

No FEAR Act

What is the No Fear Act?

- Congress enacted the Notification and Federal Employee Anti-discrimination and Retaliation Act on May 15, 2002.
- The Act requires that “federal agencies be accountable for violations of anti-discrimination and whistleblower protection laws.”
- Federal agencies had an obligation to provide a work environment free of discrimination and retaliation.

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What is Required by the No Fear Act?

- A Federal agency must reimburse the Judgment Fund for payments made to employees, former employees, or applicants for Federal employment because of actual or alleged violations of Federal employment discrimination laws, Federal whistleblower protection laws, and retaliation claims arising from the assertion of rights under those laws.
- An agency must provide annual notice to its employees, former employees, and applicants for Federal employment concerning the rights and remedies applicable to them under the employment discrimination and whistleblower protection laws.
- At least every two years, an agency must provide training to its employees, including managers, regarding the rights and remedies available under the employment discrimination and whistleblower protection laws.

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What is Required by the No Fear Act? (Continued)

- An agency must submit to Congress, EEOC, the Department of Justice, and OPM, an annual report setting forth information about the agency's efforts to improve compliance with the employment discrimination and whistleblower protection laws and detailing the status of complaints brought against the agency under these laws.
- An agency must post on its public Web site, quarterly summary statistical data pertaining to EEO complaints filed with the agency.

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If You Believe Discrimination Occurred:

- You must contact an EEO counselor **within 45 calendar days** of the date of the matter alleged to be discriminatory or, in the case of personnel action, within 45 days of the effective date of the action, or when you first became aware of the alleged discrimination.
- The names and telephone numbers of EEO counselors are available on bulletin boards, or Internet web sites, or by contacting the State Equal Employment Manager (SEEM).
- The counselor will try to resolve the complaint and may offer you an opportunity to use Alternative Dispute Resolution (ADR) to resolve your complaint.
- If the complaint is not resolved, you will be provided a Notice of Right to File a Complaint. You must file within **15 calendar days** from receipt of the Notice.

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Where Do I Go For More Information?

- For questions about the Discrimination Laws, contact the State Equal Employment Manager in the Human Resources Office, at 503-584-3975. Please refer to the No FEAR Act training Instructions hand-out to get certified.

- For a detailed explanation of the EEO complaint process, visit the web at
 - <http://www.osec.doc.gov/ocr/eeoprocess.html>

 - http://www.access.gpo.gov/nara/cfr/waisidx_03/29cfr1614_03.html

 - <http://www.eeoc.gov>

- Information regarding the Whistleblower Act and Protections can be obtained from your local HR Office, or visit <http://www.osc.gov>.