



**Fiscal Year 2009
Notification and Federal
Employee Anti-
Discrimination and
Retaliation (NoFEAR)
Report**



FY 2009 Annual Report

2009 Message from the Director

I am pleased to present the Department of Defense Education Activity's (DoDEA) Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 ("NoFEAR Act") annual report for Fiscal Year 2009. DoDEA's Community Strategic Plan (CSP) calls for a workforce that is motivated, diverse, and committed to continuous professional growth and development resulting in exemplary performance and optimum student achievement. This report will reflect DoDEA's commitment and its intention to operate in a workplace free of discrimination and harassment.


DoDEA is a civilian agency of the U.S. Department of Defense (DoD). As of January 2009, military dependents represent 85% of the total enrollment in DoDEA schools. The schools are divided into three areas, each managed by an area director. Within each of the three areas, schools are organized into districts headed by superintendents. DoDEA operates 191 schools in 14 districts located in 12 foreign countries, 7 states, Guam, and Puerto Rico. Schools within DoDEA are fully accredited by U.S. accreditation agencies. Approximately 8,700 teachers serve 84,000 students. Teacher Pay (TP) and Administratively Determined (AD) positions dominate DoDEA pay plans and makeup 77% of DoDEA's workforce. These pay plans are our school-level positions located stateside and overseas and include classroom teachers, counselors, media specialists, administrators, and other school-level positions. Classroom teachers are the majority of TP and AD pay plans.

Our total workforce of 15,317 is predominantly female at 78% (11,942). White females are the largest group at 59% (8,983) of the total workforce. Males represent 22% (3,375) of the total workforce. White males are the largest male group at 17% (2,582). White employees represent 76% (11,565) of the total workforce. The remaining 24% of our workforce is made up of 10.06% (1,541) black females, 2.76% (423) black males, 4.58% (702) Hispanic females, 1.56% (239) Hispanic males, 3% (459) Asian females, 0.51% (78) Asian males, 0.63% (96) American Indian/Alaskan Native (AI/AN) females, and 0.13% (20) AI/AN males, 1.05% (161) females who identified two or more races, and 0.22% (33) males who identified two or more races.

The DoDEA, Headquarters (HQ), Diversity Management and Equal Opportunity (DMEO) office, administers and ensures Agency compliance with the laws, regulations, policies, and guidance that prohibit discrimination in the federal workplace. HQ, DMEO issues policy; provides information, guidance and leadership training to managers and supervisors in implementing Equal Employment Opportunity (EEO) law throughout the Agency; is responsible for issuing final decisions for the Director, DoDEA, and ensuring that the Agency is in compliance with the requirements of Federal EEO laws and regulations; monitors the DMEO Area offices complaint processing activities and EEO programs. The HQ, DMEO office is comprised of the Chief, DMEO; Deputy Chief, DMEO; Diversity Program Manager; Alternative Dispute Resolution (ADR) Program Manager (vacant); Complaints Program Manager; and Disabilities Program Manager. DoDEA employs two positions at each of the three DMEO Area offices located in Wiesbaden, Germany; Okinawa, Japan; and Peachtree City, Georgia. The positions are classified as (1) an Area Program Manager, responsible for oversight of the pre-complaint EEO process, EEO training, and each component of a model EEO (disabilities program, ADR program, diversity program, and complaints and compliance.); and (2) a full-time EEO Counselor

responsible for the pre-complaint process, to include resolving complaints at the lowest possible level, providing training, and working as a team with the Area Program Manager, including developing Special Emphasis Program initiatives in accordance with DoD 1440.1.

The NoFEAR Act, signed by President George W. Bush on May 15, 2002, is intended to reduce the incidence of workplace discrimination within the Federal government by making agencies and departments more accountable. Section 203 of the NoFEAR Act specifically requires, not later than 180 days after the end of each fiscal year, each Federal agency to submit to the Speaker of the House of Representatives, the President Pro Tempore of the Senate, the Committee on Governmental Affairs of the Senate, the Committee on Government Reform of the House of Representatives, each committee of Congress with jurisdiction relating to the agency, the Equal Employment Opportunity Commission, and the Attorney General an annual report with specific information relating to each agency's EEO complaints activity. Code of Federal Regulation (CFR) 5 Part 724 provides further guidance on each agency's reporting obligations, and also requires the submission of the annual report to the Director of the Office of Personnel Management for the implementation of a best practices study and the issuance of advisory guidelines.


