

The No FEAR Act

“...to require that Federal agencies be accountable for violations of antidiscrimination and whistleblower protection laws...”

Q: When did President George Bush sign the No FEAR Act Into law?

A: President George Bush signed the No FEAR Act into law on May 15, 2002.

Q: When did the law become effective?

A: The law became effective October 1, 2003.

Q: What does the term “No FEAR” stand for?

A: The term “No FEAR” stands for Notification and Federal Employee Anti-discrimination and Retaliation

Q: What did the No FEAR Act require Federal Agencies to do?

A: The No FEAR Act required Federal Agencies to be more accountable for violations of anti-discrimination and whistleblower protection laws. As well as:

- Notify employees and applicants for employment about their rights under the discrimination and whistleblower laws.
- Post statistical data relating to Federal sector equal employment opportunity complaints on its public website.
- Ensure that their managers have adequate training in the management of a diverse workplace, early and alternative conflict resolution, and essential communications skills.
- Conduct studies on the trends and causes of complaints of discrimination.
- Implement new measures to improve the complaint process and the work environment.
- Initiate timely and appropriate discipline against employees who engage in misconduct related to discrimination or reprisal.
- Reimburse the Judgment Fund for any discrimination and whistleblower related settlements or judgments reached in Federal court.
- Produce annual reports of status and progress to Congress, the Attorney General and the U.S. Equal Employment Opportunity Commission.

Q: According to the No FEAR Act a Federal agency cannot discriminate against an employee or applicant on the basis of what?

A: According to the No FEAR Act a Federal agency cannot discriminate against an employee or applicant on the basis of race, color, religion, sex, national origin, age, disability, marital status or political affiliation or to retaliate for participating in the EEO complaint process.

Q: If one believes that they have been a victim of unlawful discrimination on the basis of race, color, religion, sex, national origin or disability who should they contact?

A: If someone believes that they have been a victim of an unlawful discrimination on the basis of race, color, religion, sex, national origin, disability or retaliation, they should contact an NOAA Civil Rights Office who will assign an EEO counselor. The person should make this contact within 45 calendar days.

Q: What should one do if they feel as if they have been a victim of the whistleblower retaliation?

A: If someone feels as though they have been a victim of the whistleblower retaliation they should file a written complaint (Form OSC-11) with the U.S. Office of Special Counsel at 1730 M Street NW, Suite 218, Washington, DC 20036-4505 or online through the OSC Web site: <http://www.osc.gov>

Q: When did the Office of Personnel Management (OPM) published the final rule implementing the training requirements of the No FEAR Act?

A: The Office of Personnel Management (OPM) published the final rule implementing the training requirements of the No FEAR Act on July 20, 2006.

Q: What did the final rule state that agencies must do?

A: The final rule stated that (1) agencies must train all current employees by December 17, 2006, (2) train all new employees within 90 days of hire, and (3) provide refresher training to all employees every two years.

Q: What are the Supervisor/Manager responsibilities under the No Fear Act?

- Prevent discrimination/retaliation by ensuring that they receive adequate EEO training on communication skills, dispute resolutions, and management of a diverse workforce.
- Ensure that your supervisors/managers are aware of the No FEAR Act.
- Ensure that employees complete training once they are notified of the availability.
- Review all personnel decisions that you are involved in.
- If there is a finding against one of your managers and/or employees, investigate and respond commensurately with corrective action. Respect everyone's rights.
- Budget accordingly in the event of a settlement or judgment.
- Do not use RIF's/furloughs to fund settlements/judgments.

Q: What is the EEOC responsibility under the No Fear Act?

A: The EEOC responsibility under the No Fear Act is to issue guidance regarding disclosure of complaints data, and post data on website re hearings and appeals.