



ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

Annual Report for Fiscal Year 2022
Under the
Notification and Federal Employee Antidiscrimination
and Retaliation Act of 2002 (No FEAR Act)

Report Prepared for:

Speaker of the U.S. House of Representatives

President Pro Tempore of the U.S. Senate

Committee on Homeland Security and Governmental Affairs, US. Senate

Committee on Oversight and Accountability, U.S House of Representatives

Committee on the Judiciary, U.S. Senate

Committee on the Judiciary, U.S. House of Representatives

U.S. Equal Employment Opportunity Commission

U.S. Attorney General

Dated March 8, 2023, by:

The Administrative Conference of the United States



Table of Contents

A. Introduction	1
B. Federal Court Cases Arising under the Federal Antidiscrimination or Whistleblower Laws	1
1. The Number of Federal Court Cases Pending or Resolved in FY 2022	
2. Status or Disposition of Federal Court Cases Including the Amount of Money Required to be Reimbursed to the Judgment Fund and Any Budget Adjustments Relating to the Judgment Fund	
C. Employees Disciplined for Conduct Inconsistent with Federal Antidiscrimination or Whistleblower Laws	2
1. Employees Disciplined in Connection with Federal Court Cases	
2. Employees Disciplined Whether or Not in Connection with Federal Court Cases	
D. Final Year-End No FEAR Act Data for Fiscal Year 2022	3
E. ACUS's Discipline Policy for Conduct Inconsistent with Federal Antidiscrimination or Whistleblower Laws	3
F. Data Analysis	3
1. Trends	
2. Causal Analysis	
3. Knowledge Gained	
4. Actions Planned to Improve ACUS's EEO Program	
G. No FEAR Act Training Plan	4

APPENDICES

Appendix 1: Final Year-End No FEAR Act Data for FY 2022

Appendix 2: EEO Policy and Anti-Harassment Policy Statement, dated October 2022

A. Introduction

This report is prepared by the Administrative Conference of the United States (ACUS) pursuant to the requirements of Title II, Section 203, of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act or Act). The Act requires federal agencies to submit an annual report to the Speaker of the U.S. House of Representatives; the President Pro Tempore of the U.S. Senate; the Senate Committee on Homeland Security and Governmental Affairs; the House Committee on Oversight and Accountability; the Senate Committee on the Judiciary; the House Committee on the Judiciary; the U.S. Equal Employment Opportunity Commission; and the US. Attorney General.

This report contains data and analysis concerning equal employment opportunity (EEO) complaints activity at ACUS (zero formal or informal complaints for the current reporting year, FY 2022). ACUS is 100% committed to maintaining an environment that provides equal employment opportunity to its total workforce of 11 full-time employees (as of the end of FY 2022), as well as job applicants.

B. Federal Court Cases Arising under the Federal Antidiscrimination or Whistleblower Laws

1. As shown below in Table 1, ACUS had **zero** Federal Court Cases Pending or Resolved in FY 2022.

TABLE 1
Federal Court Cases Pending or Resolved in FY 2022, Separated by Statute

Title VII of the Civil Rights Act of 1964	0
Age Discrimination in Employment Act of 1967	0
Rehabilitation Act of 1973	0
Whistleblower Protection Act	0
Equal Pay Act of 1963	0

2. Status or Disposition of Federal Court Cases Including the Amount of Money Required to be Reimbursed to the Judgement Fund and any Budget Adjustments Relating to the Judgement Fund.

Table 2 shows the status and disposition of federal court cases, by statute. Since there were no federal court cases and no data to report, the numerical values are all zero.

TABLE 2
Status of Federal Court Cases in FY 2022, by Statute

Title VII of the Civil Rights Act of 1964	0
Pending	0
Dismissed	0
Settled	0
Age Discrimination in Employment Act of 1967	0
Pending	0
Dismissed	0
Settled	0
Rehabilitation Act of 1973	0
Pending	0
Dismissed	0
Settled	0
Whistleblower Protection Act	0
Pending	0
Dismissed	0
Settled	0
Equal Pay Act of 1963	0
Pending	0
Dismissed	0
Settled	0

C. Employees Disciplined for Conduct Inconsistent with Federal Antidiscrimination or Whistleblower Laws

Table 3 shows that there were zero findings of discrimination, and therefore, zero employees disciplined for having been found to have engaged in discrimination in violation of civil rights laws.

