursuant to the Associate General Counsel of IDOL and will be produced in accordance with IDOL policy. 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 to resist inappropriate disclosure. 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.

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. IDOL 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 IDOL by calling 217-524-0579 and requesting to speak with IDOL'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 IDOL 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. IDOL shall provide its written notice to Region 13's Regional Director. Region 13 shall provide its notice to IDOL.

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

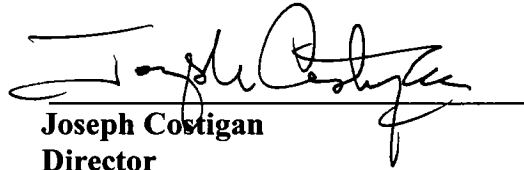
Signed at Chicago, Illinois, this 21<sup>ST</sup> day of February, 2014

Dated: 3.10.14

Dated: February 21, 2014



**Peter Sung Ohr**  
**Regional Director**  
**National Labor Relations Board**  
**Region 13**  
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