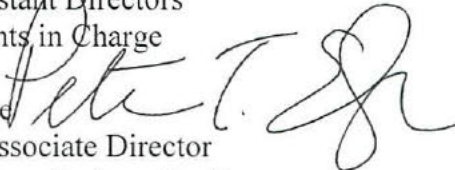




**U.S. Immigration
and Customs
Enforcement**

MEMORANDUM FOR: Assistant Directors
Deputy Assistant Directors
Special Agents in Charge
MAY 10 2016

FROM: Peter T. Edge 
Executive Associate Director
Homeland Security Investigations

SUBJECT: Addendum to the Memorandum of Understanding between the
Departments of Homeland Security and Labor Concerning
Enforcement Activities at Worksites

On May 6, 2016, the Department of Homeland Security, U.S. Immigration and Customs Enforcement (ICE), the Department of Labor (DOL), the Equal Employment Opportunity Commission (EEOC) and the National Labor Relations Board (NLRB) signed an addendum to the existing *Revised MOU between DHS and Labor Concerning Enforcement Activities at Worksites*, dated December 7, 2011. The addendum modifies the 2011 MOU between ICE and DOL by setting forth the ways in which the EEOC and NLRB will also work together with ICE and DOL (the original parties to the MOU) to ensure that the civil worksite enforcement activities of the EEOC and the NLRB do not conflict with ICE's worksite enforcement activities.

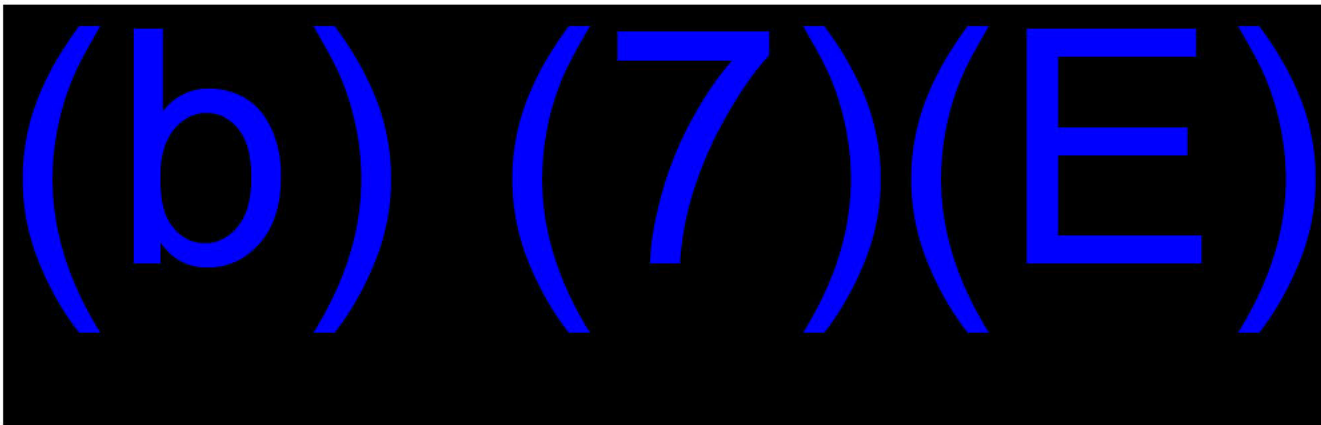
(b) (7)(E)

(b) (7)(E) This addendum also maintains appropriate limitations on disclosure of information shared to implement the MOU and the addendum.

(b) (7)(E)

SUBJECT: Addendum to the Memorandum of Understanding between the Departments of Homeland Security and Labor Concerning Enforcement Activities at Worksites

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The addendum to the original MOU is attached and should be referred to for guidance on this issue. Questions concerning this memorandum should be directed to Unit Chief (b)(6); (b)(7)(c) HQ WSE Unit at (202) 732-^{(b)(6); (b)(7)(c)} or (b)(6); (b)(7)(c)@ice.dhs.gov

Attachments

**Addendum to the Revised Memorandum of Understanding between the Departments of
Homeland Security and Labor Concerning Enforcement Activities at Worksites**

I. Purpose

- A. Pursuant to Section V(A) of the Revised Memorandum of Understanding between the Departments of Homeland Security and Labor Concerning Enforcement Activities at Worksites (the MOU) dated December 7, 2011, the Departments, in an effort to increase the effectiveness of the MOU, agree to the modifications of the MOU contained herein.
- B. This Addendum recognizes the importance of interagency coordination between law enforcement authorities when enforcing labor, employment, and immigration laws relating to the worksite and the need for these authorities to work together to ensure that respective civil worksite enforcement activities do not conflict and are not manipulated by third parties while advancing the respective missions of each agency.
- C. The Department of Homeland Security (DHS), through its principal component, U.S. Immigration and Customs Enforcement (ICE); Department of Labor (DOL); the Equal Employment Opportunity Commission (EEOC); and the National Labor Relations Board (NLRB) (collectively "the parties"), are therefore entering into this Addendum to the MOU. The purpose of this Addendum is to set forth ways in which the EEOC and the NLRB will work together with DOL and DHS/ICE, the original parties to the MOU, to ensure that the civil worksite enforcement activities of the EEOC and the NLRB do not conflict with ICE's workforce enforcement activities, and to advance the respective missions of each agency. This Addendum further seeks to facilitate dialogue among the parties.

II. The Worksite Enforcement Activities and Authorities of the EEOC and the NLRB

- A. The worksite enforcement activities of the EEOC include the authority to enforce Title VII of the Civil Rights Act of 1964 (race, color, sex, national origin, and religion), the Equal Pay Act of 1963 (sex), Title I and Title V of the Americans with Disabilities Act of 1990 (disability), the Age Discrimination in Employment Act of 1967 (age 40 and older), and Title II of the Genetic Information Nondiscrimination Act of 2008 (acquisition or use of genetic information), as well as the authority to enforce the provisions of these laws prohibiting an employer from engaging in retaliation against an employee or job applicant for opposing practices believed to be discriminatory or participating in an employment discrimination proceeding.
- B. The worksite enforcement activities of the NLRB include the authority to enforce the National Labor Relations Act (NLRA), which protects employees' rights to join together, with or without the assistance of a labor organization, to seek better pay or working conditions from their employer through collective bargaining or other lawful means. Workers employed by employers under the NLRA's jurisdiction are guaranteed the basic associational and collective bargaining rights set forth in Section III(A) of the MOU, as well as the right to be free from retaliation by their employer or labor union, if one is involved. The NLRA also prohibits an employer from engaging in retaliation against an employee or job

applicant for invoking the NLRB's processes or seeking redress of actual or perceived violations of the NLRA.

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For the Department of Homeland Security, U.S. Immigration and Customs Enforcement



Sarah R. Saldaña
Director

Date: **MAY 05 2016**

For the Department of Labor



M. Patricia Smith
Solicitor of Labor

Date: *5/6/2016*

For the U.S. Equal Employment Opportunity Commission



Jenny R. Yang
Chair

Date: *may 6, 2016*

For the National Labor Relations Board

(b)(6); (b)(7)(c)

General Counsel

Date: *May 3, 2016*