



DEPARTMENT OF THE ARMY AND AIR FORCE
ILLINOIS ARMY AND AIR NATIONAL GUARD
1301 N. MACARTHUR BOULEVARD
SPRINGFIELD, IL 62702-2317

NGIL-ZA (600-20a2)

22 November 2022

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: NGIL Policy Memorandum 600-23-002-TAG, Notification and Federal Employee Antidiscrimination Retaliation Act of 2002 (No FEAR Act)

1. Notice:

a. On May 15, 2002, Congress enacted the "Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002," which is known as the No FEAR Act. One purpose of the Act is that federal agencies are accountable for violations of antidiscrimination and whistleblower protection laws. In support of this purpose, Congress found that agencies cannot run effectively if those agencies practice or tolerate discrimination. The Act also requires the Department of Defense to provide this notice to federal employees, former federal employees, and applicants for federal employment to inform you of the rights and protections available under federal antidiscrimination, whistleblower protection laws.

b. Illinois National Guard (ILNG) employees must receive training on the No Fear Act every two (2) years, entailing the rights and remedies available under the employment discrimination and whistleblower protection laws. New employees should receive the applicable training as part of the New Employee Orientation program.

2. Antidiscrimination Laws:

a. A federal agency cannot discriminate against an employee or applicant with respect to the terms, conditions, or privileges of employment based on race, color, religion, sex, sexual orientation, gender identity, national origin, pregnancy, age, disability, marital status, or political affiliation.

b. Employees who believe that they have been the victim of unlawful discrimination can contact the State Equal Employment Management (SEEM) office within 45 calendar days of the alleged discriminatory action. If an employee is alleging discrimination based on marital status or political affiliation, they can file a written complaint with the ILNG Office of the Inspector General (OIG).

3. Whistleblower Protection Laws:

a. A federal employee with authority to recommend, approve, or direct others to take personnel actions, must not use that authority to take, fail to take, or threaten to take

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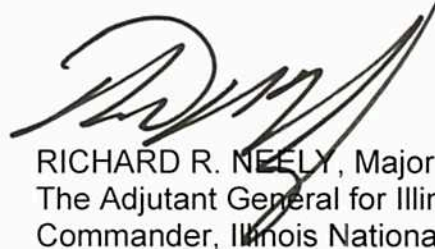
personnel actions against an employee or applicant because of the disclosure of information by that individual that is believed to violate law, policy, or regulation. This includes alleged gross mismanagement, gross waste of funds, abuse of authority, or a substantial and specific danger to public health 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.

b. A federal agency cannot retaliate against an employee or applicant because the individual exercises his or her rights under any of the federal antidiscrimination or whistleblower protections 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 federal antidiscrimination, whistleblower protection and retaliation laws or, if applicable, the negotiated grievance procedures to pursue any legal remedy.

4. Retaliation for Engaging in Protected Activity. A Federal agency cannot retaliate against an employee or applicant because the individual exercises his or her rights under any of the federal antidiscrimination or whistleblower protection laws. If an employee believes that they are the victim of retaliation for engaging in a protected activity, they are directed to contact the ILNG OIG or the SEEM office.

5. Under the existing laws, the ILNG 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. Nothing in the No FEAR Act alters existing laws or permits an agency to take unsubstantiated disciplinary action against a federal employee or to violate the procedural rights of a federal employee who has been accused of discrimination.

6. Questions regarding possible violations may be addressed with the chain of command, the Brigade or Wing Military Equal Opportunity Advisor, the ILNG Inspector General, or the State Equal Employment Management office at 217-761-3670.



RICHARD R. NEELY, Major General, ANG
The Adjutant General for Illinois
Commander, Illinois National Guard

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