



INSPECTOR GENERAL
DEPARTMENT OF DEFENSE
4800 MARK CENTER DRIVE
ALEXANDRIA, VIRGINIA 22350-1500

DEC 23 2016

Ms. Beatrice Mahnken Bernfeld
Director, DoD EEO
Office of Diversity Management and Equal Opportunity
4000 Defense Pentagon, Room 5D641
Washington, DC 20301-4000

Dear Ms. Bernfeld:

In accordance with Public Law 107-174, Section 203 of the Notification and Federal Employee Anti-discrimination and Retaliation (No FEAR) Act of 2002, the Department of Defense, Office of Inspector General (DoD OIG), hereby submits the subject report for FY 2016.

This report summarizes the activities conducted by the DoD OIG from October 1, 2015, to September 30, 2016, to ensure full compliance with the requirements set forth by the No FEAR Act of 2002.

If you have questions, please contact the DoD OIG EEO Director, Ms. Tyvonnia Ward, at (703) 604-9710.

A handwritten signature in blue ink, appearing to read "Glenn A. Fine", is positioned above the printed name.

Glenn A. Fine
Acting Inspector General



Department of Defense Office of Inspector
General

**Notification and Federal Employee
Anti-discrimination and Retaliation Act
(No FEAR) of 2002**

Fiscal Year 2016 Report

Table of Contents

I. Introduction.....	1
II. Reporting Requirements	2
III. Analysis.....	4
a. Examination of Trends.....	4
b. Causal Analysis.....	4
c. Practical Knowledge Gained Through Experience	5
d. Actions Planned or Taken for Improvement Measures	5
IV. Conclusion	7
Appendix A.....	8
Appendix B	14
Appendix C	15

I. INTRODUCTION

Abstract

This report summarizes the activities conducted by the Offices of Equal Employment Opportunity (EEO) and Administrative Investigations (AI) from October 1, 2015, to September 30, 2016, to ensure full compliance with the requirements set forth by the No FEAR Act of 2002. During the past 12 months, the OIG has been proactive in educating agency employees regarding rights, remedies, and prohibitions related to anti-discrimination and whistleblower protection laws. FY 2016 was busy for the OIG and we are pleased to report that 99.2 percent (1494) of all agency employees were trained on the requirements of the No FEAR Act. The agency continued its anti-harassment initiative to provide senior leaders with information on their roles and responsibilities in the anti-harassment program and proactively preventing types of behaviors that have the potential to lead to allegations of harassment.

The data in this report represents EEO and whistleblower retaliation activity within OIG and demonstrates the agency's commitment to ensure compliance with the No FEAR Act throughout FY 2016.

Significant Accomplishments

OIG's most significant accomplishments in complying with the No FEAR Act in FY 2016 include the following actions:

- a) **Posting No FEAR Act of 2002 requirements and whistleblower posters.** OIG continued to meet the requirement to inform and train employees of their rights and protections under Federal anti-discrimination and whistleblower protection laws every two years since 2006. By providing interactive management training activities and "out and about" communication with the workforce, the agency took a proactive approach to thwart all forms of illegal discrimination in the organization that could compromise the tenets of the No FEAR Act. Whistleblower posters were disseminated among the workforce and displayed throughout OIG facilities, reminding employees of their rights and protections under Federal anti-discrimination and whistleblower laws.
- b) **EEO and No FEAR Act training.** Since the initial training in 2006, OIG has provided biennial online refresher training to ensure the workforce is aware of its responsibilities for compliance. FY 2016 was a mandatory training year for the agency. Online training for employees that addressed employee rights and responsibilities for EEO and the No FEAR Act was conducted from October 1, 2015, through June 30, 2016, and concluded with 99.2 percent (1,494) of the workforce completing the training as required. Subsequent training will focus on sustaining compliance. In FY 2016, the EEO Office continued its efforts to provide training and developmental opportunities to managers and employees through the ongoing EEO Inclusion Series, which focused on diversity-related

education, communication, and generational differences.

