



# Notification and Federal Employee Antidiscrimination and Retaliation (No FEAR) Act EEO Complaint Data Fiscal Year 2021, Quarter 4

Office of Diversity and Civil Rights

30 September 2021



U.S. Immigration  
and Customs  
Enforcement

# U.S. Immigration and Customs Enforcement Equal

## Employment Opportunity Data Posted Pursuant to the No Fear Act

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	213	227	201	145	184	137
Number of Complainants	199	207	193	143	176	130
Repeat Filers	10	13	7	2	8	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	84	96	81	55	67	59
Color	29	49	32	20	32	22
Religion	12	15	13	4	7	5
Reprisal	128	127	124	67	97	75
Sex	90	88	79	56	70	58
PDA	3	0	6	2	2	2
National Origin	54	64	54	21	36	43

Equal Pay Act	0	5	2	1	0	2
Age	98	98	61	51	59	45
Disability	43	58	44	38	57	38
Genetics	0	0	1	0	0	1
Non-EEO	19	15	15	12	7	13
<b>Complaints by Issue</b>	<b>Comparative Data</b>					
	<b>Previous Fiscal Year Data</b>					<b>2021 Thru 09-30</b>
<i>Note: Complaints can be filed alleging multiple bases. The sum of the bases may not equal total complaints filed.</i>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	
Appointment/Hire	8	18	10	19	17	9
Assignment of Duties	38	38	36	10	25	15
Awards	4	5	1	0	3	2
Conversion to Full Time/Perm Status	0	0	0	0	0	0
<b>Disciplinary Action</b>						
Demotion	0	0	0	1	2	2
Reprimand	6	13	8	4	7	7
Suspension	10	8	9	4	4	5
Removal	0	5	4	2	1	2
Duty Hours	4	3	6	2	0	3
Perf. Eval./ Appraisal	22	34	32	28	23	12
Examination/Test	2	0	1	0	1	2
<b>Harassment</b>						
Non-Sexual	87	105	85	58	76	53
Sexual	10	13	8	5	9	5
Medical Examination	1	4	2	7	5	0
Pay including overtime	11	18	5	3	10	3

Promotion/Non-Selection	94	77	51	28	28	22
<b>Reassignment</b>						
Denied	8	21	9	6	4	1
Directed	15	29	20	5	11	2
Reasonable Accommodation Disability	12	18	18	13	15	6
Reinstatement	0	0	1	1	1	0
Religious Accommodation	1	1	0	0	0	0
Retirement	3	0	1	2	2	3
Sex-Stereotyping	1	0	0	0	0	0
Telework	5	4	5	2	4	4
Termination	6	8	12	8	15	14
Terms/Conditions of Employment	36	50	57	13	15	8
Time and Attendance	20	34	18	3	18	7
Training	15	15	7	6	4	1
<b>Processing Time</b>	<b>Comparative Data</b>					
	<b>Previous Fiscal Year Data</b>					<b>2021Thru09-30</b>
	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	
Complaints pending during fiscal year						
Average number of days in investigation	285.73	281.87	363.83	439.84	345.50	276.68
Average number of days in final action	147.72	195.93	124.31	206.53	182.44	288.06
Complaint pending during fiscal year where hearing was requested						
Average number of days in investigation	293.17	254.35	372.12	455.71	340.14	285.75
Average number of days in final action	98.45	89.62	64.96	76.32	114.74	137.49
Complaint pending during fiscal year where hearing was not requested						

Average number of days in investigation	278.81	328.29	348.90	432.91	351.38	264.57						
Average number of days in final action	196.76	340.74	348.77	418.49	395.56	422.23						
<b>Complaints Dismissed by Agency</b>	<b>Comparative Data</b>											
	<b>Previous Fiscal Year Data</b>										<b>2021Thru09-30</b>	
	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>							
Total Complaints Dismissed by Agency	12	19	21	15	24						15	
Average days pending prior to dismissal	403	206	295	281	375						115	
<b>Complaints Withdrawn by Complainants</b>												
Total Complaints Withdrawn by Complainants	16	17	14	18	23						22	
<b>Total Final Agency Actions Finding Discrimination</b>	<b>Comparative Data</b>											
	<b>Previous Fiscal Year Data</b>										<b>2021Thru09-30</b>	
	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>							
	<b>#</b>	<b>%</b>	<b>#</b>	<b>%</b>	<b>#</b>	<b>%</b>	<b>#</b>	<b>%</b>	<b>#</b>	<b>%</b>	<b>#</b>	<b>%</b>
Total Number Findings	3		2		1		1		8		1	
Without Hearing	2	67	2	100	0	0	1	100	6	75	1	100
With Hearing	1	33	0	0	1	100	0	0	2	25	0	0
<b>Findings of Discrimination Rendered by Basis</b>	<b>Comparative Data</b>											
	<b>Previous Fiscal Year Data</b>										<b>2021Thru09-30</b>	
	<i>Note: Complaints can be filed alleging multiple bases. The sum of the bases may not equal total complaints and findings.</i>											
<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>						<b>2021Thru09-30</b>		
<b>#</b>	<b>%</b>	<b>#</b>	<b>%</b>	<b>#</b>	<b>%</b>	<b>#</b>	<b>%</b>	<b>#</b>	<b>%</b>	<b>#</b>	<b>%</b>	
<b>Total Number Findings</b>	2		2		1		1		8		1	

