



Department of the Air Force

Notification and Federal Employee Antidiscrimination and Retaliation Act (NoFEAR)

Fiscal Year 2023 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 for Fiscal Year 2023 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**

- 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 FY22	Cases Resolved in FY22		Cases in Federal Court Pending at Close of FY22	Cases in Federal Court Opened in FY23	Settled	Other Outcome (administrative withdrawal, removal or other)	Cases in Federal Court Pending at Close of FY23
		Settled	Other Outcome (administrative withdrawal, removal or other)					
Title VII, Civil Rights Act of 1964 42 U.S.C. 2000e-16	21	1	9	42	12	3	16	35
Age Discrimination in Employment Act 29 U.S.C. 631, 633a	15	0	3	22	5	3	9	15
Fair Labor Standards Act of 1938 29 U.S.C. 206(d)	1	0	1	2	2	2	0	2
Section 501 of Rehabilitation Act 29 U.S.C. 791	19	0	8	29	12	2	13	26
Equal Pay Act 29 U.S.C. 206(d)	1	0	1	0	0	0	0	0
Whistleblower Protection Act	4	0	3	2	3	0	3	2

5 U.S.C. 2302(b)(1)								
Genetic Information Nondiscrimination Act of 2008 (GINA) 42 U.S.C. 2000ff	0	0	0	0	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 2023

\$ 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
\$339,000.00	\$0	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)).*

Fiscal Year 2023

	# of Employees Disciplined	Nature of Disciplinary Action (<i>reprimand</i>) 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				
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 2023

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.

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)

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 2023 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 (includes sub-level offices)

For 4th Quarter 2023 for period ending September 30, 2023

Part 1 Complaint Activity	Comparative Data					
	Previous Fiscal Year Data					2023 Thru 09-30
	2018	2019	2020	2021	2022	
Number of Complaints Filed	358	337	346	323	375	365
Number of Complainants	354	334	339	316	365	347
Repeat Filers	4	3	6	6	6	8

Part 2 Complaints by Basis	Comparative Data					
	Previous Fiscal Year Data					2023 Thru 09-30
	2018	2019	2020	2021	2022	
<i>Note: Complaints can be filed alleging multiple bases. The sum of the bases may not equal total complaints filed.</i>						
Race	145	138	164	148	134	158
Color	35	53	74	74	76	71
Religion	20	16	11	12	67	26
Reprisal	161	183	145	158	164	152
Sex	129	129	122	118	121	123
PDA	1	1	1	1	2	2
National Origin	33	43	34	40	33	51
Equal Pay Act	5	6	1	5	8	9
Age	118	111	116	117	113	99
Disability	135	123	120	118	142	161
Genetics	2	2	2	5	8	4
Non-EEO	2	2	4	2	5	2

Part 3 Complaints By Issue	Comparative Data					
<p><i>Note: Complaints can be filed alleging multiple bases. The sum of the bases may not equal total complaints filed.</i></p> <p><i>Starting in FY2022, issues marked with:</i></p> <p><i>* are reported under Other Terms / Conditions of Employment.</i></p> <p><i>** are reported under Other Disciplinary Actions.</i></p> <p><i>The reporting of Reassignment Claims has been changed from two separate Denied and Directed rows to one combined row: the first row now accommodates both "Reassignment: Denied/Directed" and the second row has been deprecated for the current FY starting in FY2023.</i></p>	Previous Fiscal Year Data					2023 Thru 09-30
	2018	2019	2020	2021	2022	
Appointment/Hire	49	52	40	44	49	32
Assignment of Duties*	42	49	41	49	54	0
Awards	15	11	1	14	7	9
Conversion to Full Time/Perm Status*	1	0	0	1	3	0
Disciplinary Action						
Demotion	0	1	3	4	0	2
Reprimand**	20	20	17	21	22	0
Suspension	21	25	26	28	15	19
Removal	13	17	14	19	10	19
Other Disciplinary Actions**	0	0	0	0	0	29
Other 2**	0	0	0	0	0	0
Duty Hours*	8	8	9	16	8	0

Perf. Eval./ Appraisal	49	42	40	38	44	32
Examination/Test	1	4	3	1	14	2
Harassment						
Non-Sexual	133	158	171	154	169	160
Sexual	18	19	10	20	21	17
Medical Examination	3	1	2	1	11	5
Pay including overtime	10	9	13	6	14	9
Promotion/Non-Selection	46	37	46	32	43	34
Reassignment						
Reassignment: Denied/Directed	0	6	6	4	12	4
Directed	15	18	16	16	14	8
Reasonable Accommodation Disability	42	23	38	35	48	46
Reinstatement*	0	0	0	2	0	0
Religious Accommodation	1	1	0	1	17	7
Retirement*	5	1	1	3	4	0
Sex-Stereotyping	4	1	2	3	3	6
Telework	4	5	2	9	22	15
Termination	29	21	35	41	37	32
Terms/Conditions of Employment*	31	46	33	42	45	0
Time and Attendance	29	35	28	27	45	26
Training	12	15	18	14	18	5
Other Terms/Conditions of Employment*	0	0	0	0	0	78
User Defined - Other 1*	0	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					2023 Thru 09-30
	2018	2019	2020	2021	2022	
Complaints pending during fiscal year						
Average number of days in investigation	258.4	236.44	209.4	214.39	189.19	184.12
Average number of days in final action	947.03	1009.4	718.04	364.94	304.54	130.93
Complaints pending during fiscal year where hearing was requested						
Average number of days in investigation	254.72	242.59	217.21	224.07	210.83	182.78
Average number of days in final action	379.02	632.03	240	156.55	123.46	164.95
Complaints pending during fiscal year where hearing was not requested						
Average number of days in investigation	263.2	232.05	205.01	206.38	178.13	186.01
Average number of days in final action	1371.92	1126.57	810.85	407.06	410.57	107.46

