

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, sex, national origin, age, or disability (physical and mental). 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, sex (including pregnancy), national origin disability, or genetic information, 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. Names of AAFES EEO Counselors are on 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 sexual orientation, perceived sexual orientation or 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

	2011	2010	2009	2008	2007
Number of Formal Complaints Filed	107	112	109	103	112
Number of Individuals that Filed Complaints	105	106	104	97	105
Number of Individuals who Filed two or more Complaints	2	6	5	6	6

Complaints filed by Basis

	2011	2010	2009	2008	2007
Race	32	48	28	42	40
Color	4	9	1	8	5
Religion	2	7	1	3	1
National Origin	21	19	9	12	17
Sex (including complaints filed under Equal Pay Act)	23	17	18	29	35
Disability	21	33	12	20	20
Age	24	25	26	16	21
Reprisal	25	33	22	35	29

Complaints by Issue

	2011	2010	2009	2008	2007
Appointment/Hire	0	2	0	1	2
Assignment of Duties	7	11	7	8	5
Awards	0	2	2	4	3
Conversion to Full-time	0	0	0	0	0
Disciplinary Action	37	17	17	23	27
Demotion	2	0	0	1	1
Reprimand	10	7	6	9	13
Suspension	9	5	5	5	4
Removal	0	0	0	0	0
Counseling	16	5	6	8	9
Duty Hours	9	4	2	8	8
Evaluation Appraisal	15	9	8	8	17
Examination/Test	0	0	0	0	0
Harassment	45	52	41	50	38
Non-sexual	42	48	35	44	32
Sexual	3	4	6	6	6
Medical Examination	0	0	0	0	0
Pay Including Overtime	2	7	8	7	2
Promotion/Non-Selection	16	20	12	14	14
Reassignment	10	17	6	8	7
Denied	3	8	2	2	1
Directed	7	9	4	6	6
Reasonable Accommodation	6	4	2	4	4
Reinstatement	0	0	0	0	1
Retirement	0	0	1	1	3
Termination	24	16	15	22	23
Terms/Conditions	0	2	0	0	1
Time & Attendance	6	14	7	8	9
Training	4	5	6	5	6

Average Length of Time

2011 2010 2009 2008 2007

taken to complete investigation and final action by Agency

All Complaints for any length of time during fiscal year	313.42	270.36	335.58	301.18	315.20
Complaints where a hearing was not requested	231.38	329.73	373.87	377.04	328.05
Complaints where a hearing was requested	734.50	656.14	673.20	615.61	581.30

2011 2010 2009 2008 2007

Complaints Dismissed by Agency

Average days pending prior to dismissal	27	37	16	25	21
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2011 2010 2009 2008 2007

Number of Complaints Withdrawn by Complainants (ADR and Non-ADR)

	14	14	9	11	10
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Total Final Agency Actions

2011 2010 2009 2008 2007

Finding Discrimination

Total Number Finding	1	1	1	0	0
Without Hearing	0	0	0	0	0
Percentage	0	0	0	0	0
With Hearing	1	1	1	0	0
Percentage	100%	100%	100%	0	0

Number of Final Agency Actions

2011 2010 2009 2008 2007

Finding Discrimination based on basis

Race	1	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	1	0	0	0
Disability	0	0	1	0	0
Age	0	0	0	0	0
Reprisal	1	0	0	0	0

Number of Final Agency Actions

2011 2010 2009 2008 2007

Finding Discrimination based on issue with hearing

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	1	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	1	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	1	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

	2011	2010	2009	2008	2007
Finding Discrimination based on issue without hearing:	0	0	0	0	0

Pending Complaints

	2011	2010	2009	2008	2007
Total Complaints Pending	74	84	104	76	96
Pending Written Notification *	0	0	0	0	0
Pending Decision to Accept/Dismiss *	1	-	-	-	-
Pending Investigation	39	39	54	45	47
Pending in Hearings	31	40	45	28	25
Pending Final Agency Action	3	5	5	3	18

*2011 change: "Pending Acknowledgement" is now "Pending Written Notification" and "Pending Decision to Accept/Dismiss" has been added.

