

## 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. 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, national origin or disability, 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.

<b>Complaint Activity</b>	<b>2009</b>	<b>2008</b>	<b>2007</b>	<b>2006</b>	<b>2005</b>	<b>2004</b>
Number of Formal Complaints Filed	109	103	112	135	138	123
Number of Individuals that Filed Complaints	104	97	105	128	132	117
Number of Individuals who Filed two or more Complaints	5	6	6	7	6	7

<b>Complaints Filed by Basis</b>	<b>2009</b>	<b>2008</b>	<b>2007</b>	<b>2006</b>	<b>2005</b>	<b>2004</b>
Race	28	42	40	51	41	48
Color	1	8	5	9	16	21
Religion	1	3	1	4	3	6
National Origin	9	12	17	34	32	19
Sex (including complaints filed under Equal Pay Act)	18	29	35	38	35	35
Disability	12	20	20	28	30	29
Age	26	16	21	25	28	26
Reprisal	22	35	29	34	41	30

<b>Complaints by Issue</b>	<b>2009</b>	<b>2008</b>	<b>2007</b>	<b>2006</b>	<b>2005</b>	<b>2004</b>
Appointment/Hire	0	1	2	7	1	3
Assignment of Duties	7	8	5	13	25	11
Awards	2	4	3	1	2	3
Conversion to Full-time	0	0	0	0	0	0
<b>Disciplinary Action</b>	<b>17</b>	<b>23</b>	<b>27</b>	<b>28</b>	<b>56</b>	<b>45</b>
Demotion	0	1	1	3	5	5
Reprimand	6	9	13	6	11	5
Suspension	5	5	4	10	7	5
Removal	0	0	0	0	24	23
Counseling	6	8	9	9	9	7
Duty Hours	2	8	8	11	17	12
Evaluation/Appraisal	8	8	17	16	23	13
Examination/Test	0	0	0	0	0	0
<b>Harassment</b>	<b>41</b>	<b>50</b>	<b>38</b>	<b>31</b>	<b>41</b>	<b>36</b>
Non-sexual	35	44	32	28	38	29
Sexual	6	6	6	3	3	7
Medical Examination	0	0	0	0	0	0
Pay Including Overtime	8	7	2	2	1	8
Promotion/Non-selection	12	14	14	15	21	27
<b>Reassignment</b>	<b>6</b>	<b>8</b>	<b>7</b>	<b>7</b>	<b>2</b>	<b>8</b>
Denied	2	2	1	7	1	2
Directed	4	6	6	0	1	6

<b>Average Length of Time taken to compete investigation and final action by Agency</b>	<b>2009</b>	<b>2008</b>	<b>2007</b>	<b>2006</b>	<b>2005</b>	<b>2004</b>
All Complaints for any length of time during fiscal year	335.58	301.18	315.20	275.28	385.50	519.00
Complaints where a hearing was <b>not</b> requested	373.87	377.04	328.05	387.90	595.28	779.77
Complaints where a hearing was requested	673.20	615.61	581.30	590.97	757.80	882.47

	<b>2009</b>	<b>2008</b>	<b>2007</b>	<b>2006</b>	<b>2005</b>	<b>2004</b>
<b>Complaints Dismissed by Agency</b>	16	25	21	33	26	31
Average days pending prior to dismissal	105.81	88.96	74.81	87.33	140.15	152.35

	<b>2009</b>	<b>2008</b>	<b>2007</b>	<b>2006</b>	<b>2005</b>	<b>2004</b>
<b>Number of Complaints Withdrawn by Complainants (ADR and Non-ADR)</b>	9	11	10	11	30	9

<b>Total Final Agency Actions Finding Discrimination</b>	<b>2009</b>	<b>2008</b>	<b>2007</b>	<b>2006</b>	<b>2005</b>	<b>2004</b>
Total Number Findings	1	0	0	0	1	3
Without Hearing	0	0	0	0	0	0
Percentage	0	0	0	0	0	0
With Hearing	1	0	0	0	1	3
Percentage	100%	0	0	0	100%	100%

