

**National Science Foundation
Office of the Director
Office of Diversity and Inclusion
Arlington, VA 22230**

ODI BULLETIN NO. 15-03

June 16, 2015

TRAINING

SUBJECT: No FEAR Act Training

On May 15, 2002, Congress enacted the “Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002,” commonly known as the No FEAR Act.

The No FEAR Act requires Federal agencies to provide bi-annual mandatory training for all of their employees on their rights and protections under the antidiscrimination and whistleblower protection laws. For NSF, this includes Federal employees and IPAs. There is no training requirement under the No FEAR Act for contractors.

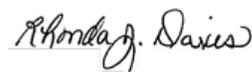
For further information about the No FEAR Act, please see the ODI website at <http://www.nsf.gov/od/odi/nofear/notice.jsp>.

The training is mandatory and must be completed bi-annually. You will be notified via email from LearnNSF of your completion deadline. Complete the online module on LearnNSF. The estimated time to complete the online module is one hour. To access the module:

1. Click [here](#) or go to LearnNSF, and click on the “No Fear Act” link found on the homepage to go to the course in LearnNSF
2. Enter your LAN ID and password to login
3. Click on the “Go to Content” that is to the right of the course title to launch the training course
4. Your completion of the course is automatically recorded. You can confirm this by going to your Learning History in LearnNSF, where you may also print a copy of the certificate.

Please contact the Office of Diversity and Inclusion at (703) 292-8020 or eeo@nsf.gov with questions regarding the No FEAR Act.

Please contact LearnNSF at (703) 292-8681 or LearnNSF@nsf.gov for any issues related to accessing the online module.



Rhonda J. Davis
Acting Office Head

Attachment

DISTRIBUTION: ALL EMPLOYEES
ORIGINATING OFFICE: Office of
Diversity and Inclusion
Replaces: ODI Bulletin 14-02

No Fear Fact Sheet

What is the No FEAR Act?

The Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002, signed by President George W. Bush on May 15, 2002, is intended to reduce the incidence of workplace discrimination within the Federal government by making agencies and departments more accountable. The Act ensures that the rights of employees, former employees, and applicants for employment are protected under antidiscrimination and whistleblower protection laws. By Congressional mandate, Federal agencies are held accountable for violations of antidiscrimination and whistleblower protection laws. Public Law 107-174, Summary. Congress found that "agencies cannot be run effectively if those agencies practice to tolerate discrimination." Public Law 107-174, Title I, General Provisions, section 101(1).

Additionally, the Act requires Federal agencies to provide this notice to its employees, former employees, and applicants for employment and to inform them of their rights and protections available to them under Federal antidiscrimination and whistleblower protection laws.

What laws govern the No FEAR Act?

Antidiscrimination Laws

Federal law prohibits discrimination against an employee or applicant with respect to the terms, conditions or privileges of employment on the bases of race, color, religion, sex, national origin, age, disability, marital status or political affiliation or protected genetic information. (5U.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, and 42 U.S.C. 2000ff. NSF will maintain an environment free of all forms of prohibited discrimination.

If you believe that you have been discriminated against based on race, color, religion, sex, national origin, disability or protected genetic information, you must contact the NSF Office of Diversity and Inclusion (ODI) within 45 calendar days of the alleged discriminatory action, or, in the case of personnel action, within 45 calendar days of the effective date of the action. For age discrimination complaints, you must either contact ODI as stated above or you may give notice of intent to sue to the Equal Employment Opportunity Commission (EEOC) within 180 calendar days of the alleged discriminatory action.

If you allege discrimination based on marital status or political affiliation, you may file a written complaint with the U.S. Office of Special Counsel (OSC) at 1730 M Street NW, Suite 218, Washington, DC 20036-4505 or online through the OSC website—<http://www.osc.gov>. In the alternative (or in some cases, in addition), you may file your

complaint under the administrative grievance procedure or the negotiated grievance procedure under the Collective Bargaining Agreement between Local 3403, American Federation of Government Employees (AFGE), AFL-CIO and NSF. The telephone contact for the AFGE Local 3403 is 703.292.7170.

Whistleblower Protection Laws

NSF employees are protected under whistleblower laws. NSF employees with the 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, a personnel action against an employee or applicant who discloses protected information.

NSF employees and applicants are protected against retaliation for disclosure of information that is reasonably believed to evidence violations of law, rule, or regulation; gross mismanagement; gross waste of funds; abuse of authority; or 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. (5 U.S.C. 2302(b) (8)). If you believe that you have been a victim of whistleblower retaliation, you may file a written complaint (Form OSC-II) with the OSC at 1730 M Street NW, Suite 218, Washington, DC 20036-4505 or online through the OSC Web site-<http://www.osc.gov>.

Retaliation for Engaging in Protected Activity

No NSF employee or applicant will be retaliated against because s/he exercised his/her right under any of the Federal antidiscrimination or whistleblower protection laws listed above. If you believe that you have been a victim of retaliation for engaging in protected activity, you may contact ODI at (703) 292-8020, OSC at the above referenced address, or, if applicable, AFGE Local 3403 as indicated above.

Disciplinary Actions

Where appropriate, NSF retains the right under existing laws to discipline an employee for conduct that is inconsistent with Antidiscrimination and Whistleblower Protection Laws up to and including removal. If OSC has initiated an investigation under 5 U.S.C. 1214(f), NSF must seek approval from the Special Counsel to discipline employees for, among other activities, engaging in prohibited retaliation. Nothing in the No FEAR Act allows NSF to take unfounded disciplinary action against employees or to violate the procedural rights of employees who have been accused of discrimination.

Additional Information

For further information regarding the No FEAR Act regulations, contact the NSF Office of Diversity and Inclusion at (703) 292-8020. Additional information regarding Federal

antidiscrimination, whistleblower protection and retaliation laws can be found at the EEOC website - <http://www.eeoc.gov>, the OSC website—<http://www.osc.gov>, and the Government Printing Office (GPO) website—<http://gpoaccess.gov/index.html>.

Existing Rights Unchanged

In accordance 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).