

Department of the Navy No FEAR Act Training

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Introduction and Course Logistics (*Running Time 4:28*)

PAGE 1

Audio:

Welcome to the Department of the Navy No FEAR Act web-based training course.

On screen:



Department of the Navy
No FEAR Act Training

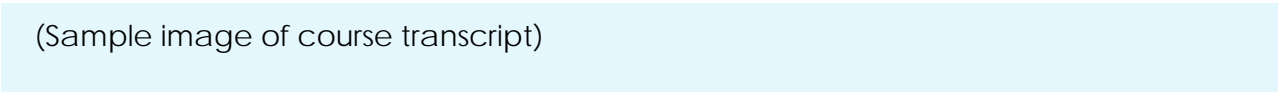
PAGE 2

Audio:

If you would like to follow along with a written transcript of this training, you can download a copy by clicking on the Transcript icon located in the lower left corner of the screen, marked by the "T" symbol. You can also download the transcript from the Resources page of this training site. You can access the Resources page by clicking on "Resources" at the top of the screen.

Closed captioning is available for this course and can be activated by clicking on the Closed Captioning icon located in the lower left corner of the screen, marked by the "CC" symbol.

On screen:



(Sample image of course transcript)

PAGE 3

Audio:

Users can access this course via screen reader software. When screen reader mode is enabled, this training course will automatically pause at the end of each screen, allowing time to review all on-screen information before continuing. Detailed instructions on how to take this course with assistive software can be found at the link provided here. You can also access these instructions from the Resources page of this training site.

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If you are currently using screen reader software, use the Up and Down arrow keys to activate screen reader mode. Otherwise click on the "RESUME" button to continue without activating these features.

On screen:

If you do not require assistive software, click here to skip this page.

Users requiring additional assistance can access this course utilizing their screen reader software. This feature is only intended for users who currently have assistive software on their computer.

(Image of "View Screen Reader Instructions" link)

Note: Activating screen reader mode without assistive software will prevent the training from running properly.

(Image of "RESUME" button)

PAGE 4

Audio:

This training provides notification to you, as an agency employee, with respect to your rights and protections under antidiscrimination and whistleblower protection laws.

At the conclusion of this training, you should:

- Understand the basic provisions of the No FEAR Act;
- Know what Antidiscrimination and Whistleblower Protection Laws protect you; and
- Understand how to file a complaint alleging discrimination, retaliation, or a violation of the Whistleblower Protection Laws.

On screen:

No FEAR Act Training Objectives

At the conclusion of this training, you should:

- Understand the basic provisions of the No FEAR Act
- Know what Antidiscrimination and Whistleblower Protection Laws protect you
- Understand how to file a complaint alleging discrimination, retaliation, or a violation of the Whistleblower Protection Laws

PAGE 5

Audio:

Before we begin the training modules, let's discuss the logistics involved in this web-based training.

To accommodate your work schedule, this training provides the ability for you to log out at any time. Your progress will be saved after each page you view. If you log out in the middle of the training, you will resume the training where you left off the next time you log in.

In order to ensure that you are able to complete this course in its entirety, you must always access the course from the same computer and the same web browser that you initially selected when you began the course. Do not delete your cookies or clear the browsing history while the course is in progress. This will ensure that the browser will retain your progress if you need to exit the training and return at a later time.

For example, if you are accessing the course using Google Chrome, you must complete the course in its entirety using Google Chrome. If you try to access the course using a different computer or a different browser, like Microsoft Edge, you will not be able to resume where you previously left off.

On screen:

Course Logistics

- You may log out at any time during the training
- When you log back in, you will resume training where you left off
- Always access the course from the same computer and browser
- Do not delete cookies or clear browsing history while course is in progress

PAGE 6

Audio:

You must complete each training module in the sequence in which it is presented. However, you will be able to review any previously completed training modules by clicking on "Menu", highlighted here, and then on the training topic.

During the presentation of each training module, you will have the ability to pause the presentation, skip back, and replay the training module again. If you review a module that has already been completed, you will also have the ability to skip ahead.

At the end of the training, you will be presented with a knowledge check to ensure your understanding of the information presented to you.

On screen:

Course Logistics

- Each training module must be completed in the sequence in which it is presented
- You can review previously completed training modules
- During each training module, you may pause, go back and start again
- At the end of the training, you will be presented with a knowledge check to ensure your understanding of the information presented to you

PAGE 7

Audio:

Upon completion of all training modules, a Certificate of Completion will be provided for you to print out.

