

## **Federal Employee Antidiscrimination and Retaliation Act No FEAR Act**

### **No FEAR Act of 2002**

- VA will not tolerate discrimination on the basis of race, age, gender, color, national origin, disability, marital status, or political affiliation.
- VA employees have the right to voice their concerns without fear of reprisal.
- Managers and supervisors must enforce standards for appropriate workplace behavior.

### **Antidiscrimination**

A Federal agency cannot discriminate against an employee or applicant based on race, color, religion, sex, national origin, disability, marital status, or political affiliation.

### **Alleged Discrimination**

- If you believe you have been discriminated against based on race, color, religion, sex, national origin, or disability contact an Equal Employment Opportunity (EEO) counselor by calling 1-888-737-3361 within 45 calendar days of the alleged discriminatory action or effective date of personnel action.
- If you believe discrimination is based on age you must contact an EEO counselor or give your notice of intent to sue to the Equal Employment Opportunity Commission within 180 days.
- If you believe you have been discriminated against based on marital status or political affiliation, you may file a complaint with the U.S. Office of Special Counsel.

### **Whistleblowing Defined**

Reporting information that you believe is:

- A violation of any law, rule, or regulation
- Gross mismanagement or a gross waste of funds
- An abuse of authority
- A significant danger to public health or safety

Employees are protected if they tell:

- The U.S. Office of Special Counsel
- The Inspector General
- Other people or organizations (for example a congressional committee or the media)
- Employees may **NOT** be protected if they tell:
- Something that has a specific law that says they can NOT tell
- Secrets related to national defense
- Secrets related to foreign affairs

The President, Congress, and VHA feel that whistleblowers should be protected from punishment and reprisal (revenge) for telling what they know. Whistleblowers help ensure effective and appropriate use of tax dollars by the government.

### **Prohibited Personnel Practice**

- Threatening to take, or taking personnel action because of the whistleblower's disclosures.
- Threatening to fail, or failing to take personnel action because of the disclosure.
- Example: Jack reports safety violations to the Inspector General. In retaliation Jack's supervisor assigns him to work at another place across town.

Personnel that are being harassed because of whistleblowing have several options for protection:

- Negotiated Grievance Procedure
- VA Grievance Procedure
- VA Office of Inspector General
- Office of Special Counsel
- Merit Systems Protection Board

Remedies for the whistleblower for prohibited personnel practices (including reprisal for whistleblowing) include:

- Job restoration
- Pay back of attorney's fees
- Back pay and benefits
- Medical costs
- Other costs and damages

Reprisals against whistleblowers can result in:

- Removal from position or reduction in grade
- Suspension or reprimand
- Banning from federal employment (up to five years)
- Civil penalty (up to \$1,000)

### **VHA Position on Whistleblowing**

Managers must respect the employee's right to voice concerns when a violation occurs. Managers will be disciplined for obstructing these rights, or for taking action against an employee who chooses to exercise these rights.

*Department of Veterans Affairs*

# Certificate of Completion

*This certifies that*

\_\_\_\_\_ *(Fill in your name)*

*Has successfully completed the following course by reading the required document*

## No FEAR Act

On \_\_\_\_\_ *(Fill in the date)*

*Signed certification by participant:* \_\_\_\_\_ *Your Signature*



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