



THE SECRETARY OF VETERANS AFFAIRS  
WASHINGTON

**TO ALL EMPLOYEES**

**SUBJECT: Equal Employment Opportunity; Inclusion, Diversity, Equity and Access; No FEAR; and Whistleblower Rights and Protection Policy Statement**

Department of Veterans Affairs (VA) employees work hard every day to best serve the Nation's Veterans, their families, caregivers and survivors. I am proud to be a member of this amazing team, and I am honored to lead the way as we implement Inclusion, Diversity, Equity and Access (I\*DEA) throughout the Department.

To meet Veterans' needs, VA employees must be able to contribute their talents, ideas and perspectives freely and without fear of reprisal. VA managers and supervisors shall provide all employees with opportunities to reach their full potential. When Veterans come to VA for benefits and services, we will ensure that they are all welcomed into fair and inclusive VA workplaces. The appreciation of diverse experiences, backgrounds and perspectives, of both Veterans and VA employees, is critical to the success of our important mission.

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 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.

VA managers and supervisors are accountable for advancing I\*DEA principles throughout the Department and for maintaining a safe and civil environment. I ask that they all review this [Policy Statement](#) with staff and colleagues and to reiterate these expectations.

Thank you for your commitment and for always putting Veterans first.

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

Denis McDonough

Attachment

**Department of Veterans Affairs  
Equal Employment Opportunity;  
Inclusion, Diversity, Equity and Access;  
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 the prevention of 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 (i.e., boy/man) or female (i.e., 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 an investigation, 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: hostile work environment and tangible employment action.

A hostile work environment is when an individual is frequently offering unwanted pervasive sexual comments, requests or advances toward another individual. This may include: (1) unwelcome invasion of personal space (e.g., touching, crowding, leaning over); (2) unwelcome communications of a sexual nature (e.g., emails, phone calls, notes, text messages, social media contacts and 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.

Unlike a tangible employment action, a hostile work environment based on sexual harassment must be severe or pervasive. If the conduct in question was limited to a single, isolated comment that never happened again, it might not be treated as hostile work environment sexual harassment. However, if a single event was severe enough, such as offensive sexual contact/touching, that harassing conduct might create a hostile work environment.

Tangible employment action occurs when an employee is pressured to engage in sexual activity in exchange for promotion, job retention or some other type of employee benefit. In other words, tangible employment action occurs when an employee's job security may depend on engaging in sexual favors for their employer.

## **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, apps, social media

platforms, cell 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 via 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, whether or not accompanied by an EEO claim. The objective of the 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; 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: (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 the local [Harassment Prevention Coordinator](https://www.va.gov/ORMDI/HPP.asp) (<https://www.va.gov/ORMDI/HPP.asp>) for your office; 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 harassment complaint in the Federal EEO complaint process arena, the 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 D's (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.

(1) 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.

(2) Non-employee (Witness) Bystander Intervention: Veterans, beneficiaries and non-Department individuals are highly encouraged to take the Veteran Bystander Intervention online training course to learn the Four D's of intervention to be able to effectively assess and address harassing behavior. Veterans completing the [VA Bystander Intervention Training](https://www.veterantraining.va.gov/bystandertraining) (<https://www.veterantraining.va.gov/bystandertraining>) 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 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 [workplaceADR@va.gov](mailto: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 an EEO complaint with an EEO counselor through the Federal Sector EEO complaint process and it does not extend the 45-calendar-day time limit to initiate an EEO complaint with ORMDI. Refer to [ORMDI EEO Complaint Processing](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 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 4 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 and Prohibited Personnel Actions) 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 allegations of PPPs 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 HR offices or other persons designated by the Department, building safety/security and the Employee Assistance Program. 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's 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.

## **No FEAR Act of 2002**

Under the Notification and Federal Employee Antidiscrimination and Retaliation (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 disclose 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 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, 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.

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, 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 OAWP, 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 individuals with 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. 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. Sufficient funding shall be allocated to efficiently ensure comprehensive compliance.

### **Reasonable Accommodations**

Title I (Employment) of the ADA is designed to help 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 the Rehabilitation Act. For individuals with disabilities, a reasonable accommodation is any change in the work environment or in the manner in which work is performed that enables them to perform the essential functions of their jobs in a fully successful manner and enjoy equal benefits and privileges of employment. In addition, VA also provides Personal Assistance Services to employees with targeted disabilities to assist the employee in performing certain tasks of a personal nature (such as eating or toileting) unless doing so would impose an undue hardship on VA. In addition, consistent with the requirements of the Pregnant Workers Fairness Act of 2022, VA will expand entitlement to a reasonable accommodation with known limitations related to the pregnancy, childbirth or related medical conditions of an employee, 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 properly-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 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 and the provision of emotional support, well-being, comfort or 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 Act of 2022, 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 two 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.

### **Religious Accommodations**

In accordance with title VII of the Civil Rights Act of 1964, once on notice, VA will reasonably accommodate an employee whose sincerely held religious belief, practice or observance conflicts with a work requirement unless providing the accommodation would create an undue hardship. Religious accommodation is required unless it would cause more than a de minimis adjustment to the work environment. 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, 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 TMS:

- 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 and annually thereafter.
- All executives, managers and supervisors must complete EEO, Diversity, Equity and Inclusion Training for Executives, Managers and Supervisors (VA 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.

## Veterans and Military Spouse Talent Engagement Program

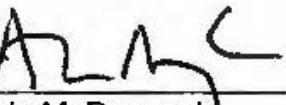
VA strives to be the leader and employer of choice for Veterans, military spouses, Veterans' families, survivors, caregivers and families across the Federal Government. By doing so, VA will bring on the best employees to have "Heroes Serving Heroes." VA launched the [Veterans and Military Spouse Talent 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.

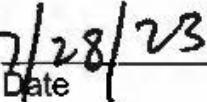
## I\*DEA

VA's Core Values of Integrity, Commitment, Advocacy, Respect and Excellence (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.

  
\_\_\_\_\_  
Denis McDonough  
Secretary of Veterans Affairs

  
\_\_\_\_\_  
Date

## REFERENCES AND RESOURCES

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## **OTHER GUIDANCE**

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[Attorney General's Guidance, Federal Law Protections for Religious Liberty](#)  
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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 evidences the following:

- 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.