

Interagency Working Group for the Consistent Enforcement of Federal Labor, Employment and Immigration Laws Action Plan Update

Modification of 2011 DOL DHS Deconfliction MOU to include the NLRB and the EEOC May 2016

On November 20, 2014, the federal government announced the formation of the [Interagency Working Group for the Consistent Enforcement of Federal Labor, Employment and Immigration Laws](#) (Interagency Working Group or Group), comprised of the Department of Labor (DOL), Department of Homeland Security (DHS), Department of Justice (DOJ), Equal Employment Opportunity Commission (EEOC) and the National Labor Relations Board (NLRB). This Interagency Working Group continues to build upon the existing relationships between the member departments and agencies and agreements such as the [Revised Memorandum of Understanding between the Departments of Homeland Security and Labor Concerning Enforcement Activities at Worksites](#) (2011 MOU).

The Group agreed to identify procedures to ensure that the respective civil authorities of its members do not conflict, and explore the development of agreements or other procedures as appropriate. In December 2015, in furtherance of the Group's work, DHS/Immigration and Customs Enforcement (ICE), DOL, EEOC, and the NLRB announced they had launched a pilot to identify and prevent instances in which ICE and the employment and labor enforcement agencies have conflicting enforcement actions in order to help ensure that individuals who cooperate with investigations can do so without fear of retaliation and that the effective enforcement of employment, labor, and immigration laws cannot be thwarted or manipulated. The parties to the pilot agreed to evaluate its effectiveness on an ongoing basis, to make changes as necessary in consultation with one another, and to maintain the confidentiality of all information shared to effectuate this pilot.

Addendum to the 2011 MOU

Based on the success of the pilot, and in furtherance of their work to avoid enforcement conflicts, DHS/ICE, DOL, EEOC, and the NLRB have entered into an [Addendum to the 2011 DOL and DHS Revised Memorandum of Understanding between the Departments of Homeland Security and Labor Concerning Enforcement Activities at Worksites](#).

The Addendum modifies the 2011 MOU between DHS and DOL by setting forth the ways in which the EEOC and NLRB will also 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 DHS/ICE's worksite enforcement activities. The Addendum, for instance, provides that:

- The EEOC and the NLRB agree to the same commitments and exchanges as agreed to by DOL toward ICE, and ICE agrees to the same commitments and exchanges toward the EEOC and the NLRB as under the coordination and deconfliction provisions of the 2011 MOU; and,
- The Addendum maintains appropriate limitations on disclosure of information shared to implement the MOU and the Addendum.

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