

Whistleblower Protection

A Federal employee with authority to take, direct others to take, recommend or approve any personnel action must not use that authority to take or fail to take, or threaten to take or fail to take, a personnel action against an employee or applicant because of disclosure of information by that individual that is reasonably believed to evidence violations of law, rule or regulation; gross mismanagement; gross waste of funds; an abuse of authority; or a substantial and specific danger to public health or safety, unless disclosure of such information is specifically required by Executive order to be kept secret in the interest of national defense or the conduct of foreign affairs. Retaliation against an employee or applicant for making a protected disclosure is prohibited by 5 U.S.C. subsection 2302(b)(8). If you believe that you have been the victim of whistleblower retaliation, you may 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>.

The No FEAR Act

On May 15, 2002, Congress enacted the "Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002," which is now known as the No FEAR Act. One purpose of the Act is to "require that Federal agencies be accountable for violations of antidiscrimination and whistleblower protection laws." Public Law 107-174, Summary. In support of this purpose, Congress found that "agencies cannot be run effectively if those agencies practice or tolerate discrimination." Public Law 107-174, Title I, General Provisions, section 101(1).



The Act also requires this agency to provide this notice to Federal employees, former Federal employees, and applicants for Federal employment and to inform you of the rights and protections available to you under Federal antidiscrimination and whistleblower protection laws.

No FEAR Act



Notification and Federal Employee Anti-Discrimination & Retaliation Act

**94 AW/EO
1430 First Street
Bldg 838, Suite 1410
Dobbins ARB, GA 30069
678-655-5042**

Antidiscrimination Laws

A Federal agency cannot discriminate against an employee or applicant with respect to the terms, conditions or privileges of employment on the basis of **race, color, religion, sex, national origin, age, disability, marital status or political affiliation.**

Discrimination on these bases is prohibited by one or more of the following statutes: 5 U.S.C. subsection 2302(b)(1), 29 U.S.C. subsection 206(d), 29 U.S.C. subsection 631, 29 U.S.C. subsection 633a, 29 U.S.C. subsection 791 and 42 U.S.C. subsection 2000e-16.

If you believe that you have been the victim of unlawful discrimination on the basis of race, color, religion, sex, national origin or disability, you must contact an Equal Employment Opportunity (EEO) counselor within 45 calendar days of the alleged discriminatory action, or, in the case of a personnel action, within 45 calendar days of the effective date of the action, before you can file a formal complaint of discrimination with your agency. See, e.g., 29 C.F.R. Part 1614 and the Office of Civil Rights website at <http://www.state.gov/s/ocr>.

Antidiscrimination Laws Cont.

If you believe that you have been the victim of unlawful discrimination on the basis of age, you must either contact an EEO counselor as noted or give notice of intent to sue to the Equal Employment Opportunity Commission (EEOC) within 180 calendar days of the alleged discriminatory action. If you are alleging discrimination based on marital status or political affiliation, you may file a written complaint with the U.S. Office of Special Counsel (OSC) (see contact information below). In the alternative (or in some cases, in addition), you may pursue a discrimination complaint by filing a grievance through your agency's administrative or negotiated grievance procedures, if such procedures apply and are available.



Disciplinary Actions

Under the existing laws, each agency retains the right, where appropriate, to discipline a Federal employee for conduct that is consistent with Federal Antidiscrimination and Whistleblower Protection Laws up to and including removal. If OSC has initiated an investigation under 5 U.S.C. subsection 1214, however, according to 5 U.S.C. subsection 1214(f), agencies must seek approval from the Special Counsel to discipline employees for, among other activities, engaging in prohibited retaliation. Nothing in the No FEAR Act alters existing laws or permits an agency to take unfounded disciplinary action against a Federal employee or to violate the procedural rights of a Federal employee who has been accused of discrimination.

If you would like more information on the No Fear Act, contact:

**94 Airlift Wing
Equal Opportunity Office
94aw.mev3@us.af.mil**

**To complete NO FEAR Act
Training visit:**

<https://golearn.adls.af.mil/login.aspx>