




# Homeland Security

September 26, 2005

MEMORANDUM FOR: All DHS Employees

FROM: Michael Chertoff 

SUBJECT: The Notification and Federal Employee Antidiscrimination and Retaliation (No Fear) Act of 2002 and the Whistleblower Protection Act

As Secretary of the Department of Homeland Security (DHS), I am committed to ensuring that you are notified of your rights as Federal employees and understand prohibited personnel practices and whistleblower protections. The Notification and Federal Employee Antidiscrimination and Retaliation (No Fear) Act of 2002 and the Whistleblower Protection Act were enacted to support the President's Management Agenda and to ensure a work environment free of unlawful discrimination and retaliation.

The Whistleblower Protection Act was enacted to strengthen protections for Federal employees who believe they have been subjected to unjustified personnel actions in reprisal for their whistleblowing activities. Whistleblowing is defined as the disclosure of information by an employee or applicant that the employee or applicant reasonably believes evidences a violation of any law, rule or regulation or gross mismanagement, a gross waste of funds, an abuse of authority or a substantial and specific danger to public health or safety. The Notification and Federal Employee Antidiscrimination and Retaliation Act (No Fear Act) of 2002 requires that Federal agencies be accountable for violations of antidiscrimination and whistleblower protection laws and contends that agencies cannot be run effectively if they practice or tolerate discrimination.

Discrimination and reprisal have no place at DHS. It is a prohibited personnel practice to discriminate against any employee or applicant for employment because of his or her race, color, religion, sex, national origin, age or disability. In keeping with the No Fear Act, managers and supervisors found responsible for violating civil rights or whistleblower protection laws will be disciplined accordingly.

I firmly believe that employees who are aware of these protections will be more confident in coming forward to report possible violations. Although you are encouraged to bring any violations to the attention of your management officials, other sources are available to receive such disclosures. You can report these matters confidentially to the DHS Office of the Inspector General (1-800-323-8603), the U.S. Office of Special Counsel (202-254-3600), your local Equal Employment Opportunity office, or other sources depending on the circumstances. The following link to the OSC's website ([www.osc.gov](http://www.osc.gov)) is the fact sheet, "Your Rights as a Federal Employee," which provides detailed information on prohibited personnel practices: <http://www.osc.gov/documents/pubs/rights.htm>.

I encourage you to familiarize yourself with these protections. Please be assured that my leadership team and I will not tolerate whistleblower reprisal and that we are committed to promoting an environment in which employees feel free to come forward with their legitimate concerns without fear of reprisal.

If you have any questions, please contact your servicing human resources office or the DHS Office of the Chief Human Capital Officer (202-357-8200).