THE SECRETARY OF VETERANS AFFAIRS
WASHINGTON

October 22, 2025

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

SUBJECT: Equal Employment Opportunity; Notification and Federal Employee Antidiscrimination and Retaliation (No FEAR); and Whistleblower Rights and Protection Policy Statement

Your dedication and hard work in serving the Nation's Veterans, their families, and caregivers are deeply valued and directly responsible for the increase in care and benefits we are delivering. To continue this critical mission, we must ensure our workplace empowers every employee to achieve their full potential in an environment free from discrimination, harassment, and retaliation.

To fulfill our mission of serving Veterans, every Department of Veterans Affairs (VA) employee must have the opportunity to achieve their full potential. This requires fostering a workplace where all individuals can contribute their talents, ideas, and perspectives in an environment free from discrimination, harassment, and retaliation. By working together, we will build and sustain a safe and respectful culture for everyone.

Let us be clear: VA has a zero-tolerance policy for discrimination, harassment, and retaliation. This includes protections based on race, color, religion, national origin, sex (including pregnancy), age (40+), disability, and parental status. Retaliation against anyone who raises concerns or participates in an Equal Employment Opportunity process is strictly prohibited. These protections cover all employment actions, from hiring to promotions and training.

Every employee is accountable for upholding the Core Values: Integrity, Commitment, Advocacy, Respect, and Excellence. Managers and supervisors have a special responsibility to foster a professional and respectful environment within their teams. I ask all managers and supervisors to review this Equal Employment Opportunity Policy Statement with their staff and colleagues and ensure its principles are fully understood and applied.

Thank you for your steadfast dedication to those who have borne the battle. Your efforts continue to shape a VA that honors the trust placed in us by the Nation's Veterans.

Douglas A. Collins

Attachment

Department of Veterans Affairs Equal Employment Opportunity; 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); 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).

a) EEO for all employees and applicants for employment, regardless of their race, religion, color, sex (including pregnancy), national origin, age (40 or older), 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) EEO 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 pregnancy), age (40 or older), disability (mental or physical), 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.

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 prohibit harassment against individuals in retaliation for filing a discrimination charge, testifying, or participating in any way in an investigation, proceeding, 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. Additionally, harassment is considered unlawful conduct that is based on race, color, religion, national origin, sex (including pregnancy), age (40 or older), disability (mental or physical), 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 also involve physical actions such as hitting, pushing, groping, and intentional isolation. It is important to understand what harassment is—and 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. "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 (e.g., touching, crowding, or leaning over); (2) unwelcome communications of a sexual nature (e.g., 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. It may be part of a pattern of behavior or a single but very serious incident, such as offensive sexual contact or 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 typically involves 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, using 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—that threatens or endangers the health or safety of any person or creates a hostile or intimidating environment.

Examples of cyberstalking include, but are not limited to, gathering personal

information about another person, spreading false rumors, encouraging others to participate in harassment, and threatening harm through email.

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

VA employees who engage in cyberbullying, cyberstalking, or other cyber harassment may be subject to disciplinary action.

Harassment Prevention Program

The Harassment Prevention Program (HPP) is a VA enterprise-wide department within the Office of Resolution Management (ORM) that provides centralized tracking, monitoring, and reporting processes to proactively respond to allegations of harassment. The objectives of HPP are to ensure that 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 harassment has occurred, thereby reducing 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 evaluation. HPP is committed to promoting transparency and accountability at every level of employment.

Supervisors or managers who observe or are notified of harassing conduct are required to assess the situation immediately. It is highly recommended that supervisors or managers consult with Human Resources, Employee Relations/Labor Relations, and/or their local Harassment Prevention Coordinator before determining the most appropriate course of action. Supervisors are responsible for ensuring that all employees are aware of the harassment prevention policy and reporting procedures. This includes disseminating and enforcing the policy and taking reasonable steps to promptly prevent and correct harassment.

Employees have multiple avenues to immediately report harassing conduct through the HPP. These include: (1) contacting internal departmental resources, including your immediate supervisor or another management official (especially if the harassment involves your immediate supervisor); (2) contacting your local facility's Harassment Prevention Coordinator; or (3) contacting the ORM HPP at 888-566-3982, option 3 (for Telecommunications Relay Service, first dial 711).

