



DEPARTMENT OF DEFENSE  
EDUCATION ACTIVITY  
4040 NORTH FAIRFAX DRIVE  
ARLINGTON, VA 22203-1635

MAR 28 2008

Clarence Johnson  
Principal Director  
Office of Diversity Management and Equal Opportunity  
Office of the Under Secretary of Defense  
Personnel and Readiness  
4000 Defense Pentagon  
Room 5D641  
Washington, DC 20301-4000

Dear Mr. Johnson:

Attached is the Department of Defense Education Activity's (DoDEA) Fiscal Year 2007 Annual Report to Congress as required by Section 203 of the Notification and Federal Employee Anti-Discrimination and Retaliation Act of 2002. In compliance with Public Law 107-174, this report provides equal employment opportunity data for Fiscal Years 2001 through 2005.

Please direct questions concerning this report to Ms. Alina Doreste-Johnson, Chief, Equal Employment Opportunity Office, (703) 588-3232.

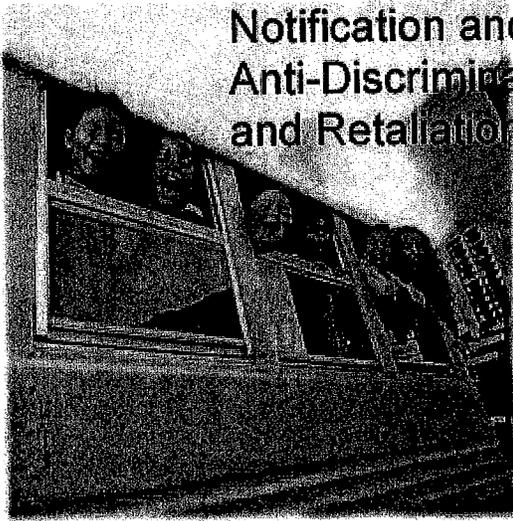
Sincerely,

A handwritten signature in black ink, appearing to read "Joe D. Tafoya", is written over the typed name.

Joseph D. Tafoya  
Director

Enclosure:  
As stated

## **Fiscal Year 2007 Report**



**Notification and Federal Employee  
Anti-Discrimination  
and Retaliation Act of 2002**

## FY 2008 Annual Report

### 2007 Message from the Director

I am pleased to present the Department of Defense Education Activity's (DoDEA) Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 ("NoFEAR Act") annual report for Fiscal Year 2007. DoDEA's Community Strategic Plan (CSP) calls for a workforce that is motivated, diverse, and committed to continuous professional growth and development resulting in exemplary performance and optimum student achievement. This report will reflect DoDEA's commitment and its intention to operate in a workplace free of discrimination and harassment.

DoDEA is a civilian agency of the U.S. Department of Defense (DoD). Military dependents represent 85% of the total enrollment in DoDEA schools. The schools are divided into three areas, each managed by an area director. Within each of the three areas, schools are organized into districts headed by superintendents. DoDEA operates 199 schools in 14 districts located in 12 foreign countries, 7 states, Guam, and Puerto Rico. Schools within DoDEA are fully accredited by U.S. accreditation agencies. Approximately 8,700 teachers serve 88,000 students.

Teacher Pay (TP) and Administratively Determined (AD) positions dominate DoDEA pay plans and makeup 87% of DoDEA's workforce. These pay plans are our school-level positions stateside and overseas and include classroom teachers, counselors, media specialists, administrators, and other school level positions. Classroom teachers are the majority of TP and AD pay plans, estimated at 72%.

Our total workforce is 15,863 and predominantly female at 12,409 (78%). White females are the largest female group at 9,499 (60%) of the total workforce. Males represent 3,454 (22%) of the total workforce. White males are the largest male group at 2,655 (17%). White employees at 12,154 represent 77% of the total workforce. The remaining 23% of our workforce is made up of 9.54% (1,514) black female, 2.42% (384) black male, 1.83% (291) Hispanic male, 4.99% (791) Hispanic female, 0.54% (79) Asian male, 2.76% (438) Asian female, 0.13% (20) American Indian/Alaskan Native (AI/AN) male, and 0.46% (73) AI/AN female, 0.04% (7) males identified two or more races and 0.23% (36) females.

