



Notification and Federal Employee Antidiscrimination and Retaliation (No FEAR) Act EEO Complaint Data Fiscal Year 2023, Quarter 2

Office of Diversity and Civil Rights
March 31, 2023



U.S. Immigration
and Customs
Enforcement

U.S. Immigration and Customs Enforcement

Equal Employment Opportunity Data Posted Pursuant to the No Fear Act:

For 2nd Quarter 2023 for period ending March 31, 2023

| Complaint Activity | Comparative Data | | | | | |
|--|---------------------------|------|------|------|------|---------------|
| | Previous Fiscal Year Data | | | | | 2023Thru03-31 |
| | 2018 | 2019 | 2020 | 2021 | 2022 | |
| Number of Complaints Filed | 201 | 145 | 184 | 137 | 260 | 94 |
| Number of Complainants | 193 | 143 | 176 | 130 | 243 | 93 |
| Repeat Filers | 7 | 2 | 8 | 6 | 15 | 1 |
| Complaints by Basis | Comparative Data | | | | | |
| | Previous Fiscal Year Data | | | | | 2023Thru03-31 |
| | 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 | 81 | 55 | 67 | 59 | 68 | 37 |
| Color | 32 | 20 | 32 | 22 | 27 | 11 |
| Religion | 13 | 4 | 7 | 5 | 49 | 10 |
| Reprisal | 124 | 67 | 97 | 75 | 96 | 50 |
| Sex | 79 | 56 | 70 | 58 | 89 | 35 |
| PDA | 6 | 2 | 2 | 2 | 1 | 0 |

| | | | | | | |
|---|----------------------------------|-------------|-------------|-------------|-------------|----------------------|
| National Origin | 54 | 21 | 36 | 43 | 46 | 23 |
| Equal Pay Act | 2 | 1 | 0 | 2 | 1 | 0 |
| Age | 61 | 51 | 59 | 45 | 71 | 26 |
| Disability | 44 | 38 | 57 | 38 | 103 | 28 |
| Genetics | 1 | 0 | 0 | 1 | 10 | 1 |
| Non-EEO | 15 | 12 | 7 | 13 | 16 | 7 |
| Complaints by Issue | Comparative Data | | | | | |
| | Previous Fiscal Year Data | | | | | 2023Thru03-31 |
| Note: Complaints can be filed alleging multiple bases. The sum of the bases may not equal total complaints filed. Starting in FY2022, issues marked with:* are reported under Other Terms / Conditions of Employment.** are reported under Other Disciplinary Actions. | 2018 | 2019 | 2020 | 2021 | 2022 | |
| Appointment/Hire | 10 | 19 | 17 | 9 | 20 | 6 |
| Assignment of Duties* | 36 | 10 | 25 | 15 | 0 | 0 |
| Awards | 1 | 0 | 3 | 2 | 0 | 0 |
| Conversion to Full Time/Perm Status* | 0 | 0 | 0 | 0 | 0 | 0 |
| Disciplinary Action | | | | | | |
| Demotion | 0 | 1 | 2 | 2 | 1 | 0 |
| Reprimand** | 8 | 4 | 7 | 7 | 0 | 0 |
| Suspension | 9 | 4 | 4 | 5 | 6 | 2 |
| Removal | 4 | 2 | 1 | 2 | 4 | 2 |
| Disciplinary Warning** | 0 | 0 | 0 | 0 | 0 | 0 |
| Other Disciplinary Actions** | 0 | 0 | 0 | 0 | 13 | 4 |
| Other 2** | 0 | 0 | 0 | 0 | 0 | 0 |
| Duty Hours* | 6 | 2 | 0 | 3 | 0 | 0 |
| Perf. Eval./ Appraisal | 32 | 28 | 23 | 12 | 15 | 7 |
| Examination/Test | 1 | 0 | 1 | 2 | 4 | 0 |
| Harassment | | | | | | |