TABLE 3
Employees Disciplined for Conduct Inconsistent with Federal Antidiscrimination or Whistleblower Laws in FY 2022

Employees Disciplined in Connection with Federal Court Cases	
Number of Findings	0
Number of Employees Disciplined	0
Employees Disciplined Whether or Not in Connection with Federal Court Cases	
Number of Employees Disciplined	0

D. Final Year-End No FEAR Act Data for FY 2022

Attached as Appendix 1 is ACUS’s final year-end No Fear Act Data for FY 2022.

E. ACUS’s Discipline Policy for Conduct Inconsistent with Federal Antidiscrimination or Whistleblower Laws

ACUS’s FY 2022 policy statement in support of this section is attached as Appendix 2. ACUS takes seriously its obligations to maintain a professional, anti-discriminatory, and anti-retaliatory workplace. The agency’s annual policy statement is issued to current employees, new employees upon onboarding, and posted on its website to notify job applicants. Employees engaging in prohibited conduct may be subject to appropriate disciplinary action.

F. Data Analysis

Introduction

This section is intended to provide data and trend analysis on the bases and issues in formal EEO complaints for FY 2021 and FY 2022. The bases protected by EEO statutes are race, color, religion, national origin, sex, disability, age, genetic information, and retaliation. Table 4 shows that in FY 2021, one employee filed one complaint.

TABLE 4
Number of Formal EEO Complaints and Number of Filers

Fiscal Year	Number of Complaints Filed	Number of Complainants	Repeat Filers
2022	0	0	0
2021	0	0	0

1. Trends

Due to insufficient data (i.e., a single complaint in approximately ten years), no trends can be identified other than the fact that complaints are very rare at ACUS.

2. Causal Analysis

Again, there is insufficient data to make a causal assessment except to note that complaint activity is likely the result of a culture of agency compliance.

3. Knowledge Gained

An assessment conducted by agency leaders and supervisors revealed no particular concerns relative to the agency’s performance. The main takeaway from the agency’s historical data is that complaints are rare. The agency continues to be vigilant in its efforts to comply with EEO, antiretaliation, and whistleblower laws.

4. Actions Planned to Improve ACUS’s Equal Employment Opportunity Program

ACUS will continue to educate its leaders and employees about the importance of EEO principles and requirements in order to maintain its nearly complaint-free history. ACUS also pledges to hold its entire workforce accountable for maintaining high standards in EEO.

G. No FEAR Act Training Plan

The No FEAR Act requires agencies to provide training for their employees on the rights and remedies under Federal antidiscrimination, retaliation, and whistleblower protection laws. New employees are required to complete interactive training on the No FEAR Act within the first week of their employment. The annual policy notice also serves as a training tool, as do EEO posters that are posted in frequently accessed areas of the agency.

Appendix 1

ACUS No FEAR Data for FY 2022

Complaint Activity	Comparative Data Previous Fiscal Year Data					2022
	2017	2018	2019	2020	2021	
Number of Complaints Filed	0	0	0	1	0	0
Number of Complainants	0	0	0	1	0	0
Repeat Filers	0	0	0	0	0	0
Complaints by Basis <i>Note: Complaints can be filed alleging multiple bases. The sum of the bases may not equal total complaints filed.</i>	Comparative Data Previous Fiscal Year Data					2022
	2017	2018	2019	2020	2021	
Race	0	0	0	1	0	0
Color	0	0	0	0	0	0
Religion	0	0	0	0	0	0
Reprisal	0	0	0	1	0	0
Sex	0	0	0	1	0	0
National Origin	0	0	0	0	0	0
Equal Pay Act	0	0	0	0	0	0
Age	0	0	0	0	0	0
Disability	0	0	0	0	0	0
Genetic Information	0	0	0	0	0	0
Non-EEO basis	0	0	0	0	0	0
Complaints by Issue <i>Note: Complaints can be filed alleging multiple issues. The sum of the issues may not equal total complaints filed.</i>	Comparative Data Previous Fiscal Year Data					2022
	2017	2018	2019	2020	2021	
Appointment/Hire	0	0	0	0	0	0

