

## NO FEAR Act Notice

On May 15, 2002, Congress enacted the "Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002," which is now known as the No FEAR Act. One purpose of the Act is to "require that Federal agencies be accountable for violations of antidiscrimination and whistleblower protection laws." Public Law 107-174, Summary. In support of this purpose, Congress found that "agencies cannot be run effectively if those agencies practice or tolerate discrimination." Public Law 107-174, Title I, General Provisions, section 101(1).

The Act also requires federal agencies to provide this notice to federal employees, former federal employees and applicants for Federal employment to inform you of the rights and protections available to you under federal antidiscrimination and whistleblower protection laws.

### Antidiscrimination Laws

As a Federal Agency, AAFES cannot discriminate against an employee, former employee, or applicant with respect to the terms, conditions or privileges of employment on the basis of race, color, religion, national origin, sex (including pregnancy and gender stereotyping), age, disability (physical and mental), genetic information, or reprisal for having participated in protected EEO activity. Discrimination on these bases is prohibited by one or more of the following statutes: 10 U.S.C. 1587, 29 U.S.C. 206(d), 29 U.S.C. 631, 29 U.S.C. 633a, 29 U.S.C. 791, and 42 U.S.C. 2000e-16. If you believe that you have been the victim of unlawful discrimination on the basis of race, color, religion, national origin, sex (including pregnancy and gender stereotyping), age, physical/mental disability, genetic information, or reprisal for having participated in protected EEO activity, you must contact an AAFES Equal Employment Opportunity (EEO) counselor within 45 calendar days of the alleged discriminatory action, or, in the case of a personnel action, within 45 calendar days of the effective date of the action, before you can file a formal complaint of discrimination with AAFES. AAFES EEO Counselors info is on the posters located on or near employee bulletin boards in AAFES facilities, or contact the nearest AAFES Human Resources Office. If you believe you have been discriminated against because of your status as a parent, you must contact an AAFES EEO counselor; however, if you are a current employee covered by a collective bargaining agreement, you must contact your local union representative. If you believe that you have been the victim of unlawful discrimination on the basis of age, you must either contact an AAFES EEO counselor as noted above or give notice of intent to sue to the Equal Employment Opportunity Commission (EEOC) within 180 calendar days of the alleged discriminatory action.

### Whistleblower Protection Laws

An AAFES employee with authority to take, direct others to take, recommend or approve any personnel action must not use that authority to take or fail to take, or threaten to take or fail to take, a personnel action against an employee or applicant because of disclosure of information by that individual that is reasonably believed to evidence 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, unless disclosure of such information is specifically prohibited by law and such information is specifically required by Executive Order to be kept secret in the interest of national defense or the conduct of foreign affairs.

Retaliation against an employee or applicant for making a protected disclosure is prohibited by 10 U.S.C. 1587. If you believe that you have been the victim of whistleblower retaliation, you may file a complaint with the Department of Defense (DoD) Hotline. You can either file complaints by phone (1-800-424-9098 or 202-693-5080, or DSN 223-5080) or by letter addressed to: DoD HOTLINE Program, The Pentagon, Washington, D.C. 20301-1155.

#### Retaliation for Engaging in Protected Activity

AAFES cannot retaliate against an employee, former employee, or applicant because that individual exercises his or her rights under any of the Federal antidiscrimination or whistleblower protection laws listed above. If you believe that you are the victim of retaliation for engaging in protected activity, you must follow, as appropriate, the procedures described in the Antidiscrimination Laws and Whistleblower Protection Laws sections or, if applicable, the administrative or negotiated grievance procedures in order to pursue any legal remedy.

#### Disciplinary Actions

Under the existing laws, AAFES retains the right, where appropriate, to discipline an AAFES employee for conduct that is inconsistent with Federal Antidiscrimination and Whistleblower Protection Laws up to and including removal. Nothing in the No FEAR Act alters existing laws or permits an agency to take unfounded disciplinary action against an AAFES employee or to violate the procedural rights of an AAFES employee who has been accused of discrimination

#### Additional Information

For further information regarding the No FEAR Act regulations, refer to 5 CFR part 724, as well as the AAFES' Human Resources Office, AAFES EEO Office, AAFES Inspector General, or AAFES Office of General Counsel. Additional information regarding Federal Antidiscrimination, Whistleblower Protection and Retaliation Laws can be found at the EEOC Web site--<http://www.eeoc.gov>.

#### Existing Rights Unchanged

Pursuant to section 205 of the No FEAR Act, neither the Act nor this notice creates, expands or reduces any rights otherwise available to any employee, former employee or applicant under the laws of the United States, including the provisions of law specified in 10 U.S.C. 1587.