Dr. Shirley A. Miles
Director

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2009 Summary

Annual Report Required by Section 203 of the Notification and Federal Employee Antidiscrimination and Retaliation (NoFEAR) Act of 2002 and 5 CFR Part 724.

1. The number of cases arising under each of the respective provisions of law covered by paragraphs (1) and (2) of section 201(a) in which discrimination on the part of the agency was alleged.	03								
2. The status or disposition of cases described in paragraph (1).	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 80%;">Dismissed</td> <td style="text-align: right;">00</td> </tr> <tr> <td>Settled</td> <td style="text-align: right;">01</td> </tr> <tr> <td>Summary Judgment</td> <td style="text-align: right;">00</td> </tr> <tr> <td>Pending</td> <td style="text-align: right;">02</td> </tr> </table>	Dismissed	00	Settled	01	Summary Judgment	00	Pending	02
Dismissed	00								
Settled	01								
Summary Judgment	00								
Pending	02								
3. The amount of money required to be reimbursed by such agency under section 201 in connection with each of such cases, separately identifying the aggregate amount of such reimbursements attributable to the payment of attorneys' fees, if any.	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 80%;">Lump Sum</td> <td style="text-align: right;">\$1,500</td> </tr> <tr> <td>Attorney Fees</td> <td style="text-align: right;">\$0</td> </tr> </table>	Lump Sum	\$1,500	Attorney Fees	\$0				
Lump Sum	\$1,500								
Attorney Fees	\$0								
4. The number of employees disciplined for discrimination, retaliation, harassment, or any other infraction of any provision of law referred to in paragraph (1).	00								
5. A detailed description of: <ul style="list-style-type: none"> A. the policy implemented by that agency relating to appropriate disciplinary actions against a Federal employee who - <ul style="list-style-type: none"> i. discriminated against any individual in violation of any of the laws cited under section 201(a)(1) or (2), or ii. committed another prohibited personnel practice that was revealed in the investigation of a complaint alleging a violation of any of the laws cited under section 201(a)(1) or (2), and B. with respect to each of such laws, the number of employees who are disciplined in accordance with such policy and the specific nature of the disciplinary action taken. 	<ul style="list-style-type: none"> A. <ul style="list-style-type: none"> DoDEA's Anti-Harassment Policy; Department of Defense Dependents Schools-Europe Anti-Harassment Policy; DoDEA Regulation 5751.9, Disciplinary and Adverse Actions B. 00 								

7. Any adjustment (to the extent the adjustment can be ascertained in the budget of the agency) to comply with the requirements under section 201.

Not Applicable.

8. NoFEAR Act Training Plan pursuant to 5 CFR Part 724.203

See NoFEAR Act Training Plan on p. 21.

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2009 Analysis - Section 203(a)(7)

1. Trend Analysis

Pre-complaints - In FY09, 0.66% (101) of DoDEA's workforce (15,317) filed pre-complaints. DoDEA is below the 1.2% government-wide average for pre-complaints filed as reported by the Equal Employment Opportunity Commission (EEOC) 2008 Annual Report on the Federal Workplace.

Formals - In FY09, 0.29% (45) of DoDEA's workforce (15,317) filed formal complaints. The 2008 government-wide average of the workforce who files formal complaints is 0.50%. Formal complaints filed in DoDEA represent 45% of pre-complaints (101) filed in FY09, slightly higher than the 2008 government-wide average conversion rate of 41%. During the 5-year period (FY05-FY09), the conversion rate from pre-complaints counseled to formal complaints filed with DoDEA averaged 44%. Less than half of all pre-complaints filed become formal complaints against DoDEA.

For FY09 DoDEA's top three bases were (1) age; (2) sex (female), and (3) reprisal, tied with (3) race/black. The top 3 issues raised in complaints were (1) harassment (non-sexual); (2) appointment/hire; and (3) termination, tied with (3) terms and conditions of employment. According to the EEOC 2008 Annual Report, the top issue raised government-wide was harassment (non-sexual) and the top basis was reprisal.

From FY05-FY09, DoDEA's top basis fluctuated: For FY09 and FY08 it was age; FY07 and FY06 race/black, and FY05 reprisal tied with age. Overall, the top issue brought forth remains harassment (non-sexual).

In FY05 the top three bases were reprisal, tied with age; race/black; and sex/female. The top three issues were harassment (non-sexual); promotion/non-selection; and reprimand.