The NoFEAR Act, signed by President George W. Bush on May 15, 2002, is intended to reduce the incidence of workplace discrimination within the Federal government by making agencies and departments more accountable. Section 203 of the NoFEAR Act specifically requires, not later than 180 days after the end of each fiscal year, each Federal agency to submit to the Speaker of the House of Representatives, the President Pro Tempore of the Senate, the Committee on Governmental Affairs of the Senate, the Committee on Government Reform of the House of Representatives, each committee of Congress with jurisdiction relating to the agency, the Equal Employment Opportunity Commission, and the Attorney General an annual report with specific information relating to each agency's EEO complaints activity. Code of Federal Regulation (CFR) 5 Part 724 provides further guidance on each agency's reporting obligations, and also requires the submission of the annual report to the Director of OPM for the implementation of a best practices study and the issuance of advisory guidelines.

2007 Summary

Annual Report Required by Section 203 of the Notification and Federal Employee Antidiscrimination and Retaliation (NoFEAR) Act of 2002 and 5 CFR Part 724.

<p>1. The number of cases arising under each of the respective provisions of law covered by paragraphs (1) and (2) of section 201(a) in which discrimination on the part of the agency was alleged.</p>	<p>04</p>								
<p>2. The status or disposition of cases described in paragraph (1).</p>	<table> <tr> <td>Dismissed</td> <td>01</td> </tr> <tr> <td>Settled</td> <td>03</td> </tr> <tr> <td>Summary Judgment</td> <td>00</td> </tr> <tr> <td>Pending</td> <td>00</td> </tr> </table>	Dismissed	01	Settled	03	Summary Judgment	00	Pending	00
Dismissed	01								
Settled	03								
Summary Judgment	00								
Pending	00								
<p>3. The amount of money required to be reimbursed by such agency under section 201 in connection with each of such cases, separately identifying the aggregate amount of such reimbursements attributable to the payment of attorneys' fees, if any.</p>	<table> <tr> <td>Lump Sum</td> <td>\$23,109.49</td> </tr> <tr> <td>Attorney Fees</td> <td>\$6,000</td> </tr> </table>	Lump Sum	\$23,109.49	Attorney Fees	\$6,000				
Lump Sum	\$23,109.49								
Attorney Fees	\$6,000								
<p>4. The number of employees disciplined for discrimination, retaliation, harassment, or any other infraction of any provision of law referred to in paragraph (1).</p>	<p>04 (unrelated to the Federal cases above)</p>								
<p>5. A detailed description of:</p> <p>A. the policy implemented by that agency relating to appropriate disciplinary actions against a Federal employee who -</p> <ul style="list-style-type: none"> <li>i. discriminated against any individual in violation of any of the laws cited under section 201(a)(1) or (2), or</li> <li>ii. committed another prohibited personnel practice that was revealed in the investigation of a complaint alleging a violation of any of the laws cited under section 201(a)(1) or (2), and</li> </ul> <p>B. with respect to each of such laws, the number of employees who are disciplined in accordance with such policy and the specific nature of the disciplinary action taken.</p>	<p>A. DoDEA's Anti-Harassment Policy; the Department of Defense Dependents Schools-Europe (DoDDS-E) Anti-Harassment Policy; DoDEA Regulation 5751.9, Disciplinary and Adverse Actions</p> <p>B. Four employees were issued Letters of Counseling in connection with a management-directed investigation of allegations of sexual harassment.</p>								
<p>6. An analysis of the information described under paragraphs (1) through (6) (in conjunction with data provided to the Equal Employment Opportunity Commission in compliance with part 1614 of title 29 of the Code of Federal Regulations) including:</p> <ul style="list-style-type: none"> <li>a. an examination of trends;</li> <li>b. causal analysis;</li> <li>c. practical knowledge gained through experience; and</li> <li>d. any actions planned or taken to improve complaint or civil rights programs of the agency.</li> </ul>	<p>See Attached Section 203 (a)(7) Analysis.</p>								

7. Any adjustment (to the extent the adjustment can be ascertained in the budget of the agency) to comply with the requirements under section 201.	Not Applicable.
8. NoFEAR Act Training Plan pursuant to 5 CFR Part 724.203	See attached training plan.

