



No FEAR Act

Equal Employment Opportunity (EEO) Data
Fiscal Year 2023, Fourth Quarter



U.S. Customs and
Border Protection

Office of the Commissioner

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EEO Data Posted Pursuant to the No Fear Act: CBP

For 4th Quarter 2023, for period ending Sep. 30, 2023

1. Complaint Activity

Total	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023 (through 9/30/23)
Number of Complaints Filed	422	355	371	364	572	386
Number of Complainants	404	338	352	344	544	374
Repeat Filers	18	16	16	17	26	11

2. Complaints by Basis

Note: Complaints can be filed alleging multiple bases. The sum of the bases may not be equal to the total complaints filed.

Basis	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023 (through 9/30/23)
Race	101	84	100	81	87	95
Color	27	16	31	15	31	26
Religion	17	19	15	17	184	26
Reprisal	181	186	198	185	188	161
Sex	119	108	119	110	145	122
PDA	3	4	2	4	7	7
National Origin	114	70	86	56	62	76
Equal Pay Act	0	1	1	0	0	0
Age	114	95	112	95	123	105
Disability	91	102	108	101	143	92
Genetics	1	1	2	2	7	1
Non-EEO	26	15	31	48	38	36

3. Complaints by Issue

Note: Complaints can be filed alleging multiple issues. The sum of the issues may not be equal to the total complaints filed.

Starting in FY 2022, issues marked with:

* are reported under Other Terms and Conditions of Employment.

** are reported under Discipline: Other.

Issue	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023 (through 9/30/23)
Appointment/Hire	26	27	23	14	15	14
Assignment of Duties*	122	68	91	124	-	-
Awards	10	10	16	9	15	11
Conversion to Full Time/Perm Status*	0	0	0	0	-	-
Discipline: Demotion	6	2	2	2	1	3
Discipline: Reprimand**	17	16	20	18	-	-
Discipline: Suspension	17	10	22	17	14	20
Discipline: Removal	2	11	5	12	11	5
Discipline: Other**	0	0	0	0	59	53
Duty Hours*	8	10	16	15	-	-
Perf. Eval. or Appraisal	6	11	17	16	15	16
Examination or Test	11	11	6	2	6	1
Harassment: Non-Sexual	169	166	194	175	192	127
Harassment: Sexual	14	22	14	11	18	12
Medical Examination	13	10	11	5	129	10
Pay Including Overtime	11	22	24	26	20	9
Promotion or Non-Selection	74	58	69	58	54	62
Reassignment: Denied	11	7	8	7	15	10
Reassignment: Directed	16	14	10	10	14	6
Reasonable Accommodation Disability	24	35	37	23	28	25
Reinstatement*	2	1	1	2	-	-
Religious Accommodation	4	2	5	3	14	7
Retirement*	0	4	3	3	-	-
Sex-Stereotyping	0	0	0	0	0	0
Telework	3	2	8	11	13	9
Termination	24	23	30	24	21	22
Terms and Conditions of Employment*	32	45	39	36	-	-
Time and Attendance	27	50	45	65	39	46
Training	12	16	19	10	35	24
Other Terms and Conditions of Employment*	-	-	-	-	246	182

4. Processing Time

a. Complaints Pending During Fiscal Year

Processing Time	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023 (through 9/30/23)
Average Number of Days in Investigation	233.31	225.42	239.98	395.90	521.22	562.19
Average Number of Days in Final Action	106.44	90.36	162.90	181.86	96.41	34.55

b. Complaints Pending During Fiscal Year Where Hearing was Requested

Processing Time	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023 (through 9/30/23)
Average Number of Days in Investigation	232.26	230.93	228.24	370.53	487.84	517.10
Average Number of Days in Final Action	74.00	60.86	94.23	68.08	65.87	28.94

c. Complaints Pending During Fiscal Year Where Hearing was Not Requested

Processing Time	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023 (through 9/30/23)
Average Number of Days in Investigation	246.12	223.00	267.15	443.23	617.19	670.68
Average Number of Days in Final Action	150.15	175.19	361.70	368.42	168.71	45.46