<b>Number of Final Agency Actions Finding Discrimination based on basis</b>	<b>2009</b>	<b>2008</b>	<b>2007</b>	<b>2006</b>	<b>2005</b>	<b>2004</b>
Race	0	0	0	0	0	0
Color	0	0	0	0	0	0
Religion	0	0	0	0	1	1
National Origin	0	0	0	0	0	1
Sex (including complaints filed under Equal Pay Act)	0	0	0	0	0	0
Disability	1	0	0	0	1	1
Age	0	0	0	0	0	0
Reprisal	0	0	0	0	0	0

<b>Number of Final Agency Actions Finding Discrimination based on issue with hearing</b>	<b>2009</b>	<b>2008</b>	<b>2007</b>	<b>2006</b>	<b>2005</b>	<b>2004</b>
Appointment/Hire	0	0	0	0	0	0
Assignment of Duties	0	0	0	0	2	0
Awards	0	0	0	0	0	0
Conversion to Full-time	0	0	0	0	0	0
	0	0	0	0	0	0
<b>Disciplinary Action</b>	0	0	0	0	0	0
Demotion	0	0	0	0	0	0
Reprimand	0	0	0	0	0	0
Suspension	0	0	0	0	0	0
Removal	0	0	0	0	0	0
Counseling	0	0	0	0	0	0
	0	0	0	0		0
Duty Hours	0	0	0	0	2	0
Evaluation Appraisal	0	0	0	0	0	0
Examination/Test	0	0	0	0	0	0
	0	0	0	0	0	0
<b>Harassment</b>	0	0	0	0	0	0
Non-sexual	0	0	0	0	1	0
Sexual	0	0	0	0	0	0
	0	0	0	0	0	0
Medical Examination	1	0	0	0	0	0
Pay Including Overtime	0	0	0	0	0	0
Promotion/Non-selection	0	0	0	0	0	0
	0	0	0	0	0	0
<b>Reassignment</b>	0	0	0	0	0	0
Denied	0	0	0	0	1	0
Directed	0	0	0	0	0	0
	0	0	0	0	0	0
Reasonable Accommodation	0	0	0	0	1	0
Reinstatement	0	0	0	0	0	0
Retirement	0	0	0	0	0	0
Termination	0	0	0	0	0	0
Terms/Conditions of Employment	0	0	0	0	1	0
Time and Attendance	0	0	0	0	0	0

<b>Number of Final Agency Actions Finding Discrimination based on issue without hearing</b>	<b>2009</b>	<b>2008</b>	<b>2007</b>	<b>2006</b>	<b>2005</b>	<b>2004</b>
	0	0	0	0	0	0

<b>Pending Complaints</b>	<b>2009</b>	<b>2008</b>	<b>2007</b>	<b>2006</b>	<b>2005</b>	<b>2004</b>
Total Complaints Pending	104	76	96	103	109	131
Pending Acknowledgement	0	0	6	0	1	0
Pending Investigation	54	45	47	61	76	74
Pending in Hearings	45	28	25	36	27	46
Pending Final Agency Action	5	3	18	6	5	11

<b>Investigation Completed</b>	<b>2009</b>	<b>2008</b>	<b>2007</b>	<b>2006</b>	<b>2005</b>	<b>2004</b>
Timely	29	15	16	32	16	21
Untimely	28	36	53	49	43	4

**AAFES EEO EMPLOYMENT**  
Reporting Period: FY 2005 - 2009

	2009	2008	2007	2006	2005
<b>EEOC MD 715</b>					
Total Number of Associates	35409	35277	34269	36504	35289
Percentage of Males	36.37	35.70	35.86	35.85	35.90
Percentage of Females	63.63	64.30	64.14	64.15	64.10

<b>Race/Ethnicity of Workforce by Percentage</b>	2009	2008	2007	2006	2005
Hispanic or Latino	14.71	14.2	12.96	12.8	12.8
White	40.04	39.72	42.22	49.9	43.5
Black or African- American	26.95	27.47	28.43	29.5	28.8
Asian	10.68	10.69	11.05	11.2	11.5
Native Pacific Islander	2.66	2.77	2.18	1.9	1.8
Native American	0.79	0.83	0.8	0.7	0.8
Two or more races	4.17	4.32	2.36	0.9	0.5

