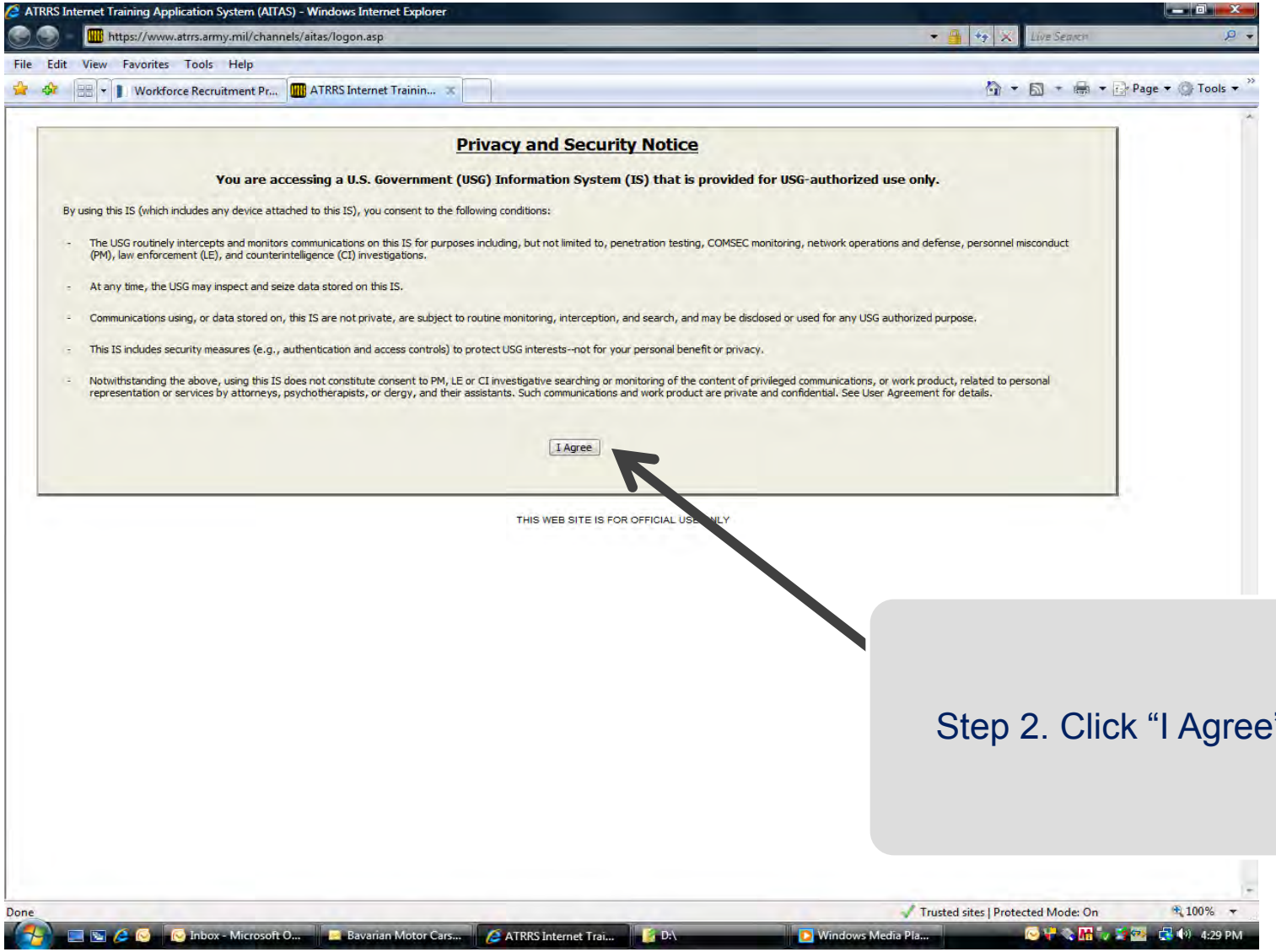
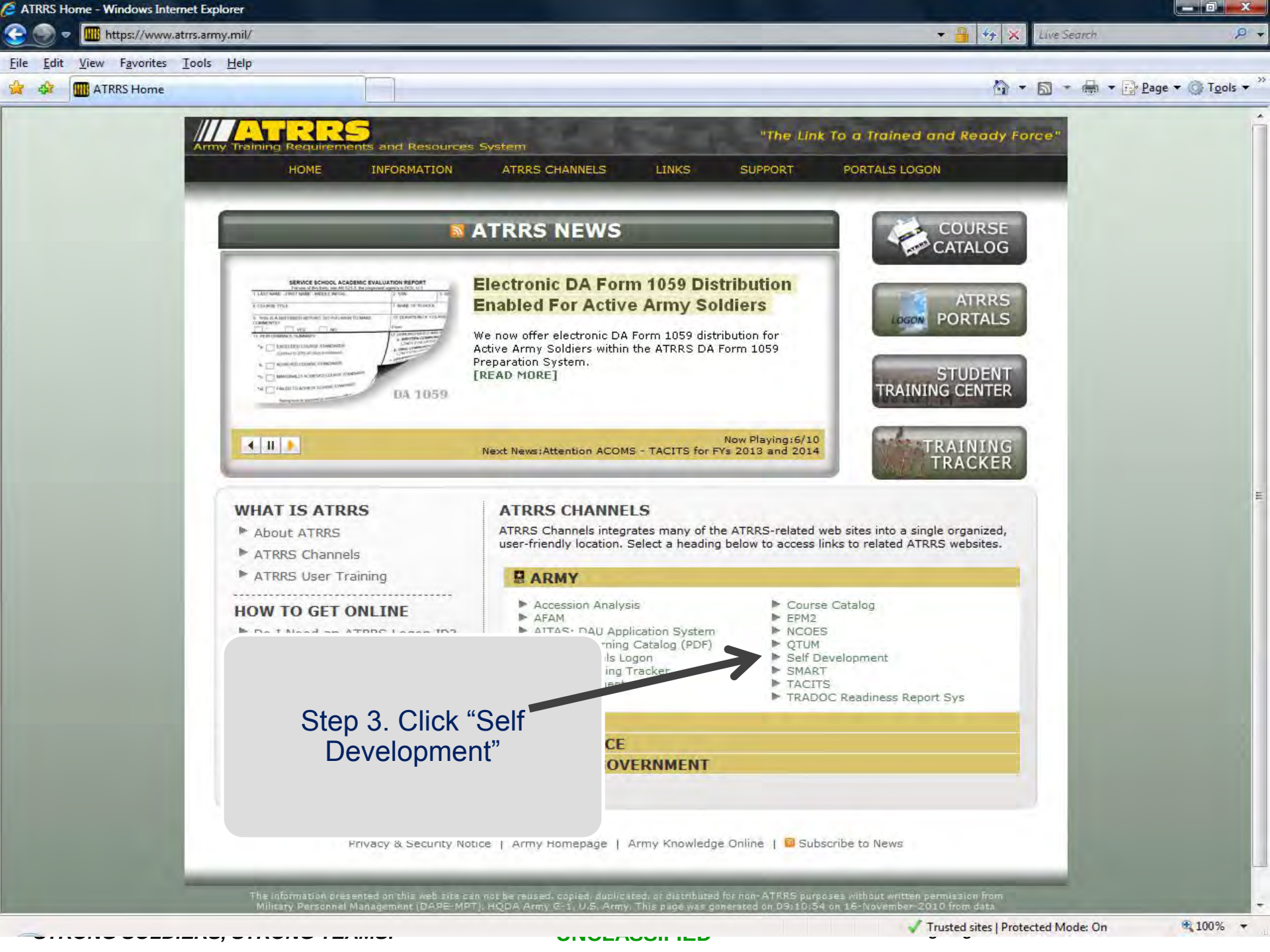
"Notification and Federal Employee Antidiscrimination and Retaliation Act (NoFEAR Act) On-Line Training Instructions

Step 1. Go to
https://www.atrrs.army.mil/channels/aitas/logon.asp

Go into ATRRS on-line:
https://www.atrrs.army.mil/channels/aitas/logon.asp



Step 2. Click “I Agree”


ATRRS Home - Windows Internet Explorer
https://www.atrrs.army.mil/
File Edit View Favorites Tools Help
ATRRS Home
ATRRS
Army Training Requirements and Resources System
"The Link To a Trained and Ready Force"
HOME
INFORMATION
ATRRS CHANNELS
LINKS
SUPPORT
PORTALS LOGON
ATRRS NEWS
Electronic DA Form 1059 Distribution Enabled For Active Army Soldiers
We now offer electronic DA Form 1059 distribution for Active Army Soldiers within the ATRRS DA Form 1059 Preparation System.
[READ MORE]
DA 1059
Now Playing:6/10
Next News:Attention ACOMS - TACITS for FYs 2013 and 2014
COURSE CATALOG
ATRRS PORTALS
STUDENT TRAINING CENTER
TRAINING TRACKER
WHAT IS ATRRS
About ATRRS
ATRRS Channels
ATRRS User Training
HOW TO GET ONLINE
ATRRS CHANNELS
ATRRS Channels integrates many of the ATRRS-related web sites into a single organized, user-friendly location. Select a heading below to access links to related ATRRS websites.
ARMY
Accession Analysis
AFAM
Course Catalog
EPM2
NCOES
QTUM
Self Development
SMART
TACITS
TRADOC Readiness Report Sys
Step 3. Click "Self Development"
Privacy & Security Notice | Army Homepage | Army Knowledge Online | Subscribe to News
The information presented on this web site can not be reused, copied, duplicated, or distributed for non-ATRRS purposes without written permission from Military Personnel Management (DAPE-MPT), HQDA Army G-1, U.S. Army. This page was generated on 09:10:54 on 16-November-2010 from data
Trusted sites | Protected Mode: On
100%

ATRRS Self-Development Center - Windows Internet Explorer

https://www.atrrs.army.mil/selfdevctr/

File Edit View Favorites Tools Help

ATRRS Self-Development Center

"The Link To A Trained And Ready Force"

ATRRS
Army Training Requirements And Resources System

selfDevelopment center

Search ATRRS

Home • User's Guide • ATRRS Homepage • ATRRS Help Desk • Frequently Asked Questions • ATRRS Comments

Quick Course Search

Crs Nbr Search

Title Search

User Tools

- Advanced Course Search
- Sign up for the Army e-Learning Program
- View Your ATRRS Training Record
- View Your Unofficial ATRRS Transcript

ATRRS Related Sites

- The Army Homepage
- Army Knowledge Online

Welcome to the ATRRS Self-Development Center

There are no system notices at this time.

r distributed for non-ATRRS purposes without written
. Army. This page was generated on November 16,
ts and Resources System (ATRRS).

