



ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

Annual Report for Fiscal Year 2020
Under the
Notification and Federal Employee Antidiscrimination
and Retaliation Act of 2002 (No FEAR Act)

Report Prepared for:

Speaker of the U.S. House of Representatives

President Pro Tempore of the U.S. Senate

Committee on Homeland Security and Governmental Affairs, US. Senate

Committee on Oversight and Reform, U.S House of Representatives

Committee on the Judiciary, U.S. Senate

Committee on the Judiciary, U.S. House of Representatives

U.S. Equal Employment Opportunity Commission

Attorney General

U.S. Office of Personnel Management

Submitted by:

The Administrative Conference of the United States



ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

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A. Introduction

This report is prepared by the Administrative Conference of the United States (ACUS) pursuant to the requirements of Title II, Section 203, of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act or Act). The Act requires federal agencies to submit an annual report to the Speaker of the U.S. House of Representatives; the President Pro Tempore of the U.S. Senate; the Senate Committee on Homeland Security and Governmental Affairs; the House Committee on Oversight and Reform; the Senate Committee on the Judiciary; the House Committee on the Judiciary; the U.S. Equal Employment Opportunity Commission; the Attorney General; and the U.S. Office of Personnel Management.

This report contains data and analysis concerning equal employment opportunity (EEO) complaints activity at ACUS (only one such complaint for the current reporting year of FY 2020); and it reflects zero Federal court cases filed anew or pending from previous years. ACUS is 100% committed to maintaining an environment that provides equal employment opportunity to its total workforce of 12 full-time employees, as well as applicants for employment.

B. Federal Court Cases Arising under the Federal Antidiscrimination or Whistleblower Laws

1. As shown below in Table 1, ACUS had **zero** Federal Court Cases Pending or Resolved in FY 2020.

TABLE 1

Federal Court Cases Pending or Resolved in FY 2020, Separated by Statute

Title VII of the Civil Rights Act of 1964	0
Age Discrimination in Employment Act of 1967	0
Rehabilitation Act of 1973	0
Whistleblower Protection Act	0
Equal Pay Act of 1963	0

2. Status or Disposition of Federal Court Cases Including the Amount of Money Required to be Reimbursed to the Judgement Fund and any Budget Adjustments Relating to the Judgement Fund.

Table 2 shows the status and disposition of federal court cases, by statute. However, since there were no federal court cases and no data to report, the numerical columns reflect the number zero.

TABLE 2
Status of Federal Court Cases in FY 2020, by Statute

Title VII of the Civil Rights Act of 1964	0
Pending	0
Dismissed	0
Settled	0
Age Discrimination in Employment Act of 1967	0
Pending	0
Dismissed	0
Settled	0
Rehabilitation Act of 1973	0
Pending	0
Dismissed	0
Settled	0
Whistleblower Protection Act	0
Pending	0
Dismissed	0
Settled	0
Equal Pay Act of 1963	0
Pending	0
Dismissed	0
Settled	0

C. Employees Disciplined for Conduct Inconsistent with Federal Antidiscrimination or Whistleblower Laws

Table 3 shows that there were zero findings of discrimination, and therefore, zero employees disciplined for having been found to have engaged in discrimination in violation of civil rights laws.

TABLE 3
Employees Disciplined for Conduct Inconsistent with Federal Antidiscrimination or Whistleblower Laws in FY 2020

Employees Disciplined in Connection with Federal Court Cases	
Number of Findings	0
Number of Employees Disciplined	0
Employees Disciplined Whether or Not in Connection with Federal Court Cases	
Number of Employees Disciplined	0

D. Final Year-End No FEAR Act Data for FY 2020

Attached as Appendix 1 is ACUS’s final year-end No Fear Act Data for FY 2020.

E. ACUS’s Discipline Policy for Conduct Inconsistent with Federal Antidiscrimination or Whistleblower Laws

ACUS’s FY 2020 policy statement in support of this section is attached as Appendix 2. ACUS takes seriously its obligations to maintain a professional and antidiscriminatory environment for its employees. The agency’s annual policy statement is issued to current employees, new employees upon onboarding, and posted on its website to notify job applicants. Employees engaging in prohibited conduct may be subject to appropriate disciplinary action.

