complaint by informal methods of con-
ference, conciliation and persuasion. If
EEOC would like the referring agency
to participate in conciliation negotia-
tions, EEOC shall so notify the agency
and the agency shall participate. EEOC
shall provide advance notice of any
conciliation negotiations to referring
agencies that request such notice,
whether or not EEOC requests their
participation in the negotiations.

(b) If EEOC’s efforts to resolve the
complaint by informal methods of con-
ference, conciliation and persuasion
fail, EEOC shall:
(1) Issue a notice of failure of concil-
iation to the recipient in accordance
with 29 CFR 1601.25;
(2) Transmit to the referring agency
a copy of EEOC’s investigative file, in-
cluding its Letter of Determination
and notice of failure conciliation;
(3) If the recipient is not a govern-
ment, governmental entity or political
subdivision, determine whether EEOC
will bring suit under title VII and, in
accordance with 29 CFR 1601.28, issue a
notice of right to sue under title VII;
(4) If the recipient is a government,
governmental entity or political sub-
division, refer the matter to the Attor-
ney General in accordance with 29 CFR
1601.29. The Attorney General, or his or
her delegate, will determine whether
the Department of Justice will bring
suit under title VII and, in accordance
with 29 CFR 1601.28, issue a notice of
right to sue under title VII.

§ 42.610 Agency enforcement of unre-
solved complaints.

(a) Upon EEOC’s transmittal of a rea-
sonable cause determination and notice
of failure of conciliation under
§ 42.609(b)(2) of this regulation, the re-
ferring agency shall determine, within
thirty days, whether the recipient has
violated any applicable civil rights pro-
vision(s) which the agency has a re-
sponsibility to enforce. The referring
agency shall give due weight to EEOC’s
determination that reasonable cause
exists to believe that title VII has been
violated.

(b) If the referring agency determines
that the recipient has violated any ap-
plicable civil rights provision(s) which
the agency has a responsibility to en-
force, the agency shall so notify the
complainant and the recipient and de-
termine whether further efforts to ob-
tain voluntary compliance are war-
ranted. In reaching that determina-
tion, the agency shall give due weight
to the failure of EEOC’s efforts to re-
solve the complaint by informal meth-
ods. If the referring agency determines
that further efforts to obtain voluntary
compliance are not warranted or if
such further efforts fail, the agency
shall initiate appropriate enforcement
proceedings under its own regulations.

(c) If the referring agency determines
that the recipient has not violated any
applicable civil rights provision(s) which
the agency has a responsibility
to enforce, the agency shall notify the
complainant, the recipient, the Assist-
ant Attorney General and the Chair-
man of the EEOC in writing of the
basis of that determination.

§ 42.611 EEOC negotiated settlements
and conciliation agreements.

If the parties enter into a negotiated
settlement (as described in 29 CFR
1601.20) prior to a determination or a
conciliation agreement (as described in
29 CFR 1601.24) after a determination,
EEOC shall notify the referring agency
that the complaint has been settled.
The agency shall take no further ac-
tion on the complaint of employment
discrimination thereafter except that
the agency may take the existence of
the complaint into account in sched-
uling the recipient for a review under
the agency’s regulations.

§ 42.612 Interagency consultation.

(a) Before investigating whether the
employment practices of a recipient of
Federal financial assistance constitute
a pattern or practice of unlawful dis-
crimination or initiating formal ad-
ministrative enforcement procedures
on that basis, an agency shall, to the
extent practical, consult with the
Chairman of the EEOC and the Assist-
ant Attorney General to assure that
duplication of effort will be minimized.

(b) Prior to the initiation of any
legal action against a recipient of Fed-
eral financial assistance alleging un-
lawful employment practices, the De-
partment of Justice and/or EEOC shall,
to the extent practical, notify the ap-
propriate agency or agencies of the