**Pay Bands**

	2009	2008	2007	2006	2005
<b>PB 3</b>	<b>4285</b>	<b>4213</b>	<b>4090</b>	<b>4123</b>	<b>2966</b>
Male	25.76	26.44	26.53	26.7	29.5
Female	74.24	73.56	73.47	73.3	69.7
Hispanic or Latino	12.23	12.72	11.42	11.2	11.4
White	44.67	44.84	48.09	49.9	50.5
Black or African American	27.31	26.75	27.85	27	25.4
Asian	8.82	8.81	10.1	9.6	10.3
Native Hawaiian or Pacific Islander	1.91	1.99	1.54	1.5	1.3
Indian American or Alaska Native	0.72	0.76	0.78	0.9	0.9
Two or More Races	4.34	4.13	0.22	0	0

<b>Pay Bands</b>					
	<b>2009</b>	<b>2008</b>	<b>2007</b>	<b>2006</b>	<b>2005</b>
<b>PB 4</b>	<b>2568</b>	<b>2437</b>	<b>2182</b>	<b>2122</b>	<b>2458</b>
Male	42.56	41.69	42.48	43.6	43.1
Female	57.44	58.31	57.52	56.4	56.8
Hispanic or Latino	11.49	11.33	9.81	9.3	9
White	56.07	56.75	61.23	62.3	61.5
Black or African American	19.9	19.86	19.57	19.6	20.9
Asian	6.62	6.07	6.88	6.6	6.5
Native Hawaiian or Pacific Islander	1.05	1.11	1.1	1.1	1.0
Indian American or Alaska Native	0.55	0.78	1.28	1.1	0.9
Two or More Races	4.32	4.1	0.18	0	0
	<b>2009</b>	<b>2008</b>	<b>2007</b>	<b>2006</b>	<b>2005</b>
<b>PB 5</b>	<b>665</b>	<b>649</b>	<b>633</b>	<b>587</b>	<b>545</b>
Male	64.96	64.56	65.25	65.4	66.6
Female	35.06	35.44	34.75	34.6	33.4
Hispanic or Latino	8.12	8.32	7.11	7	6.9
White	73.08	73.19	77.73	77	77.6
Black or African American	8.72	8.63	8.21	8.7	8.6
Asian	4.81	4.78	4.58	5.1	4.6
Native Hawaiian or Pacific Islander	0.3	0.62	0.79	0.5	0.6
Indian American or Alaska Native	1.51	1.39	1.42	1.5	1.7
Two or More Races	3.46	3.07	0.16	0.2	0
	<b>2009</b>	<b>2008</b>	<b>2007</b>	<b>2006</b>	<b>2005</b>
<b>PB 6</b>	<b>14</b>	<b>14</b>	<b>14</b>	<b>14</b>	<b>13</b>
Male	85.71	78.58	78.58	71.4	69.2
Female	14.29	21.42	21.42	28.6	30.8
Hispanic or Latino	7.14	7.14	0	0	0
White	78.58	78.58	78.58	85.7	84.6
Black or African American	7.14	7.14	7.14	0	0
Asian	7.14	0	7.14	0	0
Native Hawaiian or Pacific Islander	0	0	0	0	7.7
Indian American or Alaska Native	0	0	7.14	7.1	7.7
Two or More Races	0	7.14	0	7.1	0

	2009	2008	2007	2006	2005
<b>Hourly Paid Associates</b>	<b>27877</b>	<b>27964</b>	<b>27350</b>	<b>29658</b>	<b>28451</b>
Males	36.72	35.89	36.02	35.9	35.8
Females	63.28	64.11	63.98	64.0	64.1
Hispanic or Latino	15.55	14.81	13.59	13.4	14
White	37.04	36.67	38.98	39.8	40.2
Black or African American	27.98	28.69	29.70	31	30.3
Asian	11.48	11.51	11.68	11.9	12.4
Native Hawaiian or Pacific Islander	2.98	3.08	2.40	2.1	1.9
Indian American or Alaska Native	0.81	0.83	0.75	0.7	0.7
Two or More Races	4.16	4.41	2.90	1.1	0.07

	2009	2008	2007	2006	2005
<b>Associates with Disabilities</b>	<b>3272</b>	<b>3114</b>	<b>2492</b>	<b>2597</b>	<b>2587</b>
Associates with Disabilities	9.24	8.83	7.27	7.23	7.19
Associates with Targeted Disabilities	2.27	2.00	1.62	1.65	1.7