Step 4. Type "EEO-202"

Done

Trusted sites | Protected Mode: On

100%

ATRRS Self-Development Center - Windows Internet Explorer

https://www.atrrs.army.mil/selfdevctr/

File Edit View Favorites Tools Help

ATRRS Self-Development Center

"The Link To A Trained And Ready Force"

ATRRS
Army Training Requirements And Resources System

selfDevelopment center

Search ATRRS

Home • User's Guide • ATRRS Homepage • ATRRS Help Desk • Frequently Asked Questions • ATRRS Comments

Quick Course Search

Crs Nbr EEO-202 Search

Title Search

User Tools

- Advanced Course Search
- Sign up for the Army e-Learning Program
- View Your ATRRS Training Record
- View Your Unofficial ATRRS Transcript

ATRRS Related Sites

- The Army Homepage
- Army Knowledge Online

Welcome to the ATRRS Self-Development Center

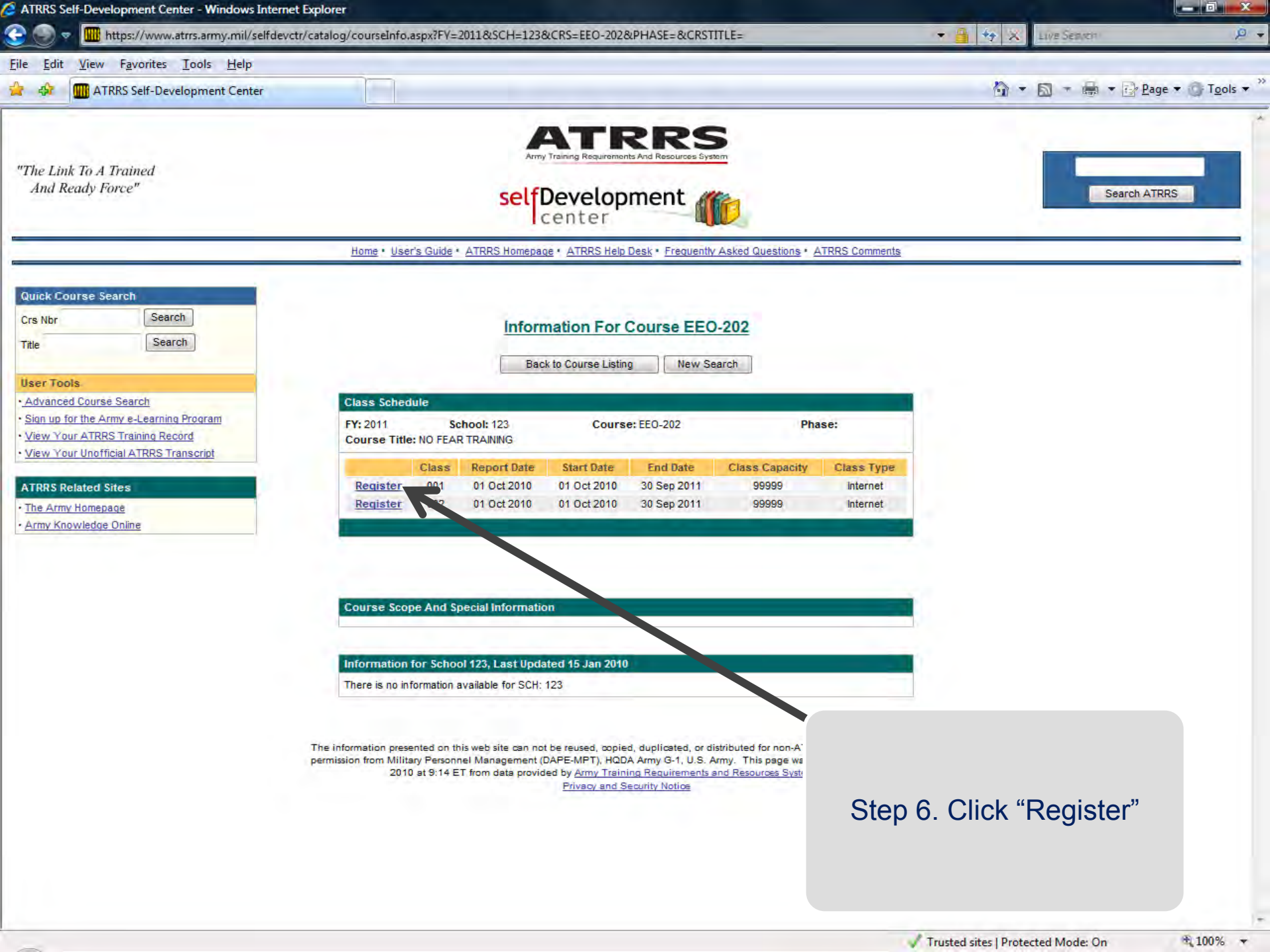
There are no system notices at this time.

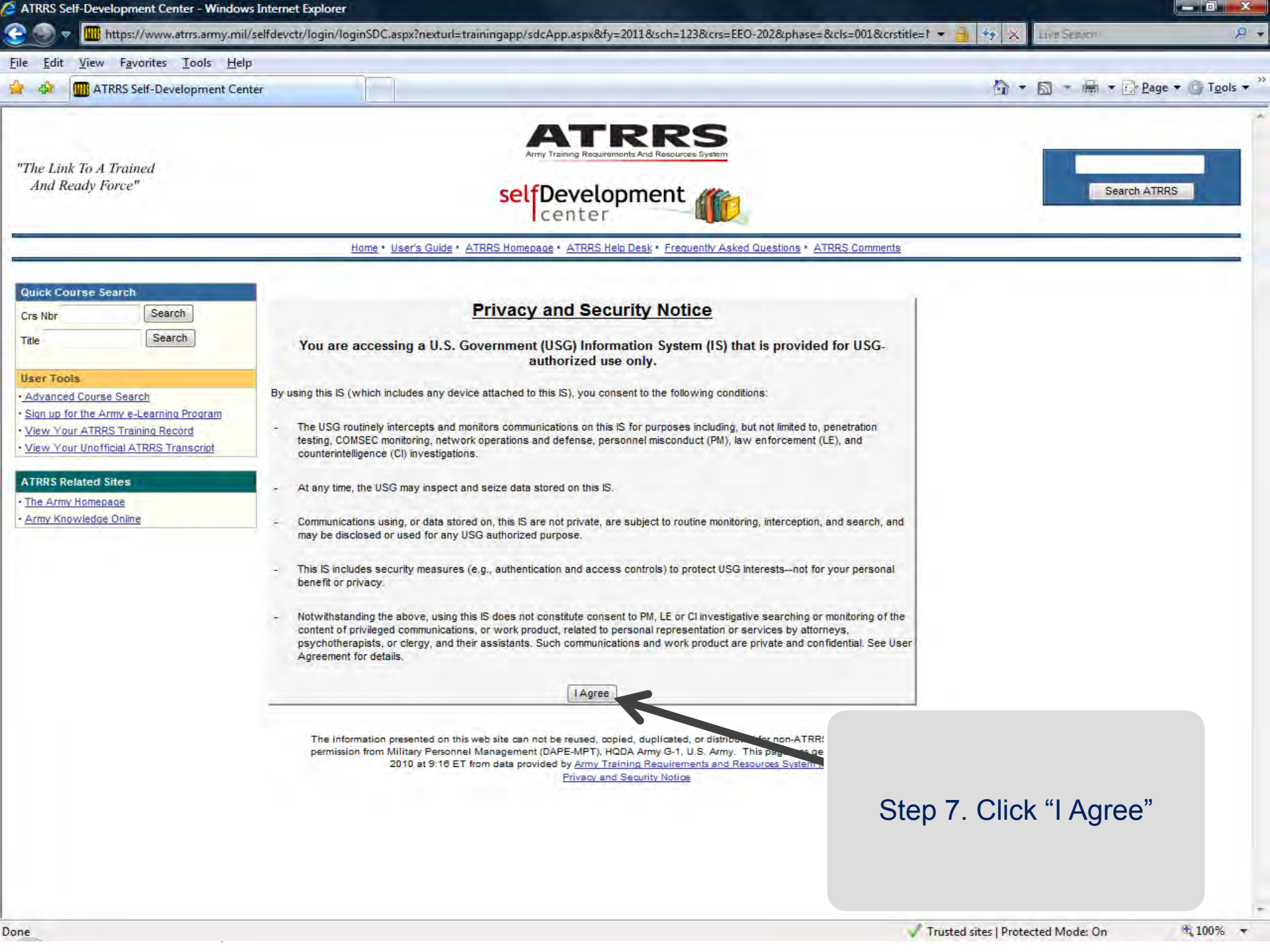
r distributed for non-ATRRS purposes without written
. Army. This page was generated on November 16,
ts and Resources System (ATRRS).

