



Department of the Air Force

Notification and Federal Employee Antidiscrimination and Retaliation Act (NoFEAR)

Fiscal Year 2022 Report

COMPONENT COORDINATOR RESPONSE AND REPORTING TEMPLATE

Data Request Form for the Department of Defense Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 Fiscal Years 2021–2022 Annual Report

DOD COMPONENT: U.S. DEPARTMENT OF THE AIR FORCE

POINT OF CONTACT & EMAIL: MARITZA SAYLE-WALKER, MARITZA.SAYLE_WALKER.12@US.AF.MIL

1. *The number of cases in federal court pending or resolved in each fiscal year and arising under each of the respective provisions of the federal antidiscrimination laws and whistleblower protection laws applicable to them as defined in 5 C.F.R. §724.102, in which an employee, former federal employee, or applicant alleged a violation of these laws, separating data by the provision of law involved (5 C.F.R. 724.302(a)(1)) **and** the status or disposition (including settlement) of such cases (5 C.F.R. 724.302(a)(2)(i)).*

Statute	Cases in Federal Court Opened in FY21/22	Cases Resolved in FY21/22		Cases in Federal Court Pending at Close of FY21/22
		Settled	Other Outcome (administrative withdrawal, removal or other)	
Title VII, Civil Rights Act of 1964 42 U.S.C. 2000e-16	39	4	16	70
Age Discrimination in Employment Act 29 U.S.C. 631, 633a	23	1	3	32
Fair Labor Standards Act of 1938 29 U.S.C. 206(d)	2	0	1	5
Section 501 of Rehabilitation Act 29 U.S.C. 791	29	5	12	47
Equal Pay Act 29 U.S.C. 206(d)	1	0	1	0
Whistleblower Protection Act 5 U.S.C. 2302(b)(1)	5	0	4	4
Genetic Information Nondiscrimination Act of 2008 (GINA) 42 U.S.C. 2000ff	0	0	0	0

2. *The amount of money required to be reimbursed to the Judgment Fund by the agency for payments as defined in 5 C.F.R. §724.102 (5 C.F.R. 724.302(a)(2)(ii)), **and** the amount of reimbursement to the Fund for attorney’s fees where such fees have been separately designated (5 C.F.R. 724.302(a)(2)(iii)), **and** any adjustment needed or made to the budget of the agency to comply with its Judgment Fund reimbursement obligation(s) incurred (5 C.F.R. 724.302(a)(8)).*

Fiscal Year 2021

\$ Reimbursed to Judgment Fund (enter as \$0.00)	\$ from Judgment Fund Reimbursement Attributed to Attorneys' Fees (enter as \$0.00)	Adjustment to Agency Budget to Comply with Judgment Fund Reimbursement Obligation
\$383,500	\$65,528.20	0

Fiscal Year 2022

\$ Reimbursed to Judgment Fund (enter as \$0.00)	\$ from Judgment Fund Reimbursement Attributed to Attorneys' Fees (enter as \$0.00)	Adjustment to Agency Budget to Comply with Judgment Fund Reimbursement Obligation
\$7,500	0	0

3. *In connection with the cases identified above, the total number of employees in each fiscal year disciplined (reprimand, suspension without pay, reduction in grade or pay, or removal) and the specific nature of the disciplinary actions taken, separated by the provision(s) of law involved (5 C.F.R. 724.302(a)(3)) **and** the number of employees in each fiscal year disciplined (reprimand, suspension without pay, reduction in grade or pay, or removal) in accordance with any agency policy, regardless of whether or not the matters are in connection to a federal court case (5 C.F.R. 724.302(a)(5)).*

Fiscal Year 2021

Statute	# of Employees Disciplined	Nature of Disciplinary Action (reprimand) ¹			
			Nature of Disciplinary Action (suspension without pay)	Nature of Disciplinary Action (reduction in grade or pay)	Nature of Disciplinary Action (removal)
Title VII, Civil Rights Act of 1964 42 U.S.C. 2000e-16	0				
Age Discrimination in Employment Act 29 U.S.C. 631, 633a	0				
Fair Labor Standards Act of 1938 29 U.S.C. 206(d)	0				

¹ If possible, please provide the number of each disciplinary action. For example, if 4 employees were disciplined, 3 of whom were Suspended, 1 was Terminated, please state in the following way: Suspension (3); Removal (1)

Section 501 of Rehabilitation Act 29 U.S.C. 791	0				
Equal Pay Act 29 U.S.C. 206(d)	0				
Whistleblower Protection Act 5 U.S.C. 2302(b)(1)	0				
Genetic Information Nondiscrimination Act of 2008 (GINA) 42 U.S.C. 2000ff	0				
Matters that did <u>NOT</u> result in a federal court case	0				

