



# Notification and Federal Employee Antidiscrimination and Retaliation (No FEAR) Act EEO Complaint Data Fiscal Year 2023, Quarter 1

Office of Diversity and Civil Rights

December 31, 2022



U.S. Immigration  
and Customs  
Enforcement

# U.S. Immigration and Customs Enforcement Equal Employment Opportunity Data Posted Pursuant to the No Fear Act

For 1st Quarter 2023 for period ending December 31, 2022

Complaint Activity	Comparative Data					
	Previous Fiscal Year Data					2023Thru12-31
	2018	2019	2020	2021	2022	
Number of Complaints Filed	192	135	181	136	241	40
Number of Complainants	184	133	172	130	227	40
Repeat Filers	7	0	9	5	12	0
Complaints by Basis	Comparative Data					
	Previous Fiscal Year Data					2023Thru12-31
	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	78	53	60	53	64	9
Color	31	21	29	22	28	4
Religion	13	4	6	4	48	4
Reprisal	121	66	99	76	93	18
Sex	74	53	73	56	85	10
PDA	6	2	2	2	1	0
National Origin	55	21	36	43	41	9
Equal Pay Act	2	1	0	2	1	0

Age	59	51	56	45	69	8
Disability	43	39	57	37	98	13
Genetics	1	0	0	1	10	1
Non-EEO	16	12	8	13	16	2
<b>Complaints by Issue</b>	<b>Comparative Data</b>					
	<b>Previous Fiscal Year Data</b>					<b>2023Thru12-31</b>
<b>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.</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>	
Appointment/Hire	11	17	15	9	18	2
Assignment of Duties*	36	15	0	0	0	0
Awards	1	0	2	2	0	0
Conversion to Full Time/Perm Status*	0	0	0	0	0	0
<b>Disciplinary Action</b>						
Demotion	0	1	2	1	1	0
Reprimand**	14	4	0	0	0	0
Suspension	11	4	4	5	7	0
Removal	4	2	1	2	4	0
Disciplinary Warning**	0	0	0	0	0	0
Other Disciplinary Actions**	0	0	12	16	13	1
Other 2**	0	0	0	0	0	0
Duty Hours*	7	2	0	0	0	0
Perf. Eval./ Appraisal	36	29	25	14	15	2
Examination/Test	1	1	1	2	4	0
<b>Harassment</b>						

Non-Sexual	82	61	75	53	87	16
Sexual	9	5	9	3	10	0
Medical Examination	2	7	5	0	40	3
Pay including overtime	7	3	10	3	5	1
Promotion/Non-Selection	51	30	30	22	26	6
<b>Reassignment</b>						
Denied	11	6	4	1	1	1
Directed	19	4	12	2	7	1
Reasonable Accommodation Disability	18	12	16	6	14	3
Reinstatement*	1	1	0	0	0	0
Religious Accommodation	0	0	0	0	6	0
Retirement*	1	2	0	0	0	0
Sex-Stereotyping	36	15	0	0	0	0
Telework	4	3	4	4	3	1
Termination	12	8	15	14	9	2
Terms/Conditions of Employment*	61	15	0	0	0	0
Time and Attendance	19	5	19	7	5	1
Training	6	6	4	1	5	0
Other Terms/Conditions of Employment*	0	0	42	28	75	13
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
<b>Processing Time</b>	<b>Comparative Data</b>					
	<b>Previous Fiscal Year Data</b>					<b>2023Thru12-31</b>
	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>	
Complaints pending during fiscal year						

Average number of days in investigation	364.05	446.32	346.60	276.81	340.21	323.50						
Average number of days in final action	117.70	206.53	172.51	285.51	201.71	32.88						
Complaint pending during fiscal year where hearing was requested												
Average number of days in investigation	370.95	458.62	337.38	287.53	364.13	317.64						
Average number of days in final action	62.69	76.32	108.48	136.42	133.40	31.48						
Complaint pending during fiscal year where hearing was not requested												
Average number of days in investigation	349.88	440.60	358.11	262.32	303.49	319.14						
Average number of days in final action	328.21	418.49	390.62	422.49	287.53	43.67						
<b>Complaints Dismissed by Agency</b>	<b>Comparative Data</b>											
	<b>Previous Fiscal Year Data</b>										<b>2023Thru12-31</b>	
	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>							
Total Complaints Dismissed by Agency	19	12	23	15	17	5						
Average days pending prior to dismissal	306	306	388	115	186	182						
<b>Complaints Withdrawn by Complainants</b>												
Total Complaints Withdrawn by Complainants	15	16	25	23	20	1						
<b>Total Final Agency Actions Finding Discrimination</b>	<b>Comparative Data</b>											
	<b>Previous Fiscal Year Data</b>										<b>2023Thru12-31</b>	
	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</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	4	2	0	0	0	0	0	0	0	0	0	
Without Hearing	1	25	1	50	0	0	0	0	0	0	0	
With Hearing	3	75	1	50	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	1	100	0	0	0	0
Training	0	0	0	0	0	0	0	0	0	0	0	0
Other Terms/Conditions of Employment*	0	0	0	0	1	20	0	0	0	0	0	0
User Defined - Other 1*	0	0	0	0	0	0	0	0	0	0	0	0
User Defined - Other 2*	0	0	0	0	0	0	0	0	0	0	0	0
User Defined - Other 3*	0	0	0	0	0	0	0	0	0	0	0	0
User Defined - Other 4*	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>2023Thru12-31</b>					
	<b>Previous Fiscal Year Data</b>											
	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>							
Total complaints from previous Fiscal Years	381	367	290	188	107	276						
Total Complainants	326	325	264	175	99	251						
<b>Number complaints pending</b>												
Investigation	29	27	6	4	3	155						
ROI issued, pending Complainant's action	10	10	5	1	1	11						
Hearing	243	208	156	117	85	97						
Final Agency Action	79	109	117	60	18	11						
Appeal with EEOC Office of Federal Operations	104	141	167	204	236	236						
<b>Complaint Investigations</b>	<b>Comparative Data</b>						<b>2023Thru12-31</b>					
	<b>Previous Fiscal Year Data</b>											
	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>							
Pending Complaints Where Investigations Exceed Required Time Frames	57	70	15	18	32	57						