Complaints by Issue <i>Note: Complaints can be filed alleging multiple issues. The sum of the issues may not equal total complaints filed.</i>	Comparative Data Previous Fiscal Year Data					2022
	2017	2018	2019	2020	2021	
Assignment of Duties	0	0	0	0	0	0
Awards	0	0	0	0	0	0
Conversion to Full-time	0	0	0	0	0	0
Disciplinary Action						
Demotion	0	0	0	0	0	0
Reprimand	0	0	0	0	0	0
Removal	0	0	0	1	0	0
Suspension	0	0	0	0	0	0
Other	0	0	0	0	0	0
Duty Hours	0	0	0	0	0	0
Evaluation Appraisal	0	0	0	0	0	0
Examination/Test	0	0	0	0	0	0
Harassment						
Non-Sexual	0	0	0	0	0	0
Sexual	0	0	0	0	0	0
Medical Examination	0	0	0	0	0	0
Pay (Including Overtime)	0	0	0	0	0	0
Promotion/Non-Selection	0	0	0	0	0	0
Reassignment						
Denied	0	0	0	0	0	0
Directed	0	0	0	0	0	0
Reasonable Accommodation	0	0	0	0	0	0
Reinstatement	0	0	0	0	0	0
Retirement	0	0	0	0	0	0

Complaints by Issue <i>Note: Complaints can be filed alleging multiple issues. The sum of the issues may not equal total complaints filed.</i>	Comparative Data Previous Fiscal Year Data					2022
	2017	2018	2019	2020	2021	
Termination	0	0	0	0	0	0
Terms/Conditions of Employment	0	0	0	0	0	0
Time and Attendance	0	0	0	0	0	0
Training	0	0	0	0	0	0
Other	0	0	0	0	0	0
Processing Time	Comparative Data Previous Fiscal Year Data					2022
	2017	2018	2019	2020	2021	
Complaints pending (for any length of time) during fiscal year	0	0	0	1	0	0
Average number of days in investigation stage	N/A	N/A	N/A	N/A	N/A	N/A
Average number of days in final action stage	N/A	N/A	N/A	N/A	N/A	N/A
Complaints pending (for any length of time) during fiscal year where hearing was requested	0	0	0	0	0	0
Average number of days in investigation stage	N/A	N/A	N/A	N/A	N/A	N/A
Average number of days in final action stage	N/A	N/A	N/A	N/A	N/A	N/A
Complaints pending (for any length of time) during fiscal year where hearing was not requested	0	0	0	1	0	0
Average number of days in investigation stage	N/A	N/A	N/A	N/A	N/A	N/A
Average number of days in final action stage	N/A	N/A	N/A	N/A	N/A	N/A

Complaints Dismissed by Agency	Comparative Data Previous Fiscal Year Data					2022
	2017	2018	2019	2020	2021	
Total Complaints Dismissed by Agency	0	0	0	0	0	0

Complaints Dismissed by Agency	Comparative Data Previous Fiscal Year Data					2022
	2017	2018	2019	2020	2021	
Average days pending prior to dismissal	N/A	N/A	N/A	N/A	N/A	N/A
Complaints Withdrawn by Complainants						
Total complaints Withdrawn by Complainants	0	0	0	0	0	0

Total Final Actions Finding Discrimination	Comparative Data Previous Fiscal Year Data										2022	
	2017		2018		2019		2020		2021			
	#	%	#	%	#	%	#	%	#	%	#	%
Total Number Findings	0		0		0		0		0		0	
Without Hearing	0		0		0		0		0		0	
With Hearing	0		0		0		0		0		0	

Findings of Discrimination Rendered by Basis <i>Note: Complaints can be filed alleging multiple bases. The sum of the bases may not equal total complaints and findings.</i>	Comparative Data (Sec. 1614.705) Previous Fiscal Year Data										2022	
	2017		2018		2019		2020		2021			
	#	%	#	%	#	%	#	%	#	%	#	%
Total Number Findings	0		0		0		0		0		0	
Race	0		0		0		0		0		0	
Color	0		0		0		0		0		0	
Religion	0		0		0		0		0		0	
Reprisal	0		0		0		0		0		0	
Sex	0		0		0		0		0		0	
National Origin	0		0		0		0		0		0	
Age	0		0		0		0		0		0	