## FY 2007 Annual Report

### 2007 Analysis - Section 203(a)(7)

#### A. Trend Analysis

During Fiscal Year 2007 (FY07), DoDEA EEO complaints activity increased significantly from FY06 – with a total of 49 formal EEO complaints filed, up from a total of 29 filings in FY06, an increase of 68%. Ninety-four aggrieved employees were counseled at the pre-complaint stage during FY07, an increase of 54% from FY06. Forty-nine percent of informal counselings became formal complaints in FY07.

In FY07, .3% of DoDEA's workforce of 15,863 filed formal complaints (.6% of the workforce was counseled). EEOC reported in FY06 that the government-wide average rate of formal complaint activity is .6%, and DoDEA ranked in the top 25% (number 22 out of 94) of all Federal agencies with the lowest rate of complaint activity at .2% for FY06.

The top 3 issues complained of in FY07 were non-sexual harassment, management-directed reassignments, and termination. The top 3 bases were race (black), age, and physical disability.

#### B. Causal Analysis

The number of increased counselings and formal complaints filed can be attributed to military transformation in Europe. DoDEA closed 9 schools in Europe (a total of 22 in 5 years) at the end of school year 2007, and more school closings are expected in the future. The number of retirements in Europe during FY07 alone was 193. The total workforce has decreased from 17,060 in FY06 to 15,863 in FY07 (7.5% reduction). The transformation and resulting downsizing may account for the high activity in the issues of management-directed reassignments and terminations.

#### C. Practical Knowledge Gained through Experience

DoDEA examined its overall EEO program and determined 3 areas where improvement could be made on the program.

- DoDEA policies were updated and entered into its correspondence coordination process incurring inordinate delays. The policies have been carried over to Fiscal Year 2008 for issuance. The DMEO office will work collaboratively with the Office of Policy & Legislation to speed up the process for current issuances.
- Compliance with Timeframes – Timely investigations pose challenges for the following reasons: 1) DoDEA is a geographically dispersed organization composed largely of educators who are inaccessible while teaching and during breaks; 2) DoDEA does not have full control of investigating its cases because another Department of Defense entity has that charge. As corrective action, the investigative component is being diligent in investigating cases during the school year and the DMEO office has reorganized its functions to be able to monitor the process more closely.
- DoDEA's DMEO Alternative Dispute Resolution (ADR) process is voluntary, however, management is strongly encouraged to participate. The DMEO office has trained its employee as certified mediators and now has on staff mediators to serve throughout the complaint process. As a result, the ADR process is more accessible to DoDEA employees.

#### D. Actions Planned/Taken to Improve Agency Complaint or Civil Rights Program

DoDEA's Diversity Management and Equal Opportunity (DMEO) office has a stated mission to create and sustain a workplace free of discrimination and harassment through commitment, integration, prevention, and accountability. DoDEA's mission and vision of the agency's EEO programs is capsulated in the agency's Community Strategic Plan, Goal 3, which states: "to continually recruit, hire, support, evaluate, and recognize personnel in order to retain a highly diverse, motivated, and committed workforce."

To accomplish this goal, measures and milestones are identified. The 2008 milestones applicable to this report are:

- Establish and implement a performance appraisal process in support of the new DoD National Security Personnel System (NSPS).
- All GS and support staff will have access to quality DoDEA/DoD standardized training for career enhancement and improved job-related proficiencies.
- DoDEA will implement a comprehensive leadership development plan for the training of leaders to ensure the continuity and high quality of DoDEA leadership.
- Assess and prioritize the professional development and training needs of employees using multiple approaches.
- Implement an automated process for evaluating professional development.
- Design, implement, and evaluate DoDEA standardized training for GS and support staff for career enhancement and improved job-related proficiencies.
- Design and implement a comprehensive plan for the development of leaders to ensure the high quality of all levels of DoDEA leadership in supervision, management, systems technology, curriculum, instruction, and assessment.

