



THE SECRETARY OF VETERANS AFFAIRS
WASHINGTON

October 15, 2024

MEMORANDUM FOR UNDER SECRETARIES, ASSISTANT SECRETARIES, AND
OTHER KEY OFFICIALS

SUBJECT: Equal Employment Opportunity; Inclusion, Diversity, Equity, and Access;
Notification and Federal Employee Antidiscrimination and Retaliation; and
Whistleblower Rights and Protection Policy Statement

I am so proud to be a member of this incredible team of Department of Veterans Affairs (VA) civil servants who are so devoted to delivering timely access to world-class health care and earned benefits to the Nation's Veterans, their families, caregivers, and survivors. It is a testament to your hard work that VA is providing more care and benefits to more Veterans than ever before.

To serve Veterans as well as they have served this country, VA employees must be provided the opportunity and encouragement to reach their full potential and contribute their talents, ideas, and perspectives freely and without fear of reprisal. We will all work to ensure that VA is a safe, inclusive, and equitable environment.

To be clear, at VA, we do not tolerate unlawful discrimination, workplace harassment, or retaliation based on race, color, religion, national origin, sex (including gender identity, transgender status, sexual orientation, and pregnancy), age (40 years or older), disability, genetic information, marital status, parental status, or political affiliation. VA also does not tolerate retaliation for opposing discriminatory practices or participating in the discrimination-complaint process. This applies to all terms and conditions of employment, including recruitment, hiring, promotions, transfers, reassignments, training, career development, benefits, and separation.

Every VA employee is accountable for advancing inclusion, diversity, equity, and access across the Department. Our VA managers and supervisors are responsible for maintaining a safe and civil environment. I ask that you all review and renew your commitment to this [Policy Statement](https://www.va.gov/ORMDI/docs/EEO_Policy.pdf) (https://www.va.gov/ORMDI/docs/EEO_Policy.pdf) with your staff and colleagues.

Thank you for your commitment to always putting Veterans first and welcoming them into fair and inclusive VA workplaces.

A handwritten signature in black ink, appearing to read "DMcDonough".

Denis McDonough

**Department of Veterans Affairs
Equal Employment Opportunity;
Inclusion, Diversity, Equity, and Access;
Notification and Federal Employee Antidiscrimination and Retaliation (No FEAR);
and Whistleblower Rights and Protection Policy Statement**

The Department of Veterans Affairs (VA) is committed to ensuring equal employment opportunity (EEO); promoting inclusion, diversity, equity, and access (I*DEA); proactively preventing unlawful harassment, including sexual harassment; and constructively resolving workplace disputes to sustain a high-performing organization in service to the Nation's Veterans. VA will vigorously enforce all applicable Federal EEO laws, regulations, executive orders, and management directives to ensure equal opportunity in the workplace for all VA employees and applicants. To this end, VA adheres to the following [Equal Employment Opportunity Commission \(EEOC\) EEO principles](https://www.eeoc.gov/federal-sector/management-directive/instructions-Federal-agencies-md-715-section-i-model-eeo) (<https://www.eeoc.gov/federal-sector/management-directive/instructions-Federal-agencies-md-715-section-i-model-eeo>).

- a) EEO for all employees and applicants for employment, regardless of their race, religion, color, sex (including pregnancy, gender identity and sexual orientation), national origin, age, genetic information, or disability.
- b) All employees will have the freedom to compete on a fair and level playing field with equal opportunity for competition.
- c) Equal employment opportunity covers all personnel/employment programs, management practices and decisions, including, but not limited to, recruitment/hiring, merit promotion, transfer, reassignments, training and career development, benefits, and separation.
- d) Workplace harassment will not be tolerated, and the Agency will correct the harassing conduct before it becomes severe or pervasive.
- e) Reprisal against one who engaged in protected activity will not be tolerated, and the Agency supports the rights of all employees to exercise their rights under the civil rights statutes.

EEO and Prohibited Discrimination

VA does not tolerate unlawful discrimination, workplace harassment or retaliation based on race, color, religion, national origin, sex (including gender identity, transgender status, sexual orientation, and pregnancy), age (40 or older), disability, genetic information, marital status, parental status, or political affiliation. VA also does not tolerate retaliation for opposing discriminatory practices or for participating in the discrimination-complaint process. This applies to all terms and conditions of employment, including recruitment, hiring, promotions, transfers, reassignments, training, career development, benefits, and separation.

Gender identity refers to how an individual identifies as belonging to the male (for example: boy/man) or female (for example: girl/woman) gender category or another gender category. Transgender is an umbrella term used to describe people whose self-identified gender identity or gender expression differs from that usually associated with their birth sex. The General Services Administration, which governs the use of Federal facilities, prohibits discrimination by segregation or otherwise of any person because of gender identity, including transgender status, in furnishing or by refusing to furnish such person or persons the use of any facility of a public nature, including all services, privileges, accommodations, and activities provided on the property. Accordingly, VA will not restrict, segregate, or otherwise discriminate against any individual based on gender identity, including transgender status, in its facilities.

