

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 Counselor 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 those 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

	2023	2022	2021	2020	2019
Number of Formal Complaints Filed	48	49	34	55	61
Number of Individuals that Filed Complaints	44	46	34	55	61
Number of Individuals who Filed two or more Complaints	1	2	0	0	0

Complaints filed by Basis

	2023	2022	2021	2020	2019
Race	45	31	14	24	40
Color	20	12	8	21	27
Religion	6	8	2	4	6
National Origin	18	18	5	14	19
Sex (including complaints filed under Equal Pay Act)	27	31	11	20	25
Disability	47	24	16	23	39
Age	26	30	6	18	33
Reprisal	48	38	15	29	52

Complaints by Issue

	2023	2022	2021	2020	2019
Appointment/Hire	2	3	1	0	5
Awards	3	4	2	2	2
Disciplinary Action	29	18	9	22	37
Demotion	2	3	1	1	3
Suspension	6	4	0	4	5
Removal	1	2	1	6	3
Disciplinary Warning	23	9	6	8	20
Evaluation Appraisal	17	10	4	11	18
Examination/Test	0	0	0	0	0
Harassment	46	42	18	34	48

Non-sexual	42	40	13	31	46
Sexual	4	2	5	3	2
Medical Examination	2	0	0	0	1
Pay Including Overtime	10	12	4	5	4
Promotion/Non-Selection	16	15	6	7	18
Reassignment	4	8	2	9	12
Reasonable Accommodation	14	16	3	5	5
Religious Accommodation	1	3	1	0	1
Sex-Stereotyping	0	0	0	6	0
Telework	0	0	0	0	0
Termination	32	33	7	10	29
Time & Attendance	11	10	7	11	10
Training	7	8	2	3	4

Average Length of Time taken to complete investigation and final action by Agency

	2023	2022	2021	2020	2019
All Complaints for any length of time during fiscal year	172.02	404.00	382.86	498.36	496.31
Complaints where a hearing was not requested	153.24	239.48	183.00	330.04	202.81
Complaints where a hearing was requested	278.35	649.91	732.89	861.81	866.38

Complaints Dismissed by Agency

	2023	2022	2021	2020	2019
	15	10	5	7	6

**Number of Complaints Withdrawn
by Complainants**

(ADR and Non-ADR)

2023	2022	2021	2020	2019
2	2	3	3	5

**Total Final Agency Actions Finding
Discrimination**

Total Number Finding

Without Hearing

Percentage

With Hearing

Percentage

2023	2022	2021	2020	2019
0	0	0	1	0
0	0	0	0	0
0	0	0	0	0
0	0	0	1	0
0	0	0	100	0

**Number of Final Agency Actions
Finding Discrimination based on
basis with hearing**

Race

Color

Religion

National Origin

Sex (including complaints filed under Equal Pay Act)

Disability

Age

Reprisal

2023	2022	2021	2020	2019
0	0	0	1	0
0	0	0	0	0
0	0	0	0	0
0	0	0	0	0
0	0	0	1	0
0	0	0	0	0
0	0	0	1	0
0	0	0	0	0

**Number of Final Agency Actions
Finding Discrimination based on
issue with hearing**

	2023	2022	2021	2020	2019
Appointment/Hire	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
Suspension	0	0	0	0	0
Removal	0	0	0	0	0
Counseling	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	1	0
Reassignment	0	0	0	0	0
Reasonable Accommodation	0	0	0	0	0
Reinstatement	0	0	0	0	0
Termination	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**

2023	2022	2021	2020	2019
0	0	0	0	0

Pending Complaints

	2023	2022	2021	2020	2019
Total Complaints Pending	29	43	52	66	67
Pending Written Notification *	0	0	0	0	0
Pending Decision to Accept/Dismiss *	4	6	5	6	5
Pending Investigation	10	16	13	23	35
Pending 180 Day investigation Notice	0	0	0	0	0
Pending in Hearings	15	16	28	31	24
Pending Final Agency Action	0	5	6	6	3

Investigation Completed

	2023	2022	2021	2020	2019
Timely	32	24	38	25	27
Untimely	4	2	0	22	13