On screen:

(Sample image of certificate of completion)

PAGE 8

Audio:

As previously mentioned, a Resources page has been created for this web-based training. In addition to a written transcript of the training, this page contains links to references used throughout the training that you can access at any time for more information regarding the topics being discussed.

On screen:

(Image of Resources page screenshot)

PAGE 9

Audio:

Now that you have a feel for how to navigate through this web-based training, let's begin.

Click on the "NEXT" button to start the presentation of the first training module, No FEAR Act.

On screen:

Coming up next:

No FEAR Act

(Image of "NEXT" button)

No FEAR Act – Part 1 (*Running Time 13:24*)

PAGE 1

Audio:

The Notification and Federal Employee Antidiscrimination and Retaliation Act (No FEAR Act) was enacted on May 15, 2002.

On January 1, 2021, the Elijah Cummings Federal Employee Antidiscrimination Act of 2020 amended the No FEAR Act of 2002.

The Act requires that "...federal agencies be accountable for violations of antidiscrimination and whistleblower protection laws."

On screen:

The No FEAR Act

- The Notification and Federal Employee Antidiscrimination and Retaliation Act (No FEAR Act) was enacted on May 15, 2002.
- On January 1, 2021, the Elijah Cummings Federal Employee Antidiscrimination Act of 2020 amended the No FEAR Act of 2002.
- The Act requires that "...federal agencies be accountable for violations of antidiscrimination and whistleblower protection laws."

PAGE 2

Audio:

The Act requires federal agencies to:

- Reimburse the Treasury Judgment Fund for payments made in Federal court cases involving violations of employment antidiscrimination and whistleblower laws, and for retaliation arising from the assertion of rights under those laws;
- Post statistical data on the agency's public facing website concerning complaints of discrimination and findings of discrimination;

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- Report the number of employees disciplined for conduct that is inconsistent with Federal antidiscrimination and whistleblower protection laws, or for retaliation arising from the assertion of rights under those laws;
- Record disciplinary action taken against employees found to have engaged in discrimination and to notate adverse actions in the personnel record of these employees;
- Submit an annual report to Congress; and
- Provide training and notification to employees on their rights and protections under the antidiscrimination and whistleblower laws, and the anti-retaliation provisions of such laws.

The Department of the Navy's No FEAR Act website can be found at the link provided here.

On screen:

The No FEAR Act

Requires federal agencies to:

- Reimburse the Treasury Judgment Fund for payments made in Federal court cases involving violations of employment antidiscrimination and whistleblower laws, and retaliation arising from the assertion of rights under those laws;
- Post statistical data on the agency's public facing website concerning complaints of discrimination and findings of discrimination;
- Report the number of employees disciplined for conduct that is inconsistent with Federal antidiscrimination and whistleblower protection laws and to notate adverse actions in the personnel record of these employees;
- Submit an annual report to Congress; and
- Provide training and notification to employees on their rights and protections under the antidiscrimination and whistleblower laws, and the anti-retaliation provisions of such laws.

The Department of the Navy's No FEAR Act website can be found at:

<https://www.secnav.navy.mil/donhr/Site/Pages/No-Fear-Act.aspx>

PAGE 3

Audio:

As a federal employee, you are protected from unlawful discrimination and harassment in employment matters based on your race, color, religion, sex, national origin, age, genetic information (to include family medical history), and disability.

You are also protected from retaliation or reprisal for engaging in "protected EEO activity," such as opposing any practice(s) prohibited by the antidiscrimination laws; requesting a reasonable accommodation for a disability, religious practice, or pregnancy, childbirth, or related medical condition; contacting an EEO office; or participating in an EEO proceeding as a witness or complainant.

On screen:

Antidiscrimination Laws

As a federal employee, you are protected from unlawful discrimination and harassment in employment matters based on:

- Race
- Color
- Religion
- Sex
- National origin
- Age
- Genetic information (to include family medical history)
- Disability

* Refer to the EEOC's website for additional information on elements of each basis. For example, see <https://www.eeoc.gov/sex-based-discrimination> for more information on sex discrimination.