- c) **Anti-harassment initiative.** OIG continued its anti-harassment initiative to notify the workforce of the established policy, procedures, and responsibilities for the Anti-harassment Program. The EEO staff conducted 10 in-person anti-harassment briefings at town halls and executive staff meetings. These briefings provided employees with tools and strategies to mitigate conflict in the workplace and outlined the appropriate steps for handling reports of harassment, conducting inquiries into harassment allegations, and tracking and monitoring of allegations to ensure prompt, thorough, and impartial action is taken related to allegations of harassment.
- d) **Briefing and training for new employees.** OIG provided briefings on EEO and whistleblower protections to all new employees on their first day, and reviewed the content of the EEO and Anti-harassment policies, which identify employees' specific roles and responsibilities in the EEO process. Additionally, OIG required employees to take in-depth, online No FEAR Act and Workforce Harassment training within 90 days of their start date. This training is in addition to the mandatory EEO and No FEAR Act training.
- e) **Mandatory whistleblower training for supervisors.** OIG requires all supervisors and managers to complete online whistleblower training every 3 years.

II. REPORTING REQUIREMENTS

a. *The number of cases in federal court pending or resolved in each fiscal year and arising under each of the respective provisions of the federal anti-discrimination laws and whistleblower protection laws applicable to them as defined in 5 C.F.R. sec. 724.102, in which an employee, former federal employee, or application alleged a violation of these laws, separating data by the provision of law involved (5 C.F.R. sec. 724.302(a)(1)) and the status or disposition of such cases (5 C.F.R. sec. 724.302(a)(2)(i)).*

Statute	Cases Opened in FY16	Cases Resolved in FY16		Cases Pending at Close of FY16
		Settled	Other	
Title VII, Civil Rights Act of 1964 42 U.S.C. §2000e-16	1	0	0	1
Age Discrimination in Employment Act 29 U.S.C. §§631, 633a	0	0	0	0
Fair Labor Standards Act of 1938 29 U.S.C. §206(d)	0	0	0	0
Section 501 of Rehabilitation Act 29 U.S.C. §791	0	0	0	0
Equal Pay Act				

29 U.S.C. §206(d)	0	0	0	0
Whistleblower Protection Act 5 U.S.C. §2302(b)(1)	0	0	0	0

b. The amount of money required to be reimbursed to the Judgment Fund by the agency for payments as defined in 5 C.F.R. sec. 724.102 (5 C.F.R. sec. 724.302(a)(2)(ii)), and the amount of reimbursement to the Fund for attorney's fees where such fees have been separately designated (5 C.F.R. sec. 724.302(a)(2)(iii)), and any adjustment needed or made to the budget of the agency to comply with its Judgment Fund reimbursement obligation(s) incurred (5 C.F.R. sec. 724.302(a)(8)).

\$ Reimbursed to Judgment Fund	\$ Attributed to Attorneys' Fees	Adjustment Needed
\$0	\$0	\$0

c. In connection with the cases identified above, the total number of employees in each fiscal year disciplined (reprimand, suspension without pay, reduction in grade or pay, or removal) and the specific nature of the disciplinary actions taken, separated by the provision(s) of law involved (5 C.F.R. sec. 724.302(a)(3)) and the number of employees in each fiscal year disciplined in accordance with any agency policy, regardless of whether or not the matters are in connection to a federal court case (5 C.F.R. sec. 724.302(a)(5)).

Statute	# of Employees Disciplined	Nature of Disciplinary Action (e.g., reprimand, dismissal, etc.)
Title VII, Civil Rights Act of 1964 42 U.S.C. §2000e-16	1	Suspension
Age Discrimination in Employment Act 29 U.S.C. §631, 633a	0	NA
Fair Labor Standards Act of 1938 29 U.S.C. §206(d)	0	NA
Section 501 of Rehabilitation Act 29 U.S.C. §791	0	NA
Equal Pay Act 29 U.S.C. §206(d)	0	NA
Whistleblower Protection Act 5 U.S.C. §2302(b)(1)	0	NA
Matters that did NOT result in a federal court case	0	NA

d. The final year-end data about discrimination complaints for each fiscal year that was posted in accordance with Equal Employment Opportunity Regulations 29 C.F.R. sections 1614.701, et seq. (5 C.F.R. sec. 724.302(a)(4)).