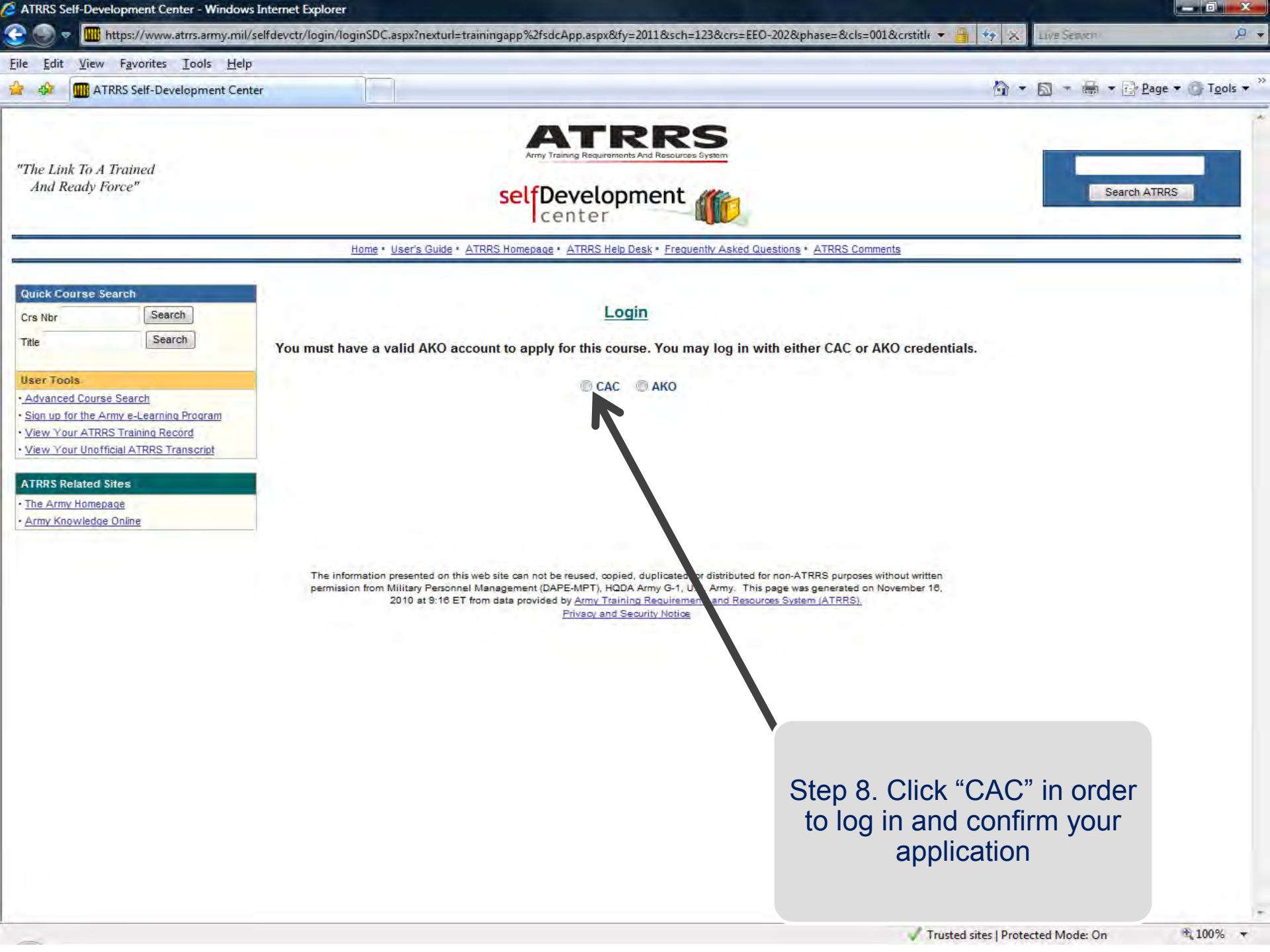
Step 5. click "Search"

Trusted sites | Protected Mode: On

100%


ATRRS Self-Development Center - Windows Internet Explorer
https://www.atrrs.army.mil/selfdevctr/catalog/courseInfo.aspx?FY=2011&SCH=123&CRS=EEO-202&PHASE=&CRSTITLE=
File Edit View Favorites Tools Help
ATRRS Self-Development Center
"The Link To A Trained And Ready Force"
ATRRS
Army Training Requirements And Resources System
selfDevelopment center
Search ATRRS
Home • User's Guide • ATRRS Homepage • ATRRS Help Desk • Frequently Asked Questions • ATRRS Comments
Quick Course Search
Crs Nbr Search
Title Search
User Tools
• Advanced Course Search
• Sign up for the Army e-Learning Program
• View Your ATRRS Training Record
• View Your Unofficial ATRRS Transcript
ATRRS Related Sites
• The Army Homepage
• Army Knowledge Online
Information For Course EEO-202
Back to Course Listing
New Search
Class Schedule
FY: 2011 School: 123 Course: EEO-202 Phase:
Course Title: NO FEAR TRAINING
Class
Report Date
Start Date
End Date
Class Capacity
Class Type
Register
01 Oct 2010
01 Oct 2010
30 Sep 2011
99999
Internet
Register
01 Oct 2010
01 Oct 2010
30 Sep 2011
99999
Internet
Course Scope And Special Information
Information for School 123, Last Updated 15 Jan 2010
There is no information available for SCH: 123
The information presented on this web site can not be reused, copied, duplicated, or distributed for non-A
permission from Military Personnel Management (DAPE-MPT), HQDA Army G-1, U.S. Army. This page wa
2010 at 9:14 ET from data provided by Army Training Requirements and Resources Syst
Privacy and Security Notice
Step 6. Click "Register"
Trusted sites | Protected Mode: On
100%


ATRRS Self-Development Center - Windows Internet Explorer
https://www.atrrs.army.mil/selfdevctr/login/loginSDC.aspx?nexturl=trainingapp/sdcApp.aspx&fy=2011&sch=123&crs=EEO-202&phase=&cls=001&crstitle=
File Edit View Favorites Tools Help
ATRRS Self-Development Center
Page Tools
"The Link To A Trained And Ready Force"
ATRRS
Army Training Requirements And Resources System
selfDevelopment center
Search ATRRS
Home • User's Guide • ATRRS Homepage • ATRRS Help Desk • Frequently Asked Questions • ATRRS Comments
Quick Course Search
Crs Nbr Search
Title Search
User Tools
• Advanced Course Search
• Sign up for the Army e-Learning Program
• View Your ATRRS Training Record
• View Your Unofficial ATRRS Transcript
ATRRS Related Sites
• The Army Homepage
• Army Knowledge Online
Privacy and Security Notice
You are accessing a U.S. Government (USG) Information System (IS) that is provided for USG-authorized use only.
By using this IS (which includes any device attached to this IS), you consent to the following conditions:
- The USG routinely intercepts and monitors communications on this IS for purposes including, but not limited to, penetration testing, COMSEC monitoring, network operations and defense, personnel misconduct (PM), law enforcement (LE), and counterintelligence (CI) investigations.
- At any time, the USG may inspect and seize data stored on this IS.
- Communications using, or data stored on, this IS are not private, are subject to routine monitoring, interception, and search, and may be disclosed or used for any USG authorized purpose.
- This IS includes security measures (e.g., authentication and access controls) to protect USG interests--not for your personal benefit or privacy.
- Notwithstanding the above, using this IS does not constitute consent to PM, LE or CI investigative searching or monitoring of the content of privileged communications, or work product, related to personal representation or services by attorneys, psychotherapists, or clergy, and their assistants. Such communications and work product are private and confidential. See User Agreement for details.
I Agree
The information presented on this web site can not be reused, copied, duplicated, or distrib for non-ATRRS permission from Military Personnel Management (DAPE-MPT), HQDA Army G-1, U.S. Army. This pa ge 2010 at 9:16 ET from data provided by Army Training Requirements and Resources System Privacy and Security Notice
Step 7. Click "I Agree"
Done
Trusted sites | Protected Mode: On
100%


ATRRS Self-Development Center - Windows Internet Explorer
https://www.atrrs.army.mil/selfdevctr/login/loginSDC.aspx?nexturl=trainingapp%2fsdcApp.aspx&fy=2011&sch=123&crs=EEO-202&phase=&cls=001&crstitle
File Edit View Favorites Tools Help
ATRRS Self-Development Center
"The Link To A Trained And Ready Force"
ATRRS
Army Training Requirements And Resources System
selfDevelopment center
Search ATRRS
Home • User's Guide • ATRRS Homepage • ATRRS Help Desk • Frequently Asked Questions • ATRRS Comments
Quick Course Search
Crs Nbr
Search
Title
Search
User Tools
• Advanced Course Search
• Sign up for the Army e-Learning Program
• View Your ATRRS Training Record
• View Your Unofficial ATRRS Transcript
ATRRS Related Sites
• The Army Homepage
• Army Knowledge Online
Login
You must have a valid AKO account to apply for this course. You may log in with either CAC or AKO credentials.
CAC
AKO
The information presented on this web site can not be reused, copied, duplicated or distributed for non-ATRRS purposes without written permission from Military Personnel Management (DAPE-MPT), HQDA Army G-1, U.S. Army. This page was generated on November 16, 2010 at 9:16 ET from data provided by Army Training Requirements and Resources System (ATRRS).
Privacy and Security Notice
Step 8. Click "CAC" in order to log in and confirm your application
Trusted sites | Protected Mode: On
100%

ATRRS Self-Development Center - Windows Internet Explorer

https://www.atrrs.army.mil/selfdevctr/trainingapp/sdcApp.aspx?fy=2011&sch=123&crs=EEO-202&phase=&cls=001&crstitle=NO+FEAR+TRAINING&clstype=

File Edit View Favorites Tools Help

ATRRS Self-Development Center

"The Link To A Trained And Ready Force"

ATRRS
Army Training Requirements And Resources System

selfDevelopment center

Search ATRRS

Home • User's Guide • ATRRS Homepage • ATRRS Help Desk • Frequently Asked Questions • ATRRS Comments

Quick Course Search

Crs Nbr Search

Title Search

User Tools

- Advanced Course Search
- Sign up for the Army e-Learning Program
- View Your ATRRS Training Record
- View Your Unofficial ATRRS Transcript

ATRRS Related Sites

- The Army Homepage
- Army Knowledge Online

Training Application

Application Status History

Date Applied	FY	School	Course	Phase	Class	Status
2/9/2010 2:25:13 AM	2010	123	EEO-202		001	This application was processed successfully

Reservation Status History

FY	School	CRS	Phase	Class	Status
2010	123	EEO-202		001	You successfully completed this course on 10 Feb 2010.