Fiscal Year 2022

Statute	# of Employees Disciplined	Nature of Disciplinary Action (<i>reprimand</i>) ²			
			Nature of Disciplinary Action (suspension without pay)	Nature of Disciplinary Action (reduction in grade or pay)	Nature of Disciplinary Action (removal)
Title VII, Civil Rights Act of 1964 42 U.S.C. 2000e-16	0				
Age Discrimination in Employment Act 29 U.S.C. 631, 633a	0				
Fair Labor Standards Act of 1938 29 U.S.C. 206(d)	0				
Section 501 of Rehabilitation Act 29 U.S.C. 791	0				
Equal Pay Act 29 U.S.C. 206(d)	0				

² If possible, please provide the number of each disciplinary action. For example, if 4 employees were disciplined, 3 of whom were Suspended, 1 was Terminated, please state in the following way: Suspension (3); Removal (1)

Whistleblower Protection Act 5 U.S.C. 2302(b)(1)	0				
Genetic Information Nondiscrimination Act of 2008 (GINA) 42 U.S.C. 2000ff	0				
Matters that did <u>NOT</u> result in a federal court case	0				

For Questions 4-10, if you check “NO,” please provide a brief explanation of your organization’s efforts to be compliant with this requirement, unless otherwise indicated.

4. *Does your Component have a policy for taking disciplinary action against Federal employees for conduct that is inconsistent with Federal Antidiscrimination Laws and Whistleblower Protection Laws or for conduct that constitutes another prohibited personnel practice revealed in connection with agency investigations of alleged violations of these laws? (5 C.F.R. 724.302(a)(6)).*

Yes

No:

5. *Does your Component have a written plan to train its employees? (5 C.F.R. 724.203(a) and 724.302(a)(9)).*

Yes

No:

6. *Does your Component require No FEAR training to its employees every 2 years? (5 C.F.R. 724.203(d)).*

Yes

No:

7. *Does your Component require No FEAR training to its new employees within 90 calendar days of new employee’s appointment? (5 C.F.R. 724.203(e)).*

Yes

No:

8. *Does your Component provide notice to all of its employees, former employees, and applicants for Federal employment about the rights and remedies available under the No FEAR Act? (5 C.F.R. 724.202(a)).*

Yes

No:

9. *Does your Component post on its public website its EEO complaint data for FY 2021 and the year-end data for the 5 immediate preceding fiscal years? (Public Law 107-174, section 301(c)).*

Yes. The link where my data can be found is: <https://www.af.mil/Equal-Opportunity/>

No:

10. *Did your Component submit its EEOC Form 462 for FY 2020 to the Office for Diversity, Equity and Inclusion? (5 C.F.R. 724.302(a)(9)).*

Yes

No. I have attached it to this submission.

**Equal Employment Opportunity Data Posted
Pursuant to the No Fear Act:**

AirForce HQ

For 4th Quarter 2022 for period ending September 30, 2022

Part 1 Complaint Activity	Comparative Data					
	Previous Fiscal Year Data					2022 Thru 09-30
	2017	2018	2019	2020	2021	
Number of Complaints Filed	294	358	337	346	323	375
Number of Complainants	293	354	334	339	316	365
Repeat Filers	1	4	3	6	6	6

Part 2 Complaints by Basis	Comparative Data					
	Previous Fiscal Year Data					2022 Thru 09-30
	2017	2018	2019	2020	2021	
<i>Note: Complaints can be filed alleging multiple bases. The sum of the bases may not equal total complaints filed.</i>						
Race	91	145	138	164	148	134
Color	37	35	53	74	74	76
Religion	12	20	16	11	12	67
Reprisal	116	161	183	145	158	164
Sex	73	129	129	122	118	121
PDA	2	1	1	1	1	2
National Origin	24	33	43	34	40	33
Equal Pay Act	2	5	6	1	5	8
Age	72	118	111	116	117	113
Disability	75	135	123	120	118	142
Genetics	4	2	2	2	5	8
Non-EEO	3	2	2	4	2	5

Part 3 Complaints By Issue	Comparative Data					
	Previous Fiscal Year Data					2022 Thru 09-30
	2017	2018	2019	2020	2021	
<i>Note: Complaints can be filed alleging multiple bases. The sum of the bases may not equal total complaints filed.</i>						
Appointment/Hire	21	49	52	40	44	49
Assignment of Duties	33	42	49	41	49	54
Awards	5	15	11	1	14	7
Conversion to Full Time/Perm Status	0	1	0	0	1	3
Disciplinary Action						
Demotion	0	0	1	3	4	0
Reprimand	10	20	20	17	21	22
Suspension	23	21	25	26	28	15
Removal	11	13	17	14	19	10
Other 1	0	0	0	0	0	0
Other 2	0	0	0	0	0	0
Duty Hours	6	8	8	9	16	8
Perf. Eval./ Appraisal	28	49	42	40	38	44
Examination/Test	0	1	4	3	1	14
Harrassment						
Non-Sexual	102	133	158	171	154	169
Sexual	7	18	19	10	20	21