See Appendix A

e. *A detailed description of the agency's policy for taking disciplinary action against federal employees for conduct that is inconsistent with federal anti-discrimination laws and whistleblower protection laws or for conduct that constitutes another prohibited personnel practice revealed in connection with agency investigations of alleged violations of these laws (5 C.F.R. sec. 724.302(a)(6)).*

See Appendix B

f. *The agency's written plan to train its employees (5 C.F.R. sec. 724.302(a)(9)).*

See Appendix C

III. ANALYSIS

a. Examination of Trends

During FY 2016, 61 individuals contacted the EEO Office regarding allegations of unfair treatment or guidance on workplace conflict. This represents a decrease of 41.9 percent (44) contacts compared to FY 2015, when the office received 105 EEO contacts. Of the 61 individuals who sought assistance, 9 resulted in pre-complaints initiated during the reporting period. This represented 0.6 percent of the total OIG workforce initiating complaints during the reporting year.

Four formal EEO complaints were filed during the reporting year. OIG issued a Final Agency Decision with "No Finding" on one complaint, one complaint is pending investigation, and two complaints are pending the complainant's decision for Post Investigative Options. In one complaint, the alleged offender was issued a proposed suspension after an internal investigation determined that a suspension was warranted; however, the alleged offender retired from federal service prior to the execution of the proposed suspension action.

Over the past 3 years, harassment (non-sexual), terms/conditions of employment, and annual performance appraisal ratings continue to be the primary issues identified in EEO complaints filed in the agency. Race, sex, and age are the most frequently identified bases; however, there have been no findings of discrimination issued in the 3-year period.

OIG Office of Professional Responsibility received 13 complaints in FY 2016 that alleged retaliation or violations of whistleblower protection laws. None of these cases were opened for investigation or substantiated.

b. Causal Analysis

Individuals who contacted the EEO Office reported that poor communication and, in some cases, the failure of supervisors to promptly take corrective action to address inappropriate workplace behavior, negatively impacted the employee's perception of fair treatment, resulting in lowered morale.

Additionally, individuals revealed that significant alterations in their duties and changes in supervisors contributed heavily to caustic attitudes and diminished perceptions of value within OIG. These attitudes and perceptions may have unfavorably impacted quality communication between employees and managers, increasing tension and potential for conflict.

c. Practical Knowledge Gained Through Experience

Proactive and empowering programs, such as the EEO Inclusion Series that focus, in part, on expanding opportunities and establishing new resources for mitigating conflict management, have provided managers and employees with tools to address conflict in the workplace through expert instruction and practical application.

The development of additional coping mechanisms, innovative options for resolutions, and proactive engagement of the EEO Office have aided in developing and maintaining an environment conducive to open communication, and have proven to positively impact the perspective of affected employees.

The EEO Office and Ombudsman work diligently to promote amicable and mutually beneficial resolutions to internal conflicts and workplace concerns at the lowest level possible and actively engage senior leaders in the resolution process. The Ombudsman conducted five mediations during FY 2016.

The Ombudsman's 2016 annual report to OIG leadership revealed that matters regarding mutual respect, communication quality, and timeliness of performance feedback were main concerns related to employee interactions. These issues were similar to the main concerns raised in the previous fiscal year.

d. Actions Planned or Taken for Improvement Measures

The Acting Inspector General continually demonstrated his commitment to the ideals and principles of EEO through OIG-wide initiatives such as the EEO Inclusion Series and the establishment of a GS-15 Whistleblower Ombudsman position. These initiatives aligned with IG's EEO policy and third strategic goal, "Engage, enable, and empower our people," through investing in individual development and providing resources that enable success.