Investigation Completed

	2011	2010	2009	2008	2007
Timely	25	29	29	15	16
Untimely	24	39	28	36	53

EEOC MD 715

	2011	2010	2009	2008	2007
Total Number of Associates	35382	35512	35409	35277	34269
Percentage of Males	37%	37%	36%	36%	36%
Percentage of Females	63%	63%	64%	64%	64%

Race/Ethnicity of Workforce

	2011	2010	2009	2008	2007
by Percentage					
Hispanic or Latino	16%	15%	15%	14%	13%
White	40%	40%	40%	40%	42%
Black or African American	27%	27%	27%	27%	28%
Asian	10%	10%	11%	11%	11%
Native Pacific Islander	3%	3%	3%	3%	2%
Native American Indian	1%	1%	1%	1%	1%
Two or more races	4%	4%	4%	4%	2%

*May not equal 100% due to rounding.

Pay Bands

	2011	2010	2009	2008	2007
PB3	4231	4271	4285	4213	4090
Male	26%	27%	26%	26%	27%
Female	74%	73%	74%	74%	73%
Hispanic or Latino	13%	13%	12%	13%	11%
White	43%	44%	45%	45%	48%
Black or African American	28%	27%	27%	27%	28%
Asian	8%	9%	9%	9%	10%
Native Pacific Islander	2%	2%	2%	2%	2%
Native American Indian	1%	1%	1%	1%	1%
Two or more races	5%	4%	4%	4%	<1%

*May not equal 100% due to rounding.

	2011	2010	2009	2008	2007
PB4	2790	2708	2568	2437	2182
Male	42%	42%	43%	42%	42%
Female	58%	58%	57%	58%	58%
Hispanic or Latino	12%	12%	11%	11%	10%
White	54%	54%	56%	57%	61%
Black or African American	21%	21%	20%	20%	20%
Asian	7%	7%	7%	6%	7%
Native Pacific Islander	1%	1%	1%	1%	1%
Native American Indian	1%	1%	1%	1%	1%
Two or more races	4%	4%	4%	4%	<1%

*May not equal 100% due to rounding.

	2011	2010	2009	2008	2007
PB5	684	682	665	649	633
Male	64%	65%	65%	65%	65%
Female	36%	35%	35%	35%	35%
Hispanic or Latino	7%	7%	8%	8%	7%
White	72%	73%	73%	73%	78%
Black or African American	9%	9%	9%	9%	8%
Asian	5%	4%	5%	5%	5%
Native Pacific Islander	<1%	<1%	<1%	1%	1%
Native American Indian	1%	1%	2%	1%	1%
Two or more races	5%	5%	3%	3%	<1%

	2011	2010	2009	2008	2007
PB6	14	14	14	14	14
Male	71%	85.71	85.71	78.58	78.58
Female	29%	14.29	14.29	21.42	21.42
Hispanic or Latino	14%	7%	7%	7%	0%
White	79%	79%	79%	79%	79%
Black or African American	0%	7%	7%	7%	7%
Asian	7%	7%	7%	0%	7%
Native Pacific Islander	0%	0%	0%	0%	0%
Native American Indian	0%	0%	0%	7%	7%
Two or more races	0%	0%	7%	0%	7%

*May not equal 100% due to rounding.

	2011	2010	2009	2008	2007
Hourly Paid Associates	27663	27835	27877	27964	27350
Male	37%	37%	37%	36%	36%
Female	63%	63%	63%	64%	64%
Hispanic or Latino	17%	16%	16%	15%	14%
White	37%	37%	37%	37%	39%
Black or African American	27%	28%	28%	29%	30%
Asian	11%	11%	11%	12%	12%
Native Pacific Islander	3%	3%	3%	3%	2%
Native American Indian	1%	1%	1%	1%	1%
Two or more races	4%	4%	4%	4%	3%

*May not equal 100% due to rounding.

	2011	2010	2009	2008	2007
Associates with Disabilities	3798	3445	3272	3114	2492
Associates with Disabilities	11%	10%	9%	9%	7%
Associates with Targeted Disabilities	2%	2%	2%	2%	2%