F. Data Analysis

Introduction

This section is intended to provide data and trend analysis on the bases and issues in formal EEO complaints for FY 2019 and FY 2020. The bases protected by EEO statutes are race, color, religion, national origin, sex, disability, age, genetic information, and retaliation. Table 4 shows that in FY 2020, one employee filed one complaint. *This table corrects an error previously reported in FY 2019. In FY 2019 the reported complaint was in the pre-complaint stage and therefore should not have been reported. The formal complaint was filed in FY 2020. All corrected data has been highlighted in yellow throughout this report.*

TABLE 4
Number of Formal EEO Complaints and Number of Filers

Fiscal Year	Number of Complaints Filed	Number of Complainants	Repeat Filers
2020	1	1	0
2019	0	0	0

1. Trends

Due to insufficient data (i.e., only one complaint), no trends can be identified. The only trend is that no other complaints have been filed in at least eight years.

2. Causal Analysis

Again, there is insufficient data to ascribe the increase from zero complaints to one to a particular cause. The agency believes the incident was isolated.

3. Knowledge Gained

An assessment conducted by agency leaders and supervisors revealed no particular concerns relative to the agency's performance. The agency continues to be vigilant in its efforts to comply with EEO, antiretaliation, and whistleblower laws.

4. Actions Planned to Improve ACUS's Equal Employment Opportunity Program

ACUS will continue to educate its leaders and employees about the importance of EEO principles and requirements in order to maintain its mostly complaint-free history. ACUS also pledges to hold its entire workforce accountable for maintaining high standards in EEO.

G. No FEAR Act Training Plan

The No FEAR Act requires agencies to provide training for their employees on the rights and remedies under Federal antidiscrimination, retaliation, and whistleblower protection laws. New employees are required to complete interactive training on the No FEAR Act within the first week of their employment. The annual policy notice also serves as a training tool, as do EEO posters that are posted in frequently accessed areas of the agency.

Appendix 1

ACUS NO FEAR Data for FY 2020

Complaint Activity	Comparative Data Previous Fiscal Year Data					2020
	2015	2016	2017	2018	2019	
Number of Complaints Filed	0	0	0	0	0 ¹	1
Number of Complainants	0	0	0	0	0	1
Repeat Filers	0	0	0	0	0	0
Complaints by Basis <i>Note: Complaints can be filed alleging multiple bases. The sum of the bases may not equal total complaints filed.</i>	Comparative Data Previous Fiscal Year Data					2020
	2015	2016	2017	2018	2019	
Race	0	0	0	0	0	1
Color	0	0	0	0	0	0
Religion	0	0	0	0	0	0
Reprisal	0	0	0	0	0	1
Sex	0	0	0	0	0	1
National Origin	0	0	0	0	0	0
Equal Pay Act	0	0	0	0	0	0
Age	0	0	0	0	0	0
Disability	0	0	0	0	0	0
Genetic Information	0	0	0	0	0	0
Non-EEO basis	0	0	0	0	0	0

¹ All yellow-highlighted data for FY 2019 reflects corrected information. The original FY 2019 report reflected one *informal* complaint by one individual and should not have been included. That same complainant later filed a formal complaint in FY 2020.

Complaints by Issue <i>Note: Complaints can be filed alleging multiple issues. The sum of the issues may not equal total complaints filed.</i>	Comparative Data Previous Fiscal Year Data					2020
	2015	2016	2017	2018	2019	
Appointment/Hire	0	0	0	0	0	0
Assignment of Duties	0	0	0	0	0	0
Awards	0	0	0	0	0	0
Conversion to Full-time	0	0	0	0	0	0
Disciplinary Action						
Demotion	0	0	0	0	0	0
Reprimand	0	0	0	0	0	0
Removal	0	0	0	0	0	1
Suspension	0	0	0	0	0	0
Other	0	0	0	0	0	0
Duty Hours	0	0	0	0	0	0
Evaluation Appraisal	0	0	0	0	0	0
Examination/Test	0	0	0	0	0	0
Harassment						
Non-Sexual	0	0	0	0	0	0
Sexual	0	0	0	0	0	0
Medical Examination	0	0	0	0	0	0
Pay (Including Overtime)	0	0	0	0	0	0
Promotion/Non-Selection	0	0	0	0	0	0
Reassignment						
Denied	0	0	0	0	0	0
Directed	0	0	0	0	0	0
Reasonable Accommodation	0	0	0	0	0	0