In FY06 the top three bases were race/black; reprisal, tied with age; and color; tied with sex/male. The top three issues were harassment (non-sexual); appointment/hire; and promotion/non-selection.

In FY07 the top three bases were race/black; age; and physical disability. The top three issues were harassment (non-sexual); management-directed reassignments; and termination.

In FY08, the top three bases were age; reprisal, tied with race/black; and physical disability. The top three issues were harassment (non-sexual), promotion/non-selection, and management-directed reassignments, tied with reasonable accommodation.

Causal Analysis

An analysis of DoDEA's EEO complaints processes found that the filing of pre-complaints increased 13% (101) from FY 09 - FY08 (89). The increase in pre-complaints may be due to a major reorganization experienced by DoDEA personnel that was initiated by the DoDEA Director to maximize resources and provide consistent support for the mission. Certain changes in the workplace do sometimes produce a tremendous amount of resistance, and the realignment and change in doing business most likely had a direct impact on the increase of contacts and pre-complaints.

In FY09, DoDEA had a 100% (101) offer rate for pre-complaint Alternative Dispute Resolution (ADR). Although only 29% (29) of employees who filed pre-complaints accepted ADR, the use of ADR techniques at the pre-complaint stage addressed many employee concerns resulting in some pre-complaints never moving forward to the formal complaint phase. As a result, 55% (56) of pre-complaints filed (101) in FY09, did not result in a formal complaint filed due either to settlement by the parties or withdrawal from the EEO process. DoDEA's resolution rate equals the EEOC 2008 Annual Report's government-wide average of 55%.

2. Practical Knowledge Gained through Experience

DoDEA examined its overall EEO program and is working towards improvement in the following areas:

Compliance with Timeframes (Investigations) – The EEOC regulatory requirement is 180 days to complete an investigation and issue a Report of Investigation. Investigations pose challenges for DoDEA for the following reasons:

1. DoDEA is a geographically dispersed organization composed largely of educators who are inaccessible while teaching and during school recess breaks;
2. DoDEA does not have internal investigators but uses investigators from the Department of Defense, Civilian Personnel Management Services, Investigations and Resolutions Division.
 - As corrective action, the investigative component is diligently investigating cases during the school year, and the DMEO office has reorganized its functions to be able to monitor the investigative process more closely.
 - DMEO realigned functions by assigning a Complaints Manager to focus closely on the investigative process and implement processes to hold case managers accountable to timeliness of investigations.
 - The DMEO Area offices are each assigned a Program Manager responsible for monitoring the investigative process and performing the full spectrum of the EEO program (diversity, disabilities, complaints and compliance, and ADR).

DoDEA's investigation processing timelines have improved 6.6% from 211 days in FY08, dropping to 197 days in FY09. DoDEA continues to examine its processes to identify areas that need improvement.

Compliance with Timeframes (Final Agency Decisions [FADs]) – The EEOC regulatory requirements mandate that FADs be issued within 60 days of the 30-day election period. DoDEA's average time for issuing FADs in FY09 is 109 days. Timely issuance of FADs pose challenges for the following reasons:

- DoDEA does not have internal FAD writers but contracts with freelance FAD writers (attorneys). Prior to FY09, contractors were not completing the FADs in a timely manner and sufficient time was not built into the process for product revisions. In addition, when the FAD writer returned the draft FAD, coordination of the FAD for legal sufficiency was also causing delays. An analysis of the process resulted in a new Scope of Work, requiring the contractor to agree to a 20-day timeframe to complete the FAD at the time they submit a bid. Also, bilateral reviews of the final FAD are conducted by DMEO and General Counsel, and both have a required 3-day turnaround for review. A flowchart was developed for guidance and to compel case managers to be accountable for timeframes throughout the process until the issuance of the FAD.

DoDEA's DMEO Alternative Dispute Resolution (ADR) Program - The DMEO ADR process is voluntary, however, management is strongly encouraged to participate. The DMEO office has trained its employees as certified mediators and now has on-staff mediators to serve throughout the EEO process in resolving workplace disputes. As a result, the ADR process is more accessible to employees. In FY09 29% of the 101 of employees who filed pre-complaints elected mediation. However, 55% (56) of pre-complaints (101 filed) were resolved at the pre-complaint stage either through EEO Counseling or ADR techniques. The DMEO office still has work to do in marketing the ADR program in order to obtain a higher rate of ADR participation and resolve more complaints. In FY09, DoDEA hired a Program Manager within the General Counsel's office to develop an Agency ADR program to manage disputes outside of the EEO process. The Agency ADR Program is titled the "Center for Early Dispute Resolution (CEDR)." A pilot program will begin in FY10 in one of our state-side components starting with Special Education issues in the schools. Therefore, in FY10 we expect to see more ADR training resulting in a highly visible Agency ADR program and more resolution of workplace disputes at the lowest possible level.

