Administrative Closure
SOP# 400

Employment Discrimination Bureau
North Carolina Department of Labor

Procedure approved by: Tiffany Lathan, Bureau Chief

Signature: Tiffany Lathan **Date:** 7/22/14

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STANDARD OPERATING PROCEDURE MANUAL

1. PURPOSE and SCOPE

1.1. Purpose

This SOP establishes the procedure used to close a case for either lack of jurisdiction or lack of timeliness. This procedure has the following goal(s):

- To ensure the appropriate documentation of administrative closures;
- To ensure that no right-to-sue letter is issued in an administrative closure;
- To ensure that the parties are informed of the effects of an administrative closure.

1.2. Scope

This SOP outlines the necessary steps involved in administratively closing a case after the complaint has been docketed and the case has been assigned to an investigator. The steps include documentation of the closure in the file and the provision of closure notice to both parties. For Occupational Safety & Health (OSH) cases, also refer to the OSH Discrimination Manual for specific OSH procedures.

1.3. Regulations

The following statutes, rules and/or codes must be followed while performing this SOP (click the links for the most up-to-date rules and laws):

1.3.1. Article 21 of NCGS Chapter 95 (NCGS §95-240, et al); and

1.3.2. Department of Labor (DOL) Record Retention Policy

2. PERSONNEL RESPONSIBILITIES

The following is a list of people who participate in the procedure and the overall responsibilities of each role.

Role	Responsibilities
Investigator	• To make the proper determination regarding timeliness and jurisdiction, and to seek assistance when necessary; • To draft a memo to file detailing the reason for administrative closure, if untimely or no jurisdiction; • To notify the parties of the closure both verbally and in writing when possible.

3. HEALTH AND SAFETY ISSUES

Refer to the *Employee Safety and Health Program Policies*, the *Employee Safety and Health Manual*, and the *Employee Safety Rules* on the DOL Intranet for information related to safety matters affecting EDB personnel. For information related to the Americans with Disabilities Act, refer to the ADA Checklist on the Intranet as well. To access these policies and checklists, click on the links above or visit the DOL Intranet *Safety and Health Program* and the EDB *Standard Operating Procedures* pages.

4. PROCEDURE

4.1. Trigger

This procedure is triggered when the investigator determines that EDB lacks jurisdiction in the matter or that the complaint is untimely. This process occurs only after the case file has been opened and assigned to an investigator. *It is not to be confused with the "screening out" process by the Complaint Processor.*

4.2. Primary Procedure

4.2.1. See SOP# 500 4.2.3 for a detailed discussion of lack of jurisdiction and timeliness. After review of the file and prior to administratively closing a case, if it is unclear whether EDB lacks jurisdiction or if the complaint is untimely, the investigator shall consult with the Bureau Chief and/or Legal Affairs.

a. The investigator may have to contact the parties to gather additional information to help in this assessment.

4.2.2. Once a determination has been made that the case file was opened erroneously (that jurisdiction is lacking or that the complaint is untimely), the investigator must attempt to notify the Complainant and Respondent via phone to explain that the case is being closed without further investigation. The parties shall be informed that no right-to-sue letter will be issued.

4.2.3. The investigator should confirm the parties' mailing addresses and must issue a closure letter via mail. Refer to Exhibit 400-1. The closure letter will be addressed to the Complainant and copied to the Respondent. A copy will be maintained in the case file. In the closure letter, the investigator shall:

a. Briefly set forth the reason/s for closure;
b. Recommend any known appropriate agencies for contact, should another agency appear to have jurisdiction;
c. State that the case is closed and that no further action will be taken.

4.2.4. The investigator shall prepare a memo to file detailing the specific reasons for closure.

4.2.5. **No right-to-sue letter will be issued.**

4.3. Alternative Procedures – N/A

4.4. Exception Procedures - N/A

5. CUSTOMER SERVICE REQUIREMENTS

The following table lists the customer service requirements that must be satisfied for each Customer of the procedure.

Customer	Requirements
Public (Complainants and Respondents)	Clear communication, both in writing and verbally, is a must so that the parties understand all information being discussed. It is necessary to remain courteous and respectful when dealing with the public, even in the face of frustration. Though the investigator must remain professional at all times, verbal abuse from a party or witness will not be tolerated, and the investigator may end a conversation in such circumstances.

6. DATA AND RECORD MANAGEMENT

6.1. Data Entry in Oracle

6.1.1. The investigator must enter the following information in Oracle—Refer to Exhibit Oracle:

a. Investigator
b. Assigned Date
c. Received (date investigator received file)
d. R Contact
e. C Contact
f. Completed (date of the administrative closure)
g. Inv Finding (Adm Clos)
h. Closure date (date of the administrative closure)

6.2. Record Retention

6.2.1. All records must be retained in the file and may not be destroyed, per the DOL Retention Policy. Records include, but are not limited to, complaint forms, questionnaires, emails, any evidence submitted by the Complainant or Respondent, and the closure notice mailed to the Complainant or Respondent.

7. Exhibits

Exhibits are examples of forms, letters, checklists, reports or other documents that are used or created during the execution of this SOP. Exhibits referenced in this SOP are available for view on the SOP website.

7.1.1. Exhibit 400-1 (sample administrative closure notice)

7.1.2. Exhibit Oracle (screenshot of Oracle)