Prohibited Workplace Harassment Covered by EEO Laws

Harassment is a form of employment discrimination that violates title VII of the Civil Rights Act of 1964 (P.L. 88-352), as amended; the Age Discrimination in Employment Act of 1967 (P.L. 90-202); the Rehabilitation Act of 1973 (P.L. 93-112), as amended; and the Genetic Information Nondiscrimination Act of 2008 (P.L. 110-233). Anti-discrimination laws also prohibit harassment against individuals in retaliation for filing a discrimination complaint; testifying or participating in any way in investigations, proceedings, or lawsuit under these laws; or opposing employment practices that they reasonably believe discriminate against individuals in violation of these laws.

Harassment by or against VA employees, applicants, contract employees, clients/patients, customers, or anyone doing business with VA is strictly prohibited. Harassment becomes unlawful when: (1) enduring the offensive conduct affects a term or condition of continued employment; or (2) the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile or abusive. Also, harassment is considered unlawful conduct that is based on race, color, religion, national origin, sex (including gender identity, transgender status, sexual orientation, and pregnancy), age (40 or older), disability, genetic information, marital status, parental status, political affiliation, or retaliation for opposing discriminatory practices or participating in the discrimination-complaint process.

Examples of harassment include, but are not limited to, verbally-offensive jokes, innuendos, slurs, name-calling, insults, threats, yelling, spreading lies and rumors, and intimidation. Harassment can consist of hitting, pushing, groping, and intentional isolation. In addition to understanding what harassment is, it is also important to understand what it is not. Harassment should be distinguished from management's legitimate efforts to supervise an employee. For example, management is required to provide feedback to employees regarding time and attendance, conduct and work performance. Negative feedback or action from management on these topics could be unpleasant for the employee but may not rise to the level of harassment. Harassment does not involve whistleblower retaliation.

Sexual Harassment

Anyone could be a victim of workplace harassment. When VA employees engage in sexual harassment, it affects the Department's mission, reputation, and credibility. Sexual harassment and misconduct create a hostile work environment that lowers employee morale and productivity. Due to the seriousness of this issue, the Department has a zero-tolerance sexual harassment policy. For clarity, zero-tolerance means that all sexual harassment allegations must be taken seriously and that management officials who observe or are notified of sexual harassment allegations must take prompt and effective action to end the harassment and ensure that it does not reoccur.

Sexual harassment is a form of sex discrimination that violates title VII of the Civil Rights Act of 1964. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when this conduct: (1) explicitly or implicitly affects an individual's employment; (2) unreasonably interferes with an individual's work performance; or (3) creates an intimidating, hostile, or offensive work environment. There are two types of sexual harassment. They are hostile work environment and harassment that results in an explicit change to the terms, conditions, or privileges of employment.

A hostile work environment occurs when an individual is subjected to conduct that is objectively hostile (conduct that a reasonable person would find sufficiently severe or pervasive to create a hostile work environment) and is subjectively hostile (the person experiencing the harassment actually found the conduct hostile). Sexual harassment based on a hostile work environment may include the following: (1) unwelcome invasion of personal space (for example, touching, crowding, or leaning over); (2) unwelcome communications of a sexual nature (for example, emails, phone calls, notes, text messages, social media contacts, or cyber harassment); (3) unwelcome sexually suggestive looks or gestures; (4) pressure for sexual favors; (5) pressure for dates; and (6) the display of inappropriate or offensive materials.

Sexual harassment that is severe or pervasive will constitute a hostile work environment. Sexual harassment may be part of a pattern or a single but very serious incident, such as offensive sexual contact/touching.

In addition, harassment is unlawful when harassment based on protected characteristics is linked to an explicit change to the terms or conditions of employment. For example, this occurs when an employee is pressured to engage in sexual activity in exchange for promotion, job retention, or some other type of employee benefit.

Cyber Harassment

Cyber harassment usually pertains to threatening or harassing email messages, instant messages or blog entries, websites, or social media posts dedicated solely to tormenting an individual.

Cyberbullying and cyberstalking are forms of harassment that occur through electronic devices or the internet through technology such as texts, applications, social media platforms, mobile phones, computers, tablets, gaming platforms, or similar methodologies/technologies. Cyberbullying and cyberstalking may cause another person, group, or family member distress. It may also severely impact an individual's career, personal relationships, and quality of life.

Examples of cyberbullying include, but are not limited to, verbal abuse, threats, intimidation, retaliation, and other conduct, whether of a sexual nature or not, which threatens or endangers the health or safety of any person or has the purpose or effect of creating a hostile or intimidating environment.

Examples of cyberstalking include, but are not limited to, gathering personal information on another person, spreading false rumors, encouraging others to join in the harassment, and threatening harm through email.