In an effort to standardize processes and practices, OIG instituted leader-level training for leaders and executives. In FY 2016, OIG Human Capital Management, Professional Development Division, oversaw the following leadership/supervisory training: Explore Your Interpersonal Style for Teams, Executive Core Qualifications/Career Strategies, Effective Coaching and Mentoring, Essential Skills for Team Leaders, Leading at the Speed of Trust, Leading at the Speed of Trust Checkpoints, Interpersonal Communication Skills for Leaders, Leadership Challenge Workshop, Leadership is Everyone's Business, and New Supervisors Course.

Human Capital Advisory Services ensured all job announcements included anti-discrimination statements to reiterate OIG's position regarding equity and fair treatment of all

applicants. On their first day, all new employees were briefed and provided information on the rights and protections for whistleblowers and anti-harassment policies.

The EEO Office continued its anti-harassment initiative, aimed at maintaining a zero-tolerance standard for workplace harassment. The goals of the initiative are to enable all employees to: 1) Identify both the business impact of harassment on the workforce and the need to end harassment, 2) recognize the types of behaviors that lead to harassment, and 3) determine the specific actions that supervisors and employees can take to reduce or eliminate harassment and contribute to increased motivation.

During the year, the EEO Office partnered with the OIG's Office of General Counsel to provide senior leaders with information on their roles and responsibilities in the anti-harassment process and the requirement to act promptly to address and correct identified problems. The EEO staff conducted 11 individualized briefings during component town halls and executive staff meetings.

The EEO Office worked with the OIG's Office of Legislative Affairs and Communications to publish articles on the OIG intranet to inform managers and employees of their roles in identifying and preventing workplace harassment and of the underlying business impact of workplace harassment on the environment and the agency's mission.

The EEO Office coordinated a final draft anti-harassment instruction for use by the entire agency. The new instruction: 1) Addresses the OIG workforce's roles and responsibilities in preventing harassment, 2) identifies procedural steps to promptly and appropriately address harassment, and 3) helps ensure compliance with the Acting Inspector General's zero-tolerance policy on harassment in the workplace. This instruction was reviewed, approved, and signed through the OIG's review process for new and revised instructions and disseminated throughout the workforce.

The Acting Inspector General communicated his EEO and Anti-harassment policies to the entire workforce via email. Additionally, EEO and anti-harassment policies were posted on the intranet, provided to all new employees on their first day, and communicated through training. New employees are also required to take the No FEAR Act and anti-harassment training within 90 days of their starting at OIG. Collaborative efforts among component training officers; the DoD OIG Human Capital Management, Professional Development Division; managers in the workforce; and the EEO staff ensure that all OIG employees have a shared responsibility in adhering to anti-harassment and whistleblower requirements.

The Director of EEO frequently counsels leadership on the numerous avenues available to promote and sustain an environment free of discrimination, and meets regularly with the Director, Human Capital Management; the Ombudsman; and a senior associate attorney in OGC to share information, review trends impacting employees, and develop strategic approaches to address workplace concerns in the OIG workforce.

IV. CONCLUSION

The Acting Inspector General plays an active role in establishing a workplace environment free of discrimination and harassment. By ensuring availability and completion of continuous training, the Acting Inspector General made certain that agency senior leaders, managers, and supervisors were equipped with the right tools and skills to manage a diverse workforce.

The Director of EEO reports directly to the Acting Inspector General and continues to advise and assist the agency's leaders on workforce planning and decision making. The EEO Office continues its anti-harassment initiative aimed at maintaining a zero-tolerance standard for workplace harassment and increasing employee confidence in coming forward to address concerns impacting the work environment.

Additionally, the OIG Office of the Ombudsman provides an alternative venue for employees to address workplace concerns about alleged improprieties and perceived systemic issues in the agency.

