

HR 1557

Federal Employee Antidiscrimination Act of 2015

Congress: 114 (2015–2017, Ended)

Chamber: House

Policy Area: Government Operations and Politics

Introduced: Mar 24, 2015

Current Status: Placed on Senate Legislative Calendar under General Orders. Calendar No. 556.

Latest Action: Placed on Senate Legislative Calendar under General Orders. Calendar No. 556. (Jul 12, 2016)

Official Text: <https://www.congress.gov/bill/114th-congress/house-bill/1557>

Sponsor

Name: Rep. Cummings, Elijah E. [D-MD-7]

Party: Democratic • **State:** MD • **Chamber:** House

Cosponsors (4 total)

Cosponsor	Party / State	Role	Date Joined
Del. Norton, Eleanor Holmes [D-DC-At Large]	D · DC		Mar 24, 2015
Rep. Chaffetz, Jason [R-UT-3]	R · UT		Apr 23, 2015
Rep. Jackson Lee, Sheila [D-TX-18]	D · TX		Apr 23, 2015
Rep. Sensenbrenner, F. James, Jr. [R-WI-5]	R · WI		Apr 23, 2015

Committee Activity

Committee	Chamber	Activity	Date
Homeland Security and Governmental Affairs Committee	Senate	Reported By	Jul 12, 2016
Oversight and Government Reform Committee	House	Reported By	May 15, 2015

Subjects & Policy Tags

Policy Area:

Government Operations and Politics

Related Bills

No related bills are listed.

Federal Employee Antidiscrimination Act of 2015

(Sec. 2) This bill amends the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 to: (1) expand disclosure and enforcement requirements relating to findings of acts of discrimination and retaliation in the federal workplace, and (2) amend the sense of Congress provisions of such Act to declare that accountability in the enforcement of federal employee rights is furthered when federal agencies take appropriate disciplinary action against employees who have been found to have committed discriminatory or retaliatory acts.

(Sec. 3) With respect to disclosure of findings of discrimination or retaliation in an agency, the bill requires an agency to provide notice on its website for at least one year regarding any finding by the agency or the Equal Employment Opportunity Commission (EEOC) of discrimination or retaliation in the agency. The notice shall identify the date the finding was made, the dates the discriminatory or retaliatory acts occurred, the laws violated, and shall advise employees of their rights and protections available under law.

(Sec. 4) With respect to agency reporting requirements, the bill requires agencies to:

- submit their annual reports to Congress, the EEOC, and Department of Justice on discrimination and retaliation in an electronic format;
- report to the EEOC on whether disciplinary action has been initiated against an employee who has committed an act of discrimination or retaliation; and
- include in the data on equal employment opportunity complaints posted on their websites whether a decision has been made to pursue disciplinary action against an employee who has committed an act of discrimination or retaliation and additional data on each class action complaint filed against the federal agency alleging discrimination or retaliation.

(Sec. 7) The bill also requires federal agencies to: (1) establish a system to track each complaint of discrimination adjudicated by the EEOC from inception to resolution, including whether a decision has been made on necessary disciplinary action as a result of a finding of discrimination; and (2) make a notation in an employee's personnel record of any adverse action taken against the employee for an act of discrimination or retaliation.

The bill declares that each federal agency is responsible for the fair, impartial processing and resolution of complaints of employment discrimination and retaliation and requires each agency to establish a model Equal Employment Opportunity Program that is not under the control of a Human Capital or General Counsel Office, is devoid of internal conflicts of interest, and ensures fairness, inclusiveness, and the efficient resolution of complaints alleging discrimination or retaliation.

The bill authorizes the EEOC to refer a finding of discrimination or retaliation within a federal agency to the Office of Special Counsel (OSC) if the EEOC determines that the agency did not take appropriate action. The OSC shall review the referrals for purposes of seeking disciplinary action.

The EEOC must include such referrals in its annual report on the federal workforce.

(Sec. 8) The bill prohibits the implementation or enforcement of nondisclosure policies, forms, or agreements that prohibit or restrict an employee from disclosing to Congress, the OSC, or an Office of the Inspector General any information relating to any violation of law, mismanagement, a gross waste of funds, abuse of authority, or a substantial and specific

danger to public health or safety or any other whistleblower protection.

(Sec. 9) Federal agencies must propose a minimum 12-day suspension for a first violation, or removal for a second violation, of a supervisor who has been determined to have: (1) committed a prohibited personnel practice that discriminates for or against an employee or applicant based on race, color, religion, sex, national origin, age, handicap condition, or marital status; or (2) accessed an employee's medical records or taken personnel actions against an employee or applicant in retaliation for protected whistleblower disclosures or activities. An agency must carry out the suspension or removal if, after providing the supervisor an opportunity to answer and furnish evidence, the agency determines that the supervisor's evidence is insufficient to reverse the proposed suspension or removal.

These suspension and removal requirements do not apply to the Federal Bureau of Investigation, the Central Intelligence Agency, the Defense Intelligence Agency, the National Geospatial-Intelligence Agency, the National Security Agency, the Office of the Director of National Intelligence, the National Reconnaissance Office, the Government Accountability Office, or certain executive agencies whose principal function the President determines is the conduct of foreign intelligence or counterintelligence activities.

Actions Timeline

- **Jul 12, 2016:** Committee on Homeland Security and Governmental Affairs. Reported by Senator Johnson with an amendment in the nature of a substitute. With written report No. 114-300.
- **Jul 12, 2016:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 556.
- **Dec 9, 2015:** Committee on Homeland Security and Governmental Affairs. Ordered to be reported with an amendment in the nature of a substitute favorably.
- **Jul 22, 2015:** Received in the Senate and Read twice and referred to the Committee on Homeland Security and Governmental Affairs.
- **Jul 21, 2015:** Mr. Chaffetz moved to suspend the rules and pass the bill.
- **Jul 21, 2015:** Considered under suspension of the rules. (consideration: CR H5308-5312)
- **Jul 21, 2015:** DEBATE - The House proceeded with forty minutes of debate on H.R. 1557.
- **Jul 21, 2015:** At the conclusion of debate, the Yeas and Nays were demanded and ordered. Pursuant to the provisions of clause 8, rule XX, the Chair announced that further proceedings on the motion would be postponed.
- **Jul 21, 2015:** Considered as unfinished business. (consideration: CR H5314-5315)
- **Jul 21, 2015:** Passed/agreed to in House: On motion to suspend the rules and pass the bill Agreed to by the Yeas and Nays: (2/3 required): 403 - 0 (Roll no. 448).(text: CR H5308-5310)
- **Jul 21, 2015:** On motion to suspend the rules and pass the bill Agreed to by the Yeas and Nays: (2/3 required): 403 - 0 (Roll no. 448). (text: CR H5308-5310)
- **Jul 21, 2015:** Motion to reconsider laid on the table Agreed to without objection.
- **May 15, 2015:** Reported by the Committee on Oversight and Government Reform. H. Rept. 114-117.
- **May 15, 2015:** Placed on the Union Calendar, Calendar No. 83.
- **Mar 25, 2015:** Committee Consideration and Mark-up Session Held.
- **Mar 25, 2015:** Ordered to be Reported by Voice Vote.
- **Mar 24, 2015:** Introduced in House
- **Mar 24, 2015:** Referred to the House Committee on Oversight and Government Reform.