4. Update on the DMEO Reorganization to Attain the Essential Elements of a Model EEO Program

- In FY09 the DMEO office hired a DMEO Program Manager for DoDEA-Pacific. The responsibilities of that position include oversight of the total EEO program (pre-complaints process, formal EEO complaints process, diversity management, disabilities

program/reasonable accommodations, and the ADR program). DMEO also hired a Disability Program Manager at Headquarters. Currently, DoDEA DMEO has two vacancies. The two vacant positions, one at Headquarters (ADR Program Manager) and one at the DoDEA-Americas area office in Peachtree City, Georgia (full-time EEO counselor) will be filled in FY10. When these positions are filled, DoDEA DMEO will be fully staffed.

DMEO staff anticipated that the FY07 reorganization by realigning positions to function as program managers at HQ in the area of Complaints and Compliance, ADR, and Diversity, along with staffing all area offices with a Program Manager and a full-time counselor, would bring efficacy and better oversight for each functional area. Overall, the conversion rates from pre-complaints to formals have dropped from 49% in FY07 to 45% in FY09, even with a turnover of personnel. Fully staffing all three of our area offices has resulted in overall program improvements. DMEO expects continuous improvement in our processing times.

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FY 2009 Quarterly Webposting Data

Data Posted Pursuant to Section 301 of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002
Equal Employment Opportunity Data Posted Pursuant to the No Fear Act:
DoDEA

For 4th Quarter 2009 for period ending September 30, 2009

****Mixed Cases are Included in this report.****

Complaint Activity	Comparative Data					
	Previous Fiscal Year Data					2009 Thru 09-30
	2004	2005	2006	2007	2008	
Number of Complaints Filed	35	25	34	50	31	<u>45</u>
Number of Complainants	34	25	33	50	31	44
Repeat Filers	1	0	1	1	0	1

Complaints by Basis	Comparative Data					
	Previous Fiscal Year Data					2009 Thru 09-30
<i>Note: Complaints can be filed alleging multiple bases. The sum of the bases may not equal total complaints filed.</i>	2004	2005	2006	2007	2008	
Race	15	12	21	27	10	<u>14</u>
Color	12	3	10	7	2	<u>5</u>
Religion	17	3	3	4	1	<u>2</u>
Reprisal	12	10	14	15	9	<u>9</u>
Sex	16	12	18	23	9	<u>20</u>
National Origin	6	3	5	5	7	<u>8</u>
Equal Pay Act	3	0	0	0	0	<u>1</u>
Age	11	10	14	20	10	<u>18</u>
Disability	6	7	8	16	7	<u>6</u>

Complaints by Basis	Comparative Data					
	Previous Fiscal Year Data					2009 Thru 09- 30
<i>Note: Complaints can be filed alleging multiple bases. The sum of the bases may not equal total complaints filed.</i>	2004	2005	2006	2007	2008	
Non-EEO	0	1	0	0	0	<u>1</u>

Complaints by Issue	Comparative Data					
	Previous Fiscal Year Data					2009 Thru 09- 30
<i>Note: Complaints can be filed alleging multiple bases. The sum of the bases may not equal total complaints filed.</i>	2004	2005	2006	2007	2008	
Appointment/Hire	4	2	9	5	1	<u>6</u>
Assignment of Duties	3	2	3	3	2	<u>2</u>
Awards	0	0	0	0	0	<u>0</u>
Conversion to Full-time	0	0	0	0	0	<u>0</u>
Disciplinary Action						
Demotion	0	0	0	0	0	<u>0</u>
Reprimand	4	2	2	2	2	<u>1</u>
Suspension	2	1	1	1	0	<u>0</u>
Removal	0	0	0	0	0	<u>1</u>
Other	1	4	2	0	1	<u>0</u>
Duty Hours	1	0	0	0	0	<u>0</u>
Evaluation Appraisal	0	1	2	0	1	<u>0</u>
Examination/Test	0	0	0	0	0	<u>0</u>
Harassment						
Non-Sexual	9	10	12	17	14	<u>22</u>
Sexual	1	1	0	3	2	<u>1</u>
Medical Examination	0	0	0	1	0	<u>0</u>