Class Summary

FY: 2011 SCH: 123 CRS: EEO-202 Phase:
Title: NO FEAR TRAINING
Class: 001 Class Type: Internet
Report Date: 01 Oct 2010 Start Date: 01 Oct 2010 End Date: 30 Sep 2011

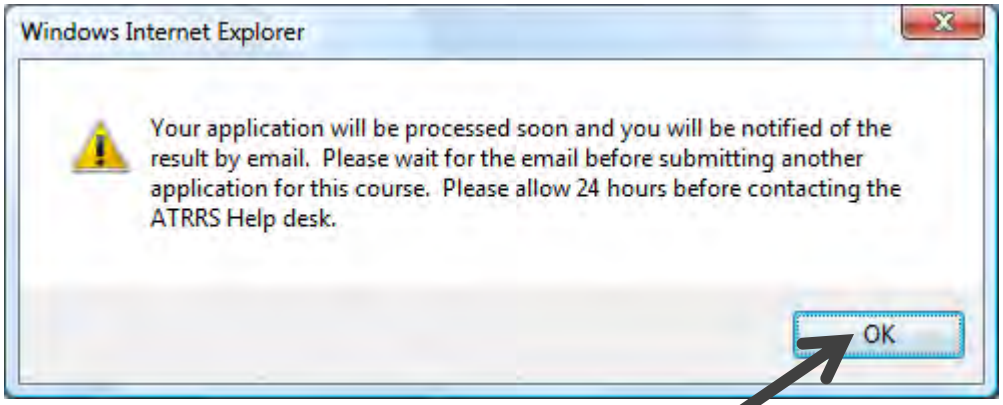
Student Info

First Name: MI: Last Name Suffix:
Gender: Male Female Disabilities: Yes No
Duty Position:
Clearance:
Please enter either your work or home address:
Street:
City:
State Zip:
Email:
Please select your service type: DoD Civilian (all services)
Payplan: Grade:
Series:

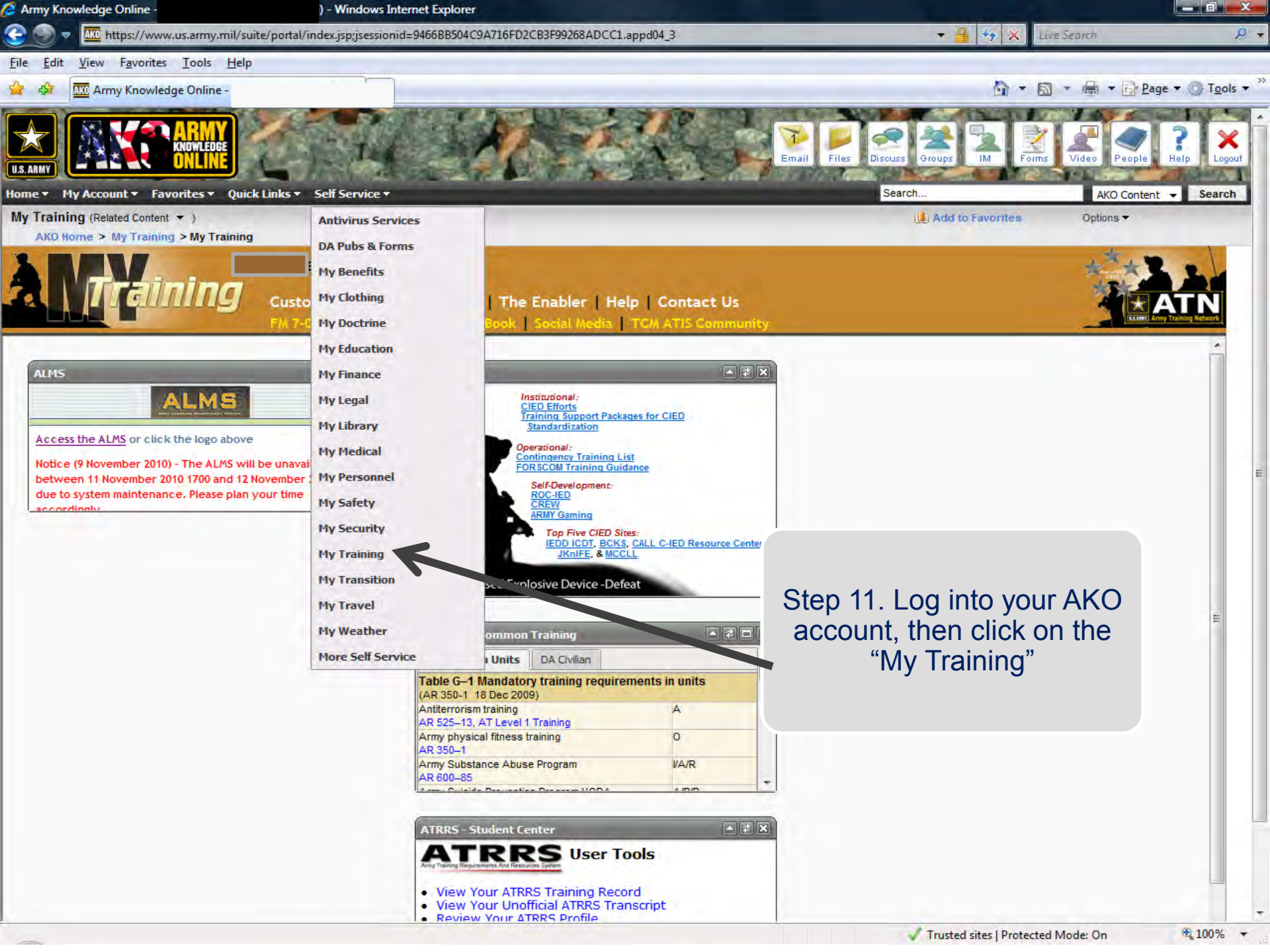
Submit Application

Step 9. Verify your information and click "Submit Application"

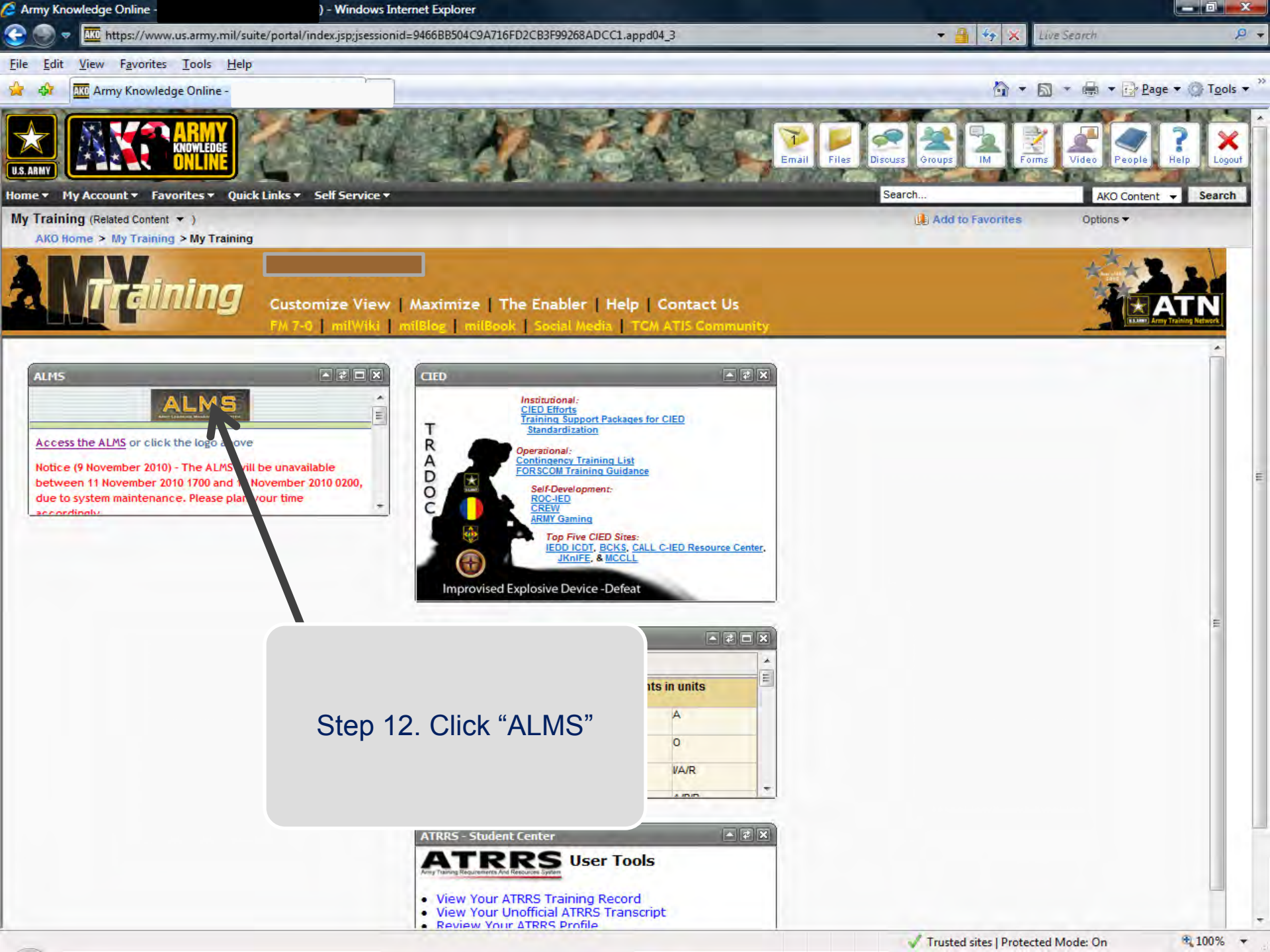
Done Trusted sites | Protected Mode: On 100%