Findings of Discrimination Rendered by Basis <i>Note: Complaints can be filed alleging multiple bases. The sum of the bases may not equal total complaints and findings.</i>	Comparative Data (Sec. 1614.705 Previous Fiscal Year Data)										2022	
	2017		2018		2019		2020		2021			
	#	%	#	%	#	%	#	%	#	%	#	%
Disability	0		0		0		0		0		0	
Genetic Information	0		0		0		0		0		0	
Non-EEO	0		0		0		0		0		0	
Findings After Hearing	0		0		0		0		0		0	
Race	0		0		0		0		0		0	
Color	0		0		0		0		0		0	
Religion	0		0		0		0		0		0	
Reprisal	0		0		0		0		0		0	
Sex	0		0		0		0		0		0	
National Origin	0		0		0		0		0		0	
Equal Pay Act	0		0		0		0		0		0	
Age	0		0		0		0		0		0	
Disability	0		0		0		0		0		0	
Genetic Information	0		0		0		0		0		0	
Non-EEO	0		0		0		0		0		0	
Findings Without Hearing	0		0		0		0		0		0	
Race	0		0		0		0		0		0	
Color	0		0		0		0		0		0	
Religion	0		0		0		0		0		0	
Reprisal	0		0		0		0		0		0	
Sex	0		0		0		0		0		0	
National Origin	0		0		0		0		0		0	
Equal Pay Act	0		0		0		0		0		0	

Findings of Discrimination Rendered by Basis <i>Note: Complaints can be filed alleging multiple bases. The sum of the bases may not equal total complaints and findings.</i>	Comparative Data (Sec. 1614.705 Previous Fiscal Year Data)										2022	
	2017		2018		2019		2020		2021			
	#	%	#	%	#	%	#	%	#	%	#	%
Age	0		0		0		0		0		0	
Disability	0		0		0		0		0		0	
Genetic Information	0		0		0		0		0		0	
Non-EEO	0		0		0		0		0		0	

Findings of Discrimination Rendered by Issue	Comparative Data Previous Fiscal Year Data										2022	
	2017		2018		2019		2020		2021			
	#	%	#	%	#	%	#	%	#	%	#	%
Total Number Findings	0		0		0		0		0		0	
Appointment/Hire	0		0		0		0		0		0	
Assignment of Duties	0		0		0		0		0		0	
Awards	0		0		0		0		0		0	
Conversion to Full-time	0		0		0		0		0		0	
Disciplinary Action												
Demotion	0		0		0		0		0		0	
Reprimand	0		0		0		0		0		0	
Suspension	0		0		0		0		0		0	
Removal	0		0		0		0		0		0	
Other	0		0		0		0		0		0	
Duty Hours	0		0		0		0		0		0	
Evaluation Appraisal	0		0		0		0		0		0	
Examination/Test	0		0		0		0		0		0	
Harassment												

Findings of Discrimination Rendered by Issue	Comparative Data Previous Fiscal Year Data										2022	
	2017		2018		2019		2020		2021			
	#	%	#	%	#	%	#	%	#	%	#	%
Non-Sexual	0		0		0		0		0		0	
Sexual	0		0		0		0		0		0	
Medical Examination	0		0		0		0		0		0	
Pay (Including Overtime)	0		0		0		0		0		0	
Promotion/Non-Selection	0		0		0		0		0		0	
Reassignment												
Denied	0		0		0		0		0		0	
Directed	0		0		0		0		0		0	
Reasonable Accommodation	0		0		0		0		0		0	
Reinstatement	0		0		0		0		0		0	
Retirement	0		0		0		0		0		0	
Termination	0		0		0		0		0		0	
Terms/Conditions of Employment	0		0		0		0		0		0	
Time and Attendance	0		0		0		0		0		0	
Training	0		0		0		0		0		0	
Other	0		0		0		0		0		0	
Findings After Hearing	0		0		0		0		0		0	
Appointment/Hire	0		0		0		0		0		0	
Assignment of Duties	0		0		0		0		0		0	
Awards	0		0		0		0		0		0	
Conversion to Full-time	0		0		0		0		0		0	
Disciplinary Action												

Findings of Discrimination Rendered by Issue	Comparative Data Previous Fiscal Year Data										2022	
	2017		2018		2019		2020		2021			
	#	%	#	%	#	%	#	%	#	%	#	%
Reprimand	0		0		0		0		0		0	
Suspension	0		0		0		0		0		0	
Removal	0		0		0		0		0		0	
Other	0		0		0		0		0		0	
Duty Hours	0		0		0		0		0		0	
Evaluation Appraisal	0		0		0		0		0		0	
Examination/Test	0		0		0		0		0		0	
Harassment												
Non-Sexual	0		0		0		0		0		0	
Sexual	0		0		0		0		0		0	
Medical Examination	0		0		0		0		0		0	
Pay (Including Overtime)	0		0		0		0		0		0	
Promotion/Non-Selection	0		0		0		0		0		0	
Reassignment												
Denied	0		0		0		0		0		0	
Directed	0		0		0		0		0		0	
Reasonable Accommodation	0		0		0		0		0		0	
Reinstatement	0		0		0		0		0		0	
Retirement	0		0		0		0		0		0	
Termination	0		0		0		0		0		0	
Terms/Conditions of Employment	0		0		0		0		0		0	
Time and Attendance	0		0		0		0		0		0	
Training	0		0		0		0		0		0	