Complaints by Issue	Comparative Data					
	Previous Fiscal Year Data					2009 Thru 09-30
<i>Note: Complaints can be filed alleging multiple bases. The sum of the bases may not equal total complaints filed.</i>	2004	2005	2006	2007	2008	
Pay (Including Overtime)	0	2	0	0	0	<u>1</u>
Promotion/Non-Selection	9	3	6	3	5	<u>2</u>
Reassignment						
Denied	2	1	0	1	0	<u>0</u>
Directed	3	2	4	9	4	<u>4</u>
Reasonable Accommodation	1	4	1	2	4	<u>2</u>
Reinstatement	0	0	0	0	0	<u>0</u>
Retirement	1	1	0	0	0	<u>0</u>
Termination	9	4	1	6	4	<u>5</u>
Terms/Conditions of Employment	1	2	4	2	1	<u>5</u>
Time and Attendance	0	0	2	2	0	<u>0</u>
Training	2	0	1	1	0	<u>0</u>
Other	5	3	1	0	1	<u>0</u>

Processing Time	Comparative Data					
	Previous Fiscal Year Data					2009 Thru 09-30
	2004	2005	2006	2007	2008	
Complaints pending during fiscal year						
Average number of days in investigation	325.50	229.04	208.91	264.37	216.79	149.23
Average number of days in final action	0	69.71	101.59	122.42	161.76	80.14
Complaint pending during fiscal year where hearing was requested						
Average number of days in investigation	311.50	225.73	219.82	257.93	212.00	23.22
Average number of days in final action	0	35.64	22.93	89.83	52.00	39.50
Complaint pending during fiscal year where hearing was not requested						

Processing Time	Comparative Data					
	Previous Fiscal Year Data					2009 Thru 09-30
	2004	2005	2006	2007	2008	
Average number of days in investigation	353.50	234.00	198.92	269.20	220.15	215.94
Average number of days in final action	94.33	137.86	239.25	155.00	187.59	110.62

Complaints Dismissed by Agency	Comparative Data					
	Previous Fiscal Year Data					2009 Thru 09-30
	2004	2005	2006	2007	2008	
Total Complaints Dismissed by Agency	2	5	6	17	8	<u>11</u>
Average days pending prior to dismissal	20	63	526	103	300	49
Complaints Withdrawn by Complainants						
Total Complaints Withdrawn by Complainants	0	1	2	2	2	<u>2</u>

Total Final Agency Actions Finding Discrimination	Comparative Data											
	Previous Fiscal Year Data										2009 Thru 09-30	
	2004		2005		2006		2007		2008			
	#	%	#	%	#	%	#	%	#	%	#	%
Total Number Findings	0		0		0		0		0		0	
Without Hearing	0	0	0	0	0	0	0	0	0	0	<u>0</u>	0
With Hearing	0	0	0	0	0	0	0	0	0	0	<u>0</u>	0

Findings of Discrimination Rendered by Basis	Comparative Data											
	Previous Fiscal Year Data										2009 Thru 09- 30	
	2004		2005		2006		2007		2008			
	#	%	#	%	#	%	#	%	#	%	#	%
<i>Note: Complaints can be filed alleging multiple bases. The sum of the bases may not equal total complaints and findings.</i>												
Total Number Findings	0		0		0		0		0		0	
Race	0	0	0	0	0	0	0	0	0	0	0	0
Color	0	0	0	0	0	0	0	0	0	0	0	0
Religion	0	0	0	0	0	0	0	0	0	0	0	0
Reprisal	0	0	0	0	0	0	0	0	0	0	0	0
Sex	0	0	0	0	0	0	0	0	0	0	0	0
National Origin	0	0	0	0	0	0	0	0	0	0	0	0
Equal Pay Act	0	0	0	0	0	0	0	0	0	0	0	0
Age	0	0	0	0	0	0	0	0	0	0	0	0
Disability	0	0	0	0	0	0	0	0	0	0	0	0
Non-EEO	0	0	0	0	0	0	0	0	0	0	0	0
Findings After Hearing	0		0		0		0		0		0	
Race	0	0	0	0	0	0	0	0	0	0	0	0
Color	0	0	0	0	0	0	0	0	0	0	0	0
Religion	0	0	0	0	0	0	0	0	0	0	0	0
Reprisal	0	0	0	0	0	0	0	0	0	0	0	0
Sex	0	0	0	0	0	0	0	0	0	0	0	0
National Origin	0	0	0	0	0	0	0	0	0	0	0	0
Equal Pay Act	0	0	0	0	0	0	0	0	0	0	0	0
Age	0	0	0	0	0	0	0	0	0	0	0	0
Disability	0	0	0	0	0	0	0	0	0	0	0	0
Non-EEO	0	0	0	0	0	0	0	0	0	0	0	0