APPENDIX A

Equal Employment Opportunity Data Posted Pursuant to the No FEAR Act of 2002
Office of Inspector General
EEO Complaint Activity
FY 2016 4th Quarter Data
September 30, 2016

29 CFR sec. 1614.704(a) - (c)	29 CFR sec. 1614.705 Comparative Data Previous Fiscal Year Date					FY 2016 Thru 09-30- 16
Complaint Activity	2011	2012	2013	2014	2015	
Number of complaints filed in fiscal year (1614.704(a))	3	6	4	2	1	4
Number of complainants (1614.704(b))	2	6	4	2	1	4
Repeat filers (1614.704(c))	2	1	0	0	1	0
29 CFR sec. 1614.704(d)	29 CFR sec. 1614.705 Comparative Data Previous Fiscal Year Date					FY 2016 Thru 09-30- 16
Complaints by Basis	2011	2012	2013	2014	2015	
Race	0	3	2	2	0	1
Color	0	0	1	1	0	0
Religion	0	0	0	0	0	0
National Origin	0	1	1	0	0	0
Sex	2	3	2	0	0	0
Disability	1	2	1	1	1	1
Age	1	2	0	0	0	2
Retaliation	2	3	4	2	1	0
Other	0	0	0	0	0	0
29 CFR sec. 1614.704(e)	29 CFR sec. 1614.705 Comparative Data Previous Fiscal Year Date					FY 2016 Thru 09-30- 16
Complaints by Issue	2011	2012	2013	2014	2015	

No FEAR of 2002 Analysis Report

Appointment/Hire	0	0	0	0	0	1
Assignment of duties	0	0	3	1	1	0
Awards	0	0	0	0	0	0
Conversion to full-time	0	0	0	1	0	0
Disciplinary Action						
Demotion	0	0	0	0	0	0
Reprimand	0	1	0	0	0	0
Suspension	0	0	0	0	0	0
Removal	0	0	0	0	0	0
Other	0	0	2	0	0	0
Duty hours	1	0	0	1	0	0
Evaluation appraisal	0	2	3	0	0	1
Examination/Test	0	0	0	0	0	1
Harassment						
Non-sexual	0	3	4	1	0	0
Sexual	1	0	0	0	0	1
Medical examination	0	0	0	0	0	1
Pay	0	1	1	0	0	0
Promotion/Non-selection	0	0	0	1	0	0
Reassignment						
Denied	0	1	0	0	0	0
Directed	0	1	0	0	0	0
Reasonable accommodation	1	2	0	0	1	0
Reinstatement	0	0	0	0	0	0
Retirement	0	0	0	0	0	1
Termination	1	0	0	0	0	0
Terms/Conditions of employment	0	0	2	1	1	0

No FEAR of 2002 Analysis Report

Time and attendance	0	1	0	1	0	0
Training	0	1	1	0	0	0
Other Denied access to resources (DAMIS), Letter of Caution issued for conduct and performance, denied deployment; constructive discharge; Redo work; exclusion from meetings; work space assignment; derogatory comments; placement on Performance Improvement Plan.	2	8	2	0	0	0

29 CFR sec. 1614.704(f)

Processing Time - Post the average length of time it takes to complete each step of the process for every complaint that is pending during any time of the then fiscal year.

**FY 2016
Thru 09-30-16**

Number Average Days

All complaints pending in investigative stage 1614.704(f)(1)	3	123
All complaints pending in final agency action stage	0	0
All complaints pending in which hearing was not requested 1614.704(f)(2)	0	0
Time in investigation stage	3	123
Time to issue final agency action	0	0
All complaints pending in which a hearing was requested 1614.704(f)(3)	2	1224
Time in investigation stage	2	127
Time to issue final agency action	0	0

29 CFR sec.1614.704(g)

**29 CFR sec. 1614.705 Comparative Data
Previous Fiscal Year Data**

**FY 2016
Thru 09-30-16**

**Complaints Dismissed by Agency
Pursuant to 1614.107(a)**

2011 2012 2013 2014 2015

Total complaints dismissed by agency	1	1	0	1	0	0
Average days pending prior to dismissal	49	8	0	29	0	0

