



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

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FINANCIAL MANAGEMENT MEMORANDA 2010 - 006 (Vol. IX.I.)

To: Bureau Assistant Directors for Administration
Bureau Chief Financial Officers

From: Don Geiger *Don Geiger*
Acting Director, Office of Financial Management

Subject: No FEAR Act Settlement and Award Payments

The attached memorandum was distributed on April 21, 2005. It has been confirmed with the Office of Budget that the processes/procedures mentioned in the memorandum remain valid.

To ensure that your questions are answered regarding the No Fear Act Settlements and Award Payments in an effective and efficient manner, the points of contact have been updated as follows:

Office of Budget	Sherry Gudger	208-6648
Office of Civil Rights	Sharon Eller	208-5693
Office of Financial Management	Don Geiger	208-5542

If you have any questions regarding the No Fear payment processes, please contact one of the above individuals.

Attachment: April 21, 2005, memorandum signed by the Assistant Secretary - PMB

cc: Financial Statement Guidance Team
Finance Officers Partnership

Cancelled FMMs: n/a

Additional FMMs on the Subject: n/a



United States Department of the Interior

OFFICE OF THE ASSISTANT SECRETARY
POLICY, MANAGEMENT AND BUDGET
Washington, DC 20240



APR 21 2005

Memorandum

To: Assistant Secretaries
Bureau and Office Heads
Bureau and Office Budget Officers
Bureau and Office Chief Financial Officers
Bureau and Office Civil Rights Officers or Equal Opportunity Officers

From: Assistant Secretary – Policy, Management and Budget *P. G. [Signature]*

Subject: No FEAR Act Settlement and Award Payments

On October 1, 2003, the Notification and Federal Employee Anti-discrimination and Retaliation Act of 2002 went into effect. Known as the No FEAR Act, this legislation was intended to: (1) make agencies more accountable for their violations of certain employee protection laws, (2) increase agencies' compliance with these laws, and (3) improve congressional oversight. The No FEAR Act addresses violations or alleged violations of Federal discrimination laws, Federal whistleblower protection laws, and retaliation claims arising from the assertion of rights under these laws. In addition to requiring agencies to repay the Judgment Fund, discussed further below, the No FEAR Act attempts to accomplish these goals by requiring each agency to: (1) provide employees written notification of, and training on, their rights under the laws covered by the Act; (2) submit annual reports on its No FEAR Act cases to congressional entities, the Equal Employment Opportunity Commission, and the Attorney General; and (3) post on the Department's public web site summary statistical data on employee discrimination complaints filed involving the agency.

Final regulations regarding the No FEAR Act require reimbursement to the Department of Treasury from agency appropriations of all award and settlement amounts paid from the Judgment Fund after October 1, 2003. The regulations provide that agencies may seek approval from Treasury to phase their payments if their funds are insufficient. The names of agencies that fail to submit reimbursement to Treasury will be posted on Treasury's website as in arrears with their No FEAR Act payments.

In June of 2004, the Department received its first formal notification from the Department of Treasury requesting reimbursement for No FEAR settlement and judgment payments. The Department has since received additional notifications. Each of these notifications provides the Department with a 45-day period within which to reimburse the costs of the settlements and judgments. The Department has fully reimbursed the Judgment Fund for the settlement and

judgment costs identified in the first three notifications and is in the process of reimbursing the Judgment Fund in response to the subsequent notifications.

Prior to June 2004, bureaus and offices were responsible for making payments directly to the Department of Treasury. However, this practice may no longer be used. A new process for reimbursing the Judgment Fund has been implemented in order to verify that the appropriate account is being billed, ensure that the Department is providing timely payments, and maintain a full accounting of reimbursements. In this new process, the Department will collect funds from appropriate bureaus and offices through reimbursable support agreements and reimburse the Department of Treasury. With this new process it will be possible to track the settlements and judgments that have been paid and the timing of the payments. This process will ensure that we stay current with the records maintained by the Department of Treasury.

The Office of Budget, working in coordination with the Office of Financial Management and the Office of Civil Rights, will seek accounting information and approval of reimbursable support agreements from the appropriate bureaus and offices. Offices and bureaus will be given an opportunity to verify the appropriateness of the settlements and judgments prior to entering into the reimbursable support agreements. Information on settlements and judgments will be provided to the relevant bureaus and offices as it becomes available.

The Office of Financial Management will continue to send bureaus information on settlements and judgments that is generated by the Financial Management Service's Receivable Register. This register gives us early notice on the settlement and judgment requests that are issued formally by the Department of Treasury. Following the posting on the FMS Receivable Register, the Department of Treasury issues a formal notification of payments due and provides payment vouchers for each settlement and judgment. After the Office of Budget receives the formal notification, copies will be provided to the appropriate office or bureau, and action will be initiated to seek reimbursement.

The Office of the Solicitor, through its role of Departmental representative in Federal Court, has been reviewing the settlements for legal sufficiency and has been providing backup information for related court cases. The Office of Budget will distribute this additional information to each office and bureau for validation and verification of the settlements and judgments.

Before approving a reimbursement, we ask that each bureau or office verify the accuracy and appropriateness of the settlement or judgment with the Office of the Solicitor's Division of General Law and their Civil Rights Office. You may want to consult with the Department's Office of Civil Rights as well.

If you have questions on this matter or the process outlined above, please contact Pam Haze in the Office of Budget at (202) 208-5308, Debra Carey in the Office of Financial Management at (202) 208-5542, or Sharon Eller in the Office of Civil Rights at (202) 208-5693. Thank you for your assistance in this matter.