

# Service Talk for All Employees

## 2014

### No FEAR Act

The No FEAR Act was designed to help ensure federal agencies and their employees comply with anti-discrimination laws and protect those who report discrimination. The No FEAR Act does not introduce new rights, but rather serves to strengthen existing rights under existing laws. Anti-discrimination laws, whistleblower protection, and equal employment opportunities are the main focus.

As a Postal employee, you must actively ensure that the rights protected by federal law and Postal Service Regulations are not violated. This can be done by avoiding prohibited personnel practices. Prohibited personnel practices include the following:

- Discriminating against protected classes
- Improperly influencing employment recommendations
- Coercing political activity
- Engaging in nepotism
- Engaged in retaliation for whistleblowing
- Retaliating against employees who exercise their rights
- Improperly influencing an applicant to withdraw from competition for a position
- Improperly exercising influence to benefit or harm a particular employee
- Intentionally obstructing someone from competing for employment
- Discriminating on the basis of conduct that is not job related
- Violating the merit system principles

The No FEAR Act requires that federal employees receive notice of several prohibited personnel practices under federal law. While not all of these laws apply to the Postal Service, similar provisions can be found in Section 666 of the Postal Service's Employee and Labor Relations Manual (ELM). Specifically, the Postal Service is not subject to the prohibitions listed in 5 U.S.C. § 2302(b)(2) through (9). Moreover, the No FEAR Act does not require training on subsections (2) through (7).

Postal staff, like all other federal employees, are said to have personnel authority when they participate in making decisions that relate to appointments, promotions, discipline, transfer, reassignments, reinstatements, pay, benefits, training, change in duties, responsibilities, or other employees' working conditions. Postal employees, like all other federal personnel, should be aware of their rights to seek remedies for discrimination and retaliation in the workplace.

There are several types of complaints that can be filed by applicants, employees, and former employees of the Postal Service or other federal agencies. You can have individual, class, and mixed-case complaints, as well as mixed-case appeals. If you contact the EEO Office in pursuit of a complaint, an EEO Alternative Dispute Resolution (ADR) Specialist is available to explain the types of complaints in detail.

Also, there are several remedies available to an individual through the complaints procedure. Potential remedies include the following:

- being returned to the role he or she would have occupied if the discrimination hadn't occurred
- payment of compensatory damages
- awarding attorney's fees, interest, expert witness fees, and other costs
- reimbursement for lost benefits, and
- ending the discrimination involved to prevent further harm.

Additionally, Postal employees covered by a collective bargaining agreement may file grievances regarding wages, hours, and working conditions in accordance with the provisions of the applicable agreement. Non-bargaining, non-probationary employees may use the appeal procedures under the provisions in Part 652 of the ELM.

Allegations of reprisal for the release of information as set forth in the ELM section 666.18, prohibited practices, raised by any USPS employee should be addressed to the USPS Office of the Inspector General.

Any employee who feels he or she has been a victim of discrimination or retaliation can contact the Postal Service Equal Employment Opportunity (EEO) Office using the central toll free telephone number within 45 calendar days of the alleged discriminatory action, or in the case of a personnel action, within 45 days of the effective day of the action. An employee also can contact the EEO Office more than 45 days after an alleged discriminatory action if (a) she did not know about the action when it occurred, and (b) she files within 45 days of the time she knew or reasonably should have known it occurred.

You may remain anonymous during the pre-complaint process. If you request anonymity, the EEO Office will honor your request. However, in some instances, such as certain harassment cases, the EEO Office is required to divulge information regarding your pre-complaint to Human Resources and other appropriate officials. Note that formal complaints cannot be anonymous.

The central telephone number for EEO complaints is 888-EEO-USPS (888-336-8777). The TTY phone number is 888-325-2914. For more information on this topic, see Publication 133: What You Need to Know about EEO or Poster 72: Equal Employment Opportunity is the Law. All of these numbers and publications are available to you through Blue and LiteBlue.

## **See email attachments: No FEAR Act - Job Aid Handout & Powerpoint Presentation**