5. Complaints Dismissed by the Agency

Complaints Dismissed by Agency	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023 (through 9/30/23)
Total Complaints Dismissed by Agency	55	41	18	14	27	165
Average Days Pending Prior to Dismissal	136	143	225	494	528	381

6. Complaints Withdrawn by Complainants

Complaints Withdrawn by Complainants	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023 (through 9/30/23)
Total Complaints Withdrawn by Complainants	46	50	50	48	48	89

7. Total Final Agency Actions Finding Discrimination

a. Final Agency Actions Finding Discrimination: Breakdown by Number

Total Final Agency Actions Finding Discrimination	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023 (through 9/30/23)
Findings Without Hearing	0	3	8	2	7	1
Findings With Hearing	1	1	12	0	1	8
Total Number of Findings	1	4	20	2	8	9

b. Final Agency Actions Finding Discrimination: Breakdown by Percentage

Total Final Agency Actions Finding Discrimination	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023 (through 9/30/23)
Findings Without Hearing	0%	75%	40%	100%	87%	11%
Findings With Hearing	100%	25%	60%	0%	13%	89%

8. Findings of Discrimination Rendered by Basis

Note: Complaints can be filed alleging multiple bases. The sum of the bases may not be equal to the total complaints filed.

a. Total Number of Findings

i. Basis Breakdown by Number

Basis	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023 (through 9/30/23)
Race	0	0	4	0	0	5
Color	0	0	0	0	0	1
Religion	0	0	0	0	0	1
Reprisal	1	2	11	1	5	3
Sex	0	2	4	1	1	6
PDA	0	0	1	0	0	0
National Origin	0	0	4	0	2	2
Equal Pay Act	0	0	0	0	0	0
Age	0	1	5	0	1	3
Disability	0	1	10	0	5	1
Genetics	0	0	0	0	0	0
Non-EEO	0	0	2	0	0	1
Total	1	4	20	2	8	9

ii. Basis Breakdown by Percentage

Basis	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023 (through 9/30/23)
Race	0%	0%	20%	0%	0%	56%
Color	0%	0%	0%	0%	0%	11%
Religion	0%	0%	0%	0%	0%	11%
Reprisal	100%	50%	55%	50%	63%	44%
Sex	0%	50%	20%	50%	13%	78%
PDA	0%	0%	5%	0%	0%	0%
National Origin	0%	0%	20%	0%	25%	22%
Equal Pay Act	0%	0%	0%	0%	0%	0%
Age	0%	25%	25%	0%	13%	22%
Disability	0%	25%	50%	0%	63%	11%
Genetics	0%	0%	0%	0%	0%	0%
Non-EEO	0%	0%	10%	0%	0%	11%

b. Findings After Hearing

i. Basis Breakdown by Number

Basis	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023 (through 9/30/23)
Race	0	0	3	0	0	4
Color	0	0	0	0	0	1
Religion	0	0	0	0	0	0
Reprisal	1	1	8	0	1	3
Sex	0	1	1	0	1	6
PDA	0	0	1	0	0	0
National Origin	0	0	4	0	1	2
Equal Pay Act	0	0	0	0	0	0
Age	0	0	3	0	0	2
Disability	0	0	6	0	1	1
Genetics	0	0	0	0	0	0
Non-EEO	0	0	0	0	0	1
Total	1	1	12	0	1	7

ii. Basis Breakdown by Percentage

Basis	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023 (through 9/30/23)
Race	0%	0%	25%	0%	0%	57%
Color	0%	0%	0%	0%	0%	14%
Religion	0%	0%	0%	0%	0%	0%
Reprisal	100%	100%	67%	0%	100%	43%
Sex	0%	100%	8%	0%	100%	86%
PDA	0%	0%	8%	0%	0%	0%
National Origin	0%	0%	33%	0%	100%	29%
Equal Pay Act	0%	0%	0%	0%	0%	0%
Age	0%	0%	25%	0%	0%	29%
Disability	0%	0%	50%	0%	100%	14%
Genetics	0%	0%	0%	0%	0%	0%
Non-EEO	0%	0%	0%	0%	0%	14%