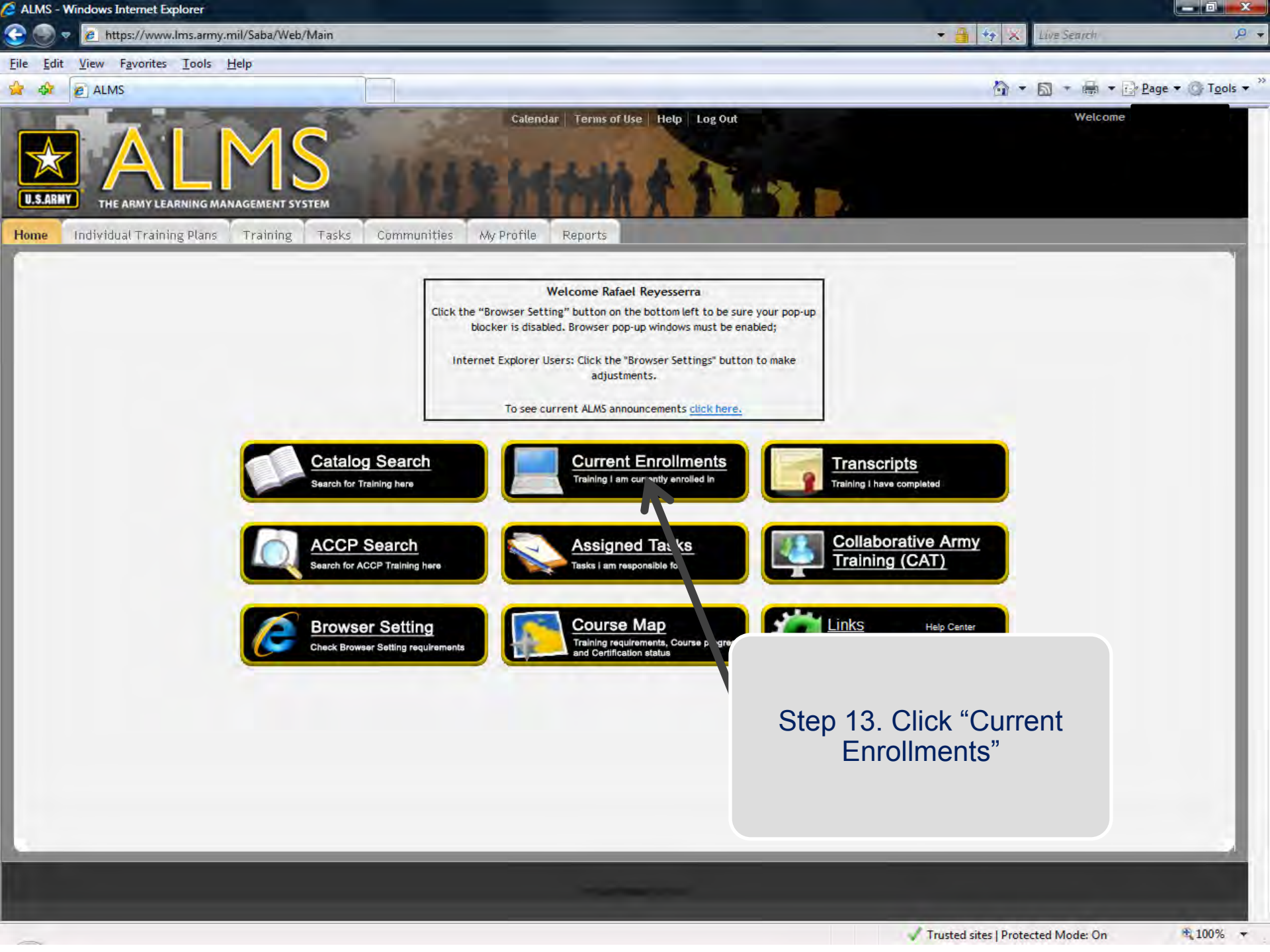


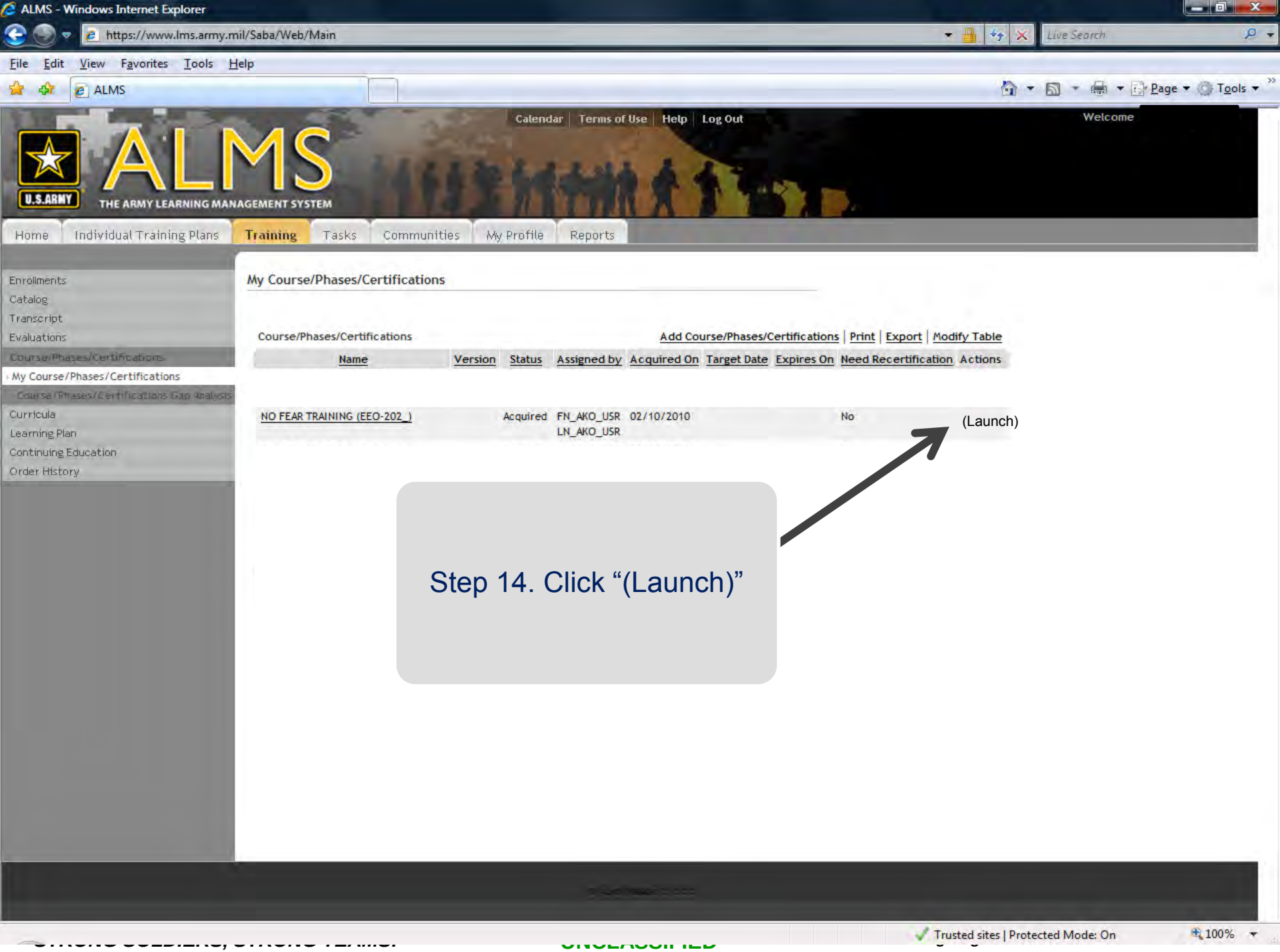
Step 10. Click “OK”



Step 11. Log into your AKO account, then click on the "My Training"


Army Knowledge Online -) - Windows Internet Explorer
https://www.us.army.mil/suite/portal/index.jsp;jsessionid=9466BB504C9A716FD2CB3F99268ADCC1.appd04_3
File Edit View Favorites Tools Help
Army Knowledge Online -
Page Tools
U.S. ARMY
ARMY KNOWLEDGE ONLINE
Email Files Discuss Groups IM Forms Video People Help Logout
Home My Account Favorites Quick Links Self Service
Search... AKO Content Search
My Training (Related Content)
Add to Favorites Options
AKO Home > My Training > My Training
My Training
Customize View | Maximize | The Enabler | Help | Contact Us
FM 7-0 | milWiki | milBlog | milBook | Social Media | TCM ATIS Community
ATN Army Training Network
ALMS
ALMS
Access the ALMS or click the logo above
Notice (9 November 2010) - The ALMS will be unavailable between 11 November 2010 1700 and November 2010 0200, due to system maintenance. Please plan your time accordingly.
CIED
TRADOC
Institutional:
CIED Efforts
Training Support Packages for CIED
Standardization
Operational:
Contingency Training List
FORSCOM Training Guidance
Self-Development:
ROC-IED
CREW
ARMY Gaming
Top Five CIED Sites:
IEDD ICDT, BCKS, CALL C-IED Resource Center, JKnIFE, & MCCLL
Improvised Explosive Device -Defeat
ts in units
A
0
VA/R
ATRRS - Student Center
ATRRS User Tools
Army Training Requirements And Resources System
View Your ATRRS Training Record
View Your Unofficial ATRRS Transcript
Review Your ATRRS Profile
Step 12. Click “ALMS”
Trusted sites | Protected Mode: On
100%

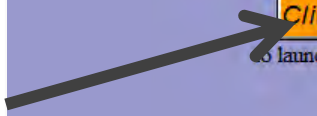

ALMS - Windows Internet Explorer
https://www.lms.army.mil/Saba/Web/Main
File Edit View Favorites Tools Help
ALMS
Calendar | Terms of Use | Help | Log Out
Welcome
ALMS
U.S.ARMY
THE ARMY LEARNING MANAGEMENT SYSTEM
Home
Individual Training Plans
Training
Tasks
Communities
My Profile
Reports
Welcome Rafael Reyesserra
Click the "Browser Setting" button on the bottom left to be sure your pop-up blocker is disabled. Browser pop-up windows must be enabled;
Internet Explorer Users: Click the "Browser Settings" button to make adjustments.
To see current ALMS announcements click here.
Catalog Search
Search for Training here
Current Enrollments
Transcripts
Training I have completed
ACCP Search
Search for ACCP Training here
Assigned Tasks
Collaborative Army Training (CAT)
Browser Setting
Check Browser Setting requirements
Course Map
Links
Help Center
Step 13. Click "Current Enrollments"
Trusted sites | Protected Mode: On
100%


ALMS - Windows Internet Explorer
https://www.lms.army.mil/Saba/Web/Main
File Edit View Favorites Tools Help
ALMS
Calendar | Terms of Use | Help | Log Out
Welcome
ALMS
U.S.ARMY
THE ARMY LEARNING MANAGEMENT SYSTEM
Home
Individual Training Plans
Training
Tasks
Communities
My Profile
Reports
Enrollments
Catalog
Transcript
Evaluations
Course/Phases/Certifications
My Course/Phases/Certifications
Course/Phases/Certifications Gap Analysis
Curricula
Learning Plan
Continuing Education
Order History
My Course/Phases/Certifications
Course/Phases/Certifications
Add Course/Phases/Certifications | Print | Export | Modify Table
Name
Version
Status
Assigned by
Acquired On
Target Date
Expires On
Need Recertification
Actions
NO FEAR TRAINING (EEO-202_)
Acquired
FN_AKO_USR LN_AKO_USR
02/10/2010
No
(Launch)
Step 14. Click “(Launch)”
Trusted sites | Protected Mode: On
100%

https://www.lms.army.mil/?content_controller_url=https%3A%2F%2Fwww.lms.army.mil%2FSaba%2FWeb_wd - Windows Internet Explorer

No FEAR Act

Step 15. Click “(Click Here)” and take the training



Created by:

Army Reserve Readiness Training Center (P)

No FEAR Act Training

The "No FEAR" Act

The **Notification and Federal Employee Antidiscrimination and Retaliation Act** (Public Law 107-174), also known as the **No FEAR Act,** was enacted by Congress on May 15, 2002, and became effective on October 1, 2003.