You are also protected from retaliation or reprisal for:

- Engaging in "protected EEO activity," such as opposing any practice(s) prohibited by the antidiscrimination laws
- Requesting a reasonable accommodation for a disability, religious practice, or pregnancy/childbirth/related medical condition
- Contacting an EEO office
- Participating in an EEO proceeding as a witness or complainant

PAGE 4

Audio:

Federal antidiscrimination laws protect you, as a federal employee, from discrimination with respect to the terms and conditions of your employment.

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Some of the employment matters covered include:

- Hiring, promotion, pay, leave, awards, assignments, training, disciplinary actions, removals, and terminations;
- Requests for religious accommodation or accommodations based on disability or pregnancy, childbirth, or related medical conditions; and
- Harassment.

On screen:

Antidiscrimination Laws

Employment matters covered:

- Hiring, promotion, pay, leave, awards, assignments, training, disciplinary actions, removals, and terminations
- Requests for religious accommodation or accommodations based on disability or pregnancy/childbirth/related medical conditions
- Harassment

PAGE 5

Audio:

Title VII of the Civil Rights Act of 1964, as amended, protects employees from employment discrimination based on race, color, sex, national origin, religion, and reprisal for engaging in protected EEO activity.

Employment decisions cannot be based upon a racial group or perceived racial group, race-linked characteristics (e.g., hair texture, color, facial features), or marriage to or association with someone of a particular race or color.

Title VII, as amended, also prohibits employment decisions based on stereotypes and assumptions about abilities, traits, or the performance of individuals of certain racial groups.

National origin discrimination means treating someone unfavorably based on country of birth or ethnicity or accent, or because of perceived ethnic background. National origin discrimination also means treating someone unfavorably at work because of marriage or association with someone of a particular nationality.

On screen:

Title VII of the Civil Rights Act of 1964

- Protects employees from employment discrimination on the basis of race, color, sex, national origin, religion, and reprisal for engaging in protected EEO activity.
- Employment decisions cannot be based upon a racial group or perceived racial group, race-linked characteristics (e.g., hair texture, color, facial features), or marriage to or association with someone of a particular race or color.
- Title VII also prohibits employment decisions based on stereotypes and assumptions about abilities, traits, or the performance of individuals of certain racial groups.
- National origin discrimination means treating someone unfavorably based on country of birth, ethnicity, or accent, or because of perceived ethnic background.
- National origin discrimination also means treating someone unfavorably at work because of marriage or association with someone of a particular nationality.

PAGE 6

Audio:

In addition to protection against discrimination because of religion, Title VII also establishes the agency's duty to provide reasonable accommodations for employees' sincerely held religious beliefs unless doing so would impose an undue hardship on the employer.

On screen:

Title VII of the Civil Right Act of 1964

Title VII establishes the agency's duty to provide reasonable accommodations for employees' sincerely held religious beliefs unless doing so would impose an undue hardship on the employer.

PAGE 7

Audio:

The Pregnancy Discrimination Act of 1978 amended Title VII by providing that discrimination on the basis of pregnancy, childbirth, or related medical conditions constitutes unlawful sex discrimination.

An employer cannot refuse to hire an applicant for employment because of pregnancy, because of a pregnancy-related condition, or because of the prejudices of co-workers, clients, or customers.

If an employee has been temporarily absent from work because of a pregnancy-related condition, the employer may not require the employee to remain on leave until the baby's birth if the employee is ready to return to work.

Employers are also prohibited from having workplace rules that prohibit employees from returning to work for a predetermined length of time after childbirth.

If an employee is temporarily unable to perform job duties due to pregnancy, the employer must treat the employee the same as any other temporarily disabled employee.

Employers must hold jobs open for pregnancy-related absences for the same length of time that jobs are held open for employees on sick or disability leave.

On screen:

Pregnancy Discrimination Act of 1978

- Provides that discrimination based on pregnancy, childbirth, or related medical conditions constitutes unlawful sex discrimination under Title VII.
- An employer cannot refuse to hire an applicant for employment because of pregnancy, because of a pregnancy-related condition or because of the prejudices of co-workers, clients, or customers.
- If an employee has been temporarily absent from work as a result of a pregnancy-related condition, the employer may not require the employee to remain on leave until the baby's birth if the employee is ready to return to work.
- Employers are prohibited from having workplace rules that prohibit employees from returning to work for a predetermined length of time after childbirth.
- If an employee is temporarily unable to perform job duties due to pregnancy, the employer must treat the employee the same as any other temporarily disabled employee.
- Employers must hold jobs open for pregnancy-related absences for the same length of time that jobs are held open for employees on sick or disability leave.