Findings of Discrimination Rendered by Issue	Comparative Data Previous Fiscal Year Data										2022	
	2017		2018		2019		2020		2021			
	#	%	#	%	#	%	#	%	#	%	#	%
Other	0		0		0		0		0		0	
Findings Without Hearing	0		0		0		0		0		0	
Appointment/Hire	0		0		0		0		0		0	
Assignment of Duties	0		0		0		0		0		0	
Awards	0		0		0		0		0		0	
Conversion to Full-time	0		0		0		0		0		0	
Disciplinary Action												
Reprimand	0		0		0		0		0		0	
Suspension	0		0		0		0		0		0	
Removal	0		0		0		0		0		0	
Other	0		0		0		0		0		0	
Duty Hours	0		0		0		0		0		0	
Evaluation Appraisal	0		0		0		0		0		0	
Examination/Test	0		0		0		0		0		0	
Harassment												
Non-Sexual	0		0		0		0		0		0	
Sexual	0		0		0		0		0		0	
Medical Examination	0		0		0		0		0		0	
Pay (Including Overtime)	0		0		0		0		0		0	
Promotion/Non-Selection	0		0		0		0		0		0	
Reassignment												
Denied	0		0		0		0		0		0	
Directed	0		0		0		0		0		0	

Findings of Discrimination Rendered by Issue	Comparative Data Previous Fiscal Year Data										2022	
	2017		2018		2019		2020		2021			
	#	%	#	%	#	%	#	%	#	%	#	%
Reasonable Accommodation	0		0		0		0		0		0	
Reinstatement	0		0		0		0		0		0	
Retirement	0		0		0		0		0		0	
Termination	0		0		0		0		0		0	
Terms/Conditions of Employment	0		0		0		0		0		0	
Time and Attendance	0		0		0		0		0		0	
Training	0		0		0		0		0		0	
Other	0		0		0		0		0		0	
Pending Complaints Filed in Previous Fiscal Years by Status	Comparative Data Previous Fiscal Year Data										2022	
	2017		2018		2019		2020		2021			
Total complaints from previous Fiscal Years	0		0		0		0		0		0	
Total Complainants	0		0		0		0		0		0	
Number complaints pending												
Investigation	0		0		0		0		0		0	
Hearing	0		0		0		0		0		0	
Final Agency Action	0		0		0		0		0		0	
Appeal with EEOC Office of Federal Operations	0		0		0		0		0		0	
Complaint Investigations	Comparative Data Previous Fiscal Year Data										2022	
	2017		2018		2019		2020		2021			
Pending Completion Where Investigation Exceeds Required Time Frames	0		0		0		0		0		0	

Appendix 2



ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

MEMORANDUM FOR ALL ACUS EMPLOYEES

DATE: October 28, 2022
FROM: Andrew Fois, Chairman
SUBJECT: Annual Policy Statement on Equal Employment Opportunity; No FEAR Act/Whistleblower Protection Notice

The Administrative Conference of the United States (ACUS) is committed to enforcing a zero-tolerance policy for any form of discrimination or harassment in the workplace, including physical, psychological, or sexual harassment. Related to this commitment is a determination to seek diversity and to ensure the rights of employees under the federal whistleblower protection laws and policies that prohibit reprisals. The following information will serve as the official annual Policy Statement on Equal Employment Opportunity, as well as the annual notice required by the No FEAR Act of 2002, Pub. L. 107-174.

I. Equal Employment Opportunity Policy Statement

ACUS supports the principles of equal employment opportunity (EEO) for all employees and applicants for employment. ACUS's EEO policy covers all agency employment programs, management practices, and decisions, including recruitment, hiring, merit promotion, transfers, reassignments, training and career development, benefits, discipline, and separation. Moreover, the policy is consistent with all applicable law and presidential directives, including the latest requirements under Executive Order 14035, *Diversity, Equity, Inclusion, and Accessibility in the Federal Workforce* (June 25, 2021).