Complaints by Issue <i>Note: Complaints can be filed alleging multiple issues. The sum of the issues may not equal total complaints filed.</i>	Comparative Data Previous Fiscal Year Data					2020
	2015	2016	2017	2018	2019	
Reinstatement	0	0	0	0	0	0
Retirement	0	0	0	0	0	0
Termination	0	0	0	0	0	0
Terms/Conditions of Employment	0	0	0	0	0	0
Time and Attendance	0	0	0	0	0	0
Training	0	0	0	0	0	0
Other	0	0	0	0	0	1
Processing Time	Comparative Data Previous Fiscal Year Data					2020
	2015	2016	2017	2018	2019	
Complaints pending (for any length of time) during fiscal year	0	0	0	0	0	1
Average number of days in investigation stage	N/A	N/A	N/A	N/A	N/A	N/A
Average number of days in final action stage	N/A	N/A	N/A	N/A	N/A	N/A
Complaints pending (for any length of time) during fiscal year where hearing was requested	0	0	0	0	0	0
Average number of days in investigation stage	N/A	N/A	N/A	N/A	N/A	N/A
Average number of days in final action stage	N/A	N/A	N/A	N/A	N/A	N/A
Complaints pending (for any length of time) during fiscal year where hearing was not requested	0	0	0	0	0	1
Average number of days in investigation stage	N/A	N/A	N/A	N/A	N/A	N/A
Average number of days in final action stage	N/A	N/A	N/A	N/A	N/A	N/A

Complaints Dismissed by Agency	Comparative Data Previous Fiscal Year Data					2020
	2015	2016	2017	2018	2019	
Total Complaints Dismissed by Agency	0	0	0	0	0	0
Average days pending prior to dismissal	N/A	N/A	N/A	N/A	N/A	N/A
Complaints Withdrawn by Complainants						
Total complaints Withdrawn by Complainants	0	0	0	0	0	0

Total Final Actions Finding Discrimination	Comparative Data Previous Fiscal Year Data										2020	
	2015		2016		2017		2018		2019			
	#	%	#	%	#	%	#	%	#	%	#	%
Total Number Findings	0		0		0		0		0		0	
Without Hearing	0		0		0		0		0		0	
With Hearing	0		0		0		0		0		0	

Findings of Discrimination Rendered by Basis <i>Note: Complaints can be filed alleging multiple bases. The sum of the bases may not equal total complaints and findings.</i>	Comparative Data (Sec. 1614.705 Previous Fiscal Year Data										2020	
	2015		2016		2017		2018		2019			
	#	%	#	%	#	%	#	%	#	%	#	%
Total Number Findings	0		0		0		0		0		0	
Race	0		0		0		0		0		0	
Color	0		0		0		0		0		0	
Religion	0		0		0		0		0		0	
Reprisal	0		0		0		0		0		0	
Sex	0		0		0		0		0		0	
National Origin	0		0		0		0		0		0	
Age	0		0		0		0		0		0	

Findings of Discrimination Rendered by Basis <i>Note: Complaints can be filed alleging multiple bases. The sum of the bases may not equal total complaints and findings.</i>	Comparative Data (Sec. 1614.705 Previous Fiscal Year Data)										2020	
	2015		2016		2017		2018		2019			
	#	%	#	%	#	%	#	%	#	%	#	%
Disability	0		0		0		0		0		0	
Genetic Information	0		0		0		0		0		0	
Non-EEO	0		0		0		0		0		0	
Findings After Hearing	0		0		0		0		0		0	
Race	0		0		0		0		0		0	
Color	0		0		0		0		0		0	
Religion	0		0		0		0		0		0	
Reprisal	0		0		0		0		0		0	
Sex	0		0		0		0		0		0	
National Origin	0		0		0		0		0		0	
Equal Pay Act	0		0		0		0		0		0	
Age	0		0		0		0		0		0	
Disability	0		0		0		0		0		0	
Genetic Information	0		0		0		0		0		0	
Non-EEO	0		0		0		0		0		0	
Findings Without Hearing	0		0		0		0		0		0	
Race	0		0		0		0		0		0	
Color	0		0		0		0		0		0	
Religion	0		0		0		0		0		0	
Reprisal	0		0		0		0		0		0	
Sex	0		0		0		0		0		0	
National Origin	0		0		0		0		0		0	