PAGE 8

Audio:

Title II of the Genetic Information Nondiscrimination Act of 2008 (GINA) amended Title VII to include genetic information as a basis of discrimination.

It prohibits the use of genetic information in making employment decisions and restricts employers and other entities covered by Title II (employment agencies, labor organizations and joint labor-management training and apprenticeship programs - referred to as "covered entities") from requesting, requiring, or purchasing genetic information, and strictly limits the disclosure of genetic information.

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 the manifestation of a disease or disorder in an individual's family members (that is, their 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.

GINA forbids discrimination on the basis of genetic information when it comes to any aspect of employment, including hiring, firing, pay, job assignments, promotions, layoffs, training, fringe benefits, or any other term or condition of employment. An employer may never use genetic information to make an employment decision because genetic information is not relevant to an individual's current ability to work.

GINA further prohibits harassment because of genetic information. Harassment can include making offensive or derogatory remarks about an applicant or employee's genetic information, or about the genetic information of a relative of the applicant or employee.

On screen:

Title II of the Genetic Information Nondiscrimination Act of 2008 (GINA)

- GINA prohibits the use of genetic information in making employment decisions and restricts employers and other entities covered by Title II from requesting, requiring, or purchasing genetic information, and strictly limits the disclosure of genetic information.
- 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 the manifestation of a disease or disorder in an individual's family members.
- GINA forbids discrimination on the basis of genetic information when it comes to any aspect of employment, including hiring, firing, pay, job assignments, promotions, layoffs, training, fringe benefits, or any other term or condition of employment.
- GINA prohibits harassment because of genetic information, which can include making offensive or derogatory remarks about an applicant or employee's genetic information, or about the genetic information of a relative of the applicant or employee.

PAGE 9

Audio:

The Age Discrimination in Employment Act (ADEA) prohibits employment discrimination against employees and applicants who are 40 years of age or older and prohibits retaliation against individuals who file complaints of age discrimination.

The Act protects older employees from employment actions based on stereotypes or stigmas associated with age.

On screen:

The Age Discrimination in Employment Act of 1967

- Prohibits employment discrimination against employees and applicants who are 40 years of age or older.
- Prohibits retaliation against individuals who file complaints of age discrimination.
- Protects older employees from employment actions based on stereotypes or stigmas associated with age.

PAGE 10

Audio:

The Rehabilitation Act of 1973 prohibits employment discrimination against federal employees and applicants who are qualified individuals with disabilities. Agencies must provide reasonable accommodations for qualified employees or applicants with a disability unless doing so would cause undue hardship or a direct threat.

The nondiscrimination standards of Title I of the Americans with Disabilities Act apply to federal sector employees under section 501 of the Rehabilitation Act, as amended, and its implementing rules and regulations.

On screen:

The Rehabilitation Act of 1973

- Prohibits employment discrimination against federal employees and applicants who are qualified individuals with disabilities.
- Agencies must provide reasonable accommodation for a qualified employee or applicant with a disability unless doing so would cause undue hardship or a direct threat.
- The nondiscrimination standards of Title I of the Americans with Disabilities Act apply to federal sector employees under section 501 of the Rehabilitation Act, as amended, and its implementing rules and regulations.

PAGE 11

Audio:

“Qualified individual with a disability” means an individual with a disability who satisfies the requisite skill, experience, education, and other job-related requirements of the employment position such individual holds or desires, and who, with or without reasonable accommodation, can perform the essential functions of such position.

A “disability” is a physical or mental impairment that substantially limits one or more major life activities (such as breathing, walking, seeing, hearing, or performing manual tasks, as well as major bodily functions such as immune system functions, normal cell growth, respiratory, circulatory, endocrine, and digestive functions).

If an employee or applicant cannot perform the essential functions of the job, with or without reasonable accommodation, the employee or applicant is not qualified.

On screen:

The Rehabilitation Act of 1973

Qualified individual with a disability: An individual with a disability who satisfies the requisite skill, experience, education, and other job-related requirements of the employment position such individual holds or desires, and who, with or without reasonable accommodation, can perform the essential functions of such position.

Disability: A physical or mental impairment that substantially limits one or more major life activities (such as breathing, walking, seeing, hearing, or performing manual tasks, as well as major bodily functions such as immune system functions, normal cell growth, respiratory, circulatory, endocrine, and digestive functions).