Medical Examination	3	3	1	2	1	11
Pay including overtime	10	10	9	13	6	14
Promotion/Non-Selection	32	46	37	46	32	43
Reassignment						
Denied	2	0	6	6	4	12
Directed	6	15	18	16	16	14
Reasonable Accommodation Disability	7	42	23	38	35	46
Reinstatement	0	0	0	0	2	0
Religious Accommodation	0	1	1	0	1	17
Retirement	1	5	1	1	3	4
Sex-Stereotyping	0	4	1	2	3	3
Telework	4	4	5	2	9	22
Termination	20	29	21	35	41	37
Terms/Conditions of Employment	32	31	46	33	42	45
Time and Attendance	16	29	35	28	27	45
Training	10	12	15	18	14	18
Other						
User Defined - Other 1	37	0	0	0	0	0
User Defined - Other 2	0	0	0	0	0	0
User Defined - Other 3	0	0	0	0	0	0
User Defined - Other 4	0	0	0	0	0	0

Part 4 Processing Time	Comparative Data					
	Previous Fiscal Year Data					2022 Thru 09-30
	2017	2018	2019	2020	2021	
Complaints pending during fiscal year						
Average number of days in investigation	212.41	258.4	236.44	209.4	214.39	189.19
Average number of days in final action	140.79	947.03	1009.4	718.04	364.94	304.54
Complaints pending during fiscal year where hearing was requested						
Average number of days in investigation	228.11	254.72	242.59	217.21	224.07	210.83
Average number of days in final action	62.36	379.02	632.03	240	156.55	123.46
Complaints pending during fiscal year where hearing was not requested						
Average number of days in investigation	198.99	261.43	232.05	205.01	206.38	178.13
Average number of days in final action	428.33	1371.92	1126.57	810.85	407.06	410.57

Part 5 Complaints Dismissed by Agency	Comparative Data					
	Previous Fiscal Year Data					2022 Thru 09-30
	2017	2018	2019	2020	2021	
Part 5 Complaints Dismissed by Agency	23	36	38	26	28	55
Average days pending prior to dismissal	94.26	210.89	396.79	304.88	336.11	202.27
Complaints Withdrawn by Complainants						
Total Complaints Withdrawn by Complainants	23	37	31	33	34	29

Part 6 Total Final Agency Actions Finding Discrimination	Comparative Data											
	Previous Fiscal Year Data										2022 Thru 09-30	
	2017		2018		2019		2020		2021			
	#	%	#	%	#	%	#	%	#	%	#	%
Total Number Findings	0		0		4		1		0		3	

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 1	0	0	0	0	0	0	0	0	0	0	0	0
Other 2	0	0	0	0	0	0	0	0	0	0	0	0
Duty Hours	0	0	0	0	0	0	0	0	0	0	1	33
Perf. Eval. / 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												
Sexual	0	0	0	0	0	0	0	0	0	0	0	0
Non-Sexual	0	0	0	0	0	0	0	0	0	0	1	33
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	1	33
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 Disability	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
Religious Accommodation	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
Sex-Stereotyping	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
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	1	33
Other - User Define												
User Defined - Other 1	0	0	0	0	0	0	0	0	0	0	0	0
User Defined - Other 2	0	0	0	0	0	0	0	0	0	0	0	0
User Defined - Other 3	0	0	0	0	0	0	0	0	0	0	0	0
User Defined - Other 4	0	0	0	0	0	0	0	0	0	0	0	0

Findings Without Hearing	0		0		2		1		0		1	
Appointment/Hire	0	0	0	0	0	0	0	0	0	0	0	0
Assignment of Duties	0	0	0	0	0	0	1	100	0	0	0	0
Awards	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
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	1	50	0	0	0	0	0	0
Removal	0	0	0	0	0	0	0	0	0	0	0	0
Other 1	0	0	0	0	0	0	0	0	0	0	0	0
Other 2	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
Perf. Eval. / 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												

Sexual	0	0	0	0	0	0	0	0	0	0	0	0
Non-Sexual	0	0	0	0	2	100	0	0	0	0	1	100
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 Disability	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
Religious Accommodation	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
Sex-Stereotyping	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
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 Define												
User Defined - Other 1	0	0	0	0	0	0	0	0	0	0	0	0
User Defined - Other 2	0	0	0	0	0	0	0	0	0	0	0	0
User Defined - Other 3	0	0	0	0	0	0	0	0	0	0	0	0
User Defined - Other 4	0	0	0	0	0	0	0	0	0	0	0	0

Part 9 Complaints Pending from Previous Fiscal Years By Status	Comparative Data					
	Previous Fiscal Year Data					2022 Thru 09-30
	2017	2018	2019	2020	2021	
Total complaints from previous Fiscal Years	976	1084	1102	1252	1006	703
Total Complainants	975	1081	1095	1236	984	693
Number complaints pending						
Investigation	186	236	258	332	237	158
ROI issued, pending Complainant's action	1	3	0	0	0	1
Hearing	406	425	435	489	466	304
Final Agency Action	184	180	194	231	222	164
Appeal with EEOC Office of Federal Operations	193	200	227	235	260	279

Part 10 Complaint Investigations	Comparative Data					
	Previous Fiscal Year Data					2022 Thru 09-30
	2017	2018	2019	2020	2021	
Pending Complaints Where Investigations Exceed Required Time Frames	244	318	336	424	308	197