Part 5 Complaints Dismissed by Agency	Comparative Data					
	Previous Fiscal Year Data					2023 Thru 09-30
	2018	2019	2020	2021	2022	
Part 5 Complaints Dismissed by Agency	36	38	26	28	55	41
Average days pending prior to dismissal	210.89	396.79	304.88	336.11	202.27	105.76
Complaints Withdrawn by Complainants						
Total Complaints Withdrawn by Complainants	37	31	33	34	29	30

Part 6 Total Final Agency Actions Finding Discrimination	Comparative Data											
	Previous Fiscal Year Data										2023 Thru 09-30	
	2018		2019		2020		2021		2022			
	#	%	#	%	#	%	#	%	#	%	#	%
Total Number Findings	0		4		1		0		3		10	

Without Hearing	0	0	4	100	1	100	0	0	1	25	5	50
With Hearing	0	0	0	0	0	0	0	0	3	75	5	50

Part 7 Finding of Discrimination Rendered by Basis	Comparative Data											
	Previous Fiscal Year Data										2023 Thru 09-30	
	2018		2019		2020		2021		2022		#	%
#	%	#	%	#	%	#	%	#	%			
Note: Complaints can be filed alleging multiple bases. The sum of the bases may not equal total complaints and findings.												
Total Number Findings	0		2		0		0		4		10	
Race	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
Color	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
Religion	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
Reprisal	0	0.00	0	0.00	0	0.00	0	0.00	1	25	7	70.00
Sex	0	0.00	1	100.00	0	0.00	0	0.00	1	25	2	20.00
PDA	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
National Origin	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
Equal Pay Act	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
Age	0	0.00	1	100.00	0	0.00	0	0.00	0	0.00	1	10.00
Disability	0	0.00	0	0.00	0	0.00	0	0.00	2	50	3	30.00
Genetics	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
Non-EEO	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
Findings After Hearing												
	0		0		0		0		3		5	
Race	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
Color	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
Religion	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
Reprisal	0	0.00	0	0.00	0	0.00	0	0.00	0	0	2	40.00
Sex	0	0.00	0	0.00	0	0.00	0	0.00	1	33.33	0	0.00
PDA	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
National Origin	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
Equal Pay Act	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
Age	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	1	20.00
Disability	0	0.00	0	0.00	0	0.00	0	0.00	2	66.67	3	60.00
Genetics	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
Non-EEO	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
Finding Without Hearing												
	0		2		0		0		1		5	
Race	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
Color	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
Religion	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
Reprisal	0	0.00	0	0.00	0	0.00	0	0.00	1	100	5	100.00
Sex	0	0.00	1	50	0	0.00	0	0.00	0	0.00	2	40.00
PDA	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
National Origin	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
Equal Pay Act	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
Age	0	0.00	1	50	0	0.00	0	0.00	0	0.00	0	0.00
Disability	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
Genetics	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
Non-EEO	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00

Starting in FY2022, issues marked with:

*** are reported under Other Terms / Conditions of Employment.**

**** are reported under Other Disciplinary Actions.**

The reporting of Reassignment Claims has been changed from two separate Denied and Directed rows to one combined row: the first row now accommodates both "Reassignment: Denied/Directed" and the second row has been deprecated for the current FY starting in FY2023.

	Comparative Data
--	-------------------------

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 Terms/Conditions of Employment*	0	0	0	0	0	0	0	0	0	0	0	0
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					2023 Thru 09-30
	2018	2019	2020	2021	2022	
Total complaints from previous Fiscal Years	1084	1102	1252	1006	703	357
Total Complainants	1081	1095	1236	984	693	355
Number complaints pending						
Investigation	236	258	332	237	158	55
ROI issued, pending Complainant's action	3	0	0	0	1	69
Hearing	425	435	489	466	304	190
Final Agency Action	180	194	231	222	164	80
Appeal with EEOC Office of Federal Operations	200	227	235	260	279	206

Part 10 Complaint Investigations	Comparative Data					
	Previous Fiscal Year Data					2023 Thru 09-30
	2018	2019	2020	2021	2022	
Pending Complaints Where Investigations Exceed Required Time Frames	318	336	424	308	197	72