If an employee or applicant cannot perform the essential functions of the job, with or without reasonable accommodation, the employee or applicant is not qualified.

PAGE 12

Audio:

A reasonable accommodation is any modification or adjustment to a job application process, the work environment, or to the manner or circumstances under which work is customarily performed that enables a qualified individual with a disability to perform the essential functions of a position, or to enjoy equal benefits and privileges of employment as are enjoyed by similarly situated individuals without a disability. Accommodations can be denied if the individual requesting the accommodation is not a "qualified individual with a disability" or if the requested accommodation would cause an undue hardship or a direct threat.

Undue hardship is based on several factors to include, but not limited to, the nature and cost of the accommodation needed, the overall financial resources of the agency making the accommodation, the size, number of employees, the nature and structure of its operation, and the impact of the accommodation on the operation of the agency.

A direct threat is a significant risk of substantial harm to the health or safety of the individual or others that cannot be eliminated or reduced by reasonable accommodation. Direct threat determinations must be based on an individualized assessment of the individual's present ability to safely perform the essential functions of the job, considering a reasonable medical judgment that relies on the most current medical knowledge and/or best available objective evidence.

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An employee or applicant is not required to use specific words to request a reasonable accommodation. When an employee or applicant indicates a need for a reasonable accommodation, the employer is encouraged to engage in an interactive process with the individual to identify an effective reasonable accommodation.

An accommodation granted by the employer does not have to be the same accommodation requested by the employee. However, the accommodation granted does have to be reasonable and effective, which means that the qualified applicant or employee with a disability has the opportunity to perform the essential duties of a job and have equal access to the benefits and privileges of employment.

The Agency has no obligation to change performance standards or to eliminate essential functions of a position as a reasonable accommodation.

An employer is not obligated to provide personal use items such as eyeglasses or hearing aids.

On screen:

The Rehabilitation Act of 1973

Reasonable accommodation: Is any modification or adjustment to a job application process, the work environment, or to the manner or circumstances under which work is customarily performed that enables a qualified individual with a disability to perform the essential functions of a position, or to enjoy equal benefits and privileges of employment as are enjoyed by similarly situated individuals without a disability. Accommodations are considered "reasonable" if they do not create an undue hardship or a direct threat.

Undue hardship: Exists when an accommodation would be unduly costly, extensive, substantial, or disruptive, or would fundamentally alter the nature or operation of the agency, when considered in light of factors such as the cost of the accommodation, the employer's size, financial resources, and the nature and structure of its operation.

Direct threat: A significant risk of substantial harm to the health or safety of the individual or others that cannot be eliminated or reduced by reasonable accommodation. Direct threat determinations must be based on an individualized assessment of the individual's present ability to safely perform the essential functions of the job, considering a reasonable medical judgment that relies on the most current medical knowledge and/or best objective evidence.

- An employee or applicant is not required to use specific words in order to request a reasonable accommodation.
- The employer is encouraged to engage in an interactive process with the employee to identify an effective reasonable accommodation.

An accommodation granted by the employer does not have to be the same accommodation requested by the individual but must be reasonable and effective, which means that the qualified applicant or employee with a disability has the opportunity to perform the essential duties of a job and have equal access to the benefits and privileges of employment.

- The Agency has no obligation to change performance standards or to eliminate essential functions of a position as a reasonable accommodation.
- An employer is not obligated to provide personal use items such as eyeglasses or hearing aids.

PAGE 13

Audio:

Employers may not ask job applicants about the existence, nature, or severity of a disability. Applicants may be asked about their ability to perform specific job functions, provided the questions are not phrased in terms of a disability.

A job offer may be conditioned on the results of a medical examination, but only if the examination is required for all entering employees in similar jobs. Medical examinations of employees must be job-related and consistent with the employer's business needs.

On screen:

The Rehabilitation Act of 1973

- Employers may not ask job applicants about the existence, nature, or severity of a disability.
- Applicants may be asked about their ability to perform specific job functions.
- A job offer may be conditioned on the results of a medical examination, but only if the examination is required for all entering employees in similar jobs.
- Medical examinations of employees must be job-related and consistent with the employer's business needs.

PAGE 14

Audio:

This concludes Part 1 of this module.