This course contains mandatory training regarding employee rights and remedies under Federal antidiscrimination and whistleblower protection laws, as required by the No FEAR Act.

Once you have completed this course, you should:

- Understand the purpose of the No FEAR Act
- Know what rights and remedies employees have under Federal antidiscrimination and whistleblower protection laws
- Understand how employees can exercise their rights under these laws
- Demonstrate understanding of the material by achieving 70% on a final examination

PURPOSE

The No FEAR Act is a law enacted by Congress to ensure that Federal agencies:

- **Notify** all Federal employees of their rights and remedies under Federal whistleblower and antidiscrimination laws
- **Train** all Federal employees regarding their rights and remedies under these laws
- **Comply** with these laws by requiring agencies to report antidiscrimination complaint data to Congress each year, and publicly post this data
- Are **accountable** for violations of these laws by requiring agencies to pay back the Department of the Treasury Judgment Fund for awards, judgments, and settlements in Federal lawsuits involving discrimination and whistleblower retaliation

PROHIBITED PERSONNEL PRACTICES

The Civil Service Reform Act of 1978 is a Federal law created to promote overall fairness in Federal personnel actions.

This law states that a Federal employee who is authorized to take, direct others to take, recommend or approve any personnel action may **not**:

- Discriminate against an employee or applicant based on race, color, religion, sex, national origin, age, mental or physical disability, marital status, or political affiliation
- Ask for or consider employment recommendations based on factors other than personal knowledge or records of job-related abilities or characteristics
- Coerce the political activity of any person
- Deceive or willfully obstruct anyone from competing for employment
- Influence anyone to withdraw from competing for a job to help or hurt the employment prospects of another person
- Give an unauthorized preference or advantage to anyone that improves or hurts the employment prospects of an employee or applicant

PROHIBITED PERSONNEL PRACTICES (cont.)

- Hire, promote, or advocate the hiring or promotion of relatives (nepotism)
- Engage in reprisal or retaliation for whistleblowing
- Take, fail to take, or threaten to take a personnel action against an employee or applicant for:
  1. Filing an appeal, complaint, or grievance
  2. Testifying for or assisting another in an appeal, complaint, or grievance
  3. Cooperating with or providing information to the Special Counsel or to an Inspector General, or
  4. Refusing to obey an order that would require the individual to violate a law

- Discriminate based on personal conduct which is not adverse to the on-the-job performance of an employee, applicant, or others
- Take or fail to take, recommend, or approve a personnel action that would violate a veterans' preference requirement
- Take or fail to take a personnel action that would violate any law, rule, or regulation implementing or directly concerning merit system principles

ANTIDISCRIMINATION LAWS AND EEO

The Equal Employment Opportunity Commission (EEOC) is a Federal agency responsible for enforcing all Federal laws prohibiting employment discrimination on the basis of **race, color, national origin, sex, age, religion, or disability, and reprisal or retaliation** for opposing discrimination, or participating in a discrimination complaint or lawsuit.

The EEOC also provides oversight and coordination of all Federal equal employment opportunity regulations, practices, and policies.

The federal policy is expressed in *29 CFR 1614.101* says that:

"(a) It is the policy of the Government of the United States to provide equal opportunity in employment for all persons, to prohibit discrimination in employment because of race, color, religion, sex, national origin, age or handicap and to promote the full realization of equal employment opportunity through a continuing affirmative program in each agency.

(b) No person shall be subject to retaliation for opposing any practice made unlawful by title VII of the Civil Rights Act (title VII) (42 U.S.C. 2000e et seq.), the Age Discrimination in Employment Act (ADEA) (29 U.S.C. 621 et seq.), the Equal Pay Act (29 U.S.C. 206(d)) or the Rehabilitation Act (29 U.S.C. 791 et seq.) or for participating in any stage of administrative or judicial proceedings under those statutes."

ANTIDISCRIMINATION LAWS AND EEO (cont.)

You must contact the Army Reserve EEO office to file a discrimination complaint within **45 calendar days** of the date you learned of the discrimination, or in the case of a personnel action, within **45 calendar days** of the effective date of the action.

The Federal laws enforced by the EEOC that protect employees from illegal employment discrimination are:

- Title VII of the Civil Rights Act of 1964
- Pregnancy Discrimination Act of 1978
- Civil Rights Act of 1991
- Equal Pay Act of 1963
- Age Discrimination in Employment Act of 1967
- Rehabilitation Act of 1973
- Americans with Disabilities Act of 1990

ANTIDISCRIMINATION LAWS AND EEO (cont.)

Title VII of the Civil Rights Act of 1964 prohibits employment discrimination on the basis of **race, color, national origin, sex, or religion.**

It also prohibits **reprisal** or retaliation for opposing such discrimination or participating in Title VII discrimination complaint activities.

The Pregnancy Discrimination Act of 1978 amended the Civil Rights Act of 1964 to provide that discrimination on the basis of **pregnancy, childbirth, or related medical conditions** constitutes unlawful sex discrimination.

It requires employers to treat women who are pregnant or affected by related conditions the same way as other applicants or employees with similar disabilities or limitations.

The Civil Rights Act of 1991 amended the Civil Rights Act of 1964 to provide additional money damages for Federal employees who successfully prove intentional discrimination, as well as recovery of attorney fees.

ANTIDISCRIMINATION LAWS AND EEO (cont.)

The Age Discrimination in Employment Act of 1967 prohibits employment discrimination on the basis of **age** against individuals who are **forty years of age or older.**

It also prohibits **reprisal** or retaliation for opposing age discrimination, or for participating in an age discrimination complaint or lawsuit.

If you believe that you have been the victim of unlawful discrimination on the basis of age, you can choose to either:

- contact EEO to begin the informal complaint process within the 45 calendar day timeframe, or
- give notice of intent to sue to the EEOC within 180 calendar days of the alleged discriminatory action

ANTIDISCRIMINATION LAWS AND EEO (cont.)

Once a timely notice of intent to sue is filed with the EEOC, you must wait at least 30 calendar days before filing a civil action in the appropriate U.S. District Court.

Notices of intent to sue under the ADEA must be submitted to the EEOC by fax at (202) 663-7022 or sent or hand delivered to the following address:

Mailing Address
The Equal Employment Opportunity Commission
Office of Federal Operations
P.O. Box 77960
Washington, D.C. 20013

Street Address
U.S. Equal Employment Opportunity Commission
131 M Street, NE
Washington, DC 20507
202-663-4900 / (TTY) 202-663-4494

Attorney's fees and costs are not recoverable in age discrimination complaints filed under the EEO complaints process. Compensatory damages are not an available form of relief under the ADEA.

For more information, visit the EEOC website at http://www.eeoc.gov

ANTIDISCRIMINATION LAWS AND EEO (cont.)

Titles I and V of the Americans with Disabilities Act of 1991 prohibit employment discrimination against qualified individuals with **mental or physical disabilities** in the private sector, and in state and local governments, on the basis of mental or physical disability.

The Rehabilitation Act of 1973 prohibits employment discrimination in the Federal government against qualified individuals with **mental or physical disabilities** on the basis of their disabilities.

It also requires Federal agencies to provide **reasonable accommodations** for qualified applicants and employees with mental or physical disabilities.

The Rehabilitation Act uses provisions of the Americans with Disabilities Act (ADA) for determining employment discrimination on the basis of disability. It also uses the ADA prohibition of **reprisal** or retaliation against an individual for opposing employment practices that discriminate based on disability or for participating in disability discrimination complaints or lawsuits.

ANTIDISCRIMINATION LAWS AND EEO (cont.)

The Equal Pay Act of 1963 prohibits discrimination in **wage differences between men and women** performing **substantially equal work**.

"Substantially equal work" means that the jobs don't need to be identical, but they must be of equal skill, effort, and responsibility, in the same establishment, and under similar working conditions.

It also prohibits **reprisal** or retaliation for opposing sex-based wage discrimination, or for participating in Equal Pay Act complaints or lawsuits.

ANTIDISCRIMINATION LAWS AND EEO (cont.)

Note: Title VII of the Civil Rights Act, the Age Discrimination in Employment Act, the Americans with Disabilities Act and the Rehabilitation Act also cover wage discrimination claims on the basis of race, color, national origin, sex, age, religion, disability or in reprisal for engaging in protected activity. They do not require the jobs to be substantially equal or located in the same establishment.

If you believe you have been subjected to sex-based wage discrimination under the **Equal Pay Act (EPA)**, you have the right to either file an EEO complaint within the 45 calendar day timeframe, or file suit in U.S. District Court. A civil action must be filed within *two years* of the date of the occurrence, or within *three years* of the date of the alleged violation if the violation is willful.

Attorney's fees, costs, and compensatory damages are not recoverable in sex-based wage discrimination claims filed under the EPA in the EEO complaints process.

ANTIDISCRIMINATION LAWS AND EEO (cont.)

