



Department of the Air Force

Notification and Federal Employee Antidiscrimination and Retaliation Act (NoFEAR)

Fiscal Year 2021 Report

NOFEAR FISCAL YEAR 2021 REPORT
DEPARTMENT OF THE AIR FORCE

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 Opened in FY21	Cases Resolved in FY21		Cases Pending at Close of FY21
		Settled	Other	
Title VII, Civil Rights Act of 1964 42 U.S.C. 2000e-16	18	3	7	28
Age Discrimination in Employment Act 29 U.S.C. 631, 633a	8	1	0	10
Fair Labor Standards Act of 1938 29 U.S.C. 206(d)	1	0	0	3
Section 501 of Rehabilitation Act 29 U.S.C. 791	10	4	4	18
Equal Pay Act 29 U.S.C. 206(d)	0	0	0	0
Whistleblower Protection Act 5 U.S.C. 2302(b)(1)	1	0	1	2
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)).*

\$ Reimbursed to Judgment Fund	\$ from Judgment Fund Reimbursement Attributed to Attorneys' Fees	Adjustment to Agency Budget to Comply with Judgment Fund Reimbursement Obligation
\$385,500.00	\$65,528.20	None

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)).*

Statute	# of Employees Disciplined	Nature of Disciplinary Action (reprimand, suspension without pay, reduction in grade or pay, or removal) ¹
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	
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	

*The Department of the Air Force (DAF) utilizes conduct unbecoming of a federal employee as the disciplinary tool for violations of the statutes listed in the table above. In FY 2021, DAF did not process any disciplinary actions specific to a violation of these statutes.

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)

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 2020 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 (and below)

For 4th Quarter 2021 for period ending September 30, 2021

Complaint Activity	Comparative Data					
	Previous Fiscal Year Data					2021Thru09-30
	2016	2017	2018	2019	2020	
Number of Complaints Filed	273	294	358	337	346	323
Number of Complainants	273	293	354	334	339	316
Repeat Filers	0	1	4	3	6	6

Complaints by Basis	Comparative Data					
	Previous Fiscal Year Data					2021Thru09-30
	2016	2017	2018	2019	2020	
<i>Note: Complaints can be filed alleging multiple bases. The sum of the bases may not equal total complaints filed.</i>						
Race	122	91	145	138	164	148
Color	42	37	35	53	74	74
Religion	9	12	20	16	11	12
Reprisal	133	116	161	183	145	158
Sex	80	73	129	129	122	118
PDA	0	2	1	1	1	1

National Origin	15	24	33	43	34	40
Equal Pay Act	0	2	5	6	1	5
Age	94	72	118	111	116	117
Disability	111	75	135	123	120	118
Genetics	6	4	2	2	2	5
Non-EEO	1	3	2	2	4	2
Complaints by Issue	Comparative Data					
	Previous Fiscal Year Data					2021Thru09-30
<i>Note: Complaints can be filed alleging multiple bases. The sum of the bases may not equal total complaints filed.</i>	2016	2017	2018	2019	2020	
Appointment/Hire	16	21	49	52	40	44
Assignment of Duties	40	33	42	49	41	49
Awards	8	5	15	11	1	14
Conversion to Full Time/Perm Status	2	0	1	0	0	1
Disciplinary Action						
Demotion	0	0	0	1	3	4
Reprimand	18	10	20	20	17	21
Suspension	21	23	21	25	26	28
Removal	17	11	13	17	14	19
Other	38	30	20	25	32	28
Duty Hours	21	6	8	8	9	16
Perf. Eval./ Appraisal	34	28	49	42	40	38
Examination/Test	3	0	1	4	3	1
Harassment						
Non-Sexual	104	102	133	158	171	154

Sexual	15	7	18	19	10	20
Medical Examination	4	3	3	1	2	1
Pay including overtime	13	10	10	9	13	6
Promotion/Non-Selection	73	32	46	37	46	32
Reassignment						
Denied	4	2	0	6	6	4
Directed	0	6	15	18	16	16
Reasonable Accommodation Disability	24	7	42	23	38	35
Reinstatement	0	0	0	0	0	2
Religious Accommodation	0	0	1	1	0	1
Retirement	2	1	5	1	1	3
Sex-Stereotyping	0	0	4	1	2	3
Telework	4	4	4	5	2	9
Termination	16	20	29	21	35	41
Terms/Conditions of Employment	29	32	31	46	33	42
Time and Attendance	16	16	29	35	28	27
Training	10	10	12	15	18	14
Other						
User Defined - Other 1	38	37	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

Processing Time	Comparative Data					
	Previous Fiscal Year Data					2021Thru09-30
	2016	2017	2018	2019	2020	
Complaints pending during fiscal year						
Average number of days in investigation	191.80	216.18	256.21	241.44	212.50	215.66
Average number of days in final action	160.80	130.06	633.85	936.50	544.68	368.27
Complaint pending during fiscal year where hearing was requested						
Average number of days in investigation	279.48	238.79	248.86	243.31	222.42	223.62
Average number of days in final action	31.57	70.40	291.73	524.58	256.60	166.52
Complaint pending during fiscal year where hearing was not requested						
Average number of days in investigation	157.26	198.57	263.20	239.85	206.56	209.18
Average number of days in final action	572.50	428.33	1,171.48	1,101.31	616.70	407.49
Complaints Dismissed by Agency	Comparative Data					
	Previous Fiscal Year Data					2021Thru09-30
	2016	2017	2018	2019	2020	
Total Complaints Dismissed by Agency	30	23	36	38	26	28
Average days pending prior to dismissal	93.63	94.26	210.89	396.79	304.88	336.11
Complaints Withdrawn by Complainants						

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
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
Genetics	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 Without Hearing	0		0		0		1		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	1	100	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	1	100	0	0	0	0

Disability	0	0	0	0	0	0	0	0	0	0	0	0
Genetics	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 Issue	Comparative Data											
	Previous Fiscal Year Data										2021Thru09-30	
	2016		2017		2018		2019		2020			
	#	%	#	%	#	%	#	%	#	%	#	%
Total Number Findings	0		0		0		2		1		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	1	100	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	0	0	1	50	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
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												
Non-Sexual	0	0	0	0	0	0	2	100	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 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
Findings After Hearing	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
Pending Complaints Filed in Previous Fiscal Years by Status	Comparative Data						2021Thru09-30					
	Previous Fiscal Year Data											
	2016	2017	2018	2019	2020							
Total complaints from previous Fiscal Years	768	976	1084	1102	1252	1006						
Total Complainants	768	975	1081	1095	1236	984						
Number complaints pending												
Investigation	128	186	236	258	332	237						
ROI issued, pending Complainant's action	2	1	3	0	0	0						
Hearing	331	406	425	435	489	466						
Final Agency Action	145	184	180	194	231	222						
Appeal with EEOC Office of Federal Operations	183	193	200	227	235	260						
Complaint Investigations	Comparative Data						2021Thru09-30					
	Previous Fiscal Year Data											
	2016	2017	2018	2019	2020							
Pending Complaints Where Investigations Exceed Required Time Frames	193	244	318	336	424	308						

