



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