Findings of Discrimination Rendered by Basis	Comparative Data											
	Previous Fiscal Year Data										2009 Thru 09- 30	
	2004		2005		2006		2007		2008			
#	%	#	%	#	%	#	%	#	%	#	%	
<i>Note: Complaints can be filed alleging multiple bases. The sum of the bases may not equal total complaints and findings.</i>												
Findings Without Hearing	0		0		0		0		0		0	
Race	0	0	0	0	0	0	0	0	0	0	<u>0</u>	0
Color	0	0	0	0	0	0	0	0	0	0	<u>0</u>	0
Religion	0	0	0	0	0	0	0	0	0	0	<u>0</u>	0
Reprisal	0	0	0	0	0	0	0	0	0	0	<u>0</u>	0
Sex	0	0	0	0	0	0	0	0	0	0	<u>0</u>	0
National Origin	0	0	0	0	0	0	0	0	0	0	<u>0</u>	0
Equal Pay Act	0	0	0	0	0	0	0	0	0	0	<u>0</u>	0
Age	0	0	0	0	0	0	0	0	0	0	<u>0</u>	0
Disability	0	0	0	0	0	0	0	0	0	0	<u>0</u>	0
Non-EEO	0	0	0	0	0	0	0	0	0	0	<u>0</u>	0

Findings of Discrimination Rendered by Issue	Comparative Data											
	Previous Fiscal Year Data										2009 Thru 09-30	
	2004		2005		2006		2007		2008			
	#	%	#	%	#	%	#	%	#	%	#	%
Total Number Findings	0		0		0		0		0		0	
Appointment/Hire	0	0	0	0	0	0	0	0	0	0	0	0
Assignment of Duties	0	0	0	0	0	0	0	0	0	0	0	0
Awards	0	0	0	0	0	0	0	0	0	0	0	0
Conversion to Full-time	0	0	0	0	0	0	0	0	0	0	0	0
Disciplinary Action												
Demotion	0	0	0	0	0	0	0	0	0	0	0	0
Reprimand	0	0	0	0	0	0	0	0	0	0	0	0
Suspension	0	0	0	0	0	0	0	0	0	0	0	0
Removal	0	0	0	0	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0	0	0	0	0
Duty Hours	0	0	0	0	0	0	0	0	0	0	0	0
Evaluation Appraisal	0	0	0	0	0	0	0	0	0	0	0	0
Examination/Test	0	0	0	0	0	0	0	0	0	0	0	0
Harassment												
Non-Sexual	0	0	0	0	0	0	0	0	0	0	0	0
Sexual	0	0	0	0	0	0	0	0	0	0	0	0
Medical Examination	0	0	0	0	0	0	0	0	0	0	0	0
Pay (Including Overtime)	0	0	0	0	0	0	0	0	0	0	0	0
Promotion/Non-Selection	0	0	0	0	0	0	0	0	0	0	0	0
Reassignment												
Denied	0	0	0	0	0	0	0	0	0	0	0	0
Directed	0	0	0	0	0	0	0	0	0	0	0	0