29 CFR sec. 1614.704(h)

**29 CFR sec. 1614.705 Comparative Data
Previous Fiscal Year Data**

**FY 2016
Thru 09-30-16**

**Total Final Agency Actions Finding
Discrimination**

2011 2012 2013 2014 2015

No FEAR of 2002 Analysis Report

	0	%	#	%	#	%	#	%	#	%	#	%
Total number findings (704(h)(1))	0	0	0	0	0	0	0	0	0	0	0	0
Without hearing (704(h)(2))	0	0	0	0	0	0	0	0	0	0	0	0
With hearing (704(h)(3))	0	0	0	0	0	0	0	0	0	0	0	0
29 CFR sec. 1614.704(i)		29 CFR sec. 1614.705 Comparative Data Previous Fiscal Year Data										FY 2016 Thru 09-30- 16
Findings of Discrimination Rendered by Basis		2011		2012		2013		2014		2015		
	#	%	#	%	#	%	#	%	#	%	#	%
Total number findings (704(i)(1))	0	0	0	0	0	0	0	0	0	0	0	0
Number findings rendered without hearing (704(i)(2))	0	0	0	0	0	0	0	0	0	0	0	0
Number findings rendered after hearing (704(i)(3))	0	0	0	0	0	0	0	0	0	0	0	0
Race	0	0	0	0	0	0	0	0	0	0	0	0
Color	0	0	0	0	0	0	0	0	0	0	0	0
Religion	0	0	0	0	0	0	0	0	0	0	0	0
National origin	0	0	0	0	0	0	0	0	0	0	0	0
Sex	0	0	0	0	0	0	0	0	0	0	0	0
Disability	1	0	0	0	0	0	0	0	0	0	0	0
Age	0	0	0	0	0	0	0	0	0	0	0	0
Reprisal	0	0	0	0	0	0	0	0	0	0	0	0
29 CFR sec. 1614.704(j)		29 CFR sec. 1614.705 Comparative Data Previous Fiscal Year Data										FY 2016 Thru 09-30- 16
		2011		2012		2013		2014		2015		
	#	%	#	%	#	%	#	%	#	%	#	%
Total Number Findings (704(j)(1))	0	0	0	0	0	0	0	0	0	0	0	0
Findings Without Hearing (704(j)(2))	0	0	0	0	0	0	0	0	0	0	0	0

No FEAR of 2002 Analysis Report

Findings After Hearing (704(j)(3))	0	0	0	0	0	0	0	0	0	0	0	0
Appointment/Hire	0	0	0	0	0	0	0	0	0	0	0	0
Assignment of duties	0	0	0	0	0	0	0	0	0	0	0	0
Awards	0	0	0	0	0	0	0	0	0	0	0	0
Conversion to full-time	0	0	0	0	0	0	0	0	0	0	0	0
Disciplinary action	0	0	0	0	0	0	0	0	0	0	0	0
Demotion	0	0	0	0	0	0	0	0	0	0	0	0
Reprimand	0	0	0	0	0	0	0	0	0	0	0	0
Suspension	0	0	0	0	0	0	0	0	0	0	0	0
Removal	0	0	0	0	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0	0	0	0	0
Duty hours	0	0	0	0	0	0	0	0	0	0	0	0
Evaluation appraisal	0	0	0	0	0	0	0	0	0	0	0	0
Examination/Test	0	0	0	0	0	0	0	0	0	0	0	0
Harassment	0	0	0	0	0	0	0	0	0	0	0	0
Non-sexual	0	0	0	0	0	0	0	0	0	0	0	0
Sexual	0	0	0	0	0	0	0	0	0	0	0	0
Medical examination	0	0	0	0	0	0	0	0	0	0	0	0
Pay	0	0	0	0	0	0	0	0	0	0	0	0
Promotion/Non-selection	0	0	0	0	0	0	0	0	0	0	0	0
Reassignment	0	0	0	0	0	0	0	0	0	0	0	0
Denied	0	0	0	0	0	0	0	0	0	0	0	0
Directed	0	0	0	0	0	0	0	0	0	0	0	0
Reasonable accommodation	0	0	0	0	0	0	0	0	0	0	0	0
Reinstatement	0	0	0	0	0	0	0	0	0	0	0	0
Retirement	0	0	0	0	0	0	0	0	0	0	0	0
Termination	0	0	0	0	0	0	0	0	0	0	0	0