Examples of other cyber harassment include, but are not limited to, sharing personal information on another person online (doxing) and extortion through digital technologies (cyberextortion).

A VA employee who engages in cyberbullying or cyberstalking may be subject to disciplinary actions.

Harassment Prevention Program

The Harassment Prevention Program (HPP) is a VA enterprise-wide program within the Office of Resolution Management, Diversity and Inclusion (ORMDI) that provides centralized tracking, monitoring, and reporting processes to proactively respond to all allegations of harassment. The objective of HPP is to ensure management: (1) addresses inappropriate behavior before it becomes severe or pervasive; (2) conducts a prompt, thorough, and impartial inquiry or fact-finding into allegations of harassing conduct; and (3) takes immediate and appropriate corrective action when the Agency determines that harassing conduct has occurred; and thus, eliminating EEO litigation, low morale, turnover, and the negative impact on the care of the Nation's Veterans. Additionally, HPP is responsible for compliance, oversight, education and awareness, quality assurance, building strategic partnerships, and data and evaluation. To this end, HPP is committed to establishing transparency and accountability at every employment level.

Supervisors or managers who observe or are notified of harassing conduct are required to assess the situation immediately. It is highly recommended that they consult with their Human Resource Employee Relations/Labor Relations and/or their local Harassment Prevention Coordinator before deciding which method best addresses the allegation(s). The supervisor is responsible for ensuring every employee is aware of the harassment prevention policy and reporting procedures. This means supervisors should

disseminate and enforce the harassment prevention policy and reporting procedures and take other responsible steps to prevent and abate harassment promptly.

Employees have multiple avenues to immediately report harassing conduct in the HPP arena. These avenues are as follows: (1) contact your internal departmental resources including, but not limited to, your immediate supervisor or another management official if the harassment involves your immediate supervisor; (2) contact their local facility Harassment Prevention Coordinator; or (3) contact the ORMDI HPP, at 888-566-3982, option 3 (for Telecommunications Relay Service, first dial 711).

Reporting allegations of harassment in the harassment prevention arena does not preclude an individual from filing an EEO complaint alleging harassment. The EEO Program and HPP are separate programs. Filing an HPP complaint is not an EEO complaint. To file a Federal EEO harassment complaint an individual must contact an ORMDI EEO Counselor within 45 calendar days of the date of the alleged discrimination. For additional information, refer to VA Handbook 5979, HPP Procedures and visit HPP on the [ORMDI website](https://www.va.gov/ORMDI/HPP.asp) (<https://www.va.gov/ORMDI/HPP.asp>).

Bystander Intervention

Bystander Intervention is recognizing harassing and harmful behavior or interaction and choosing to respond in a way that could positively influence the outcome. Bystander intervention strategies include the Four Ds (distract, delegate, direct, and document) that allow individuals (employees, contractors, Veterans and other non-Department individuals) to send powerful messages about acceptable and expected behavior in VA. Visit the Talent Management System (TMS) for additional information and training courses.

VA employee (Witness) Bystander Intervention. VA policy requires all employees and contractors to act when they see something they believe is harassing behavior. All employees or contractors shall take appropriate action such as intervening and reporting the observed behavior to a management official or VA Police, if necessary. VA employees and contractors will be held accountable for not reporting harassing behavior. Disciplinary action is an accountability option.

Non-employee (Witness) Bystander Intervention. Veterans, beneficiaries, and non-Department individuals are highly encouraged to take the [Bystander Intervention Training for Veterans](https://www.va.gov/STOP-HARASSMENT/Bystander-Intervention-Training.asp) (<https://www.va.gov/STOP-HARASSMENT/Bystander-Intervention-Training.asp>) online training course to learn the Four Ds of intervention to be able to effectively assess and address harassing behavior. Veterans completing the Bystander Intervention Training for Veterans are instructed to contact a VA employee if they witness behavior that is inappropriate or considered harassment. Employees are responsible for reporting the incident to the appropriate official as defined in VA Handbook 5979, HPP Procedures.

Alternative Dispute Resolution

Workplace conflict is often the result of miscommunication or creative tension in the organization. Properly managed, it can yield improvements in business processes and positive outcomes in the organizational climate. It is important that we maintain an organizational culture in VA that does not suppress creative conflict or constructive dissent. To maintain a respectful, productive, and effective work environment, VA's policy is to address and resolve workplace disputes and EEO complaints as soon as possible. If an employee wishes to pursue alternative dispute resolution (ADR) services to resolve the issues of an EEO complaint, management must participate if the issues do not pertain to waste, fraud, abuse, patient abuse, criminal activity, or an investigation actively being conducted in a forum other than the Federal EEO complaint process where the subject of the allegations is the individual who filed the EEO complaint.