Findings of Discrimination Rendered by Issue	Comparative Data											
	Previous Fiscal Year Data										2009 Thru 09-30	
	2004		2005		2006		2007		2008		#	%
	#	%	#	%	#	%	#	%	#	%		
Reasonable Accommodation	0	0	0	0	0	0	0	0	0	0	0	0
Reinstatement	0	0	0	0	0	0	0	0	0	0	0	0
Retirement	0	0	0	0	0	0	0	0	0	0	0	0
Termination	0	0	0	0	0	0	0	0	0	0	0	0
Terms/Conditions of Employment	0	0	0	0	0	0	0	0	0	0	0	0
Time and Attendance	0	0	0	0	0	0	0	0	0	0	0	0
Training	0	0	0	0	0	0	0	0	0	0	0	0
Other - User Defined	0	0	0	0	0	0	0	0	0	0	0	0
Findings After Hearing	0	0	0	0	0	0	0	0	0	0	0	0
Appointment/Hire	0	0	0	0	0	0	0	0	0	0	0	0
Assignment of Duties	0	0	0	0	0	0	0	0	0	0	0	0
Awards	0	0	0	0	0	0	0	0	0	0	0	0
Conversion to Full-time	0	0	0	0	0	0	0	0	0	0	0	0
Disciplinary Action												
Demotion	0	0	0	0	0	0	0	0	0	0	0	0
Reprimand	0	0	0	0	0	0	0	0	0	0	0	0
Suspension	0	0	0	0	0	0	0	0	0	0	0	0
Removal	0	0	0	0	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0	0	0	0	0
Duty Hours	0	0	0	0	0	0	0	0	0	0	0	0
Evaluation Appraisal	0	0	0	0	0	0	0	0	0	0	0	0
Examination/Test	0	0	0	0	0	0	0	0	0	0	0	0

Findings of Discrimination Rendered by Issue	Comparative Data											
	Previous Fiscal Year Data										2009 Thru 09-30	
	2004		2005		2006		2007		2008			
	#	%	#	%	#	%	#	%	#	%	#	%
Harassment												
Non-Sexual	0	0	0	0	0	0	0	0	0	0	0	0
Sexual	0	0	0	0	0	0	0	0	0	0	0	0
Medical Examination	0	0	0	0	0	0	0	0	0	0	0	0
Pay (Including Overtime)	0	0	0	0	0	0	0	0	0	0	0	0
Promotion/Non-Selection	0	0	0	0	0	0	0	0	0	0	0	0
Reassignment												
Denied	0	0	0	0	0	0	0	0	0	0	0	0
Directed	0	0	0	0	0	0	0	0	0	0	0	0
Reasonable Accommodation	0	0	0	0	0	0	0	0	0	0	0	0
Reinstatement	0	0	0	0	0	0	0	0	0	0	0	0
Retirement	0	0	0	0	0	0	0	0	0	0	0	0
Termination	0	0	0	0	0	0	0	0	0	0	0	0
Terms/Conditions of Employment	0	0	0	0	0	0	0	0	0	0	0	0
Time and Attendance	0	0	0	0	0	0	0	0	0	0	0	0
Training	0	0	0	0	0	0	0	0	0	0	0	0
Other - User Defined	0	0	0	0	0	0	0	0	0	0	0	0
Findings Without Hearing	0		0		0		0		0		0	
Appointment/Hire	0	0	0	0	0	0	0	0	0	0	0	0
Assignment of Duties	0	0	0	0	0	0	0	0	0	0	0	0
Awards	0	0	0	0	0	0	0	0	0	0	0	0
Conversion to Full-time	0	0	0	0	0	0	0	0	0	0	0	0
Disciplinary Action												

Findings of Discrimination Rendered by Issue	Comparative Data											
	Previous Fiscal Year Data										2009 Thru 09-30	
	2004		2005		2006		2007		2008		#	%
	#	%	#	%	#	%	#	%	#	%		
Demotion	0	0	0	0	0	0	0	0	0	0	0	0
Reprimand	0	0	0	0	0	0	0	0	0	0	0	0
Suspension	0	0	0	0	0	0	0	0	0	0	0	0
Removal	0	0	0	0	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0	0	0	0	0
Duty Hours	0	0	0	0	0	0	0	0	0	0	0	0
Evaluation Appraisal	0	0	0	0	0	0	0	0	0	0	0	0
Examination/Test	0	0	0	0	0	0	0	0	0	0	0	0
Harassment												
Non-Sexual	0	0	0	0	0	0	0	0	0	0	0	0
Sexual	0	0	0	0	0	0	0	0	0	0	0	0
Medical Examination	0	0	0	0	0	0	0	0	0	0	0	0
Pay (Including Overtime)	0	0	0	0	0	0	0	0	0	0	0	0
Promotion/Non-Selection	0	0	0	0	0	0	0	0	0	0	0	0
Reassignment												
Denied	0	0	0	0	0	0	0	0	0	0	0	0
Directed	0	0	0	0	0	0	0	0	0	0	0	0
Reasonable Accommodation	0	0	0	0	0	0	0	0	0	0	0	0
Reinstatement	0	0	0	0	0	0	0	0	0	0	0	0
Retirement	0	0	0	0	0	0	0	0	0	0	0	0
Termination	0	0	0	0	0	0	0	0	0	0	0	0
Terms/Conditions of Employment	0	0	0	0	0	0	0	0	0	0	0	0
Time and Attendance	0	0	0	0	0	0	0	0	0	0	0	0