Click on the "NEXT" button to proceed to Part 2.

On screen:

Coming up next:

No FEAR Act – Part 2

(Image of "NEXT" button)

No FEAR Act – Part 2 (*Running Time 7:31*)

PAGE 1

Audio:

The Pregnant Workers Fairness Act requires agencies to provide reasonable accommodations to a worker's known limitations related to pregnancy, childbirth, or related medical conditions unless the accommodation will cause an undue hardship.

The Pregnant Workers Fairness Act prohibits employers from:

- Requiring an employee to accept accommodations for limitations related to pregnancy, childbirth, or related medical conditions without engaging in an interactive discussion about the accommodation with the employee;
- Denying a job or other employment opportunities to qualified employees or applicants based on the need for a reasonable accommodation;
- Requiring an employee to take leave as an accommodation if another reasonable accommodation can be provided that would allow the employee to continue working;
- Retaliating against an employee for reporting or opposing unlawful discrimination under the Pregnant Workers Fairness Act or participating in an investigation or other proceeding related to or involving the Pregnant Workers Fairness Act; or
- Retaliating against an individual for exercising their rights under the Pregnant Workers Fairness Act.

On screen:

The Pregnant Workers Fairness Act of 2023

- Requires agencies to provide reasonable accommodations to a worker's known limitations related to pregnancy, childbirth, or related medical conditions unless the accommodation will cause an undue hardship.
- Prohibits employers from:
 - Requiring an employee to accept accommodations for limitations related to pregnancy, childbirth, or related medical conditions without engaging in an interactive discussion about the accommodation with the employee
 - Denying a job or other employment opportunities to qualified employees or applicants based on the need for a reasonable accommodation
 - Requiring an employee to take leave as an accommodation if another reasonable accommodation can be provided that would allow the employee to continue working
 - Retaliating against an employee for reporting or opposing unlawful discrimination under the Pregnant Workers Fairness Act or participating in an investigation or other proceeding related to or involving the Pregnant Workers Fairness Act
 - Retaliating against an individual for exercising their rights under the Pregnant Workers Fairness Act

PAGE 2

Audio:

The Equal Pay Act of 1963, as amended, prohibits federal agencies from paying employees of one sex lower wages than those of the opposite sex for performing substantially equal work.

Substantially equal work is "equal work on jobs the performance of which requires equal skill, effort, and responsibility, and which are performed under similar working conditions, except where such payment is made pursuant to (i) a seniority system; (ii) a merit system; (iii) a system which measures earnings by quantity or quality of production; or (iv) a differential based on any other factor other than sex."

On screen:

The Equal Pay Act of 1963

- Prohibits federal agencies from paying employees of one sex lower wages than those of the opposite sex for performing substantially equal work.
- **Substantially equal work:** "Equal work on jobs the performance of which requires equal skill, effort, and responsibility, and which are performed under similar working conditions, except where such payment is made pursuant to (i) a seniority system; (ii) a merit system; (iii) a system which measures earnings by quantity or quality of production; or (iv) a differential based on any other factor other than sex."

PAGE 3

Audio:

The Lilly Ledbetter Fair Pay Act of 2009 was enacted after the Supreme Court's decision in *Ledbetter v. Goodyear Tire & Rubber Co., Inc.*, 550 U.S. 618 (2007), which severely restricted the period for filing complaints of employment discrimination concerning compensation.

The Act provides that each paycheck that contains discriminatory compensation is a separate violation, and thus pay discrimination claims are not time barred based on when the discrimination began.

On screen:

Lilly Ledbetter Fair Pay Act of 2009

- Enacted after the Supreme Court's decision in *Ledbetter v. Goodyear Tire & Rubber Co., Inc.*, 550 U.S. 618 (2007), which severely restricted the time period for filing complaints of employment discrimination concerning compensation
- Provides that each paycheck that contains discriminatory compensation is a separate violation, and thus pay discrimination claims are not time barred based on when the discrimination began

PAGE 4

Audio:

You must contact an EEO office within 45 calendar days of the date of the matter alleged to be discriminatory or, in the case of personnel action, within 45 days of the effective date of the action, or when you first knew or should have known of the alleged discrimination.

On screen:

If You Believe You Have Been Discriminated Against With Respect to a Term, Condition, or Benefit of Employment

You must contact an EEO office within *45 calendar days* of the date of the matter alleged to be discriminatory or, in the case of personnel action, within 45 days of the effective date of the action, or when you first knew or should have known of the alleged discrimination.