No FEAR of 2002 Analysis Report

Terms/Conditions of employment	0	0	0	0	0	0	0	0	0	0	0	0
Training	0	0	0	0	0	0	0	0	0	0	0	0
Other - Non-consideration of reassignment	1	0	0	0	0	0	0	0	0	0	0	0
29 CFR sec. 1614.704(k)												
Complaints Pending From Previous Fiscal Years by Status	29 CFR sec. 1614.705 Comparative Data Previous Fiscal Year Data					FY 2016 Thru 09-30-16						
	2011	2012	2013	2014	2015							
Total complaints from previous fiscal years (704(k)(1))	5	3	3	3	4	2						
Total complainants (704(k)(2))	4	7	7	3	4	2						
Number complaints pending: 704(k)(3)												
Investigation	0	0	0	1	0	3						
ROI issued, pending complainant's action	0	0	0	0	0	0						
Hearing	4	3	3	0	4	0						
Final agency action	0	0	0	0	0	0						
Appeal with EEOC Office of Federal Operations	1	0	0	0	0	0						
29 CFR sec. 1614.704(l)	29 CFR sec.1614.705 Comparative Data Previous Fiscal Year Data					FY 2016 Thru 09-30-16						
	2011	2012	2013	2014	2015							
Number pending completion of investigation	0	2	2	1	0	3						
Pending investigations over required time frames	0	0	0	0	0	0						

APPENDIX B

Inspector General Instruction 1400.4, Adverse Actions, is the OIG's policy for taking disciplinary action against federal employees for conduct that is inconsistent with federal anti-discrimination laws and whistleblower protection laws, or for conduct that constitutes a prohibited personnel practice revealed in connection with OIG investigations of alleged violations of 5 C.F.R. 724.302(a)(6).

OIG management officials are required to initiate prompt action to correct employee conduct that does not promote the efficiency of the federal service. When deciding to take an action, management officials are prohibited from discriminating against an employee based on sex, race, color, national origin, religion, age, genetic information, retaliation, political affiliation, marital status, disability, parental status, sexual orientation, or other non-merit factors.

Management officials are directed to use progressive discipline to correct employee misconduct. When management takes formal disciplinary action, it should be tailored to address the severity of the misconduct. Management may also consider alternative discipline in lieu of formal discipline.

APPENDIX C

Department of Defense Office of Inspector General (DoD OIG) No FEAR Act of 2002 Training Plan

In FY 2016, DoD OIG offered “No FEAR Act of 2002” training via the Inspector General E-Learning (IGEL) training module. The content of the slides also contains information on the Whistleblower Protection Enhancement Act (WPEA), as amended.

Agency Training Requirement	Delivery of Training	Training Schedule	Training Completion
2016 is the biennial year for completing the mandatory “No FEAR Act of 2002” training. Only civilian employees and military personnel who supervise civilian employees are required to complete the training.	Inspector General E-Learning (IGEL)	Mandatory EEO training to be completed between October 1, 2015, and June 30, 2016.	DoD OIG Employee Training Total Completed - 99.20%. Next training is scheduled for 2018.

Additionally, OIG currently follows Department of Defense Instruction 1400.25, “DoD Civilian Personnel Management System: Training, Education, and Professional Development.” This instruction establishes the requirement for DoD components to train all of their employees (including supervisors and managers) about the rights and remedies available under anti-discrimination laws and whistleblower protection laws. Components must train new employees on these issues in their orientation programs or other training programs. New employees that do not attend an employee orientation program must complete the required training within 90 calendar days of appointment. No Fear Act training will be consistent with section 202 of Public Law 107-174.