Reporting allegations of harassment to HPP does not preclude an individual from filing an EEO complaint. The EEO Program and HPP are separate entities. Filing an HPP complaint is not the same as filing an EEO complaint. To file a Federal EEO harassment complaint, individuals must contact an ORM EEO Counselor within 45 calendar days of the date of the alleged discrimination. For more information, refer to

VA Handbook 5979, HPP Procedures, and visit the HPP on the ORM website (https://department.va.gov/resolution-management/harassment-prevention-program/).

Bystander Intervention

Bystander intervention involves recognizing harassing or harmful behavior and choosing to respond in a way that can positively influence the outcome. Bystander intervention strategies include the Four D's —distract, delegate, direct, and document —which empower individuals (employees, contractors, Veterans, and other non-Department individuals) to promote 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 observe behavior they believe to be harassing. All employees or contractors shall take appropriate action such as intervening or reporting the behavior to a management official or VA Police, if necessary. VA employees and contractors will be held accountable for failing to report harassing behavior. Disciplinary actions may be taken as a result.

Non-employee (Witness) Bystander Intervention: Veterans, beneficiaries, and other non-Department individuals are strongly encouraged to take the Bystander Intervention Training for Veterans (https://www.sharedfedtraining.org/2021_VBT/index.html#introduction/welcome) online training. This training teaches the Four D's of intervention to help participants effectively assess and address harassing behavior. Veterans and other individuals who complete the training are instructed to notify a VA employee if they witness inappropriate or harassing behavior. Employees are then responsible for reporting the incident to the appropriate official, as defined in VA Handbook 5979, HPP Procedures.

Alternative Dispute Resolution

Workplace conflict often arises from miscommunication or creative tension. When managed properly, it can lead to improved business processes and positive outcomes. It is important to maintain a culture at VA that does not suppress creative conflict or constructive dissent. To ensure 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 an EEO-related issue, management must participate—unless the issue involves waste, fraud, abuse, patient abuse, criminal activity, or an active investigation in another forum where the subject of the allegations is the EEO complainant.

ADR involves a neutral third party who facilitates constructive communication, identifies issues, and helps develop collaborative solutions. VA offers ADR services such as facilitated conversations, mediation, group facilitation, and conflict

management coaching to help resolve disputes constructively. Employees and supervisors are encouraged to consult their ADR Program Manager, contact the Workplace ADR team (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

ORM 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 ORM 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.

To initiate the complaint process, employees may contact ORM 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 ORM. For more information, visit the ORM EEO Complaint Processing website (https://department.va.gov/resolution-management/equal-employment-opportunity-eeo-complaint-processing/).

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, retaliation, and favoritism, among others. VA fully supports these protections. All employees are responsible for upholding Merit System Principles and preventing PPP violations.

VA Office of Accountability and Whistleblower Protection (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. The Office of Special Counsel (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 heightened responsibility to ensure that workplace decisions related to hiring, working conditions, and employee retention are free from prohibited practices. For allegations of whistleblower retaliation filed before OSC, individuals may bring an action before the Merit Systems Protection Board 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 intent to inflict harm and abusive, offensive, unprofessional, intimidating, slanderous, malicious, derogatory, or otherwise inappropriate, unacceptable language or other behavior intended to degrade or humiliate an individual or group. 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 (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's (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 must be reported to the VA IOC through VA IOC Watch Officer or the Administration/Staff Office Watch Officer, with VA Form 0923 and/or by calling at 202-461-5510.

No FEAR Act

Under the Notification and Federal Employee Antidiscrimination and Retaliation Act (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 the unauthorized 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; gross mismanagement; 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 with 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 member of the public.
- Never disclose VA sensitive personal information to an attorney, even if they are representing you in the context of whistleblowing.

Offices that can receive whistleblower disclosures include the following:

- VA OAWP (https://www.va.gov/accountability), 855-429-6669;
- VA OIG (https://www.vaoig.gov/), 800-488-8244; and
- OSC (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), 855-429-6669; and
- OSC (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, including those with targeted disabilities. All Federal employees and members of the public with disabilities must have access to and be able to use information and data comparable to that available to employees

and members of the public without disabilities, unless doing so would impose an undue hardship on the Agency. (Note: Only the VA Secretary can deny an accessibility request based on cost. When determining whether costs constitute an undue hardship, the financial resources of the entire Agency—not just those of the facility or staff office—should be considered). 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, as clarified by the ADA Amendments Act of 2008, 42 U.S.C. § 12101 et seq.

Additionally, compliance will be enforced in accordance with the Architectural Barriers Act of 1968, U.S.C. § 4151 et seq., to align with all national accessibility standards. Sufficient funding will be allocated to efficiently ensure comprehensive compliance.