ADR involves a neutral third party working with the employee, supervisor, or group to engage in constructive communication, identify issues and develop collaborative solutions. VA offers ADR services such as facilitated conversations, mediation, group facilitation, and conflict management coaching to assist parties in constructively resolving disputes. Employees and supervisors are encouraged to consult with their ADR Program Manager; reach out to the [Workplace ADR team](mailto:workplaceADR@va.gov) (workplaceADR@va.gov); or refer to VA Directive 5978, Alternative Dispute Resolution, for guidance and assistance in resolving workplace disputes of any kind.

Federal EEO Complaint Process

ORMDI is responsible for administering an impartial and effective complaints management process to receive, resolve, and investigate complaints of employment discrimination at the earliest possible stage, in accordance with the regulations governing the Federal EEO complaint process (29 C.F.R. § 1614). Employees and applicants for employment seeking redress under the Federal Sector EEO complaint process must contact an EEO counselor in ORMDI in person, by phone, or in writing within 45 calendar days of the date of the alleged discriminatory event. However, certain waivers and exceptions may apply. Employees may initiate the complaint process by calling ORMDI at 888-566-3982, option 2 (for Telecommunications Relay Service, first dial 711).

Employees may also raise allegations of discrimination to their supervisors or a management official in their chain of command. Additionally, employees may raise discrimination issues through VA's negotiated process. While an allegation of discrimination may be raised through this avenue, this action does not constitute initiation of a Federal EEO complaint and it does not extend the 45-calendar-day time limit to initiate an EEO complaint with ORMDI. For more information, visit the [ORMDI EEO Complaint Processing website](https://www.va.gov/ORMDI/EEOcomplaint.asp) (https://www.va.gov/ORMDI/EEOcomplaint.asp).

Processing Complaints of Prohibited Personnel Practices

Complaints of discrimination filed on the basis of marital status or political affiliation may be investigated as prohibited personnel practices and are processed under the jurisdiction of the U.S. Merit Systems Protection Board (MSPB), the U.S. Office of Special Counsel (OSC), or the VA Office of Accountability and Whistleblower Protection (OAWP) if the complaint involves allegations against a senior leader (see section on prohibited personnel practices on the next page).

While parental status is not covered under the EEOC regulations, it is also a form of prohibited discrimination involving Federal employees. Complaints filed on the basis of parental status may be processed through ORMDI only if there is a connection to title VII. For example, Jennifer, an investigator, received glowing performance reviews during her first four years with the Department and assumed to be on a fast track for promotion. However, after she returned from leave to adopt a child during her fifth year with the Department, her supervisor frequently asked her how she would manage to stay on top of her caseload while caring for an infant. Although Jennifer continued to work the same hours and closed as many cases as she had before the adoption, her supervisor pointed out that none of her superiors were mothers, and he removed her from her high-profile cases, assigning her smaller, more routine cases normally handled by inexperienced investigators. The Department violated title VII by treating Jennifer less favorably because of gender-based stereotypes about working mothers. Jennifer contacts an EEO counselor and alleges that she was discriminated against based on her parental status with regard to work assignments. A careful reading of the situation reveals that Jennifer's claim should be processed as a sex discrimination claim prohibited under title VII.

Prohibited Personnel Practices

The Civil Service Reform Act of 1978, as amended, protects Federal Government applicants and employees from prohibited personnel practices (PPP), including discrimination, coercion, intimidation, preferential treatment, and other prohibited practices in violation of merit systems principles. VA vigorously supports these protections. All employees are responsible for upholding Merit System Principles and preventing PPP violations (see Appendix).

VA OAWP is authorized to receive, review, and investigate allegations of whistleblower retaliation made against a supervisor and allegations of misconduct (including PPPs) made against VA "senior leaders," as that term is defined in VA Directive 0500, Investigation of Whistleblower Disclosures and Allegations Involving Senior Leaders or Whistleblower Retaliation. OSC is authorized to investigate PPP allegations against any VA employee. With respect to personnel actions, the 14 PPPs are generally the following: discrimination; considering inappropriate recommendations; coercing political activity; obstructing competition; influencing withdrawal from competition; granting an employee or applicant any preference or advantage not authorized by law, rule, or regulation; nepotism; whistleblower retaliation; retaliation for

protected activity; other discrimination; violating Veterans preference; violating rules that implement a merit system principle; imposing a nondisclosure policy, form, or agreement that prohibits, prevents, or restricts an employee's right to make a lawful disclosure; and accessing medical records in furtherance of another PPP. Executives, managers, and supervisors have a special responsibility as officials who make decisions affecting the hiring, working conditions, utilization, and retention of Federal employees to ensure that the workplace is free from PPPs. For allegations of whistleblower retaliation filed before OSC, individuals may bring an action before the MSPB if OSC declines to act or fails to act within 120 days.

