



Human Resources Issuance System



Chapter: 900-006
Transmittal Number: TN-08-003
Date: June 11, 2008

Office: Office of Civil Rights and Diversity

Subject: Disciplinary Action for Employees Who Violate Antidiscrimination
and Whistleblower Protection Laws

1. PURPOSE. To establish the Department's policy for taking disciplinary action when a violation of Federal antidiscrimination and whistleblower protection laws has occurred.
2. SCOPE. This policy applies to all bureaus, offices, and organizations of the Department of the Treasury. The authority of the Inspectors General is set forth in Section 3 of the Inspector General Act and the Internal Revenue Service Restructuring and Reform Act, and defined in Treasury Order 114-01 (OIG) and Treasury Order 115-01 (TIGTA), or successor orders. The provisions of this policy shall not be construed to interfere with that authority.
3. EFFECTIVE DATE. This policy is effective with the date of this Chapter.
4. REFERENCES.
 - A. U.S. Equal Employment Opportunity Commission, *Equal Employment Opportunity (EEO) Management Directive 715* (October 1, 2003)
 - B. Section 303, Public Law No. 107-174, 116 Stat 566-575, Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002
 - C. 5 CFR Part 724, Final rule, Implementation of Title II of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002
5. BACKGROUND. Congress enacted Public Law 107-174 to increase the accountability of Federal agencies for violations of antidiscrimination and whistleblower protection laws. Agencies are required to report annually on the number of employees disciplined and the specific nature of action taken, with respect to violations of antidiscrimination and Whistleblower protection laws.

6. POLICY. It is the policy of the Department of the Treasury to maintain a work environment that is free from discrimination and harassment based on race, color, religion, sex, national origin, age, disability, sexual orientation, parental status, protected genetic information and retaliation for opposition to discrimination or participation in the discrimination complaint process. It is also the Department's policy to take appropriate disciplinary action when a violation of Federal antidiscrimination and whistleblower protection laws has occurred.

Individuals who engage in conduct inconsistent with the law will be held accountable for their actions and appropriate disciplinary action will be taken when an employee has engaged in discriminatory or retaliatory conduct (including retaliation for engaging in protected whistleblowing activities). While discrimination based on sexual orientation, parental status and protected genetic information is not covered by Federal statute, the same standards will apply to individuals who have been found to have violated Federal and Treasury policies on non-discrimination on any of these bases.

7. RESPONSIBILITIES.

- A. Each Treasury bureau shall establish a disciplinary policy and/or table of penalties which provides for appropriate disciplinary actions for employees who have intentionally engaged in discrimination or retaliatory actions, including retaliation for whistleblowing activities. Each EEO Officer and HR Officer shall ensure the appropriate policies are in place and disseminated to all employees. Where applicable, bureaus must fulfill their labor-management relations obligations prior to implementing such policy.
- B. Bureaus must submit a signed copy of the policy or table of penalties to the Director, Office of Civil Rights and Diversity within 180 days of this issuance. That date may be extended if a bureau has not concluded negotiations on this matter.
- C. By December 31 of each year, bureaus will report, for the previous five fiscal years, on:
- 1) the number, status and disposition of court cases filed in Federal court in which the plaintiff alleged discrimination, whistleblowing, or reprisal, prescribed by 5 U.S.C. § 2302(b)(1), (b)(8) or (b)(9), namely:
 - (a) race, color, religion, sex or national origin discrimination, in violation of Title VII of the Civil Rights Act of 1964;
 - (b) age discrimination, in violation of the Age Discrimination in Employment Act;
 - (c) sex discrimination, in violation of the Fair Labor Standards Act (Equal Pay Act); or
 - (d) discrimination against an individual with a disability, in violation of section 501 of the Rehabilitation Act of 1973;

- (e) prohibited personnel practice cases such as discrimination on the basis of marital status or political affiliation, a violation of merit principles, nepotism, a violation of whistleblower protection and anti-retaliation provisions under 5 U.S.C. §§ 2302(b)(1)-(9) and 2302(d).
- 2) the number of cases (including cases where a judicial finding was made or the case was settled after a determination there was a violation of law) where discrimination or retaliation was found or there was a determination an employee's whistleblower rights were violated,
- 3) the total number of employees in each fiscal year disciplined as defined in 5 CFR 724.102,
- 4) the nature of the disciplinary action. (Section 724.102 defines discipline for reporting purposes to include: reprimand, removal, reduction in grade or pay, or suspension without pay.),
- 5) the amount of money required to be reimbursed to the Judgment Fund because of a judgment against the agency or because of a settlement, and,
- 6) the amount of money to be reimbursed that is separately designated as attorney's fees.

8. OFFICE OF PRIMARY INTEREST. Office of the Deputy Assistant Secretary for Human Resources and Chief Human Capital Officer; Office of Civil Rights and Diversity.

A handwritten signature in black ink that reads "Rochelle F. Granat". The signature is written in a cursive style with a large, prominent initial "R".

Rochelle F. Granat
Deputy Assistant Secretary for Human
Resources and Chief Human Capital Officer