Findings of Discrimination Rendered by Issue	Comparative Data												
	Previous Fiscal Year Data										2009 Thru 09-30		
	2004		2005		2006		2007		2008				
	#	%	#	%	#	%	#	%	#	%	#	%	
Training	0	0	0	0	0	0	0	0	0	0	0	0	0
Other - User Defined	0	0	0	0	0	0	0	0	0	0	0	0	0

Pending Complaints Filed in Previous Fiscal Years by Status	Comparative Data						
	Previous Fiscal Year Data					2009 Thru 09-30	
	2004	2005	2006	2007	2008		
Total complaints from previous Fiscal Years	23	46	38	35	51	34	
Total Complainants	23	45	37	34	50	32	
Number complaints pending							
Investigation	0	0	0	0	0	0	
ROI issued, pending Complainant's action	1	0	0	1	0	0	
Hearing	0	0	0	0	0	10	
Final Agency Action	0	2	0	3	0	4	
Appeal with EEOC Office of Federal Operations	0	0	0	0	0	0	

Complaint Investigations	Comparative Data						
	Previous Fiscal Year Data					2009 Thru 09-30	
	2004	2005	2006	2007	2008		
Pending Complaints Where Investigations Exceed Required Time Frames	3	5	6	4	1	3	

FY 2009 Annual Report

NoFEAR Act Training Plan

This document sets forth the DoDEA's training plan, pursuant to the Notification and Federal Antidiscrimination and Retaliation Act of 2002 ("NoFEAR Act"), Public Law 107-174, and 5 CFR Part 724.203.

Requirements of the NoFEAR Act

Specifically, Section 202(c) of Title II of the NoFEAR Act sets forth the following requirement: "Each Federal agency shall provide to the employees of such agency training regarding the rights and remedies applicable to such employees under the [Federal antidiscrimination and retaliation statutes and other legal authority]."

Requirements of 5 CFR Part 724

5 CFR § 724.203(a) requires the following: "Each agency must develop a written plan to train all of its employees (including supervisors and managers) about the rights and remedies available under the Antidiscrimination Laws and Whistleblower Protection Laws applicable to them."

5 CFR § 724.203(b) further specifies: "Each agency training plan shall describe: (1) The instructional materials and method of the training, (2) The training schedule, and (3) The means of documenting completion of training."

Next, 5 CFR § 724.203(d) requires each agency "to complete the initial training under this subpart for all employees (including supervisors and managers) by December 17, 2006. Thereafter, each agency must train all employees on a training cycle of no longer than every 2 years."

Finally, 29 CFR § 724.203(e) sets forth the following requirement: "After the initial training is completed, each agency must train new employees as part of its agency orientation program or other training program. Any agency that does not use a new employee orientation program for this purpose must train new employees within 90 calendar days of the new employees' appointment."

DoDEA NoFEAR Act Training

I. Initial Training Required by 5 CFR § 724.203(d)

DoDEA's DMEO office contracted with LRP Publications to access its NoFEAR interactive online training. The NoFEAR training can be taken at an employee's workstation and takes less than 30 minutes to complete all six sections. Each section of the video can be selected from the menu and viewed in order (Whistleblowing; Race/Color National Origin; Religion; Sex/Age; Disability/Retaliation). The final section addresses regulatory timeframes for filing EEO and Whistleblower complaints.

II. **NoFEAR Act Training during New Employees' Orientation, Required by 5 CFR § 724.203(e)**

DoDEA's DMEO office sponsors and participates in all DoDEA New Employee Orientation sessions providing basic information on the NoFEAR Act and directing new employees to the NoFEAR Act online presentation posted on DMEO's intranet website.

III. **Recurring NoFEAR Act On-Line Training and Documentation**

NoFEAR training is mandatory for all employees, managers, and supervisors. Newly-hired employees must be trained within 90 days of hire; refresher training is required every year. Each DMEO Area office is required to provide the local DMEO POC with the total number of completed training certificates by February of each year. The program is in compliance with the recurring training and documentation requirements of 5 CFR §§ 724.203(b) and (d).



Dr. Shirley A. Miles

Director, Department of Defense Education Activity

MAR 12 2010

Date