

**Office of the Secretary of Defense  
Washington Headquarters Services  
Planning and Evaluation Directorate  
Equal Employment Opportunity Programs**



**NOTIFICATION AND FEDERAL EMPLOYEE ANTIDISCRIMINATION  
AND RETALIATION ACT OF 2002 (No FEAR Act), P.L. 107-174**

On May 15, 2002, the 107th Congress enacted Public Law 107-174, Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002, or the No FEAR Act, went into effect on October 1, 2003.

The No FEAR Act was enacted with the intent to hold Federal agencies more accountable for violations of antidiscrimination and whistleblower protection laws. It also required Agencies to post quarterly statistical data related to Federal equal employment opportunity complaints filed with such agency.

The Equal Employment Opportunity Programs (EEOP) provides a fair and impartial process to help manage and facilitate the resolution of civilian and military discrimination complaints within OSD, Joint Staff, and other WHS-serviced activities. The EEOP is also responsible for annual reporting of complaint activity to the Equal Employment Opportunity Commission. As such, the EEOP is responsible for posting the data requirements specified in Title III of the No FEAR Act. Such data only pertains to EEO complaints filed by civilian employees.

Should you have any questions regarding the information contained in this website, please contact the EEOP by phone at (703) 699-1805. You may also visit the EEOP website at <http://www.whs.mil/P-E/EEO/>.

**Equal Employment Opportunity Data Posted Pursuant to the No FEAR Act**

Data as of October 1, 2005 to December 31, 2005

**Comparative Data from Previous Fiscal Years**

29 CFR §1614.705

**Complaint Activity**

29 CFR §1614.704(a) - (c), (f)(1)-(3), (k)(1)-(2)

	2006		2005		2004		2003		2002		2001	
	#	Ave. Days										
<b>Pending at the Beginning of the Fiscal Year (FY)*</b>	45		45		40		54		39		40	
<b>Number of Complaints Filed during the FY*</b>	28		30		34		23		27		17	
<b>Individuals Who Filed 2 or more complaints during FY</b>	1		1		3		0		1		0	
<b>Pending, at any time, during the FY</b>	73		75		74		77		66		57	
<b>Investigations not completed within regulatory timeframe</b>	13		16		9		20		7		8	
<b>Investigations Pending</b>	34	337	42	263	24	272	6	194	19	266	14	349
<b>EEOC Hearings Pending</b>	19	512	24	443	22	470	22	658	8	580	5	785
<b>Final Agency Actions Pending</b>	15	216	25	189	29	158	8	229	10	410	7	1134
<i>No Hearing Requested</i>	13	243	20	216	22	159	4	382	**	**	**	**
<i>Hearing Requested</i>	2	43	5	82	7	153	4	77	**	**	**	**

\* Also denotes number of individuals filing complaints during specified time frame (including class agents)

\*\* Data cannot be reconstructed

## Complaints by Basis

*Complaints can be filed alleging multiple bases. The sum of the bases may not equal total complaints filed. 29 CFR § 1614.704(d)*

	2006	2005	2004	2003	2002	2001
<b>Race</b>						
<i>Am. Indian/Alaskan Native</i>	1	0	1	0	0	1
<i>Am. Asian/Pacific Islander</i>	0	1	1	2	1	0
<i>African American</i>	11	13	20	12	10	6
<i>Caucasian</i>	1	3	6	1	0	2
<b>Color*</b>	2	6	12	2	2	6
<b>Religion</b>	2	3	4	0	2	2
<b>Reprisal</b>	8	11	6	9	14	8
<b>Sex</b>						
<i>Male</i>	2	5	8	1	2	0
<i>Female</i>	5	15	5	8	5	7
<b>National Origin</b>						
<i>Hispanic</i>	2	0	0	0	1	2
<i>Other</i>	1	3	4	3	3	1
<b>Equal Pay Act</b>						
<i>Male</i>	0	0	0	0	0	0
<i>Female</i>	1	1	0	0	0	0
<b>Age</b>	6	8	11	7	4	6
<b>Disability</b>						
<i>Mental</i>	2	1	0	0	0	1
<i>Physical</i>	4	7	5	4	3	7
<b>TOTAL</b>	<b>48</b>	<b>77</b>	<b>83</b>	<b>49</b>	<b>47</b>	<b>49</b>

*\*Prior to FY02, Race and Color were combined as one basis category by the EEOC. Color was officially established as a separate basis in FY02. For the purposes of this report, all complaints filed with Color as a basis was separated for all Fiscal Years.*

## Complaints by Issue

*Complaints can be filed alleging multiple issue. The sum of the bases may not equal total complaints filed. 29 CFR § 1614.704(e)*