Improve timeliness by establishing Standard Operating Procedures with the DoD investigative unit (DoDEA does not investigate its own cases).

The Civilian Personnel Management Services (CPMS), Investigations Resolution Division (IRD) is the DoD component responsible for investigating our cases. In February 2007, IRD realigned case management functions. As a result, all of our Europe and Pacific cases are being processed through Sacramento, California. IRD is also promoting electronic case file submissions to their office to assist with quicker processing.

Although there has been improvement in our investigation timeframes over a 3 year time period (FY04 –FY06), this year (FY07) the investigation timeliness rate dropped to 17%. The decrease in timeliness can be attributed to several factors, i.e. staffing issues in IRD; the majority of our workforce is off duty during school recess periods and throughout the summer, which puts a burden on coordinating participants involved in the investigation; increased caseload. For the investigations that run into our recess periods, DMEO requests that complainants and witnesses leave contact data during recess periods and summer breaks so investigators can make contact. However, there are instances when this does not happen and the process is delayed.

DoDEA's preferred method of investigation is e-mail interrogatories as it is effective for our geographically dispersed organization. However, this method is time-consuming. To improve processing times, both IRD and DMEO have become stringent in imposing deadlines for responses and have limited the levels of review for responses. DMEO has also tried to limit General Counsel's involvement in the complaints process and their role in the investigative process. In October 2005 and again on February 2007 the EEO Office and General Counsel met to define roles and responsibilities throughout the complaints process. As a result, a memorandum of understanding was executed consistent with having a model agency EEO program.

In 2008, DMEO has reached an informal understanding with IRD to complete cases in the investigative process that may run into the summer break. IRD is looking to identify those cases and expedite their investigations so no further delays will be incurred during the summer break. IRD has also agreed to identify the most dated cases and move them up in the investigative queue. This understanding has to be translated into a standard operating procedure to ensure accountability and timeliness.

Reorganize DMEO to attain the essential elements of a Model EEO Program.

In April 2007 the Equal Employment Opportunity Office name was officially changed to the Diversity Management & Equal Opportunity (DMEO) Office. The name change was the first step in restructuring of the office followed by the actual restructuring in October 2007. DMEO began restructuring the functional responsibilities within the office. Prior to the reorganization, all EEO Specialists were processing EEO complaints and providing training (Sexual harassment, EEO Process, NOFEAR, etc.). In October 2007, the DMEO office was restructured in functional areas as follows: Complaints Processing, Diversity (including Special Emphasis Programs, Training),

Alternate Dispute Resolution, and Informal Complaints and Business Administration. The expectation is that this change will bring efficacy and better oversight for each functional area.

For DMEO to work in partnership with HR to develop a strategic plan for addressing underrepresentation, vacancy projections, and succession planning.

The agency vacancy projections, succession planning strategies and achieving a diverse motivated workforce have been included in the DoDEA Community Strategic Plan (CSP). Goal 3 reads in part, "The DoDEA workforce will be motivated, diverse, and committed to continuous professional growth and development resulting in exemplary performance and optimum student achievement." Outcome A of the CSP dictates that administrators at all levels will continually recruit, hire, support, evaluate, and recognize personnel in order to retain a highly diverse, motivated and committed workforce.

Successful implementation of the CSP is an Agency responsibility, as well as creating symbiotic partnerships with senior management officials. Goal 3 of the CSP sets out timelines and a strategy, with regular monitoring by senior management officials, to include EEO representation in all regularly scheduled meetings. In November 2005, the DMEO Chief participated in the update of the Agency CSP for years 2006-11. This year the DMEO chief will participate again in the revision of the CSP. This significant inclusion of EEO in the drafting of the Agency's CSP ensures future EEO involvement in the implementation of Goal 3 and participation in all decisions and discussions impacting vacancy projections and succession planning for DoDEA.