c. Findings Without Hearing

i. Basis Breakdown by Number

Basis	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023 (through 9/30/23)
Race	0	0	1	0	0	1
Color	0	0	0	0	0	0
Religion	0	0	0	0	0	1
Reprisal	0	1	3	1	4	0
Sex	0	1	3	1	0	0
PDA	0	0	0	0	0	0
National Origin	0	0	0	0	1	0
Equal Pay Act	0	0	0	0	0	0
Age	0	1	2	0	1	1
Disability	0	1	4	0	4	0
Genetics	0	0	0	0	0	0
Non-EEO	0	0	2	0	0	0
Total	0	3	8	2	7	2

ii. Basis Breakdown by Percentage

Basis	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023 (through 9/30/23)
Race	0%	0%	13%	0%	0%	50%
Color	0%	0%	0%	0%	0%	0%
Religion	0%	0%	0%	0%	0%	50%
Reprisal	0%	33%	38%	50%	57%	0%
Sex	0%	33%	38%	50%	0%	0%
PDA	0%	0%	0%	0%	0%	0%
National Origin	0%	0%	0%	0%	14%	0%
Equal Pay Act	0%	0%	0%	0%	0%	0%
Age	0%	33%	25%	0%	14%	50%
Disability	0%	33%	50%	0%	57%	0%
Genetics	0%	0%	0%	0%	0%	0%
Non-EEO	0%	0%	25%	0%	0%	0%

9. Findings of Discrimination Rendered by Issue

a. Total Number of Findings by Issue

i. Issue Breakdown by Number

Issue	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023 (through 9/30/23)
Appointment or Hire	0	0	2	0	0	0
Assignment of Duties*	0	1	2	0	-	-
Awards	0	1	1	0	0	0
Conversion to Full Time or Perm Status*	0	0	0	0	-	-
Discipline: Demotion	0	0	0	0	0	0
Discipline: Reprimand**	0	0	1	0	-	-
Discipline: Suspension	0	0	0	0	0	0
Discipline: Removal	0	0	0	0	1	0
Discipline: Other**	0	0	0	0	0	0
Duty Hours*	0	0	0	0	-	-
Perf. Eval. or Appraisal	0	1	1	0	0	0
Examination or Test	0	0	0	0	0	0
Harassment: Non-Sexual	0	1	10	2	3	4
Harassment: Sexual	0	0	3	0	0	1
Medical Examination	0	0	1	0	0	0
Pay Including Overtime	0	0	0	0	0	0
Promotion or Non-Selection	0	1	1	0	1	5
Reassignment: Denied	0	0	0	0	0	0
Reassignment: Directed	0	1	1	0	0	0
Reasonable Accommodation Disability	0	1	0	0	2	0
Reinstatement*	0	0	0	0	-	-
Religious Accommodation	0	0	0	0	0	0
Retirement*	0	0	0	0	-	-
Sex-Stereotyping	0	0	0	0	0	0
Telework	0	0	1	0	0	0
Termination	0	0	1	0	0	1
Terms and Conditions of Employment*	1	0	1	0	-	-
Time and Attendance	0	1	1	0	1	2
Training	0	0	0	0	0	2
Other Terms and Conditions of Employment*	-	-	-	-	2	2
Total	1	4	20	2	8	9