Prohibited Workplace Violence and Bullying

Workplace violence, the threat of violence, or bullying of workers is strictly prohibited. This type of prohibited behavior can occur at or outside the workplace, ranging from threats and verbal abuse to physical assaults. Bullying includes fighting, verbal and non-verbal hate messages, threats, or expression of intention to inflict harm and abusive, offensive, unprofessional, intimidating, slanderous, malicious, derogatory, or otherwise inappropriate, unacceptable language or other behavior intended to degrade or humiliate a particular person or group of people. Any employee who is subject to bullying behavior or other workplace violence should immediately report the matter to the supervisor or another appropriate official. If the bullying involves your direct supervisor, report the matter to the next-level supervisor. The supervisors' duty is to intervene and take prompt and effective corrective action to end bullying and prevent workplace violence.

Domestic violence/intimate partner violence (DV/IPV), sexual assault (SA), and stalking in the workplace are also considered forms of violence. VA Handbook 5019, Employee Occupational Health Service, provides VA policy guidance on DV/IPV, SA, and stalking in the workplace. DV/IPV, SA, and stalking are serious problems affecting individuals, families, communities, and workplaces. VA is committed to providing supportive resources available to employees who disclose incidents of DV/IPV, SA, and stalking in the workplace through supervisors, designated persons in human resources (HR) offices, or other persons designated by the Department, building safety/security, and the [Employee Assistance Program](https://www.opm.gov/policy-data-oversight/worklife/worklife-faqs) (<https://www.opm.gov/policy-data-oversight/worklife/worklife-faqs>). Preventing and responding to actual or potential incidents of DV/IPV, SA, or stalking in the workplace is the responsibility of every VA employee.

Violence in the workplace is an occupational safety hazard citable under the Department of Labor (DOL) Occupational Safety and Health Administration standards and in VA Directive 7700, Occupational Safety and Health. VA's Office of Administration oversees the Occupational Safety and Health and Workers' Compensation Programs. Under Secretaries, Assistant Secretaries, and other Key Officials are required to implement a violence prevention program.

VA Directive 0321, Serious Incident Reports, requires that incidents on VA property that result in serious illness or bodily injury to include sexual and aggravated assault be reported to the VA Integrated Operations Center (VA IOC) as soon as possible but no later than 2 hours after awareness of the incident. Serious incidents are to be reported to the VA IOC through the VA IOC Watch Officer or the Administration/Staff Office Watch Officer, with VA Form 0923 and/or by calling 202-461-5510.

No FEAR Act

Under the No FEAR Act of 2002, P.L. 107-174, all Federal agencies are accountable for violations of anti-discrimination laws, whistleblower protection laws, and retaliation laws. The No FEAR Act protects Federal employees from unlawful discrimination and retaliation for opposition to or participation in protected EEO or whistleblowing activity. Additionally, the No FEAR Act is intended to reduce workplace discrimination within the Federal Government by making agencies and Departments more accountable. All VA employees, supervisors, and officials must understand the protections afforded by the No FEAR Act, as amended, and the Whistleblower Protection Act of 1989.

Whistleblower Rights and Protections

VA employees and applicants for employment may report a violation 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 (commonly referred to as a disclosure) to various entities within and outside of VA, including OAWP, VA Office of Inspector General (OIG), and OSC. Retaliation against individuals for making disclosures, opposing discrimination, or participating in an investigation or the discrimination-complaint process is unlawful and will not be tolerated. This includes retaliation against complainants, witnesses, and others who provide information concerning such claims.

The Whistleblower Protection Enhancement Act of 2012 enhances whistleblowers' rights by: (1) making a whistleblower's oral disclosures legally sufficient; no longer must a disclosure be in writing; (2) making disclosures that fall within the whistleblower's job duties an eligible basis of a whistleblower claim; (3) strengthening anti-retaliation restrictions; (4) allowing damages that could be obtained by a whistleblower to include consequential damages such as emotional distress; and (5) according to the Dr. Chris Kirkpatrick Whistleblower Protection Act of 2017, P.L. 115-73, prohibiting access to the medical record of another employee or an applicant for employment as a part of, or otherwise in furtherance of, any PPP. VA employees and applicants for employment have several avenues to make a whistleblower disclosure or allege whistleblower retaliation, including contacting OAWP, OIG, or OSC.

Every VA employee is responsible for safeguarding the privacy of Veterans and other individuals served by VA and complying with laws protecting patient health

information and other sensitive personal information. A whistleblower's disclosure of information is protected only if the release is not otherwise prohibited by law. Any wrongful disclosure of sensitive personal information, such as medical or personnel records, may be subject to civil and criminal penalties as well as disciplinary or other adverse action.