Establish timeframes for implementing the review of our incentive and performance award program.

In November 2005, the DoDEA Community Strategic Plan (CSP) was revised to include an implementation milestone regarding awards. The CSP commits to revise "the performance appraisal system to ensure that it recognized and rewards high performance, motivation and commitment to supporting student achievement." This agenda item has been incorporated into our agency CSP and timelines will be established to ensure that this item is reviewed yearly. The 2008 CSP deadline takes into consideration the deployment DoD National Security Personnel System (NSPS).

A review of DoDEA's incentive and performance award policy, regulations, and award data does not reveal systemic barriers impeding full participation. In January 2008, DoDEA converted to NSPS, a pay for performance system with pay bands, affect approximately 3K employees. The focus of NSPS is to coach, mentor, and award employees based on performance. For the purposes of this report, it is premature to speculate on how NSPS will affect our incentive and performance award program or data collection thereof. However, DMEO and HR will continue to gather data and monitor the incentive and performance awards programs.

FY 2007 Quarterly Webposting Data

Data Posted Pursuant to Section 301 of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002

Complaint Activity

Equal Employment Opportunity Data Posted Pursuant to the NoFEAR Act:

DoDEA  
Period ending September 30, 2007

Complaint Activity	Comparative Data					
	Previous Fiscal Year Data					2007 (Thru 09-30-07)
	2002	2003	2004	2005	2006	
Number of Complaints Filed	52	31	36	25	29	49
Number of Complainants	52	31	35	25	28	49
Repeat Filers	0	0	1	0	1	1
Complaints by Basis	Comparative Data					
	Previous Fiscal Year Data					2007 (Thru 09-30-07)
	2002	2003	2004	2005	2006	
<i>Note: Complaints can be filed alleging multiple bases. The sum of the bases may not equal total complaints filed.</i>						
Race	45	47	17	12	21	24
Color	6	7	15	3	10	5
Religion	2	9	0	3	3	4
Reprisal	14	7	10	10	14	12
Sex	50	25	23	12	18	22
National Origin	13	16	4	3	5	5
Equal Pay Act	0	3	0	0	0	0
Age	48	8	10	10	14	18
Disability	27	11	7	7	8	14
Non-EEO	0	0	0	1	0	0

Complaints by Issue	Comparative Data					
	Previous Fiscal Year Data					2007 (Thru 09-30-07)
<i>Note: Complaints can be filed alleging multiple bases. The sum of the bases may not equal total complaints filed.</i>	2002	2003	2004	2005	2006	
Appointment/Hire	5	3	1	2	9	5
Assignment of Duties	12	12	1	2	3	3
Awards	2	1	0	0	0	0
Conversion to Full-time	0	0	0	0	0	0
<b>Disciplinary Action</b>						
Demotion	2	3	0	0	0	0
Reprimand	7	3	2	2	2	1
Suspension	3	3	0	1	1	1
Removal	2	1	0	0	0	0
Other	0	0	2	4	2	0
Duty Hours	0	1	0	0	0	0
Evaluation Appraisal	15	11	2	1	2	0
Examination/Test	0	0	0	0	0	0
<b>Harassment</b>						
Non-Sexual	18	12	20	10	12	15
Sexual	4	1	0	1	0	3
Medical Examination	0	0	0	0	0	1
Pay (Including Overtime)	2	8	0	2	0	0
Promotion/Non-Selection	11	13	26	3	6	3
<b>Reassignment</b>						
Denied	5	0	0	1	0	1
Directed	4	2	3	2	4	9
Reasonable Accommodation	1	4	0	4	1	2
Reinstatement	2	1	0	0	0	0
Retirement	2	0	1	1	0	0
Termination	11	11	7	4	1	5