Race	0	0	0	0	0	0	0	1	100	2	25	1	100
Color	0	0	0	0	0	0	0	0	0	2	25	0	0
Religion	0	0	0	0	0	0	0	0	0	0	0	0	0
Reprisal	1	50	0	0	1	100	0	0	0	5	63	1	100
Sex	2	100	2	100	0	0	0	0	0	5	63	1	100
PDA	0	0	0	0	0	0	0	0	0	0	0	0	0
National Origin	0	0	0	0	0	0	0	0	0	2	25	1	100
Equal Pay Act	0	0	0	0	0	0	0	0	0	0	0	0	0
Age	0	0	0	0	0	0	0	0	0	4	50	0	0
Disability	0	0	1	50	1	100	0	0	0	2	25	0	0
Genetics	0	0	0	0	0	0	0	0	0	0	0	0	0
Non-EEO	1	50	0	0	0	0	0	0	0	1	13	0	0

--	--	--	--	--	--	--	--	--	--	--	--	--	--

<b>Findings After Hearing</b>	1		0		1		1		2		0		
-------------------------------	---	--	---	--	---	--	---	--	---	--	---	--	--

Race	0	0	0	0	0	0	0	1	100	0	0	0	0
Color	0	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	0
Reprisal	1	100	0	0	1	100	0	0	0	1	50	0	0
Sex	1	100	0	0	0	0	0	0	0	1	50	0	0
PDA	0	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	0
Equal Pay Act	0	0	0	0	0	0	0	0	0	0	0	0	0
Age	0	0	0	0	0	0	0	0	0	1	50	0	0
Disability	0	0	0	0	1	100	0	0	0	1	50	0	0
Genetics	0	0	0	0	0	0	0	0	0	0	0	0	0
Non-EEO	1	100	0	0	0	0	0	0	0	1	50	0	0

--	--	--	--	--	--	--	--	--	--	--	--	--	--

<b>Findings Without Hearing</b>	1		2		0		0		6		1		
---------------------------------	---	--	---	--	---	--	---	--	---	--	---	--	--

Race	0	0	0	0	0	0	0	0	0	2	33	1	100
Color	0	0	0	0	0	0	0	0	0	2	33	0	0
Religion	0	0	0	0	0	0	0	0	0	0	0	0	0
Reprisal	0	0	0	0	0	0	0	0	0	4	67	1	100
Sex	1	100	2	100	0	0	0	0	0	4	67	1	100
PDA	0	0	0	0	0	0	0	0	0	0	0	0	0
National Origin	0	0	0	0	0	0	0	0	0	2	33	1	100
Equal Pay Act	0	0	0	0	0	0	0	0	0	0	0	0	0
Age	0	0	0	0	0	0	0	0	0	3	50	0	0
Disability	0	0	1	50	0	0	0	0	0	1	17	0	0
Genetics	0	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	0
<b>Findings of Discrimination Rendered by Issue</b>	<b>Comparative Data</b>												
	<b>Previous Fiscal Year Data</b>										<b>2021Thru09-30</b>		
	<b>2016</b>		<b>2017</b>		<b>2018</b>		<b>2019</b>		<b>2020</b>				
	<b>#</b>	<b>%</b>	<b>#</b>	<b>%</b>	<b>#</b>	<b>%</b>	<b>#</b>	<b>%</b>	<b>#</b>	<b>%</b>	<b>#</b>	<b>%</b>	
<b>Total Number Findings</b>	2		2		1		1		8		1		
Appointment/Hire	1	50	0	0	0	0	0	0	0	0	0	0	0
Assignment of Duties	0	0	0	0	0	0	0	0	0	1	13	0	0
Awards	0	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	0
<b>Disciplinary Action</b>													
Demotion	0	0	0	0	0	0	0	0	0	0	0	0	0
Reprimand	1	50	0	0	0	0	0	0	0	0	0	0	0
Suspension	0	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	0
Duty Hours	1	50	0	0	0	0	0	0	0	0	0	0	0
Perf. Eval./ Appraisal	0	0	0	0	1	100	0	0	5	63	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	1	50	0	0	0	0	1	17	0	0
Time and Attendance	0	0	0	0	0	0	0	0	0	0	1	100
Training	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>Previous Fiscal Year Data</b>										<b>2021Thru09-30</b>	
	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>							
Total complaints from previous Fiscal Years	277	340	410	388	333							214
Total Complainants	259	300	350	344	302							198
<b>Number complaints pending</b>												
Investigation	2	11	28	30	5							7
ROI issued, pending Complainant's action	0	9	12	10	5							1
Hearing	218	248	244	219	173							121
Final Agency Action	35	31	84	117	141							82
Appeal with EEOC Office of Federal Operations	91	97	105	141	165							208
<b>Complaint Investigations</b>	<b>Comparative Data</b>											
	<b>Previous Fiscal Year Data</b>										<b>2021Thru09-30</b>	
	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>							
Pending Complaints Where Investigations Exceed Required Time Frames	20	34	55	76	19							21