



DEPARTMENTS OF THE ARMY AND AIR FORCE
CONNECTICUT NATIONAL GUARD - JOINT FORCE HEADQUARTERS
GOVERNOR WILLIAM A. O'NEILL ARMORY
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Annual "No FEAR Act" Notice
Connecticut National Guard
Title 32 Technicians and Title 5 Civilian Employees

On May 15, 2002, Congress enacted the "Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002," which is now known as the "No FEAR Act." One purpose of the Act is to "require that Federal agencies be accountable for violations of antidiscrimination and whistleblower protection laws." Pub. L. 107-174, Summary. In support of this purpose, Congress found that "agencies cannot be run effectively if those agencies practice or tolerate discrimination." Pub. L. 107-74, Title I, General Provisions, Section 101(1).

On January 1, 2021, Congress enacted the Elijah E. Cummings Federal Employee Antidiscrimination Act of 2020, which amends the No FEAR Act. The Cummings Act increases federal agencies' accountability by requiring the following.

- Establishment of an employment discrimination complaint tracking system
- Notation of any adverse action and the reason for the action in the employee's personnel record, if an agency takes an adverse action under 5 U.S.C. §7512 against an employee for a discriminatory act
- Fair and impartial processing and resolution of employment discrimination complaints
- Establishment of a model Equal Employment Opportunity (EEO) Program that is not under the control of Human Resources or the Office of General Counsel
- That the head of the agency's EEO Program reports directly to the head of the agency
- The Equal Employment Opportunity Commission (EEOC) may refer discrimination findings to the Office of Special Counsel, if the EEOC determines that the agency did not take appropriate action with respect to the finding.

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

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 days of the alleged discriminatory action. If you are alleging discrimination based on marital status or political affiliation, you may file a written complaint with the U.S. Office of Special Counsel (OSC) (see contact information below). In the alternative (or in some cases, in addition), you may pursue a discrimination complaint by filing a grievance through your agency's administrative or negotiated grievance procedures, if such procedures apply and are available.

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 (external link).

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 protections 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.

Disciplinary Actions

Under the existing laws, each agency retains the right, where appropriate, to discipline a Federal employee who has engaged in discriminatory or retaliatory conduct, 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.

Additional Information

For further information regarding the No FEAR Act regulations, refer to 5 CFR 724, as well as the appropriate offices within your agency (e.g., Center for Equal Employment Opportunity, Center for Human Capital Management Services, or Office of General Counsel). OPM's specific antidiscrimination policies relating to equal employment opportunity and prohibited personnel practices have been physically and electronically posted throughout OPM. Additional information regarding Federal antidiscrimination, whistleblower protection and retaliation laws can be found at the EEOC website (external link) and the OSC website (external link).

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).

Additional Information

For further information regarding the No FEAR Act regulations, refer to 5 CFR part 724 (Implementation of Title II of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002), as well as the appropriate offices within National Transportation Safety Board (e.g., the Office of Equal Employment Opportunity Diversity and Inclusion, Human Resources Division or the Office of General Counsel). Additional information regarding Federal antidiscrimination, whistleblower protection and retaliation laws can be found at the EEOC Website --www.eeoc.gov and the OSC Website --www.osc.gov.

CTNG Point of Contact

Questions concerning the No FEAR Act may be addressed to **Ms. Tasha Dow, State Equal Employment Manager, Connecticut National Guard, Major General Maurice Rose Armed Forces Reserve Center, 375 Smith Street, Suite 111, Middletown, CT 06457, Phone: (860) 613-7610, Email: tasha.e.dow.civ@army.mil**