| | | | | | | |
|---|----------------------------------|-------------|-------------|-------------|-------------|------------------------|
| Non-Sexual | 85 | 58 | 76 | 53 | 85 | 46 |
| Sexual | 8 | 5 | 9 | 5 | 10 | 2 |
| Medical Examination | 2 | 7 | 5 | 0 | 44 | 6 |
| Pay including overtime | 5 | 3 | 10 | 3 | 5 | 3 |
| Promotion/Non-Selection | 51 | 28 | 28 | 22 | 21 | 13 |
| Reassignment | | | | | | |
| Denied | 9 | 6 | 4 | 1 | 2 | 1 |
| Directed | 20 | 5 | 11 | 2 | 6 | 1 |
| Reasonable Accommodation Disability | 18 | 13 | 15 | 6 | 15 | 6 |
| Reinstatement* | 1 | 1 | 1 | 0 | 0 | 0 |
| Religious Accommodation | 0 | 0 | 0 | 0 | 6 | 0 |
| Retirement* | 1 | 2 | 2 | 3 | 0 | 0 |
| Sex-Stereotyping | 0 | 0 | 0 | 0 | 0 | 0 |
| Telework | 5 | 2 | 4 | 4 | 3 | 2 |
| Termination | 12 | 8 | 15 | 14 | 11 | 1 |
| Terms/Conditions of Employment* | 57 | 13 | 15 | 8 | 0 | 0 |
| Time and Attendance | 18 | 3 | 18 | 7 | 5 | 4 |
| Training | 7 | 6 | 4 | 1 | 6 | 1 |
| Other Terms/Conditions of Employment* | 0 | 0 | 0 | 0 | 81 | 22 |
| 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 |
| Processing Time | Comparative Data | | | | | |
| | Previous Fiscal Year Data | | | | | 2023 Thru 03-31 |
| | 2018 | 2019 | 2020 | 2021 | 2022 | |
| Complaints pending during fiscal year | | | | | | |
| Average number of days in investigation | 363.83 | 439.84 | 345.50 | 276.68 | 343.85 | 310.69 |

| | | | | | | | | | | | | |
|--|----------------------------------|-------------|-------------|-------------|-------------|----------|----------|----------|----------|----------|----------------------|----------|
| Average number of days in final action | 124.31 | 206.53 | 182.44 | 288.06 | 201.71 | 31.40 | | | | | | |
| Complaint pending during fiscal year where hearing was requested | | | | | | | | | | | | |
| Average number of days in investigation | 372.12 | 455.71 | 340.14 | 285.75 | 365.23 | 316.39 | | | | | | |
| Average number of days in final action | 64.96 | 76.32 | 114.74 | 137.49 | 133.40 | 28.11 | | | | | | |
| Complaint pending during fiscal year where hearing was not requested | | | | | | | | | | | | |
| Average number of days in investigation | 348.90 | 432.91 | 351.38 | 264.57 | 318.03 | 313.29 | | | | | | |
| Average number of days in final action | 348.77 | 418.49 | 395.56 | 422.23 | 287.53 | 43.90 | | | | | | |
| Complaints Dismissed by Agency | Comparative Data | | | | | | | | | | | |
| | Previous Fiscal Year Data | | | | | | | | | | 2023Thru03-31 | |
| | 2018 | 2019 | 2020 | 2021 | 2022 | | | | | | | |
| Total Complaints Dismissed by Agency | 21 | 15 | 24 | 15 | 17 | | | | | | 16 | |
| Average days pending prior to dismissal | 295 | 281 | 375 | 115 | 186 | | | | | | 209 | |
| Complaints Withdrawn by Complainants | | | | | | | | | | | | |
| Total Complaints Withdrawn by Complainants | 14 | 18 | 23 | 22 | 20 | | | | | | 13 | |
| Total Final Agency Actions Finding Discrimination | Comparative Data | | | | | | | | | | | |
| | Previous Fiscal Year Data | | | | | | | | | | 2023Thru03-31 | |
| | 2018 | 2019 | 2020 | 2021 | 2022 | | | | | | | |
| | # | % | # | % | # | % | # | % | # | % | # | % |
| Total Number Findings | 1 | | 1 | | 8 | | 1 | | 0 | | 0 | |
| Without Hearing | 0 | 0 | 1 | 100 | 6 | 75 | 1 | 100 | 0 | 0 | 0 | 0 |
| With Hearing | 1 | 100 | 0 | 0 | 2 | 25 | 0 | 0 | 0 | 0 | 0 | 0 |