	2006	2005	2004	2003	2002	2001
<b>Appointment/Hire</b>	0	0	0	0	0	0
<b>Assignment of Duties</b>	2	0	2	3	11	2
<b>Awards</b>	0	1	0	1	2	0
<b>Conversion to Full-time</b>	0	0	0	0	0	0
<b>Disciplinary Action</b>						
<i>Demotion</i>	0	1	0	0	1	0
<i>Reprimand</i>	1	4	1	2	1	4
<i>Suspension</i>	3	1	0	2	3	2
<i>Removal</i>	1	2	1	1	0	0
<b>Duty Hours</b>	0	1	1	0	0	0
<b>Evaluation Appraisal</b>	3	6	7	4	4	4
<b>Examination/Test</b>	0	2	1	0	0	0
<b>Harassment</b>						
<i>Non-Sexual</i>	6	8	4	7	5	2
<i>Sexual</i>	0	3	0	1	2	1
<b>Medical Examination</b>	1	0	2	0	0	0
<b>Pay (Including Overtime)</b>	1	2	3	0	2	1
<b>Promotion/Non-Selection</b>	7	11	16	2	9	7
<b>Reassignment</b>						
<i>Denied</i>	2	3	0	0	0	0
<i>Directed</i>	1	2	4	2	6	1
<b>Reasonable Accommodation</b>	1	0	0	2	4	2
<b>Reinstatement</b>	0	0	0	0	0	0
<b>Retirement</b>	0	1	0	0	0	2
<b>Termination</b>	3	1	2	0	0	1
<b>Terms/Conditions of Empl't</b>	0	2	1	0	0	0
<b>Time and Attendance</b>	0	1	2	2	2	0
<b>Training</b>	1	2	2	1	3	0
<b>Other</b>	0	0	5	7	8	3
<b>TOTAL</b>	<b>33</b>	<b>54</b>	<b>54</b>	<b>37</b>	<b>63</b>	<b>32</b>

## Final Agency Decision (FAD) Closures

29 CFR §1614.704(g)

	2006		2005		2004		2003		2002		2001	
	#	%	#	%	#	%	#	%	#	%	#	%
<b>1. FAD without an Administrative Judge (AJ) Decision</b>	10	100	17	100	14	100	12	100	8	100	8	100
<b>A. Finding Discrimination</b>	0	0	0	0	0	0	0	0	0	0	0	0
<b>B. Finding No Discrimination</b>	9	90	5	29	6	43	7	58	6	74	5	63
<b>C. Dismissal of Complaints</b>	1	10	12	71	8	57	5	42	2	25	3	38
<b>2. FAD with an AJ Decision</b>	2	100	5	100	7	100	4	100	1	100	1	100
<b>A. AJ Decision Fully Implemented</b>	2	100	5	100	7	100	4	100	1	100	1	100
<b>(1) Finding Discrimination</b>	0	0	0	0	0	0	0	0	0	0	0	0
<b>(2) Finding No Discrimination</b>	2	100	5	100	7	100	4	100	1	100	1	100
<b>B. AJ Decision Not Fully Implemented</b>	0	0	0	0	0	0	0	0	0	0	0	0
<b>(1) Finding Discrimination</b>	0	0	0	0	0	0	0	0	0	0	0	0
<b>a. Agency appealed finding but not remedy</b>	0	0	0	0	0	0	0	0	0	0	0	0
<b>b. Agency appealed remedy but not finding</b>	0	0	0	0	0	0	0	0	0	0	0	0
<b>c. Agency appealed both finding and remedy</b>	0	0	0	0	0	0	0	0	0	0	0	0
<b>(2) Finding No Discrimination</b>	0	0	0	0	0	0	0	0	0	0	0	0
<b>C. Dismissal of Complaints</b>	0	0	0	0	0	0	0	0	0	0	0	0

## Total Final Agency Actions Finding Discrimination

29 CFR §1614.704(h)(1)-(3)

	2006		2005		2004		2003		2002		2001	
	#	%	#	%	#	%	#	%	#	%	#	%
Total Number Findings	0		0		0		1		0		0	
<i>Without Hearing</i>	0	0	0	0	0	0	0	0	0	0	0	0
<i>With Hearing</i>	0	0	0	0	0	0	1	12.5*	0	0	0	0

\*1 of 8 (12.5%) Final Agency Actions with a hearing in FY03

## Findings of Discrimination by Basis

*Complaints can be filed alleging multiple bases. The sum of the bases may not equal total complaints and findings.*