Reasonable Accommodations

The Rehabilitation Act of 1973 assists individuals with disabilities in accessing the same employment opportunities and benefits available to individuals without disabilities in the Federal sector. An important component in hiring and retaining individuals with disabilities is providing reasonable accommodations (RA) to 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 the application process, 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 provides personal assistance services to employees with targeted disabilities to assist them with performing 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 outlined in VA Handbook 5975.1, Processing Requests for Reasonable Accommodation and Personal Assistance Services for Employees and Applicants with Disabilities.

RA 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 physical, sensory, psychiatric, intellectual, or other mental disabilities. Other species of animals, whether wild or domestic, trained or untrained, are generally not considered service animals under 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 their 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 protections 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 nursing or pumping at work, as well as a private space 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 generally not exceed 15 minutes each. The space for nursing mothers to express breast milk must be shielded from view and free from intrusion from coworkers and the public. The designated location must be a space other than a bathroom or restroom.

An employee should contact their supervisor and/or servicing HR office regarding a PUMP Act concern so that it can be addressed in coordination with the facility building manager. If the issue cannot be resolved by the HR office and building management, the employee may contact the DOL Wage and Hour Division (https://www.dol.gov/agencies/whd/contact/complaints), which is in charge of enforcing the 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 doing so would impose an undue hardship. Undue hardship exists when a burden is substantial in the overall context of the employer's operations. VA's duty to accommodate typically involves 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 involve 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 resolve the identified conflict while maintaining a respectful, productive, and effective work environment in support of VA's mission.

Religious expression and exercise are permitted in VA workplaces, provided that such expression does not suggest Government endorsement or preference for one faith over another; interfere with the efficient operation of Government activities; 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 based on their limited English proficiency. This commitment applies to all VA federally conducted programs and activities, as well as VA programs that receive Federal financial assistance.

In accordance with Title VI of the Civil Rights Act of 1964, VA will take the necessary steps to provide individuals with limited English proficiency meaningful access to these programs and activities.

Language Usage in the Workplace

VA recognizes and respects the right of employees to speak languages other than English in the workplace, provided it does not interfere with the performance of their work duties. Employees may speak another language when the conversation is unrelated to the performance of their duties (e.g., when they are in the break room or making personal telephone calls).

EEOC has stated that rules requiring employees to speak only English in the workplace violate the law unless they are reasonably necessary to the operation of the business. A rule requiring employees to speak only English in the workplace at all times—including during breaks and lunch—should be limited to situations where it is necessary for the employer to operate safely and efficiently.

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

Mandatory Training

VA is committed to educating its workforce on EEO, the prevention of harassment, 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 has established the following requirements for employees:

- All employees must complete No FEAR Act Training within 60 days of being hired and biennially thereafter.

- All employees must complete Harassment Prevention and Accountability Training within 60 days of being hired and annually thereafter.

- All employees must complete VA OIG Training (VA 39390) within 60 days of being hired.

- 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, No FEAR, and Whistleblower Protection Policy Statement within 60 days of being hired and annually thereafter.

Service Members, Spouses, and Dependents

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 that 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 service 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."

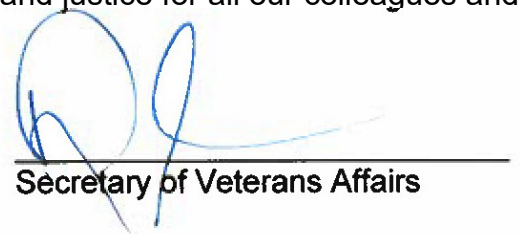
The DOL Veterans Employment and Training Service (VETS) is authorized to investigate and resolve complaints of USERRA violations. For assistance in filing a complaint, or for any other information on USERRA, contact VETS at 1-866-4-USA-DOL or visit the VETS website (https://www.dol.gov/agencies/vets).

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) in November 2022. VMSTEP provides employment readiness assistance and outreach to transitioning Service members, Veterans, and eligible military spouses, while also 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*CARE

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—provide a baseline for the standards of behavior expected of all VA employees. To cultivate and sustain a high-performing organization, VA must build and maintain an engaged workforce drawn from all segments of American society and must inspire and support a work environment where all VA employees feel uniquely valued and welcomed. Through these strategies, we can be a more perfect organization—committed to equality, humanity, and justice for all our colleagues and those we serve.



Secretary of Veterans Affairs

10/22/25

Date

REFERENCES AND RESOURCES

References and resources can be found on the ORM website (https://department.va.gov/resolution-management/resources/)