PAGE 5

Audio:

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.

Employees may not disclose information if disclosure is specifically prohibited by law or if the information is required under Executive Order to be protected from disclosure in the interest of national security.

A federal agency cannot retaliate against an employee or applicant for exercising rights under the Whistleblower Protection Act.

The Act prohibits retaliation against an employee or applicant for making a protected disclosure.

On screen:

Whistleblower Protection Act of 1989 (WPA)

- 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 a law, rule, or regulation
 - Gross mismanagement
 - Gross waste of funds
 - An abuse of authority
 - A substantial and specific danger to public health or safety
- Employees may not disclose information if disclosure is specifically prohibited by law or if the information is required under Executive Order to be protected from disclosure in the interest of national security
- A federal agency cannot retaliate against an employee or applicant for exercising rights under the Whistleblower Protection Act of 1989
- The Act prohibits retaliation against an employee or applicant for making a protected disclosure

PAGE 6

Audio:

In 2012, the Whistleblower Protection Enhancement Act (or WPEA) was enacted to strengthen protections for federal employees who report fraud, waste, and abuse. The WPEA clarifies the scope of protected disclosures and establishes that the disclosure does not lose protection because:

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- The disclosure was made to someone, including a supervisor, who participated in the wrongdoing disclosed;
- The wrongdoing being reported has previously been disclosed;
- Of the employee's motive for reporting the wrongdoing;
- The disclosure was made while the employee was off duty;
- The disclosure was made during the employee's normal course of duty, if the employee can show that the personnel action was taken in reprisal for the disclosure; or
- The amount of time which has passed since the occurrence of the events described in the disclosure.

The WPEA protects disclosures that an employee reasonably believes are evidence of censorship related to research, analysis, or technical information that causes, or will cause, a gross government waste or gross mismanagement, an abuse of authority, a substantial and specific danger to public health or safety, or any violation of law.

On screen:

Whistleblower Protection Enhancement Act of 2012 (WPEA)

- Strengthens protections for federal employees who report fraud, waste, and abuse
- Clarifies the scope of protected disclosures and establishes that the disclosure does not lose protection because:
 - The disclosure was made to someone, including a supervisor, who participated in the wrongdoing disclosed
 - The wrongdoing being reported has previously been disclosed
 - Of the employee's motive for reporting the wrongdoing
 - The disclosure was made while the employee was off duty
 - The disclosure was made during the employee's normal course of duty, if the employee can show that the personnel action was a significant motivating factor in the decision to take the adverse action as reprisal for the disclosure
 - The amount of time which has passed since the occurrence of the events described in the disclosure
- Protects disclosures that an employee reasonably believes are evidence of censorship related to research, analysis, or technical information that causes, or will cause, a gross government waste or gross mismanagement, an abuse of authority, a substantial and specific danger to public health or safety, or any violation of law

PAGE 7

Audio:

The U.S. Office of Special Counsel (OSC) has authority to investigate and prosecute retaliation for disclosures of wrongdoing within the executive branch of the federal government from current federal employees, former federal employees, and applicants for federal employment.

OSC reviews six types of disclosures:

- Violation of a law, rule, or regulation;

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- Gross mismanagement;
- A gross waste of funds;
- An abuse of authority;
- A substantial and specific danger to public health or safety; and/or
- Censorship related to research, analysis, or technical information.

See osc.gov for more information.

On screen:

U.S. Office of Special Counsel (OSC)

- Has authority to investigate and prosecute retaliation for disclosures of wrongdoing within the executive branch of the federal government from current federal employees, former federal employees, and applicants for federal employment
- Reviews six types of disclosures:
 - Violation of a law, rule, or regulation
 - Gross mismanagement
 - A gross waste of funds
 - An abuse of authority
 - A substantial and specific danger to public health or safety
 - Censorship related to research, analysis, or technical information

See <https://www.osc.gov> for more information.

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Audio:

Federal law makes it illegal to discriminate against federal employees because of their marital status or political affiliation or to retaliate against employees for exercising their rights.

OSC has the authority to investigate and prosecute violations of prohibited personnel practices, including discrimination regarding marital status and political affiliation.

See [osc.gov](https://www.osc.gov) for more information.

