

United States
Department of Energy
Oak Ridge Office

Notification & Federal
Anti-Discrimination and
Retaliation Act of 2002



Overview

- An Act to require that Federal agencies be accountable for violations of anti-discrimination and whistleblower protection laws.
- To require each Federal agency post quarterly on its public website, certain statistical data relating to Federal sector EEO complaints filed with each agency.



Overview of EEO Law

- Title VII of the Civil Rights Act of 1964
- Age Discrimination in Employment Act of 1967 (“ADEA”)
- Rehabilitation Act of 1973 (“Rehab Act”)
- Americans with Disabilities Act (“ADA”)
- Equal Pay Act of 1963 (“EPA”)
- Executive Order 13087 Sexual Orientation
- Whistleblower Protection Laws



Title I

Congressional Findings

- Agencies cannot run effectively if discrimination is practiced or tolerated.
- Evidence points to chronic problems of discrimination and retaliation against federal employees.
- Notification of discrimination and Whistleblower laws should increase agency compliance.



Title I

Congressional Findings

- Annual Reports to Congress should improve oversight.
- Payments for discrimination and Whistleblower judgments and settlements should improve agency accountability



Title II Requirements

Reimbursement Requirements

Federal agencies must reimburse the Judgment Fund of the Treasury for any Federal district court judgments, awards, and compromise settlements made to Federal employees, former employees, or applicants as a result of violations or alleged violations of Federal discrimination laws, Whistleblower laws and/or Retaliation claims arising from the assertion of rights under these laws.



Written Notification and Training Requirement

- Federal employees, former Federal employees and applicants for Federal employment must be provided with their rights and protections in connection with the respective provisions of law covered under the No Fear Act.
- Written notifications of rights and protections of Federal employees must be posted on the agency's Website.



Written Notification and Training Requirement

- Agencies must provide training for its Federal employees about these rights and protections.



Annual Reports

- An annual report must be submitted to certain Congressional committees, the EEOC, and the Attorney General.
- The report must include, but is not limited to: the number and types of complaints filed; the amount of reimbursements; a description of the policy implemented for disciplinary action against employees who discriminate against individuals.



Other Requirements

- Issuance of Rules
- Clarification of Remedies
- Studies by Government Accounting Office



Title III Posting Requirements

- Federal agencies must post on its public website, summary statistical data relating to EEO complaints filed with the agency.
- The EEOC will post on its public website, summary statistical data relating to hearings and appeals requested on complaints with the agency.



Title III Agency Data Posting Requirements

- Number of complaints
- Number of complainants
- Number of multiple filers
- Breakdown by basis
- Breakdown by issue
- Average processing time for each step of the process
- Number of complaints dismissed/pending before dismissal
- Number of final agency actions involving findings of discrimination



Title III Agency Data Posting Requirements

- Findings of discrimination (agency action) on basis rendered without hearing and after hearing
- Findings of discrimination (agency action) for each issue rendered without hearing and after hearing
- Number of complaints carried over from last fiscal year; individuals who filed those complaints in previous years; and complaints pending at various stages



Title III Agency Data Posting Requirements

- Number of over-aged complaints and authorized extensions
- Hearings requested
- Appeals from agency final decisions



Contact Information

- For further information regarding the No Fear Act regulations, refer to 5 CFR part 724 or contact the ORO Diversity Programs & Employee Concerns Office at (865) 576-4988 or visit in Room 201, Federal Office Building. You may also contact the DOE HQ Office of Civil rights and Diversity at (202) 586-2218, or visit at <http://civilrights.doe.gov>
- Additional information regarding Federal antidiscrimination, whistleblower and retaliation laws can be found at www.eeoc.gov and www.osc.gov.