

## Job Aid

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# Laws Reinforced by the No FEAR Act

**Purpose:** Use this job aid to learn more about the laws and executive orders to which the No FEAR Act applies.

## DISCRIMINATION LAWS ENFORCED BY THE U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION (EEOC)

### Title VII of the Civil Rights Act of 1964 (Title VII)

This law makes it illegal to discriminate against someone on the basis of race, color, religion, national origin, or sex, including gender stereotyping. The law also makes it illegal to retaliate against a person because he or she complained about discrimination, filed a charge of discrimination, or participated in an employment discrimination investigation or lawsuit. The law also requires that employers reasonably accommodate applicants' and employees' sincerely held religious practices, unless doing so would impose an undue hardship on the operation of the employer's business.

### The Pregnancy Discrimination Act

This law amended Title VII to make it illegal to discriminate against a woman because of pregnancy, childbirth, or a medical condition related to pregnancy or childbirth. The law also makes it illegal to retaliate against a person because he or she complained about pregnancy-related discrimination, filed a charge of discrimination, or participated in an employment discrimination investigation or lawsuit.

### The Equal Pay Act of 1963 (EPA)

This law makes it illegal to pay different wages to men and women if they perform equal work in the same workplace. The law also makes it illegal to retaliate against a person because he or she complained about wage discrimination, filed a charge of discrimination, or participated in an employment discrimination investigation or lawsuit.

### The Age Discrimination in Employment Act of 1967 (ADEA)

This law protects people who are 40 or older from discrimination because of their age. The law also makes it illegal to retaliate against a person because he or she complained about age-based discrimination, filed a charge of discrimination, or participated in an employment discrimination investigation or lawsuit.

### Title I of the Americans with Disabilities Act of 1990 (ADA), as amended

This law makes it illegal to discriminate against a qualified person with a disability in the private sector and in state and local governments. The law also makes it illegal to retaliate against a person because he or she complained about disability-based discrimination, filed a charge of discrimination, or participated in an employment discrimination investigation or lawsuit. The law also requires that employers reasonably accommodate the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, unless doing so would impose an undue hardship on the operation of the employer's business.

### Sections 102 and 103 of the Civil Rights Act of 1991

Among other things, this law amends Title VII and the ADA to permit jury trials and compensatory and punitive damage awards in intentional discrimination cases.

### Sections 501 and 505 of the Rehabilitation Act of 1973

This law makes it illegal to discriminate against a qualified person with a disability in the federal government. The law also makes it illegal to retaliate against a person because he or she complained about disability-based discrimination, filed a charge of discrimination, or participated in an employment discrimination investigation or lawsuit. The law also requires that employers reasonably accommodate the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, unless doing so would impose an undue hardship on the operation of the employer's business.

### The Genetic Information Nondiscrimination Act of 2008 (GINA)

This law makes it illegal to discriminate against employees or applicants because of genetic information. Genetic information includes information about an individual's genetic tests and the genetic tests of an individual's family members, as well as information about any disease, disorder, or condition of an individual's family members (i.e. an individual's family medical

history). The law also makes it illegal to retaliate against a person because the person complained about genetics-based discrimination, filed a charge of discrimination, or participated in an employment discrimination investigation or lawsuit.

## **DISCRIMINATION LAWS ENFORCED BY OFFICE OF SPECIAL COUNSEL (OSC)**

The OSC is statutorily authorized to investigate allegations of discrimination based on race, color, religion, sex (including gender identity), national origin, age, or disability. It also is authorized to investigate allegations of discrimination based on marital status and political affiliation, as well as allegations of discrimination based on conduct that does not affect job performance, including sexual orientation discrimination.

## **DISCRIMINATION LAWS ENFORCED BY THE MERIT SYSTEMS PROTECTION BOARD (MSPB)**

If an employee alleges discrimination, as defined in 5 U.S.C. § 2302(b), in connection with most actions that are otherwise appealable to the MSPB, the MSPB has jurisdiction over the matter. The MSPB does not have jurisdiction over all claims, and not every employee may file an appeal with the MSPB about a personnel action. The MSPB has original jurisdiction over agency adverse actions such as removals, suspensions of more than 14 days, reductions in grade or pay, and furloughs of 30 days or less for cause. The MSPB also has jurisdiction over some other matters, including reductions in force for more than 30 days and involuntary resignations. For an understanding of the matters over which the MSPB has jurisdiction, please consult 5 C.F.R. § 1201.3.

## **DISCRIMINATION LAWS ENFORCED BY NEGOTIATED GRIEVANCE PROCEDURE**

Consult the applicable collective bargaining agreement that covers your position.

## **DISCRIMINATION LAWS ENFORCED BY FEDERAL AGENCIES THROUGH AN ADMINISTRATIVE COMPLAINT PROCESS, OTHER THAN THAT COVERED BY 29 C.F.R. § 1614.**

Pursuant to an Executive Order, each federal agency creates internal complaint procedures for processing complaints based on sexual orientation, marital status, and status as a parent. These procedures do not toll or supplant any administrative complaint procedure based on a federal nondiscrimination claim. Please consult your agency's Office of Civil Rights to learn more about the availability of any such procedures. In addition, several agencies have administrative grievance procedures, and some may cover allegations of discrimination, so you may want to consult your agency's Office of Human Resources to learn more about procedures that may be available to you.

**Course:** The No FEAR Act

**Topic:** Reporting and Reimbursement Requirements