When making a disclosure, a whistleblower may:

- Disclose VA Sensitive Personal Information (individually identifiable information) to an authorized outside entity in the course of reporting alleged violations of 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. Accordingly, whistleblowers may always disclose any information to VA OIG or a Congressional Committee or Subcommittee having oversight authority over VA.
- Disclose any information, except information protected by 38 U.S.C. § 5705 (quality assurance) or 38 U.S.C. § 7332 (Human Immunodeficiency Virus, sickle cell, drug and alcohol treatment) to OSC.
- Never disclose information containing VA sensitive personal information to the media, a Veterans Service Organization, or any other member of the public.
- Never disclose VA sensitive personal information to an attorney, even one who is representing in the context of whistleblowing.

Offices that can receive whistleblower disclosures include the following:

- [VA OAWP](https://www.va.gov/accountability) (https://www.va.gov/accountability), 855-429-6669;
- [VA OIG](https://www.va.gov/oig) (https://www.va.gov/oig), 800-488-8244; and
- [OSC](https://www.osc.gov) (https://www.osc.gov), 800-872-9855.

Offices where you can file a complaint of whistleblower retaliation include the following:

- [VA OAWP](https://www.va.gov/accountability) (https://www.va.gov/accountability), 855-429-6669; and
- [OSC](https://www.osc.gov) (https://www.osc.gov), 800-872-9855.

Affirmatively Advancing Accessibility

VA is committed to affirmatively advancing accessibility, including employment and retention of persons with disabilities and persons with targeted disabilities. All

Federal employees and members of the public with disabilities must have access to and use information and data comparable to that of employees and members of the public without disabilities unless an undue hardship would be imposed on the Agency. (Note: Only the VA Secretary can deny an accessibility request based on cost. In determining whether the basis of the undue hardship is too costly, the financial resources of the whole Agency should be considered not just those resources of the facility or staff office). To this end, VA will vigorously enforce sections 501, 503, 504, 505, and 508 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 791 et seq., to restore the original Congressionally intended protections of the Americans with Disabilities Act (ADA) of 1990 by the ADA Amendments Act of 2008, 42 U.S.C. § 12101 et seq. Moreover, compliance will be enforced in regulatory reference to the Architectural Barriers Act of 1968, U.S.C. § 4151 et seq., to be in affirmative accordance with the provisions of all national accessibility standards. Sufficient funding shall be allocated to efficiently ensure comprehensive compliance.

Reasonable Accommodations

The Rehabilitation Act of 1973 assists people with disabilities access the same employment opportunities and benefits available to people without disabilities in the Federal sector. An important component in hiring and retaining individuals with disabilities is to provide reasonable accommodations to those employees and applicants in accordance with title I of ADA and the Rehabilitation Act. A reasonable accommodation is any change in the work environment, or in the way things are customarily done that enables qualified individuals with disabilities to apply for a job, perform essential job functions, and/or enjoy equal benefits and privileges of employment. In addition, VA also provides personal assistance services to employees with targeted disabilities to assist the employee perform certain tasks of a personal nature (such as eating or toileting) unless doing so would impose an undue hardship on VA.

Consistent with the requirements of the Pregnant Workers Fairness Act of 2022, P.L. 117-328, VA expands entitlement to a reasonable accommodation to employees with known limitations related to pregnancy, childbirth, or related medical conditions, unless doing so would impose an undue hardship on VA. The procedures for requesting and processing reasonable accommodation requests are in VA Handbook 5975.1, Processing Requests for Reasonable Accommodation and Personal Assistance Services for Employees and Applicants with Disabilities.

Reasonable accommodations may also include the use of trained service animals. A service animal is any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Other species of animals, whether wild or domestic, trained or untrained, are generally not service animals for this definition. The work or tasks performed by a service animal must be directly related to the individual's disability. The crime deterrent effects of an animal's presence or the provision of companionship do not constitute work or tasks for this definition.

Generally, animals other than service animals (“non-service animals”) are not permitted to be present on VA property. However, a VA facility head or designee may permit certain non-service animals to be present on VA property for reasons including animal-assisted therapy, or for ceremonial or law enforcement purposes as listed in the Final Rule on Animals on VA Property.

Individuals with disabilities shall be permitted to be accompanied by their service animals in all areas of a public accommodation where members of the public, program participants, clients, customers, patrons, or invitees, as relevant, are allowed to go.

Workplace Accommodations for Nursing Mothers

The Providing Urgent Maternal Protections for Nursing Mothers (PUMP) Act of 2022, P.L. 117-328, which expanded the period of coverage in 2023, requires Federal agencies to provide a reasonable break time to express breast milk for 2 years from the date the mother first begins to nurse and/or pump at work and a private place other than a bathroom to express milk. As stated in VA Handbook 5011, Hours of Duty and Leave, an employee who is a nursing mother may use her authorized rest periods/breaks, accumulated annual leave, compensatory time off, credit hours, and approved leave without pay. Rest periods are authorized as brief periods of official duty status (paid work hours). Up to 2 such rest periods may be authorized during any 8-hour period and should normally not exceed 15 minutes each. The space for nursing mothers to express breast milk shall be shielded from view and free from intrusion from coworkers and the public. The location designated for the nursing mother to express breast milk shall be a place other than a bathroom/restroom.