Findings of Discrimination Rendered by Basis <i>Note: Complaints can be filed alleging multiple bases. The sum of the bases may not equal total complaints and findings.</i>	Comparative Data (Sec. 1614.705 Previous Fiscal Year Data)										2020	
	2015		2016		2017		2018		2019			
	#	%	#	%	#	%	#	%	#	%	#	%
Equal Pay Act	0		0		0		0		0		0	
Age	0		0		0		0		0		0	
Disability	0		0		0		0		0		0	
Genetic Information	0		0		0		0		0		0	
Non-EEO	0		0		0		0		0		0	

Findings of Discrimination Rendered by Issue	Comparative Data Previous Fiscal Year Data										2020	
	2015		2016		2017		2018		2019			
	#	%	#	%	#	%	#	%	#	%	#	%
Total Number Findings	0		0		0		0		0		0	
Appointment/Hire	0		0		0		0		0		0	
Assignment of Duties	0		0		0		0		0		0	
Awards	0		0		0		0		0		0	
Conversion to Full-time	0		0		0		0		0		0	
Disciplinary Action												
Demotion	0		0		0		0		0		0	
Reprimand	0		0		0		0		0		0	
Suspension	0		0		0		0		0		0	
Removal	0		0		0		0		0		0	
Other	0		0		0		0		0		0	
Duty Hours	0		0		0		0		0		0	
Evaluation Appraisal	0		0		0		0		0		0	

Findings of Discrimination Rendered by Issue	Comparative Data Previous Fiscal Year Data										2020	
	2015		2016		2017		2018		2019			
	#	%	#	%	#	%	#	%	#	%	#	%
Examination/Test	0		0		0		0		0		0	
Harassment												
Non-Sexual	0		0		0		0		0		0	
Sexual	0		0		0		0		0		0	
Medical Examination	0		0		0		0		0		0	
Pay (Including Overtime)	0		0		0		0		0		0	
Promotion/Non-Selection	0		0		0		0		0		0	
Reassignment												
Denied	0		0		0		0		0		0	
Directed	0		0		0		0		0		0	
Reasonable Accommodation	0		0		0		0		0		0	
Reinstatement	0		0		0		0		0		0	
Retirement	0		0		0		0		0		0	
Termination	0		0		0		0		0		0	
Terms/Conditions of Employment	0		0		0		0		0		0	
Time and Attendance	0		0		0		0		0		0	
Training	0		0		0		0		0		0	
Other	0		0		0		0		0		0	
Findings After Hearing	0		0		0		0		0		0	
Appointment/Hire	0		0		0		0		0		0	
Assignment of Duties	0		0		0		0		0		0	
Awards	0		0		0		0		0		0	

Findings of Discrimination Rendered by Issue	Comparative Data Previous Fiscal Year Data										2020	
	2015		2016		2017		2018		2019			
	#	%	#	%	#	%	#	%	#	%	#	%
Conversion to Full-time	0		0		0		0		0		0	
Disciplinary Action												
Reprimand	0		0		0		0		0		0	
Suspension	0		0		0		0		0		0	
Removal	0		0		0		0		0		0	
Other	0		0		0		0		0		0	
Duty Hours	0		0		0		0		0		0	
Evaluation Appraisal	0		0		0		0		0		0	
Examination/Test	0		0		0		0		0		0	
Harassment												
Non-Sexual	0		0		0		0		0		0	
Sexual	0		0		0		0		0		0	
Medical Examination	0		0		0		0		0		0	
Pay (Including Overtime)	0		0		0		0		0		0	
Promotion/Non-Selection	0		0		0		0		0		0	
Reassignment												
Denied	0		0		0		0		0		0	
Directed	0		0		0		0		0		0	
Reasonable Accommodation	0		0		0		0		0		0	
Reinstatement	0		0		0		0		0		0	
Retirement	0		0		0		0		0		0	
Termination	0		0		0		0		0		0	