Federal antidiscrimination laws protect employees from illegal discrimination in the terms, conditions, and benefits of their employment. Some examples of these are:

- Hiring
- Promotion
- Reassignments
- Pay
- Leave
- Awards
- Performance Evaluations
- Training
- Job Classification
- Reprimands
- Suspensions
- Terminations

These laws also protect employees from discriminatory harassment (sexual or non-sexual) and hostile work environment.

OFFICE OF SPECIAL COUNSEL

The Office of Special Counsel (OSC) is an independent Federal agency that investigates complaints of prohibited personnel practices other than those enforced by EEOC under the Civil Service Reform Act of 1978, including discrimination on the basis of:

- Marital Status
- Political affiliation or activities
- Conduct that does not adversely affect employee performance
- **Whistleblower retaliation**

WHISTLEBLOWER PROTECTION LAWS AND OSC

Under the Civil Service Reform Act of 1978, whistleblow-ing is when an employee or applicant discloses information that he or she reasonably believes is evidence of:

- A violation of a 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

WHISTLEBLOWER PROTECTION LAWS AND OSC (cont.)

Sometimes it may be against the law or an Executive Order to disclose certain information, especially when it is in the interest of national defense or the conduct of foreign affairs to keep the information secret.

If disclosure of the information is restricted by law or Executive Order, it is only protected if the information is given to the Special Counsel, the Inspector General, or comparable agency official.

A federal employee authorized to take, direct others to take, recommend or approve any personnel action may **not** retaliate against an employee for protected whistleblowing.

OTHER AVENUES OF REDRESS

MERIT SYSTEMS PROTECTION BOARD

The Merit Systems Protection Board (MSPB) is an independent Federal agency established to protect Federal merit systems against partisan political and other prohibited personnel practices and to protect Federal employees against abuses by management.

The MSPB has the authority (in part) to review and issue rulings on:

- Appeals of personnel actions such as removals, suspensions, furloughs and demotions
- Appeals of administrative decisions affecting rights or benefits under the Civil Service Retirement System or the Federal Employees' Retirement System
- Complaints filed under the Whistleblower Protection Act, the Uniformed Services Employment and Reemployment Rights Act, and the Veterans Employment Opportunities Act, and
- Cases brought by the Special Counsel

OTHER AVENUES OF REDRESS (cont.)

If you believe that you have been subjected to a personnel action on the basis of your race, color, national origin, sex, age, or disability, or in retaliation for opposing such discrimination or participating in the discrimination complaint process, and that personnel action is appealable to the MSPB, you may choose to file a complaint with EEO, or file an appeal with the MSPB, but not both.

The appeal must be filed with the MSPB within 30 days of the effective date of the personnel action.

Information regarding procedures for filing MSPB appeals can be found on the MSPB Web site at: http://www.mspb.gov

OTHER AVENUES OF REDRESS (cont.)

BARGAINING UNIT EMPLOYEES

Employees under a **bargaining unit agreement** may be able to file a complaint of employment discrimination through a union-negotiated grievance procedure.

If the negotiated grievance procedure does not specifically say that employees can't grieve discrimination issues, employees have the right to file a discrimination complaint with EEO or file a grievance.

If the action taken by management at issue is appealable to the MSPB, employees have the right to file an MSPB appeal instead of an EEO complaint or grievance.

Employees under a bargaining unit agreement who want to file a complaint involving other prohibited personnel practices can choose to file a complaint with OSC or file a grievance.

If the prohibited personnel practice at issue is appealable to the MSPB, employees have the right to file an MSPB appeal instead of a complaint with OSC or a grievance.

OTHER AVENUES OF REDRESS (cont.)

ADMINISTRATIVE GRIEVANCE PROCEDURE

Employees may be able to pursue the administrative grievance process in order to resolve complaints regarding the terms, conditions and benefits of employment.

The administrative grievance process is available to:

- Current Appropriated Fund (AF) nonbargaining unit employees
- Former AF employees, when the issues arose during their previous government employment and can still be remedied
- Bargaining unit employees when the issue is not covered by the negotiated grievance procedure

OTHER AVENUES OF REDRESS (cont.)

Matters that cannot be grieved under this procedure include:

- Agency regulations and policy
- Nonselection for promotion
- Preliminary or proposed notice of a personnel action
- Employee performance standards
- Awards, step increases, bonuses, allowances or other enhanced pay
- Transportation agreements
- Termination of temporary or term employment
- Termination of temporary or term promotion
- Termination of probationary employee
- Return of supervisory employee during a trial period to a nonsupervisory position
- **Any matter covered by a negotiated grievance procedure or subject to formal review and adjudication by the MSPB or the EEOC**

See DoD Directive 1400.25M, Subchapter 771

For more information regarding the administrative grievance procedure, contact your servicing Civilian Personnel Advisory Center (CPAC).

REPRISAL

Reprisal is retaliation against an individual who has engaged in activity protected under Federal antidiscrimination and whistleblower protection laws.

Protected activity includes:

- Opposing discriminatory employment practices
- Filing a discrimination complaint
- Participating in an investigation, proceeding, or lawsuit involving employment discrimination
- Reporting waste, fraud, and abuse or other whistleblowing activity

Under the Civil Service Reform Act, reprisal against an individual who has engaged in any of these protected activities is a **prohibited personnel practice.**

REPRISAL (cont.)

The retaliatory action taken by management does not have to constitute an adverse employment action in order to qualify as reprisal. In 2006, the U.S. Supreme Court ruled that to successfully prove a claim of reprisal, an employee only has to show that **the action taken by management would have deterred a reasonable employee from filing a charge or claim of discrimination.** See Burlington Northern and Santa Fe Railroad Co. v. White, 1061 LRP 37559 (U.S. 06/22/06).

Federal agencies have the right to discipline Federal employees who engage in prohibited reprisal, up to and including removal, as provided in the Table of Penalties.

PUBLIC DISCLOSURE OF DISCRIMINATION COMPLAINT DATA

The No FEAR Act requires each Federal agency to annually report its antidiscrimination complaint data to Congress, and to publicly post this data.

This annual data includes:

- The number of complaints filed under each Federal antidiscrimination law
- The status or disposition of each complaint
- The amount of money paid by the agency in settlements and findings of discrimination, including attorneys' fees, and
- Disciplinary actions taken against agency employees for violating Federal antidiscrimination laws

The Department of the Army posts its No FEAR Act data, as reported to Congress, on its Office of Equal Employment Opportunity and Civil Rights website at: http://eeoa.army.pentagon.mil/web/index.cfm

REIMBURSEMENT TO THE JUDGMENT FUND

Federal agencies have always been responsible for paying out of their budgets for settlements or awards resulting from findings in the administrative complaint process.

Prior to the No FEAR Act, awards, judgments and settlements in Federal court cases involving unlawful employment discrimination and whistleblower retaliation were paid by a Judgment Fund, maintained by the Department of the Treasury Financial Management Service (FMS). Reimbursement from the agency was not required.

The No FEAR Act now requires each Federal agency to reimburse the Judgment Fund for awards, judgments and settlements in Federal lawsuits involving discrimination and whistleblower retaliation from its own budget.

This means your activity will be responsible for paying out of its budget for judgments and settlements in these Federal lawsuits, as well as for settlements and awards in the administrative complaint process.

REIMBURSEMENT TO THE JUDGMENT FUND (cont.)

The FMS will notify the agency's chief financial office within 15 business days of the payment from the Judgment Fund. The agency must reimburse, or make arrangements in writing to reimburse the Judgment Fund within 45 business days of receipt of the notice. The procedures for providing reimbursement to the Judgment Fund are provided in Chapter 3100 of the Treasury Financial Manual, which can be found on the FMS Web site at:

http://www.fms.treas.gov/tfm/index.html

If reimbursement or arrangements to make reimbursement have not been completed within the 45 business days, the agency's failure to meet this requirement will be posted on the FMS Web site at:

http://www.fms.treas.gov/judgefund/index.html
(Click on the link entitled "No FEAR" Non-Compliance Agency Report)

REIMBURSEMENT TO THE JUDGMENT FUND (cont.)

Federal agencies are prohibited from using reductions-in-force, furloughs, or reductions in employee compensation or benefits in order to reimburse the Judgment Fund. In order to ensure that the mission of each agency is not compromised, the No FEAR Act allows for reimbursement to be made over a period of time if necessary.

EEOC MANAGEMENT DIRECTIVE 715

The EEOC's Management Directive (MD) 715 is the EEOC's policy guidance for Federal agencies to take appropriate steps to ensure that all employment decisions are free from discrimination. It provides a roadmap for creating effective EEO programs for all Federal employees.

MD 715 outlines six essential elements to attaining a model EEO program in Federal sector employment:

- **Demonstrated commitment from agency leadership**
- **Integration of EEO into the agency's strategic mission**
- **Management and program accountability**
- **Proactive prevention of unlawful discrimination**
- **Efficiency**
- **Responsiveness and legal compliance**

The following slides contain examples of how employees, managers, supervisors, commanders and other leaders can implement the MD 715 six essential elements into their own business practices.

DEMONSTRATED COMMITMENT FROM AGENCY LEADERSHIP

Commanders have the responsibility to demonstrate commitment to the principle of providing equality of opportunity for all employees and applicants for employment. Commanders can communicate that commitment from the top down by issuing EEO policies and distributing them to the workforce.

Managers and supervisors should post notices of employee EEO rights and memorandums throughout the workplace.

Managers and supervisors should also expect and encourage a professional, respectful work environment free of harassment and unlawful discrimination, and make these expectations clear to employees.

INTEGRATION OF EEO INTO THE AGENCY'S STRATEGIC MISSION

Leadership should recruit, hire, develop, and train managers and supervisors who have effective managerial, communications, and interpersonal skills, and ensure that they are provided the necessary training and resources in order to become successful managers and supervisors.

Managers and supervisors should complete EEO training, and include both mandatory and optional EEO training as part of their employees' individual development plans.

Leadership at all levels, as well as employees, should be involved in the implementation of EEO programs and initiatives.

MANAGEMENT AND PROGRAM ACCOUNTABILITY

Performance evaluations of managers and supervisors should include an evaluation of commitment to the principles of EEO.

Managers and supervisors should establish procedures for addressing employee complaints of harassment (sexual or non-sexual), other unlawful discrimination, and reprisal.

Managers and supervisors should be knowledgeable of the procedures for handling employee requests for disability accommodations, including engaging in the interactive process, as well as requests for religious accommodations.