### Complaint Activity

	2016	2015	2013	2012	2011
Number of Formal Complaints Filed	55	69	93	101	107
Number of Individuals that Filed Complaints	50	65	93	99	105
Number of Individuals who Filed two or more Complaints	5	5	0	2	2

<b>Complaints filed by Basis</b>	<b>2016</b>	<b>2015</b>	<b>2014</b>	<b>2013</b>	<b>2012</b>
Race	40	43	52	29	28
Color	10	17	16	6	1
Religion	3	4	6	7	5
National Origin	18	16	15	11	8
Sex (including complaints filed under Equal Pay Act)	16	29	27	19	26
Disability	22	33	29	30	32
Age	22	27	32	18	25
Reprisal	48	48	40	29	30

<b>Complaints by Issue</b>	<b>2016</b>	<b>2015</b>	<b>2014</b>	<b>2013</b>	<b>2012</b>
Appointment/Hire	0	0	0	1	1
Assignment of Duties	11	31	15	13	7
Awards	1	1	2	0	1
Conversion to Full-time	0	1	1	0	0
Disciplinary Action	25	32	41	22	18
Demotion	1	2	4	1	3
Reprimand	5	6	6	5	6
Suspension	9	9	9	5	6
Removal	1	2	2	0	0
Disciplinary Warning	17	19	20	11	3
Duty Hours	10	18	3	19	6
Evaluation Appraisal	23	22	19	10	17
Examination/Test	0	0	1	0	0
Harassment	29	53	47	38	39
Non-sexual	26	45	41	37	36
Sexual	5	8	6	1	3
Medical Examination	0	1	2	0	0
Pay Including Overtime	7	13	9	13	1
Promotion/Non-Selection	17	15	12	8	8
Reassignment	4	7	3	6	1
Denied	1	2	0	2	0
Directed	3	5	3	4	1
Reasonable Accommodation	11	10	6	15	10
Reinstatement	0	3	1	0	0
Religious Accommodation	0	0	0	0	0
Retirement	0	1	0	3	0
Sex-Sterotyping	0	0	0	0	0
Telework	0	0	0	0	0
Termination	19	17	21	16	28

Terms/Conditions	6	4	2	1	1
Time & Attendance	11	17	7	8	4
Training	7	10	9	7	2

## Average Length of Time

	2016	2015	2014	2013	2012
taken to complete investigation and final action by Agency					
All Complaints for any length of time during fiscal year	379.00	285.25	324.04	257.32	318.17
Complaints where a hearing was not requested	243.18	193.21	256.47	205.30	186.88
Complaints where a hearing was requested	1230.75	943.71	689.90	654.67	886.31

	2016	2015	2014	2013	2012
Complaints Dismissed by Agency	8	15	12	21	20
Average days pending prior to dismissal	98.00	63.73	48.08	74.43	75.30

	2016	2015	2014	2013	2012
Number of Complaints Withdrawn by Complainants (ADR and Non-ADR)	2	6	10	13	16

## Total Final Agency Actions

	2016	2015	2014	2013	2012
Finding Discrimination					
Total Number Finding	0	0	0	0	1
Without Hearing	0	0	0	0	1
Percentage	0	0	0	0	100%
With Hearing	0	0	0	0	0
Percentage	0	0	0	0	0

## Number of Final Agency Actions

	2016	2015	2014	2013	2012
Finding Discrimination based on basis					
Race	0	0	0	0	0
Color	0	0	0	0	0
Religion	0	0	0	0	0
National Origin	0	0	0	0	0
Sex (including complaints filed under Equal Pay Act)	0	0	0	0	0
Disability	0	0	0	0	1
Age	0	0	0	0	0
Reprisal	0	0	0	0	0

# Number of Final Agency Actions

2016 2015 2014 2013 2012

	2016	2015	2014	2013	2012
<b>Finding Discrimination based on issue with hearing</b>					
Appointment/Hire	0	0	0	0	0
Assignment of Duties	0	0	0	0	0
Awards	0	0	0	0	0
Conversion to Full-time	0	0	0	0	0
Disciplinary Action	0	0	0	0	0
Demotion	0	0	0	0	0
Reprimand	0	0	0	0	0
Suspension	0	0	0	0	0
Removal	0	0	0	0	0
Counseling	0	0	0	0	0
Duty Hours	0	0	0	0	0
Evaluation Appraisal	0	0	0	0	0
Examination/Test	0	0	0	0	0
Harassment	0	0	0	0	0
Non-sexual	0	0	0	0	0
Sexual	0	0	0	0	0
Medical Examination	0	0	0	0	0
Pay Including Overtime	0	0	0	0	0
Promotion/Non-selection	0	0	0	0	0
Reassignment	0	0	0	0	0
Denied	0	0	0	0	0
Directed	0	0	0	0	0
Reasonable Accommodation	0	0	0	0	0
Reinstatement	0	0	0	0	0
Retirement	0	0	0	0	0
Termination	0	0	0	0	0
Terms/Conditions of Employment	0	0	0	0	0
Time and Attendance	0	0	0	0	0

## Number of Final Agency Actions

Finding Discrimination based on issue without hearing:

2016	2015	2014	2013	2012
0	0	0	0	1

## Pending Complaints

Total Complaints Pending

Pending Written Notification \*

Pending Decision to Accept/Dismiss \*

Pending Investigation

Pending 180 Day investigation Notice

Pending in Hearings

Pending Final Agency Action

2016	2015	2014	2013	2012
71	81	65	103	88
0	0	0	0	0
6	16	8	1	7
20	23	24	48	48
7	0	0	0	0
45	36	28	50	29
6	6	5	4	4

## Investigation Completed

Timely

Untimely

2016	2015	2014	2013	2012
40	21	6	4	5
18	26	25	47	33