Findings of Discrimination Rendered by Issue	Comparative Data Previous Fiscal Year Data										2020	
	2015		2016		2017		2018		2019			
	#	%	#	%	#	%	#	%	#	%	#	%
Terms/Conditions of Employment	0		0		0		0		0		0	
Time and Attendance	0		0		0		0		0		0	
Training	0		0		0		0		0		0	
Other	0		0		0		0		0		0	
Findings Without Hearing	0		0		0		0		0		0	
Appointment/Hire	0		0		0		0		0		0	
Assignment of Duties	0		0		0		0		0		0	
Awards	0		0		0		0		0		0	
Conversion to Full-time	0		0		0		0		0		0	
Disciplinary Action												
Reprimand	0		0		0		0		0		0	
Suspension	0		0		0		0		0		0	
Removal	0		0		0		0		0		0	
Other	0		0		0		0		0		0	
Duty Hours	0		0		0		0		0		0	
Evaluation Appraisal	0		0		0		0		0		0	
Examination/Test	0		0		0		0		0		0	
Harassment												
Non-Sexual	0		0		0		0		0		0	
Sexual	0		0		0		0		0		0	
Medical Examination	0		0		0		0		0		0	
Pay (Including Overtime)	0		0		0		0		0		0	

Findings of Discrimination Rendered by Issue	Comparative Data Previous Fiscal Year Data										2020	
	2015		2016		2017		2018		2019			
	#	%	#	%	#	%	#	%	#	%	#	%
Promotion/Non-Selection	0		0		0		0		0		0	
Reassignment												
Denied	0		0		0		0		0		0	
Directed	0		0		0		0		0		0	
Reasonable Accommodation	0		0		0		0		0		0	
Reinstatement	0		0		0		0		0		0	
Retirement	0		0		0		0		0		0	
Termination	0		0		0		0		0		0	
Terms/Conditions of Employment	0		0		0		0		0		0	
Time and Attendance	0		0		0		0		0		0	
Training	0		0		0		0		0		0	
Other	0		0		0		0		0		0	
Pending Complaints Filed in Previous Fiscal Years by Status	Comparative Data Previous Fiscal Year Data						2020					
	2015	2016	2017	2018	2019							
Total complaints from previous Fiscal Years	0	0	0	0	0	0						
Total Complainants	0	0	0	0	0	0						
Number complaints pending												
Investigation	0	0	0	0	0	0						
Hearing	0	0	0	0	0	0						
Final Agency Action	0	0	0	0	0	0						
Appeal with EEOC Office of Federal Operations	0	0	0	0	0	0						

Complaint Investigations	Comparative Data Previous Fiscal Year Data					2020
	2015	2016	2017	2018	2019	
Pending Completion Where Investigation Exceeds Required Time Frames	0	0	0	0	0	0

Appendix 2

MEMORANDUM FOR ALL ACUS EMPLOYEES

October 5, 2020

FROM: Matthew L. Wiener, Vice Chairman and Executive Director

SUBJECT: Annual Policy Statement on Equal Employment Opportunity; No FEAR Act/Whistleblower Protection Notice

The Administrative Conference of the United States (ACUS or Conference) is committed to enforcing a zero-tolerance policy for any form of discrimination or harassment in the workplace, including physical, psychological or sexual harassment. Related to this commitment is a determination to seek diversity and to ensure the rights of employees under the federal whistleblower protection laws and policies that prohibit reprisals. The following information will serve as the official annual Policy Statement on Equal Employment Opportunity, as well as the annual notice required by the No FEAR Act of 2002, Pub. L. 107-174.

I. Equal Employment Opportunity Policy Statement

The Conference supports the principles of equal employment opportunity (EEO) for all employees and applicants for employment. ACUS's EEO policy covers all agency employment programs, management practices, and decisions, including recruitment, hiring, merit promotion, transfers, reassignments, training and career development, benefits, discipline, and separation.

This statement notifies all employees and applicants that ACUS prohibits and will not tolerate discrimination on the basis of race, color, religion, sex (pregnancy, gender identity, and sexual orientation), national origin, age, genetic information, disability, and in retaliation for prior involvement in EEO protected activity. ACUS is committed to maintaining a work environment that is free of retaliation and harassment and will not tolerate workplace harassment or reprisal against anyone who engages in protected activity. This commitment includes taking swift and appropriate disciplinary action against individuals who engage in retaliatory and harassing behavior. Furthermore, ACUS supports the rights of individuals to exercise their rights under applicable EEO and civil rights statutes.