Terms/Conditions of Employment	2	9	0	2	4	2	
Time and Attendance	1	5	0	0	2	2	
Training	1	3	0	0	1	1	
Other	0	11	6	3	1	0	
<b>Processing Time</b>	<b>Comparative Data</b>						
	<b>Previous Fiscal Year Data</b>					<b>2007 (Thru 09-30-07)</b>	
	<b>2002</b>	<b>2003</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>		
Complaints pending during fiscal year							
Average number of days in investigation	208.39	217.09	115.65	220.23	220.09	261.26	
Average number of days in final action	450	99.30	641.40	114.05	109.32	102.29	
Complaint pending during fiscal year where hearing was requested							
Average number of days in investigation	357.02	282.48	423.52	213.00	271.25	261.26	
Average number of days in final action	45	14.33	0	102.14	22.93	491.71	
Complaint pending during fiscal year where hearing was not requested							
Average number of days in investigation	179.72	427.00	353.50	227.45	208.72	261.26	
Average number of days in final action	0	222.50	94.33	137.86	260.50	381.67	
<b>Complaints Dismissed by Agency</b>	<b>Comparative Data</b>						
	<b>Previous Fiscal Year Data</b>					<b>2007 (Thru 09-30-07)</b>	
	<b>2002</b>	<b>2003</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>		
Total Complaints Dismissed by Agency	6	2	0	5	7	15	
Average days pending prior to dismissal	112.5	60	0	63	391	85.13	
<b>Complaints Withdrawn by Complainants</b>							
Total Complaints Withdrawn by Complainants	3	1	16	1	2	2	
<b>Total Final Agency Actions Finding Discrimination</b>	<b>Comparative Data</b>						
	<b>Previous Fiscal Year Data</b>					<b>2007 (Thru 09-30-07)</b>	
	<b>2002</b>	<b>2003</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>		
	<b>#</b>	<b>%</b>	<b>#</b>	<b>%</b>	<b>#</b>	<b>%</b>	<b>#</b>
Total Number Findings	2	2	2	0	0	0	

Without Hearing	0	0	0	0	1	0	0	0	0	0	0	0
With Hearing	2	0	2	0	1	0	0	0	0	0	0	0
Findings of Discrimination Rendered by Basis	Comparative Data											
	Previous Fiscal Year Data										2007 (Thru 09-30-07)	
<i>Note: Complaints can be filed alleging multiple bases. The sum of the bases may not equal total complaints and findings.</i>	2002		2003		2004		2005		2006			
	#	%	#	%	#	%	#	%	#	%	#	%
<b>Total Number Findings</b>	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
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
Non-EEO	0	0	0	0	0	0	0	0	0	0	0	0
<b>Findings After Hearing</b>	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
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
Non-EEO	0	0	0	0	0	0	0	0	0	0	0	0

Findings Without Hearing												
	0	0	0	0	0	0	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
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
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										2007 (Thru 09-30-07)	
	2002		2003		2004		2005		2006			
	#	%	#	%	#	%	#	%	#	%	#	%
Total Number Findings	0	0	0	0	0	0	0	0	0	0	0	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	0	0	0	0
Awards	0	0	0	0	0	0	0	0	0	0	0	0
Conversion to Full-time	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	0	0	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
Evaluation 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	0	0	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	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
Retirement	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 Defined	0	0	0	0	0	0	0	0	0	0	0	0
<b>Findings After Hearing</b>	0	0	0	0	0	0	0	0	0	0	0	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	0	0	0	0
Awards	0	0	0	0	0	0	0	0	0	0	0	0
Conversion to Full-time	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	0	0	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

Evaluation 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	0	0	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	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
Retirement	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 Defined	0	0	0	0	0	0	0	0	0	0	0	0
<b>Findings Without Hearing</b>	0	0	0	0	0	0	0	0	0	0	0	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	0	0	0	0
Awards	0	0	0	0	0	0	0	0	0	0	0	0
Conversion to Full-time	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	0	0	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
Evaluation 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	0	0	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	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
Retirement	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 Defined	0	0	0	0	0	0	0	0	0	0	0	0
<b>Pending Complaints Filed in Previous Fiscal Years by Status</b>					<b>Comparative Data</b>					<b>2007 (Thru 09-30-07)</b>		
					<b>Previous Fiscal Year Data</b>							
					<b>2002</b>	<b>2003</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>			
Total complaints from previous Fiscal Years					131	107	51	46	39	35		
Total Complainants					48	31	36	15	6	49		
<b>Number complaints pending</b>												
Investigation					28	56	17	0	0	24		
ROI issued, pending Complainant's action					29	10	6	0	0	1		
Hearing					56	21	23	15	5	17		