This EEO Policy Statement is a reminder that all ACUS employees are protected from discrimination under the law. ACUS employees and applicants for employment are covered by federal laws and presidential executive orders designed to safeguard federal employees and job applicants from discrimination on the basis of race, color, religion, sex (including pregnancy, gender identity, and sexual orientation), parental status, national origin, age, disability, genetic information (including family medical history), political affiliation, military service, or other non-merit-based factors. These protections extend to all management practices and decisions, including recruitment and hiring, appraisal systems, promotions, training, and career development programs. Consistent with these obligations, ACUS also provides reasonable accommodations to employees and applicants with disabilities and for sincerely held religious beliefs, observances, and practices.

ACUS employees and applicants are also protected against retaliation. Consistent with federal laws, acts of retaliation against an employee who engages in protected activity, such as reporting discrimination or harassment or participating in the EEO process,

whistleblowing, or the exercise of any appeal or grievance right provided by law will not be tolerated. Importantly, ACUS will take swift action when an ACUS employee or non-employee is found to have engaged in discrimination, retaliation, or harassment (including sexual harassment).

We must all be diligent in maintaining a workplace free from unlawful discrimination. This includes working to ensure that harassment, on any protected basis, does not occur at our agency. In addition, as leaders, ACUS managers and supervisors have a special role and responsibility to help prevent and eliminate harassment in the workplace. Moreover, I wish to remind all ACUS employees of their duty not to engage in harassing conduct *and* to report any such conduct if it occurs.

ACUS employees or applicants who believe that they have experienced harassment, retaliation, or discrimination should contact GSA's Office of Civil Rights (ACUS's EEO contractor) at eeo@gsa.gov or 202-501-0767; or, as appropriate, the Office of Special Counsel at 202-804-7000 or the Merit Systems Protection Board at 202-653-7200.

It is incumbent upon all of us to ensure that ACUS is a model employer and serves as an example of equity and inclusiveness in the federal government. In so doing, we reaffirm our collective commitment to a workplace free of unlawful discrimination, harassment, and retaliation, and enhance our overall mission.

This statement reaffirms principles of equal employment opportunity and assures that EEO program requirements will be enforced. A copy of this statement is to be made available to all employees via shared computer drives. For general questions concerning EEO, contact Shawne McGibbon, EEO Director, at 202-480-2080 or smcgibbon@acus.gov.

This policy statement supersedes all prior versions.

II. No FEAR Act Notice

On May 15, 2002, Congress enacted the "Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002" (No FEAR Act), 116 Stat. 566, Pub. L. 107-174 (5 U.S.C. § 2301 note). The Act is intended to hold federal agencies accountable for violations of antidiscrimination and whistleblower protection laws. In support of this purpose, Congress found that "agencies cannot be run effectively if those agencies practice or tolerate discrimination." Sec. 101(1), Pub. L. 107-174. ACUS provides this No FEAR Act notice to inform its current employees, former employees, and applicants for employment of the rights and protections available under federal antidiscrimination, whistleblower protection, and retaliation laws, as required by the Office of Personnel Management, 5 CFR § 724.202.

A. Antidiscrimination Laws

ACUS 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 calendar days of the alleged discriminatory action.

Since ACUS is a very small agency, it has entered into an agreement with the General Services Administration (GSA) for EEO services, including, but not limited to, counseling and Alternative Dispute Resolution (ADR) services. EEO counselors are available by contacting GSA's EEO Office at their centralized intake hotline and mailbox at 202-501- 0767 and eeo@gsa.gov. You may also file a written complaint of discrimination with that office.

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 the agency's administrative or negotiated grievance procedures, if such procedures apply and are available.

B. Whistleblower Protection Laws

An ACUS 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: www.osc.gov.

C. Retaliation for Engaging in Protected Activity

ACUS cannot retaliate against an employee or applicant because that individual exercises his or her rights under any of the federal antidiscrimination or

whistleblower protection 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.

D. Disciplinary Actions

Under the existing laws, each agency retains the right, where appropriate, to discipline a federal employee for conduct that is inconsistent with federal antidiscrimination and whistleblower protection laws, 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.

E. Additional Information

For information regarding No FEAR Act regulations, refer to 5 CFR 724, or contact the General Counsel's Office at ACUS, 1120 20th Street, NW, Suite 706 South, Washington, DC 20036, (202) 480-2080. Additional information regarding federal antidiscrimination, whistleblower protection, and retaliation laws can be found at www.eeoc.gov and www.osc.gov.

F. 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).