An employee should contact their supervisor and/or servicing HR office regarding a PUMP Act complaint, so the complaint can be addressed in coordination with the facility building manager. If the complaint cannot be resolved by the HR office and building management, if the employee wishes to file a complaint they may contact the [DOL Wage and Hour Division](https://www.dol.gov/agencies/whd/contact/complaints) (<https://www.dol.gov/agencies/whd/contact/complaints>) which is in charge of enforcing the “Break Time for Nursing Mothers” law (PUMP Act).

Religious Accommodations

In accordance with title VII of the Civil Rights Act of 1964, once on notice, VA will reasonably accommodate an employee’s sincerely held religious belief, practice, or observance conflicts with a work requirement unless providing the accommodation would create an undue hardship. Undue hardship is shown when a burden is substantial in the overall context of the employer’s business. VA’s duty to accommodate usually entails making a special exception from, or adjustment to, the particular work requirement so that the employee or applicant can practice their religion. Accommodation requests often relate to work schedules, dress and grooming, or religious expression or practice while at work. Individuals should request a religious accommodation from their immediate supervisor. Employees and supervisors are

expected to engage in constructive communications that can lead to timely, reasonable accommodations that eliminate the identified conflict while maintaining a respectful, productive, and effective work environment to support VA's mission.

Religious expression and exercise are permitted in VA's workplace provided that such expression does not suggest Government endorsement or preference for one faith over another; interfere with the efficient working of Government operations; intrude upon the legitimate rights of other employees; nor compromise the health and safety of others including Veterans in VA facilities.

Limited English Proficiency

VA prohibits discrimination against any person who is limited in English proficiency. This commitment applies to all VA federally-conducted programs and activities and VA programs receiving Federal financial assistance.

In accordance with title VI of the Civil Rights Act of 1964 and Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, VA will take the necessary steps to provide limited English proficiency persons meaningful access to such programs and activities.

Language Usage in the Workplace

VA recognizes and respects the right of employees who speak languages other than English in the workplace outside of the performance of their work duties. Employees may speak another language when the conversation is not related to the performance of their duties (for example, when they are in the break room or making personal telephone calls).

EEOC has stated that rules requiring employees to speak English only in the workplace violate the law unless they are reasonably necessary to the operation of the business. A rule requiring employees to speak English only in the workplace at all times, including breaks and lunchtime, should be limited to the circumstances in which it is needed for the employer to operate safely or efficiently.

Circumstances in which an English-only rule may be justified include the following: communications with customers or coworkers who speak English only; emergencies or other situations in which workers must speak a common language to promote safety; or cooperative work assignments in which the English-only rule is needed to promote efficiency. Even if there is a need for an English-only rule, supervisors may not take disciplinary action against employees for violating it unless VA has notified workers about the rule and its consequences.

Mandatory Training

VA is committed to educating its workforce on EEO; I*DEA; the prevention of harassment; whistleblower rights and protections; and other workforce protections to ensure a discrimination-free and harassment-free workplace. To maintain a fair, safe, and high-performing culture, VA employees must engage in continuous learning in the topics addressed in this policy statement. VA established the following requirements for employees in :

- All employees must complete No FEAR Act Training (VA 45316) within 60 days of being hired and biennially thereafter.
- All employees must complete Harassment Prevention and Accountability Training (VA 45224) within 60 days of being hired and annually thereafter.
- All employees must complete VA OIG Training (VA 39390) within 60 days of being hired.
- All executives, managers and supervisors must complete EEO, Diversity, Equity and Inclusion Training for Executives, Managers and Supervisors (V 45049) within 60 days of being hired and biennially thereafter.
- Whistleblower Rights and Protections Training:
 - All employees must complete Whistleblower Rights and Protections training (VA 39953) within 60 days of being hired and biennially thereafter.
 - All executives, managers and supervisors must complete Supervisor Whistleblower Rights and Protections (VA 39949) within 60 days of being hired and biennially thereafter.

Additionally, all employees must certify in TMS that they have read this EEO, I*DEA, No FEAR, and Whistleblower Rights and Protection Policy Statement (VA 4309852) within 60 days of being hired and annually thereafter.

Service Members, Spouses, and Dependents

In support of Executive Order 14100, Advancing Economic Security for Military and Veteran Spouses, Military Caregivers and Survivors, VA will grant up to 5 days of administrative leave to military spouses during a geographic relocation occurring as directed by a Service member's orders.

Additionally, the Servicemembers Civil Relief Act (SCRA), P.L. 108-189, provides Service members and their dependents with certain financial and due process protections during military service. It also allows Service members and their spouses to use their professional licenses or certificates in new jurisdictions if they are relocating because of military orders and meet certain other requirements. For most Service

members, SCRA protections begin on the date they enter active-duty military service. For military reservists, protections begin upon the receipt of certain military orders.

