

## The No FEAR Act

On May 15, 2002, President Bush signed legislation called the No FEAR Act (Notification and Federal Anti-Discrimination and Retaliation Act 2002). This act, which took effect on October 1, 2003, makes Federal agencies individually accountable for violations of anti-discrimination and whistleblower protection laws. Requirements and agency responsibilities under the No FEAR ACT include:

- **Payment of settlements and judgments.** Agencies that lose or settle discrimination and whistleblower cases must pay judgments out of their individual budgets. In the past, most of these settlements and judgments were paid from a government-wide “judgment fund.” Under the new law, agencies must now reimburse the fund for court judgments and settlement payments to complaints.
- **Employee information and education.** Agencies must give their employees, former employee and applicants for employment written notification of discrimination and whistleblower protection laws. This written notification must include posting the information on the agency’s website. Agencies are also required to provide their employees with training regarding the rights and remedies applicable to them under these laws. The U.S. Office of Special Counsel (OSC) ([www.osc.gov](http://www.osc.gov)) is responsible for ensuring that agencies meet their obligations to inform and educate their employees regarding the WPA. The Office of Special Counsel is an independent federal investigative and prosecutorial agency whose basic mission is to guard against prohibited personal practices in the federal workplace, with a special emphasis on protecting government whistleblowers.
- **Training for managers.** Agencies should ensure that managers have adequate training in the management of a diverse workforce and in dispute resolution and other essential communication skills.
- **Annual reports to congress.** Each agency must file an annual report with Congress, the Equal Employment Opportunity Commission, and the Attorney General providing information about discrimination and whistleblower cases filed against the agency, including details on how cases were resolved and any disciplinary actions against agency employees resulting from violations of discrimination and whistleblower protection laws.
- **Posting of EEO complaint data on the Internet.** Each Federal agency must post on its website summary statistical data relating to equal opportunity complaints filed against the agency. The agency must post data for the current fiscal year on a cumulative basis (year-to-date information), updated quarterly. A agency also must post year-end data for the five previous fiscal years for comparison purposes. In addition, section 302 of the No Fear Act requires the Equal Employment Opportunity Commission (EEOC) to post government-wide, summary statistical data pertaining to hearings requested under 29 C.F.R. Part 1614 and appeal field with EEOC. The posting of EEO data on agency public web sites is intended to assist Congress, Federal agencies and the public to assess whether and to the extent to which agencies are living up to their equal employment opportunity responsibilities.

*(For more information regarding the No FEAR Act regulations, refer to 5 CFR 724, or contact*

*Natalie Huff on 301-713-1456.)*