Employees should report harassment or unlawful discrimination in the workplace, as well as submit accommodation requests, through the supervisory chain.

PROACTIVE PREVENTION OF UNLAWFUL DISCRIMINATION

Leadership at all levels should take steps to ensure that all workplace policies, practices and behaviors are fair.

Managers and supervisors should take employee complaints of harassment and unlawful discrimination seriously, and exercise their responsibility to investigate complaints by talking to all parties involved, taking appropriate action to resolve the issue, and documenting the situation and action taken.

Managers and supervisors should contact the EEO office if there are questions about how to deal with employee complaints of harassment or other unlawful discrimination, and employee accommodation requests.

All employees should engage in workplace behavior that is respectful, professional, and non-discriminatory.

EFFICIENCY

Managers and supervisors should have a clear understanding of the EEO process to be able to respond to employees concerns and issues quickly and effectively, allowing the workforce to return to full performance level.

Leadership at all levels should incorporate the principles of EEO into the organizational business processes to facilitate standardization of managing and supervising employees.

Employees should report harassment or unlawful discrimination in the workplace immediately through the supervisory chain, so that management has an early opportunity to resolve the situation.

RESPONSIVENESS AND LEGAL COMPLIANCE

Leadership at all levels, as well as coworkers, should avoid behavior toward employees who have filed EEO complaints which could be perceived as reprisal or retaliation for exercising the right to file an EEO complaint.

When an employee files an EEO complaint, managers and supervisors should be respectful of the complaint process, and fully cooperate with EEO officials as required by AR 690-600.

Employees who have filed EEO complaints should remember their responsibility to mitigate their damages.

BENEFITS OF A MODEL PROGRAM

Employees benefit from:

- Working in an environment free from harassment and unlawful discrimination
- Equal access to jobs, training, and development opportunities
- Fair treatment in addressing work-related complaints and grievances

Managers benefit from:

- Cooperative workplace relations and reduced workplace conflict
- Increased employee job satisfaction and morale
- Increased productivity

BENEFITS OF A MODEL PROGRAM (cont.)

The Army benefits from:

- A more productive work force
- Improved efficiency of employees and higher quality of services to customers
- A diverse organization where skilled employees want to work
- Improved quality of work

Customers benefit from:

- An efficient and effective organization
- Services which are responsive to their needs
- A professional environment in which to conduct business

HOW TO FILE AN EEO COMPLAINT

If you:

- are a current, former or prospective Army employee, or an applicant for employment, and believe you have been subject to employment discrimination on the basis of your race, color, national origin, sex, age, religion, or mental or physical disability, and/or

- believe you have been subjected to reprisal or retaliation for opposing discrimination or participating in the discrimination complaint process,

you may file a discrimination complaint with your local EEO office in the United States or overseas.

No FEAR Act

No FEAR Act No FEAR Act No FEAR Act

For further information, contact your local EEO office. If you do not know the location of your servicing EEO office, go to your command website or search the Army website.

Remember: You must contact the EEO office to file a complaint within 45 calendar days of the date you learned of the discriminatory act, or in the case of an adverse personnel action, within 45 calendar days of the effective date of the action.

You can find more information about the Army's EEO program at the Headquarters Department of the Army's website: http://eeoa.army.pentagon.mil/web/index.cfm

HOW TO FILE A COMPLAINT WITH OSC

If you believe that you have been the victim of whistleblower retaliation or other prohibited personnel practice as defined by the Civil Service Reform Act of 1978, you may access the forms from their website and either file your complaint to OSC online or print the forms and submit by mail.

OSC requires the use of specific forms to file a complaint not submitted via online form. These forms are available on the OSC Web site. http://www.osc.gov/forms.htm

For more information, contact:
U.S. Office of Special Counsel
1730 M Street NW, Suite 218
Washington, DC 20036-4505
Telephone: 202-254-3600
Toll Free: 800-872-9855
Federal Relay: 800-877-8339
(for hearing and speech disabled)
Web site: http://www.osc.gov

Genetic Information Nondiscrimination Act of 2008 (GINA)

Title II of the Genetic Information Nondiscrimination Act of 2008 (GINA), which prohibits genetic information discrimination in employment, took effect on November 21, 2009.

Under Title II of GINA, it is illegal to discriminate against employees or applicants because of genetic information. Title II of GINA prohibits the use of genetic information in making employment decisions, restricts acquisition of genetic information by employers and other entities covered by Title II, and strictly limits the disclosure of genetic information.

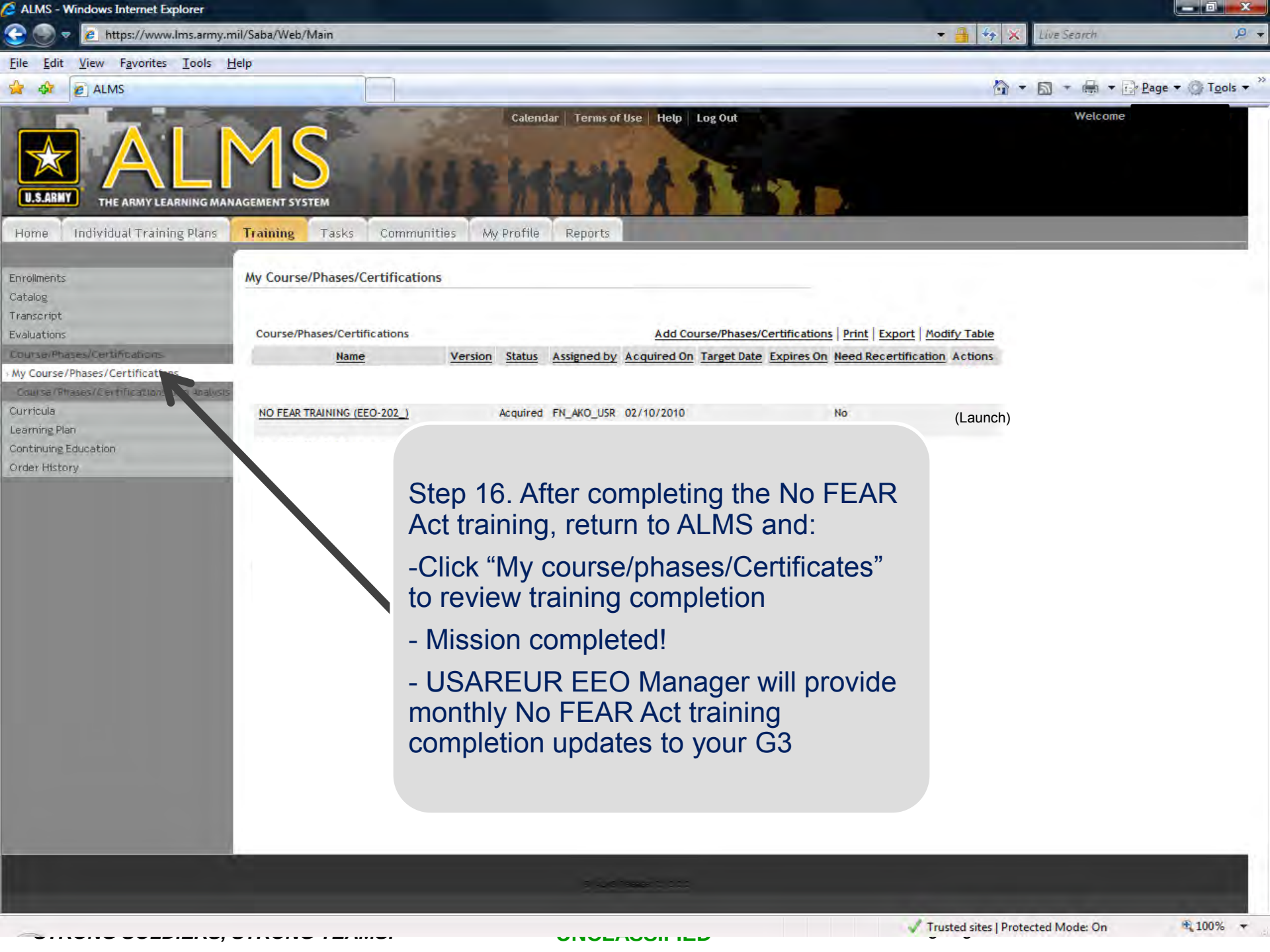
The EEOC enforces Title II of GINA (dealing with genetic discrimination in employment). The Departments of Labor, Health and Human Services and the Treasury have responsibility for issuing regulations for Title I of GINA, which addresses the use of genetic information in health insurance.

Genetic information includes information about an individual's genetic tests and the genetic tests of an individual's family members, as well as information about any disease, disorder, or condition of an individual's family members (i.e. an individual's family medical history). Family medical history is included in the definition of genetic information because it is often used to determine whether someone has an increased risk of getting a disease, disorder, or condition in the future.

No FEAR Act

No FEAR Act No FEAR Act No FEAR Act

Now that you have covered the information on the No FEAR Act, you must complete and pass a final examination. You must score at least 70% to receive credit for course completion.


ALMS - Windows Internet Explorer
https://www.lms.army.mil/Saba/Web/Main
File Edit View Favorites Tools Help
ALMS
Calendar | Terms of Use | Help | Log Out
Welcome
ALMS
U.S.ARMY
THE ARMY LEARNING MANAGEMENT SYSTEM
Home
Individual Training Plans
Training
Tasks
Communities
My Profile
Reports
Enrollments
Catalog
Transcript
Evaluations
Course/Phases/Certifications
My Course/Phases/Certificates
Curricula
Learning Plan
Continuing Education
Order History
My Course/Phases/Certifications
Course/Phases/Certifications
Add Course/Phases/Certifications | Print | Export | Modify Table
Name
Version
Status
Assigned by
Acquired On
Target Date
Expires On
Need Recertification
Actions
NO FEAR TRAINING (EEO-202_)
Acquired
FN_AKO_USR
02/10/2010
No
(Launch)
Step 16. After completing the No FEAR Act training, return to ALMS and:
-Click “My course/phases/Certificates” to review training completion
- Mission completed!
- USAREUR EEO Manager will provide monthly No FEAR Act training completion updates to your G3
Trusted sites | Protected Mode: On
100%