

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.

**Equal Employment Opportunity Data Posted
Pursuant to the No Fear Act:
Army & Air Force Exchange Service (AAFES)**

For 2nd Quarter 2024 for period ending June 30, 2024

Complaint Activity	Comparative Data					
	Previous Fiscal Year Data					2024 Thru
	2019	2020	2021	2022	2023	30-Jun
Number of Complaints Filed	61	55	34	49	48	35
Number of Complainants	61	55	34	46	44	31
Repeat Filers	0	0	0	2	1	2
Complaints by Basis	Comparative Data					
	Previous Fiscal Year Data					2024 Thru
	2019	2020	2021	2022	2023	30-Jun
<i>Note: Complaints can be filed alleging multiple bases. The sum of the bases may not equal total complaints filed.</i>						
Race	40	24	14	31	45	8
Color	27	21	8	12	20	2
Religion	6	4	2	8	6	2
National Origin	19	14	5	18	18	3
Sex (including complaints filed under Equal Pay Act)	25	20	11	31	27	6
Disability	39	23	16	24	47	6
Age	33	18	6	30	26	4
Reprisal	52	29	15	38	48	11
Complaints by Issue	Comparative Data					
	Previous Fiscal Year Data					2024 Thru
	2019	2020	2021	2022	2023	30-Jun
<i>Note: Complaints can be filed alleging multiple bases. The sum of the bases may not equal total complaints filed.</i>						
Appointment/Hire	5	0	1	3	2	0
Awards	2	2	2	4	3	0
Disciplinary Action						
Totals:	37	22	9	18	29	13
Demotion	3	1	1	3	2	0
Suspension	5	4	0	4	6	2
Removal	3	6	1	2	1	1
Disciplinary Warning	20	8	6	9	23	8
Evaluation/ Appraisal	18	11	4	10	17	2
Examination/Test	0	0	0	0	0	0
Harassment						
Totals:	48	34	18	42	46	10
Non-Sexual	46	31	13	40	42	10
Sexual	2	3	5	2	4	0
Medical Examination	1	0	0	0	2	0
Pay including overtime	4	5	4	12	10	0
Promotion/Non-Selection	18	7	6	15	16	2
Reassignment	12	9	2	8	4	2
Reasonable Accommodation	5	5	3	16	14	1
Religious Accommodation	1	0	1	3	1	0
Sex-Stereotyping	0	6	0	0	0	0
Telework	0	0	0	0	0	0
Termination	29	10	7	33	32	5
Time and Attendance	10	11	7	10	11	3
Training	4	3	2	8	7	0

Processing Time	Comparative Data											
	Previous Fiscal Year Data					2024 Thru 30-Jun						
	2019	2020	2021	2022	2023							
Complaints pending during fiscal year												
Average number of days in investigation	97.54	75.91	82.54	134	114.20	118.46						
Average number of days in final action	296.33	306.67	545.67	523.80	0	0						
Complaints Dismissed by Agency	Comparative Data											
	Previous Fiscal Year Data					2024 Thru 30-Jun						
	2019	2020	2021	2022	2023							
Total Complaints Dismissed by Agency	6	7	5	10	15	2						
Average days pending prior to dismissal	47.17	161.86	126	847	67.27	36						
Complaints Withdrawn by Complainants												
Total Complaints Withdrawn by Complainants	5	3	3	2	2	1						
Total Final Agency Actions Finding Discrimination	Comparative Data											
	Previous Fiscal Year Data										2024 Thru 30-Jun	
	2019		2020		2021		2022		2023			
	#	%	#	%	#	%	#	%	#	%	#	%
Total Number Findings	0		1	100	0		0		0		0	
Without Hearing	0	0	0	0	0	0	0	0	0	0	0	0
With Hearing	0	0	1	100	0	0	0	0	0	0	0	0
Findings of Discrimination Rendered by Basis	Comparative Data											
	Previous Fiscal Year Data										2024 Thru 30-Jun	
	2019		2020		2021		2022		2023			
	#	%	#	%	#	%	#	%	#	%	#	%
<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		1	100	0		0		0		0	
Race	0	0	1	33.33	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 (including complaints filed under Equal Pay Act)	0	0	1	33.33	0	0	0	0	0	0	0	0
PDA	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
Age	0	0	1	33.33	0	0	0	0	0	0	0	0
Disability	0	0	0	0	0	0	0	0	0	0	0	0
Findings After Hearing	0		1	100	0		0		0		0	
Race	0	0	1	33.33	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 (including complaints filed under Equal Pay Act)	0	0	1	33.33	0	0	0	0	0	0	0	0
PDA	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
Age	0	0	1	33.33	0	0	0	0	0	0	0	0
Disability	0	0	0	0	0	0	0	0	0	0	0	0
Findings Without 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
PDA	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

Starting in FY2022, issues marked with:
* are reported under Other Terms / Conditions of Employment.
** are reported under Other Disciplinary Actions.

Findings Without Hearing	0		0		0		0		0		0		0
Appointment/Hire	0	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	0
Awards	0	0	0	0	0	0	0	0	0	0	0	0	0
Conversion to Full Time/Perm Status*	0	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	0
Reprimand**	0	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	0
Removal	0	0	0	0	0	0	0	0	0	0	0	0	0
Other Disciplinary Actions**	0	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	0
Perf. Eval./ Appraisal	0	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	0
Harassment													
Non-Sexual	0	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	0
Medical Examination	0	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	0
Promotion/Non-Selection	0	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	0
Directed	0	0	0	0	0	0	0	0	0	0	0	0	0
Reasonable Accommodation Disability	0	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	0
Religious Accommodation	0	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	0
Sex-Stereotyping	0	0	0	0	0	0	0	0	0	0	0	0	0
Telework	0	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	0
Terms/Conditions of Employment*	0	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	0
Training	0	0	0	0	0	0	0	0	0	0	0	0	0
Other Terms/Conditions of Employment*	0	0	0	0	0	0	0	0	0	0	0	0	0
	Comparative Data												
	Previous Fiscal Year Data					2024 Thru 30-Jun							
Pending Complaints Filed in Previous Fiscal Years by Status	2019	2020	2021	2022	2023	2024 Thru 30-Jun							
Total complaints from previous Fiscal Years	67	66	52	43	29	41							
Total Complainants	N/A	60	48	39	28	35							
Number complaints pending													
Investigation	35	23	13	16	10	20							
ROI issued, pending Complainant's action	N/A	6	2	3	3	1							
Hearing	24	31	28	16	15	16							
Final Agency Action	3	6	6	5	0	1							
Appeal with EEOC Office of Federal Operations	N/A	0	1	3	9	9							
	Comparative Data												
	Previous Fiscal Year Data					2024 Thru 30-Jun							
Complaint Investigations	2019	2020	2021	2022	2023	2024 Thru 30-Jun							
Pending Complaints Where Investigations Exceed Required Time Frames	13	22	0	2	4	6							