Additionally, the Merit Systems Protection Board adjudicates appeals from probationary federal employees who allege they have been terminated during their probation period because of marital status or political affiliation.

See [mspb.gov](https://www.mspb.gov) for more information.

On screen:

Prohibited Personnel Practices

Federal law makes it illegal to discriminate against federal employees because of their marital status or political affiliation or to retaliate against employees for exercising their rights.

- OSC has the authority to investigate and prosecute violations of prohibited personnel practices, including discrimination regarding marital status and political affiliation.

See <https://www.osc.gov> for more information.

- The Merit Systems Protection Board adjudicates appeals from probationary federal employees who allege they have been terminated during their probation period because of marital status or political affiliation.

See <https://www.mspb.gov> for more information.

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Audio:

This concludes this module, let's take a moment to see what you've learned.

On screen:

Knowledge Check

Knowledge Check 1

On screen:

QUESTION

The No FEAR Act requires agencies to:

- A. Train and notify employees on their rights and protections under the antidiscrimination and whistleblower laws and submit an annual report to Congress, and reimburse the Treasury Judgment Fund for payments made in Federal District court cases involving violations of discrimination and whistleblower laws
- B. Post information on the agency's public facing website concerning complaints of discrimination and findings of discrimination, and submit an annual report to Congress
- C. Report whether disciplinary action has been taken against employees found to have engaged in discrimination and notate disciplinary adverse actions in their personnel files
- D. All of the above

Knowledge Check 2

On screen:

QUESTION

Federal EEO antidiscrimination laws protect federal employees and applicants from unlawful discrimination and harassment based on:

- A. Race, color, national origin, sex, age, genetic information, disability, or reprisal for engaging in protected EEO activity
- B. Whistleblower activity
- C. Political affiliation or marital status
- D. B and C

Knowledge Check 3

On screen:

QUESTION

Employees are protected from retaliation for disclosing information that the individual reasonably believes to evidence:

- A. A violation of a law, rule, or regulation, gross mismanagement, or a gross waste of funds
- B. Employment discrimination based on race, color, national origin, sex, age, religion, genetic information, or disability
- C. A substantial and specific danger to public health or safety, an abuse of authority, or censorship related to research, analysis, or technical information
- D. A and C

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Audio:

This concludes the Department of the Navy No FEAR Act Training course.

Thank you for participating. Please wait while your record is updated.

On screen:

Thank you for participating!

Please wait while your record is updated.

To receive credit for this training, please contact your local training coordinator.

Resources

Department of the Navy No FEAR Act Training Resources

DON Postings to comply with Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act)

<https://www.secnv.navy.mil/donhr/site/pages/no-fear-act.aspx>

Lilly Ledbetter Fair Pay Act of 2009 <https://www.eeoc.gov/history/lilly-ledbetter-fair-pay-act-2009>

Pregnancy Discrimination Act of 1978 <https://www.eeoc.gov/statutes/pregnancy-discrimination-act-1978>

Sex-Based Discrimination <https://www.eeoc.gov/sex-based-discrimination>

The Age Discrimination in Employment Act (ADEA)

<https://www.eeoc.gov/statutes/age-discrimination-employment-act-1967>

The Equal Pay Act of 1963 <https://www.eeoc.gov/statutes/equal-pay-act-1963>

The Genetic Information Nondiscrimination Act of 2008 (GINA)

<https://www.eeoc.gov/statutes/genetic-information-nondiscrimination-act-2008>

The Pregnant Workers Fairness Act of 2023 <https://www.eeoc.gov/statutes/pregnant-workers-fairness-act>

The Rehabilitation Act of 1973 <https://www.eeoc.gov/statutes/sections-501-and-505-rehabilitation-act-1973>

Title I of the Americans with Disabilities Act <https://www.eeoc.gov/statutes/titles-i-and-v-americans-disabilities-act-1990-ada>

Title VII of the Civil Rights Act of 1964 <https://www.eeoc.gov/statutes/title-vii-civil-rights-act-1964>

U.S. Merit Systems Protection Board <https://www.mspb.gov/>

U.S. Office of Special Counsel (OSC) <https://www.osc.gov/>

Whistleblower Protection Act of 1989 (WPA) <https://www.congress.gov/bill/101st-congress/senate-bill/20>

Whistleblower Protection Enhancement Act of 2012 (WPEA)

<https://www.congress.gov/bill/112th-congress/senate-bill/743>