29 CFR §1614.704(i)

	2006		2005		2004		2003		2002		2001	
	#	%	#	%	#	%	#	%	#	%	#	%
<b>Race</b>	0	0	0	0	0	0	1	100	0	0	0	0
<i>Am. Indian/Alaskan Native</i>	0	0	0	0	0	0	0	0	0	0	0	0
<i>Am. Asian/Pacific Islander</i>	0	0	0	0	0	0	0	0	0	0	0	0
<i>African American</i>	0	0	0	0	0	0	1	100	0	0	0	0
<i>Caucasian</i>	0	0	0	0	0	0	0	0	0	0	0	0
<b>Color*</b>	0	0	0	0	0	0	0	0	0	0	0	0
<b>Religion</b>	0	0	0	0	0	0	0	0	0	0	0	0
<b>Reprisal</b>	0	0	0	0	0	0	0	0	0	0	0	0
<b>Sex</b>	0	0	0	0	0	0	0	0	0	0	0	0
<i>Male</i>	0	0	0	0	0	0	0	0	0	0	0	0
<i>Female</i>	0	0	0	0	0	0	0	0	0	0	0	0
<b>National Origin</b>	0	0	0	0	0	0	0	0	0	0	0	0
<i>Hispanic</i>	0	0	0	0	0	0	0	0	0	0	0	0
<i>Other</i>	0	0	0	0	0	0	0	0	0	0	0	0
<b>Equal Pay Act</b>	0	0	0	0	0	0	0	0	0	0	0	0
<i>Male</i>	0	0	0	0	0	0	0	0	0	0	0	0
<i>Female</i>	0	0	0	0	0	0	0	0	0	0	0	0
<b>Age</b>	0	0	0	0	0	0	0	0	0	0	0	0
<b>Disability</b>	0	0	0	0	0	0	0	0	0	0	0	0
<i>Mental</i>	0	0	0	0	0	0	0	0	0	0	0	0
<i>Physical</i>	0	0	0	0	0	0	0	0	0	0	0	0

## Findings of Discrimination by Issue

*Complaints can be filed alleging multiple issues. The sum of the issues may not equal total complaints and findings.  
29 CFR §1614.704(j)*

	2006		2005		2004		2003		2002		2001	
	#	%	#	%	#	%	#	%	#	%	#	%
<b>Appointment/Hire</b>	0	0	0	0	0	0	0	0	0	0	0	0
<b>Assignment of Duties</b>	0	0	0	0	0	0	0	0	0	0	0	0
<b>Awards</b>	0	0	0	0	0	0	0	0	0	0	0	0
<b>Conversion to Full-time</b>	0	0	0	0	0	0	0	0	0	0	0	0
<b>Disciplinary Action</b>	0	0	0	0	0	0	0	0	0	0	0	0
<i>Demotion</i>	0	0	0	0	0	0	0	0	0	0	0	0
<i>Reprimand</i>	0	0	0	0	0	0	0	0	0	0	0	0
<i>Suspension</i>	0	0	0	0	0	0	0	0	0	0	0	0
<i>Removal</i>	0	0	0	0	0	0	0	0	0	0	0	0
<i>Other</i>	0	0	0	0	0	0	0	0	0	0	0	0
<b>Duty Hours</b>	0	0	0	0	0	0	0	0	0	0	0	0
<b>Evaluation Appraisal</b>	0	0	0	0	0	0	0	0	0	0	0	0
<b>Examination/Test</b>	0	0	0	0	0	0	0	0	0	0	0	0
<b>Harassment</b>	0	0	0	0	0	0	0	0	0	0	0	0
<i>Non-Sexual</i>	0	0	0	0	0	0	0	0	0	0	0	0
<i>Sexual</i>	0	0	0	0	0	0	0	0	0	0	0	0
<b>Medical Examination</b>	0	0	0	0	0	0	0	0	0	0	0	0
<b>Pay (Including Overtime)</b>	0	0	0	0	0	0	0	0	0	0	0	0
<b>Promotion/Non-Selection</b>	0	0	0	0	0	0	1	100	0	0	0	0
<b>Reassignment</b>	0	0	0	0	0	0	0	0	0	0	0	0
<i>Denied</i>	0	0	0	0	0	0	0	0	0	0	0	0
<i>Directed</i>	0	0	0	0	0	0	0	0	0	0	0	0
<b>Reasonable Accommodation</b>	0	0	0	0	0	0	0	0	0	0	0	0
<b>Reinstatement</b>	0	0	0	0	0	0	0	0	0	0	0	0
<b>Retirement</b>	0	0	0	0	0	0	0	0	0	0	0	0
<b>Termination</b>	0	0	0	0	0	0	0	0	0	0	0	0
<b>Terms/Conditions of Employment</b>	0	0	0	0	0	0	0	0	0	0	0	0
<b>Time and Attendance</b>	0	0	0	0	0	0	0	0	0	0	0	0
<b>Training</b>	0	0	0	0	0	0	0	0	0	0	0	0
<b>Other</b>	0	0	0	0	0	0	0	0	0	0	0	0