ii. Issue Breakdown by Percentage

Issue	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023 (through 9/30/23)
Appointment or Hire	0%	0%	10%	0%	0%	0%
Assignment of Duties*	0%	25%	10%	0%	-	-
Awards	0%	25%	5%	0%	0%	0%
Conversion to Full Time or Perm Status*	0%	0%	0%	0%	-	-
Discipline: Demotion	0%	0%	0%	0%	0%	0%
Discipline: Reprimand**	0%	0%	5%	0%	-	-
Discipline: Suspension	0%	0%	0%	0%	0%	0%
Discipline: Removal	0%	0%	0%	0%	13%	0%
Discipline: Other**	0%	0%	0%	0%	0%	0%
Duty Hours*	0%	0%	0%	0%	-	-
Perf. Eval. or Appraisal	0%	25%	5%	0%	0%	0%
Examination or Test	0%	0%	0%	0%	0%	0%
Harassment: Non-Sexual	0%	25%	50%	100%	38%	44%
Harassment: Sexual	0%	0%	15%	0%	0%	11%
Medical Examination	0%	0%	5%	0%	0%	0%
Pay Including Overtime	0%	0%	0%	0%	0%	0%
Promotion or Non-Selection	0%	25%	5%	0%	13%	56%
Reassignment: Denied	0%	0%	0%	0%	0%	0%
Reassignment: Directed	0%	25%	5%	0%	0%	0%
Reasonable Accommodation Disability	0%	25%	0%	0%	25%	0%
Reinstatement*	0%	0%	0%	0%	-	-
Religious Accommodation	0%	0%	0%	0%	0%	0%
Retirement*	0%	0%	0%	0%	-	-
Sex-Stereotyping	0%	0%	0%	0%	0%	0%
Telework	0%	0%	5%	0%	0%	0%
Termination	0%	0%	5%	0%	0%	11%
Terms and Conditions of Employment*	100%	0%	5%	0%	-	-
Time and Attendance	0%	25%	5%	0%	13%	22%
Training	0%	0%	0%	0%	0%	22%
Other Terms and Conditions of Employment*	-	-	-	-	25%	22%

b. Findings After Hearing

i. Issue Breakdown by Number

Issue	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023 (through 9/30/23)
Appointment or Hire	0	0	2	0	0	0
Assignment of Duties*	0	1	1	0	-	-
Awards	0	1	1	0	0	0
Conversion to Full Time or Perm Status*	0	0	0	0	-	-
Discipline: Demotion	0	0	0	0	0	0
Discipline: Reprimand**	0	0	0	0	-	-
Discipline: Suspension	0	0	0	0	0	0
Discipline: Removal	0	0	0	0	0	0
Discipline: Other**						0
Duty Hours*	0	0	0	0	-	-
Perf. Eval. or Appraisal	0	0	1	0	0	0
Examination or Test	0	0	0	0	0	0
Harassment: Non-Sexual	0	0	6	0	1	4
Harassment: Sexual	0	0	0	0	0	1
Medical Examination	0	0	1	0	0	0
Pay Including Overtime	0	0	0	0	0	0
Promotion or Non-Selection	0	1	1	0	0	4
Reassignment: Denied	0	0	0	0	0	0
Reassignment: Directed	0	0	1	0	0	0
Reasonable Accommodation Disability	0	0	0	0	0	0
Reinstatement*	0	0	0	0	-	-
Religious Accommodation	0	0	0	0	0	0
Retirement*	0	0	0	0	-	-
Sex-Stereotyping	0	0	0	0	0	0
Telework	0	0	0	0	0	0
Termination	0	0	0	0	0	0
Terms and Conditions of Employment*	1	0	0	0	-	-
Time and Attendance	0	1	0	0	0	2
Training	0	0	0	0	0	2
Other Terms and Conditions of Employment*	-	-	-	-	0	2
Total	1	1	12	0	1	7