Final Agency Action	18	20	5	2	0	6
Appeal with EEOC Office of Federal Operations	0	0	0	0	0	0
Complaint Investigations	<b>Comparative Data</b>					
	<b>Previous Fiscal Year Data</b>					<b>2007 (Thru 09-30-07)</b>
	<b>2002</b>	<b>2003</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>	
Pending Complaints Where Investigations Exceed Required Time Frames	15	5	9	3	10	19

## FY 2007 Annual Report

### NoFEAR Act Training Plan

This document sets forth the U.S. Office of Personnel Management's (OPM) training plan, pursuant to the Notification and Federal Antidiscrimination and Retaliation Act of 2002 ("NoFEAR Act"), Public Law 107-174, and 5 CFR Part 724.203.

#### Requirements of the NoFEAR Act

Specifically, Section 202(c) of Title II of the NoFEAR Act sets forth the following requirement: "Each Federal agency shall provide to the employees of such agency training regarding the rights and remedies applicable to such employees under the [Federal antidiscrimination and retaliation statutes and other legal authority]."

#### Requirements of 5 CFR Part 724

5 CFR § 724.203(a) requires the following: "Each agency must develop a written plan to train all of its employees (including supervisors and managers) about the rights and remedies available under the Antidiscrimination Laws and Whistleblower Protection Laws applicable to them."

5 CFR § 724.203(b) further specifies: "Each agency training plan shall describe: (1) The instructional materials and method of the training, (2) The training schedule, and (3) The means of documenting completion of training."

Next, 5 CFR § 724.203(d) requires each agency "to complete the initial training under this subpart for all employees (including supervisors and managers) by December 17, 2006. Thereafter, each agency must train all employees on a training cycle of no longer than every 2 years."

Finally, 29 CFR § 724.203(e) sets forth the following requirement: "After the initial training is completed, each agency must train new employees as part of its agency orientation program or other training program. Any agency that does not use a new employee orientation program for this purpose must train new employees within 90 calendar days of the new employees' appointment."

#### DoDEA NoFEAR Act Training

##### I. Initial Training Required by 5 CFR § 724.203(d)

DoDEA's DMEO office has given access through its intranet site a PowerPoint presentation to all DoDEA employees (including executives, managers, and supervisors) providing an overview of the rights and remedies applicable to Federal employees under the Federal antidiscrimination and retaliation statutes and other legal authority. The presentation remains posted to the DoDEA DMEO intranet website, accessible to all DMEO employees, satisfying the initial training requirement of 5 CFR § 724.203(d).

##### II. NoFEAR Act Training during New Employees' Orientation, Required by 5 CFR § 724.203(e)

DoDEA's DMEO office sponsors and participates in all DoDEA New Employee Orientation sessions providing basic information on the NoFEAR Act and directing new employees to the NoFEAR Act PowerPoint presentation posted on DMEO's intranet website.

III. Recurring NoFEAR Act On-Line Training and Documentation

DoDEA's DMEO office is currently finalizing the implementation of an online NoFEAR Act training. DoDEA is taking advantage of its long-distance learning capabilities and putting the NoFEAR training online using Blackboard Academic Suite (Bb). Because most of DoDEA employees are classroom teachers with access to Bb, having the training online will give them an opportunity to access the training outside the classroom. DoDEA is developing an online exam and will be able to electronically track completion and certification of the required training for all DoDEA employees, in compliance with the recurring training and documentation requirements of 5 CFR §§ 724.203(b) and (d).

  
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Joseph D. Tafoya  
Director, Department of Defense Education Activity

MAR 28 2008

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Date