An employee has the right to be reemployed in their civilian job if they leave a civilian job to perform service in the Armed Forces, Reserves, National Guard, or other “uniformed services” as defined by the Uniformed Services Employment and Reemployment Rights Act (USERRA) of 1994, P.L. 103-353. USERRA ensures that persons who serve or have served in the uniformed services: (1) are not disadvantaged in their civilian careers because of their services in the uniformed service; (2) are promptly reemployed in their civilian jobs upon their return from duty; and (3) are not discriminated against in employment based on past, present, or future military service.

The Veterans' Benefits Improvement Act of 2008, P.L. 110-389, contains a key provision requiring all Federal agencies to provide USERRA training. USERRA training (TMS 4318900) is to be provided to “any personnel of the agency who are authorized to recommend, take, or approve any personnel action that is subject to the requirements of this chapter with respect to employees of the agency.”

The DOL Veterans Employment and Training Service (VETS) is authorized to investigate and resolve complaints of USERRA violations. For assistance in filing a complaint, or for any other information on USERRA, contact VETS at 1-866-4-USA-DOL or visit the [VETS website](https://www.dol.gov/agencies/vets) (<https://www.dol.gov/agencies/vets>).

Veterans and Military Spouse Talent Engagement Program

VA strives to be the leader and employer of choice for Veterans, military spouses, Veterans’ families, survivors, and caregivers, across the Federal Government. By doing so, VA will bring on the best employees to have “Heroes Serving Heroes.” VA launched the [Veterans and Military Spouse Talent Engagement Program \(VMSTEP\)](https://www.vaforvets.va.gov) (<https://www.vaforvets.va.gov>) in November 2022. VMSTEP will provide employment readiness assistance and outreach to transitioning Service members, Veterans, and eligible military spouses while advocating the use of special hiring authorities, employment programs, and Veteran retention strategies to help VA become the employer of choice for Veterans and military spouses.

I*DEA

VA’s Core Values of **I**ntegrity, **C**ommitment, **A**dvocacy, **R**espect and **E**xcellence (ICARE) describe our culture and reinforce our devotion to those we serve. These values, along with our Core Characteristics – Trustworthy, Accessible, Quality, Agile, Innovative, and Integrated – define the standards of behavior expected of all VA employees. To cultivate and sustain a high-performing organization, VA must build and maintain a diverse and engaged workforce drawn from all segments of American society and must inspire and support an inclusive work environment that enables all VA employees to feel uniquely valued and welcomed. Our success in accomplishing VA’s

mission is amplified by our commitment to I*DEA – traits and characteristics of our Veterans and of the VA people who serve them.

To enable VA to sustain respect and collaboration among our multicultural workforce, I stand with you to: (1) conquer our biases by advancing cultural competence; (2) embrace the business case for I*DEA; (3) foster employee engagement; and (4) inspire inclusion in our daily activities. Through these strategies, we can be a more perfect organization committed to equality, equity, humanity, and justice for all our colleagues and those we serve.


Secretary of Veterans Affairs

10/15/24
Date

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Appendix: Merit System Principles (5 U.S.C. § 2301)

VA adheres to the following Merit System Principles ([U.S. Merit Systems Protection Board](https://www.mspb.gov/msp/meritsystemsprinciples.htm), <https://www.mspb.gov/msp/meritsystemsprinciples.htm>):

1. Recruitment should be from qualified individuals from appropriate sources in an endeavor to achieve a workforce from all segments of society, and selection and advancement should be determined solely on the basis of relative ability, knowledge and skills, after fair and open competition, which assures that all receive equal opportunity.
2. All employees and applicants for employment should receive fair and equitable treatment in all aspects of personnel management without regard to political affiliation, race, color, religion, national origin, sex, marital status, age, or handicapping condition and with proper regard for their privacy and constitutional rights.
3. Equal pay should be provided for work of equal value, with appropriate consideration of both national and local rates paid by employers in the private sector, and appropriate incentives and recognition should be provided for excellence in performance.
4. All employees should maintain high standards of integrity, conduct and concern for the public interest.
5. The Federal work force should be used efficiently and effectively.
6. Employees should be retained on the basis of adequacy of their performance, inadequate performance should be corrected, and employees should be separated who cannot or will not improve their performance to meet required standards.
7. Employees should be provided effective education and training in cases in which such education and training would result in better organizational and individual performance.
8. Employees should be—
 - A. Protected against arbitrary action, personal favoritism, or coercion for partisan political purposes; and
 - B. Prohibited from using their official authority or influence for the purpose of interfering with or affecting the result of an election or a nomination for election.

9. Employees should be protected against reprisal for the lawful disclosure of information which the employees reasonably believe it is:

A. A violation of any law, rule, or regulation; or

B. Mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety.