



# Notification and Federal Employee Antidiscrimination and Retaliation (No FEAR) Act EEO Complaint Data Fiscal Year 2021, Quarter 2

Office of Diversity and Civil Rights

31 March 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 2nd Quarter 2021 for period ending March 31, 2021

| Complaint Activity   | Comparative Data          |      |      |      |      |               |
|--|---------------------------|------|------|------|------|---------------|
|  | Previous Fiscal Year Data |      |      |      |      | 2021Thru03-31 |
|  | 2016                      | 2017 | 2018 | 2019 | 2020 |               |
| Number of Complaints Filed   | 213                       | 227  | 201  | 145  | 184  | 72            |
| Number of Complainants   | 199                       | 207  | 193  | 143  | 176  | 69            |
| Repeat Filers  | 10                        | 13   | 7    | 2    | 8    | 3             |
| Complaints by Basis  | Comparative Data          |      |      |      |      |               |
|  | Previous Fiscal Year Data |      |      |      |      | 2021Thru03-31 |
|  | 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   | 34            |
| Color  | 29                        | 49   | 32   | 20   | 32   | 14            |
| Religion   | 12                        | 15   | 13   | 4    | 7    | 1             |
| Reprisal   | 128                       | 127  | 124  | 67   | 97   | 43            |
| Sex  | 90                        | 88   | 79   | 56   | 70   | 30            |
| PDA  | 3                         | 0    | 6    | 2    | 2    | 0             |
| National Origin  | 54                        | 64   | 54   | 21   | 36   | 24            |
| Equal Pay Act  | 0                         | 5    | 2    | 1    | 0    | 2             |
| Age  | 98                        | 98   | 61   | 51   | 59   | 25            |
| Disability   | 43                        | 58   | 44   | 38   | 57   | 17            |

|  |                                  |             |             |             |             |                      |
|--|----------------------------------|-------------|-------------|-------------|-------------|----------------------|
| Genetics   | 0                                | 0           | 1           | 0           | 0           | 0                    |
| Non-EEO  | 19                               | 15          | 15          | 12          | 7           | 7                    |
| <b>Complaints by Issue</b>   | <b>Comparative Data</b>          |             |             |             |             |                      |
|  | <b>Previous Fiscal Year Data</b> |             |             |             |             | <b>2021Thru03-31</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          | 2                    |
| Assignment of Duties   | 38                               | 38          | 36          | 10          | 25          | 8                    |
| 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           | 5                    |
| Suspension   | 10                               | 8           | 9           | 4           | 4           | 3                    |
| Removal  | 0                                | 5           | 4           | 2           | 1           | 0                    |
| Duty Hours   | 4                                | 3           | 6           | 2           | 0           | 2                    |
| Perf. Eval./ Appraisal   | 22                               | 34          | 32          | 28          | 23          | 9                    |
| Examination/Test   | 2                                | 0           | 1           | 0           | 1           | 0                    |
| <b>Harassment</b>  |                                  |             |             |             |             |                      |
| Non-Sexual   | 87                               | 105         | 85          | 58          | 76          | 31                   |
| Sexual   | 10                               | 13          | 8           | 5           | 9           | 1                    |
| Medical Examination  | 1                                | 4           | 2           | 7           | 5           | 0                    |
| Pay including overtime   | 11                               | 18          | 5           | 3           | 10          | 2                    |
| Promotion/Non-Selection  | 94                               | 77          | 51          | 28          | 28          | 12                   |
| <b>Reassignment</b>  |                                  |             |             |             |             |                      |
| Denied   | 8                                | 21          | 9           | 6           | 4           | 0                    |

|  |                                  |             |             |             |             |                      |
|--|----------------------------------|-------------|-------------|-------------|-------------|----------------------|
| Directed   | 15                               | 29          | 20          | 5           | 11          | 2                    |
| Reasonable Accommodation Disability                                  | 12                               | 18          | 18          | 13          | 15          | 2                    |
| Reinstatement  | 0                                | 0           | 1           | 1           | 1           | 0                    |
| Religious Accommodation  | 1                                | 1           | 0           | 0           | 0           | 0                    |
| Retirement   | 3                                | 0           | 1           | 2           | 2           | 1                    |
| Sex-Stereotyping   | 1                                | 0           | 0           | 0           | 0           | 0                    |
| Telework   | 5                                | 4           | 5           | 2           | 4           | 2                    |
| Termination  | 6                                | 8           | 12          | 8           | 15          | 12                   |
| Terms/Conditions of Employment                                       | 36                               | 50          | 57          | 13          | 15          | 0                    |
| Time and Attendance  | 20                               | 34          | 18          | 3           | 18          | 4                    |
| Training   | 15                               | 15          | 7           | 6           | 4           | 1                    |
| Processing Time  | <b>Comparative Data</b>          |             |             |             |             |                      |
|  | <b>Previous Fiscal Year Data</b> |             |             |             |             | <b>2021Thru03-31</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      | 279.86               |
| Average number of days in final action                               | 147.72                           | 195.93      | 124.31      | 206.53      | 182.44      | 283.18               |
| 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      | 290.21               |
| Average number of days in final action                               | 98.45                            | 89.62       | 64.96       | 76.32       | 114.74      | 140.79               |
| 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      | 266.58               |











|                                     |   |         |   |    |   |         |   |         |   |     |   |    |
|-------------------------------------|---|---------|---|----|---|---------|---|---------|---|-----|---|----|
| 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       | 1 | 13  | 0 | 0  |
| Termination                         | 0 | 0       | 0 | 0  | 0 | 0       | 0 | 0       | 0 | 0   | 0 | 0  |
| Terms/Conditions of Employment      | 1 | 50      | 1 | 50 | 0 | 0       | 0 | 0       | 3 | 38  | 1 | 50 |
| Time and Attendance                 | 1 | 50      | 0 | 0  | 0 | 0       | 0 | 0       | 0 | 0   | 1 | 50 |
| Training                            | 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       | 1 | 50  | 0 | 0  |
| Awards                              | 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  |
| Disciplinary Action                 |   |         |   |    |   |         |   |         |   |     |   |    |
| Demotion                            | 0 | 0       | 0 | 0  | 0 | 0       | 0 | 0       | 0 | 0   | 0 | 0  |
| Reprimand                           | 1 | 10<br>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  |
| Duty Hours                          | 1 | 10<br>0 | 0 | 0  | 0 | 0       | 0 | 0       | 0 | 0   | 0 | 0  |
| Perf. Eval./ Appraisal              | 0 | 0       | 0 | 0  | 1 | 10<br>0 | 0 | 0       | 2 | 100 | 0 | 0  |
| Examination/Test                    | 0 | 0       | 0 | 0  | 0 | 0       | 0 | 0       | 0 | 0   | 0 | 0  |
| Harassment                          |   |         |   |    |   |         |   |         |   |     |   |    |
| Non-Sexual                          | 1 | 10<br>0 | 0 | 0  | 0 | 0       | 1 | 10<br>0 | 2 | 100 | 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   |
| Other - User Define   |     |     |     |     |     |                                  |             |             |             |             |                      |     |
| <b>Pending Complaints Filed in Previous Fiscal Years by Status</b>  |     |     |     |     |     | <b>Comparative Data</b>          |             |             |             |             |                      |     |
|   |     |     |     |     |     | <b>Previous Fiscal Year Data</b> |             |             |             |             | <b>2021Thru03-31</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 | 382                              |             |             |             |             |                      |     |
| Total Complainants  | 259 | 300 | 350 | 344 | 302 | 344                              |             |             |             |             |                      |     |
| <b>Number complaints pending</b>                                    |     |     |     |     |     |                                  |             |             |             |             |                      |     |
| Investigation   | 2   | 11  | 28  | 30  | 5   | 34                               |             |             |             |             |                      |     |
| ROI issued, pending Complainant's action                            | 0   | 9   | 12  | 10  | 5   | 8                                |             |             |             |             |                      |     |
| Hearing   | 218 | 248 | 244 | 219 | 173 | 175                              |             |             |             |             |                      |     |
| Final Agency Action   | 35  | 31  | 84  | 117 | 141 | 148                              |             |             |             |             |                      |     |
| Appeal with EEOC Office of Federal Operations                       | 91  | 97  | 105 | 141 | 165 | 180                              |             |             |             |             |                      |     |
| <b>Complaint Investigations</b>                                     |     |     |     |     |     | <b>Comparative Data</b>          |             |             |             |             |                      |     |
|   |     |     |     |     |     | <b>Previous Fiscal Year Data</b> |             |             |             |             | <b>2021Thru03-31</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  | 17                               |             |             |             |             |                      |     |