

26 NCAC 04 .0107 CONCILIATION AND SETTLEMENT

- (a) A civil rights investigator shall contact the charging party and the respondent to schedule a settlement conference with the Civil Rights Division director and compliance manager within 10 days of the service of the decision that there is probable cause to believe discrimination has occurred upon the parties.
- (b) Where a settlement is reached among the charging party, the respondent and the Civil Rights Division, an agreement shall be prepared by the investigator and executed by the parties.
- (c) Upon notification to the Civil Rights Division by the respondent that all provisions of the settlement agreement have been met, the compliance manager shall close the charge.
- (d) The compliance manager shall forward the settlement documents to the Equal Employment Opportunity Commission and the Civil Rights Division director shall notify the parties that the charge is closed.
- (e) If conciliation is unsuccessful the charging party must make a declaration of intent within seven days of how to proceed with the charge. The charging party may:
 - (1) File a petition for a contested case hearing with the Hearings Division of the Office of Administrative Hearings;
 - (2) Request that the case be forwarded to the Equal Employment Opportunity Commission for further conciliation;
 - (3) Request a notice of right-to-sue from the Equal Employment Opportunity Commission for the purpose of filing in Federal District Court; or
 - (4) Choose not to pursue the matter any further.
- (f) Upon receipt of the signed and dated declaration of intent, the Civil Rights Division shall close the charge and forward the case file to the Equal Employment Opportunity Commission.
- (g) If no declaration of intent is received after seven days, the Civil Rights Division shall close the charge and forward the case file to the Equal Employment Opportunity Commission.

*History Note: Authority G.S. 7A-759;
Temporary Rule Eff. October 15, 1986 for a Period of 120 Days to Expire on February 11, 1987;
Eff. February 1, 1987;
Amended Eff. November 1, 2012; April 1, 1989;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 23, 2016.*