| Findings of Discrimination Rendered by Basis | Comparative Data | | | | | | | | | | | |
|---|------------------------------|-----|------|-----|------|----|------|-----|------|-----|---------------|-----|
| | Previous Fiscal Year Data | | | | | | | | | | 2023Thru03-31 | |
| | 2018 | | 2019 | | 2020 | | 2021 | | 2022 | | | |
| <i>Note: Complaints can be filed alleging multiple bases. The sum of the bases may not equal total complaints and findings.</i> | # | % | # | % | # | % | # | % | # | % | # | % |
| | Total Number Findings | 1 | | 1 | | 8 | | 1 | | 2 | | 1 |
| Race | 0 | 0 | 1 | 100 | 2 | 25 | 1 | 100 | 0 | 0 | 1 | 100 |
| Color | 0 | 0 | 0 | 0 | 2 | 25 | 0 | 0 | 0 | 0 | 1 | 100 |
| Religion | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Reprisal | 1 | 100 | 0 | 0 | 5 | 63 | 1 | 100 | 2 | 100 | 1 | 100 |
| Sex | 0 | 0 | 0 | 0 | 5 | 63 | 1 | 100 | 0 | 0 | 1 | 100 |
| PDA | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| National Origin | 0 | 0 | 0 | 0 | 2 | 25 | 1 | 100 | 0 | 0 | 0 | 0 |
| Equal Pay Act | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Age | 0 | 0 | 0 | 0 | 4 | 50 | 0 | 0 | 0 | 0 | 1 | 100 |
| Disability | 1 | 100 | 0 | 0 | 2 | 25 | 0 | 0 | 1 | 50 | 0 | 0 |
| Genetics | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 50 | 0 | 0 |
| Non-EEO | 0 | 0 | 0 | 0 | 1 | 13 | 0 | 0 | 0 | 0 | 0 | 0 |
| | | | | | | | | | | | | |
| Findings After Hearing | 1 | | 1 | | 2 | | 0 | | 1 | | 1 | |
| Race | 0 | 0 | 1 | 100 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 100 |
| Color | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 100 |
| Religion | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Reprisal | 1 | 100 | 0 | 0 | 1 | 50 | 0 | 0 | 1 | 100 | 1 | 100 |
| Sex | 0 | 0 | 0 | 0 | 1 | 50 | 0 | 0 | 0 | 0 | 1 | 100 |
| 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 | 1 | 50 | 0 | 0 | 0 | 0 | 1 | 100 |
| Disability | 1 | 100 | 0 | 0 | 1 | 50 | 0 | 0 | 0 | 0 | 0 | 0 |

| Pending Complaints Filed in Previous Fiscal Years by Status | Comparative Data | | | | | |
|---|----------------------------------|-------------|-------------|-------------|-------------|----------------------|
| | Previous Fiscal Year Data | | | | | 2023Thru03-31 |
| | 2018 | 2019 | 2020 | 2021 | 2022 | |
| Total complaints from previous Fiscal Years | 410 | 388 | 333 | 214 | 109 | 234 |
| Total Complainants | 350 | 344 | 302 | 198 | 101 | 218 |
| Number complaints pending | | | | | | |
| Investigation | 28 | 30 | 5 | 7 | 6 | 127 |
| ROI issued, pending Complainant's action | 12 | 10 | 5 | 1 | 1 | 5 |
| Hearing | 244 | 219 | 173 | 121 | 86 | 90 |
| Final Agency Action | 84 | 117 | 141 | 82 | 20 | 15 |
| Appeal with EEOC Office of Federal Operations | 105 | 141 | 165 | 208 | 240 | 161 |
| Complaint Investigations | Comparative Data | | | | | |
| | Previous Fiscal Year Data | | | | | 2023Thru03-31 |
| | 2018 | 2019 | 2020 | 2021 | 2022 | |
| Pending Complaints Where Investigations Exceed Required Time Frames | 55 | 76 | 19 | 21 | 31 | 75 |