in this section inappropriate, the EEOC, and an agency with investiga-
tive authority under section 504, may jointly determine to reallocate inves-
tigative responsibilities. Special cir-
cumstances include, but are not lim-
ited to, cases in which the EEOC has
already commenced its investigation
at the time that the agency discovers
that the complaint or charge is a dual-
filed complaint or charge in which the
complainant has elected section 504
processing, alleged discrimination in
both employment and in other prac-
tices or services of the respondent, or
alleged a pattern or practice of em-
ployment discrimination.

§ 1640.9 Processing of complaints or charges of employment discrimina-
tion filed with a designated agency and either a section 504 agency, the EEOC, or both.

(a) Designated agency processing. A designated agency shall investigate
and process a complaint that has been
filed with it and with the EEOC, a sec-
tion 504 agency, or both, when either of
the following conditions is met:
(1) The designated agency determines
that it has jurisdiction over the com-
plaint under title II and that neither
the EEOC nor a section 504 agency
(other than the designated agency, if
the designated agency is also a section
504 agency) has jurisdiction over the
complaint; or
(2) The designated agency determines
that it has jurisdiction over the com-
plaint under section 504 and the com-
plaint meets the requirements for proc-
essing by a section 504 agency set forth
in §1640.8(a)(2).

(b) Referral by a designated agency. A designated agency that has jurisdiction
over a complaint solely under title II
(and not under section 504) shall for-
ward a complaint that has been filed
with it and with the EEOC, a section
504 agency, or both, to either the EEOC
or to a section 504 agency, as follows:
(1) If the designated agency deter-
mines that the EEOC is the sole agen-
cy, other than the designated agency, with jurisdiction over the complaint, the designated agency shall forward the complaint to the EEOC for pro-
cessing under title I; or
(2) If the designated agency deter-
mines that the section 504 agency is
the sole agency, other than the des-
ignated agency, with jurisdiction over
the complaint, the designated agency
shall forward the complaint to the sec-
tion 504 agency for processing under
section 504; or
(3) If the designated agency deter-
mines that both the EEOC and a sec-
tion 504 agency have jurisdiction over
the complaint, the designated agency
shall forward the complaint to the EEOC if it determines that the com-
plaint solely alleges employment discrimi-
nation against an individual or it
shall forward the complaint to the sec-
tion 504 agency if it determines that
the complaint meets the requirements
for processing by a section 504 agency
set out in §1640.8(a)(2)(i) or (a)(2)(ii).

§ 1640.10 Section 504 agency review of deferred complaints.

(a) Deferral by the section 504 agency. When a section 504 agency refers a complaint to the EEOC pursuant to §1640.6(c)(2) or when it is determined
that, as between the EEOC and a sec-
tion 504 agency, the EEOC is the agen-
cy that shall process a dual-filed com-
plaint or charge under §1640.8(a)(1) or
§1640.8(e), the section 504 agency shall
defer further action until:
(1) The EEOC issues a no cause find-
ing and a notice of right-to-sue pursua-
tant to 29 CFR 1601.19; or
(2) The EEOC enters into a concilia-
tion agreement; or
(3) The EEOC issues a cause finding
and a notice of failure of conciliation
pursuant to 29 CFR 1601.21, and:
(i) If the recipient is not a govern-
ment, governmental agency, or polit-
ical subdivision, the EEOC completes
enforcement proceedings or issues a no-
tice of right-to-sue in accordance with
29 CFR 1601.28; or
(ii) If the recipient is a government,
governmental agency, or political sub-
division, the EEOC refers the charge to
the Civil Rights Division in accordance
with 29 CFR 1601.29, and the Civil
Rights Division completes enforcement
proceedings or issues a notice of right-
to-sue in accordance with 29 CFR
1601.28(d); or
(4) The EEOC or, when a case has
been referred pursuant to 29 CFR
1601.29, the Civil Rights Division, oth-
erwise resolves the charge.