

## No FEAR Act Notice

On May 15, 2002, Congress enacted the “Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002,” and as amended by the Elijah E. Cummings Federal Employee Antidiscrimination Act of 2020, 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.” Public Law 107-174, Summary. In support of this purpose, Congress found that “agencies cannot be run effectively if those agencies practice or tolerate discrimination.” Public Law 107-174, Title I, General Provisions, section 101(1).

The Act also requires the United States Postal Service (Postal Service) to provide this notice to Postal Service employees, former Postal Service employees and applicants for Postal Service employment to inform you of the rights and protections available to you under the Federal antidiscrimination laws and whistleblower protection regulations.

## 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, national origin, sex (including pregnancy, sexual orientation, and gender identity, including transgender status), age (40 or over), physical or mental disability, or genetic information, disability, or retaliation for engaging in EEO-protected activity as provided by law; or other non-meritorious factors, such as political affiliation, marital status, status as a parent, and past, present, or future military service. Discrimination against Postal Service employees and applicants on these bases is prohibited by one or more of the following statutes and regulations: 29 U.S.C. 206(d), 631, 633a, 791, 42 U.S.C. 2000e-16, Employee and Labor Relations Manual (ELM) 665.23, 666.12.

If you are a Postal Service employee or an applicant for Postal Service employment, and you feel that you have been discriminated against because of race, color, religion, national origin, sex (including pregnancy, sexual orientation, and gender identity including transgender status), age (40 or over), physical or mental disability, or genetic identification, or in retaliation for engaging in an EEO-protected activity, you must consult an EEO counselor before filing a complaint of discrimination. You can request EEO Counseling using the Postal Service EEO efile application at:

**<https://efile.usps.com>**

After registering, you will be able to initiate a request for EEO counseling by completing and submitting an online form. Alternatively, you may request EEO counseling by mail by providing your name, Social Security or employee identification number, address and telephone number to:

NEEOISO — EEO Contact Center  
PO Box 21979  
Tampa FL 33622-1979.

You must bring your complaint to the attention of the EEO office, as instructed above, by requesting counseling within 45 calendar days of the date of the alleged discriminatory act; within 45 calendar days of the date you know or reasonably should have known about the discrimination; or if a personnel action is involved, within 45 calendar days of its effective date. If you bring an individual complaint and later believe that your case has class-action implications, you may move for class certification at any reasonable point during the processing of your original complaint.

If you believe that you have been the victim of unlawful discrimination on the basis of age, you must either contact the EEO office as noted above, within the time period 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. If you are alleging discrimination based on marital status or political affiliation, you may pursue a discrimination complaint by filing a grievance through the Postal Service’s administrative or negotiated grievance procedures, if such

procedures apply and are available. If those procedures do not apply or are not available, you may file a written complaint including as much specific information on the alleged violation as possible with the:

Vice President Labor Relations  
U. S. Postal Service  
475 L'Enfant Plaza, SW  
Washington, DC 20260-4100

### **Whistleblower Protection**

A Postal Service 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 or 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 whistleblower protected disclosure is prohibited by ELM 666.18. If you believe that you have been the victim of whistleblower retaliation, the preferred method for filing a complaint with our office is to use the OIG online complaint form at:

[Whistleblower Complaint Form | USPS Office of Inspector General \(usps.oig.gov\)](https://www.usps.gov/whistleblower)

You can also send us your complaint by mail to:  
ATTN: HOTLINE  
USPS OIG  
1735 North Lynn Street  
Arlington, VA 22209-2020

You may also contact the Office of Inspector General Hotline through facsimile at [866-756-6741](tel:866-756-6741).

### **Retaliation for Engaging in Protected Activity**

The Postal Service cannot retaliate against an employee or applicant because that individual exercises his or her rights under any of the Federal antidiscrimination laws or whistleblower protection regulations 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 sections of this notice or, if applicable, the administrative or negotiated grievance procedures in order to pursue any legal remedy.

### **Disciplinary Actions**

Under the existing laws, the Postal Service retains the right, where appropriate, to discipline a Postal Service employee for conduct that is inconsistent with Federal Antidiscrimination Laws and Whistleblower Protection regulations up to and including removal. Nothing in the No FEAR Act alters existing laws or permits the Postal Service to take unfounded disciplinary action against a Postal Service employee or to violate the procedural rights of a Postal Service employee who has been accused of discrimination.

### **Additional Information**

For further information regarding the No FEAR Act refer to Public Law 107-174 and the Postal Service No FEAR Act Web page <http://www.usps.com/nofearact>.

### **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.