All ACUS employees are responsible for implementing the agency's EEO policy. In order to ensure that all employees are afforded a fair and competitive employment process, it is the responsibility of ACUS management to follow EEO principles in recruitment and personnel management decisions, and to be fair and equitable in the rights of employees. As leaders, managers and supervisors are expected to take an active role in promoting and implementing the agency's EEO goals and objectives. Achievement of the agency's equal opportunity objectives will enhance the agency's ability to accomplish its mission. All employees are expected to abide by the letter, intent, and spirit of the equal opportunity laws and policies.

The Conference is committed to preventing unlawful discrimination in its employment policies, procedures, practices, and operations. This statement reaffirms the principles of equal employment opportunity and assures that EEO program requirements will be enforced.

A copy of this statement is to be posted in common areas of ACUS's offices and made available to all employees via shared computer drives. For questions concerning EEO, contact Shawne McGibbon, EEO Director at 202-480-2088 or via electronic mail at smcgibbon@acus.gov.

This policy statement supersedes all prior versions.

II. No FEAR Act Notice

On May 15, 2002, Congress enacted the "Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002" (No FEAR Act), 116 Stat. 566, Pub. L. 107-174 (5 U.S.C. § 2301 note). The Act is intended to hold Federal agencies accountable for violations of antidiscrimination and whistleblower protection laws. In support of this purpose, Congress found that "agencies cannot be run effectively if those agencies practice or tolerate discrimination." Sec. 101(1), Pub. L. 107-174. The Conference provides this No FEAR Act notice to inform its current employees, former employees, and applicants for employment of the rights and protections available under Federal antidiscrimination, whistleblower protection, and retaliation laws, as required by the Office of Personnel Management, 5 CFR § 724.202.

a. 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. § 2302(b) (1), 29 U.S.C. § 206(d), 29 U.S.C. § 631, 29 U.S.C. § 633a, 29 U.S.C. § 791, and 42 U.S.C. § 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 CFR 1614. 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 above or give notice of intent to sue to the Equal Employment Opportunity Commission (EEOC) within 180 calendar days of the alleged discriminatory action.

Because the Conference is a very small agency, it has entered into an agreement with the General Services Administration (GSA) for EEO services, including, but not limited to, counseling and Alternative Dispute Resolution (ADR) services. EEO counselors are available by contacting GSA's EEO Office at their centralized intake hotline and mailbox. Email: eeo@gsa.gov. Telephone: 202-501-0767. You may also file a written complaint of discrimination with that office.

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 the agency's administrative or negotiated grievance procedures, if such procedures apply and are available.

b. Whistleblower Protection Laws

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 prohibited by law and 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. § 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 website: www.osc.gov.

c. Retaliation for Engaging in Protected Activity

A Federal agency cannot retaliate against an employee or applicant because that individual exercises his or her rights under any of the Federal antidiscrimination or whistleblower protection laws listed above. If you believe that you are the victim of retaliation for engaging in protected activity, you must follow, as appropriate, the procedures described in the Antidiscrimination Laws and Whistleblower Protection Laws sections or, if applicable, the administrative or negotiated grievance procedures in order to pursue any legal remedy.

d. Disciplinary Actions

Under the existing laws, each agency retains the right, where appropriate, to discipline a Federal employee for conduct that is inconsistent with Federal antidiscrimination and whistleblower protection laws, up to and including removal. If OSC has initiated an investigation under 5 U.S.C. § 1214, however, according to 5 U.S.C. § 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.

e. Additional Information

For information regarding the No FEAR Act regulations, refer to 5 CFR 724, or contact the General Counsel's Office at the Conference, 1120 20th Street, NW, Suite 706 South, Washington, DC 20036, (202) 480-2080. Additional information regarding Federal

antidiscrimination, whistleblower protection, and retaliation laws can be found at www.eeoc.gov and www.osc.gov.

f. Existing Rights Unchanged

Pursuant to section 205 of the No FEAR Act, neither the Act nor this notice creates, expands or reduces any rights otherwise available to any employee, former employee or applicant under the laws of the United States, including the provisions of law specified in 5 U.S.C. § 2302(d).