ii. Issue Breakdown by Percentage

Issue	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023 (through 9/30/23)
Appointment or Hire	0%	0%	17%	0%	0%	0%
Assignment of Duties*	0%	100%	8%	0%	-	-
Awards	0%	100%	8%	0%	0%	0%
Conversion to Full Time/Perm Status*	0%	0%	0%	0%	-	-
Discipline: Demotion	0%	0%	0%	0%	0%	0%
Discipline: Reprimand**	0%	0%	0%	0%	-	-
Discipline: Suspension	0%	0%	0%	0%	0%	0%
Discipline: Removal	0%	0%	0%	0%	0%	0%
Discipline: Other**						0%
Duty Hours*	0%	0%	0%	0%	-	-
Perf. Eval. or Appraisal	0%	0%	8%	0%	0%	0%
Examination or Test	0%	0%	0%	0%	0%	0%
Harassment: Non-Sexual	0%	0%	50%	0%	100%	57%
Harassment: Sexual	0%	0%	0%	0%	0%	14%
Medical Examination	0%	0%	8%	0%	0%	0%
Pay Including Overtime	0%	0%	0%	0%	0%	0%
Promotion or Non-Selection	0%	100%	8%	0%	0%	57%
Reassignment: Denied	0%	0%	0%	0%	0%	0%
Reassignment: Directed	0%	0%	8%	0%	0%	0%
Reasonable Accommodation Disability	0%	0%	0%	0%	0%	0%
Reinstatement*	0%	0%	0%	0%	-	-
Religious Accommodation	0%	0%	0%	0%	0%	0%
Retirement*	0%	0%	0%	0%	-	-
Sex-Stereotyping	0%	0%	0%	0%	0%	0%
Telework	0%	0%	0%	0%	0%	0%
Termination	0%	0%	0%	0%	0%	0%
Terms and Conditions of Employment*	100%	0%	0%	0%	-	-
Time and Attendance	0%	100%	0%	0%	0%	29%
Training	0%	0%	0%	0%	0%	29%
Other Terms and Conditions of Employment*	-	-	-	-	0%	29%

c. Findings Without Hearing

i. Issue Breakdown by Number

Issue	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023 (through 9/30/23)
Appointment or Hire	0	0	0	0	0	0
Assignment of Duties*	0	0	1	0	-	-
Awards	0	0	0	0	0	0
Conversion to Full Time or Perm Status*	0	0	0	0	-	-
Discipline: Demotion	0	0	0	0	0	0
Discipline: Reprimand**	0	0	1	0	-	-
Discipline: Suspension	0	0	0	0	0	0
Discipline: Removal	0	0	0	0	1	0
Discipline: Other**	0	0	0	0	0	0
Duty Hours*	0	0	0	0	-	-
Perf. Eval. or Appraisal	0	1	0	0	0	0
Examination or Test	0	0	0	0	0	0
Harassment: Non-Sexual	0	1	4	2	2	0
Harassment: Sexual	0	0	3	0	0	0
Medical Examination	0	0	0	0	0	0
Pay Including Overtime	0	0	0	0	0	0
Promotion or Non-Selection	0	0	0	0	1	1
Reassignment: Denied	0	0	0	0	0	0
Reassignment: Directed	0	1	0	0	0	0
Reasonable Accommodation Disability	0	1	0	0	2	0
Reinstatement*	0	0	0	0	-	-
Religious Accommodation	0	0	0	0	0	0
Retirement*	0	0	0	0	-	-
Sex-Stereotyping	0	0	0	0	0	0
Telework	0	0	1	0	0	0
Termination	0	0	1	0	0	1
Terms and Conditions of Employment*	0	0	1	0	-	-
Time and Attendance	0	0	1	0	1	0
Training	0	0	0	0	0	0
Other Terms and Conditions of Employment*	-	-	-	-	2	0
Total	0	3	8	2	7	2

ii. Issue Breakdown by Percentage

Issue	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023 (through 9/30/23)
Appointment or Hire	0%	0%	0%	0%	0%	0%
Assignment of Duties*	0%	0%	13%	0%	-	-
Awards	0%	0%	0%	0%	0%	0%
Conversion to Full Time or Perm Status*	0%	0%	0%	0%	-	-
Discipline: Demotion	0%	0%	0%	0%	0%	0%
Discipline: Reprimand**	0%	0%	13%	0%	-	-
Discipline: Suspension	0%	0%	0%	0%	0%	0%
Discipline: Removal	0%	0%	0%	0%	14%	0%
Discipline: Other**	0%	0%	0%	0%	0%	0%
Duty Hours*	0%	0%	0%	0%	-	-
Perf. Eval. or Appraisal	0%	33%	0%	0%	0%	0%
Examination or Test	0%	0%	0%	0%	0%	0%
Harassment: Non-Sexual	0%	33%	50%	100%	29%	0%
Harassment: Sexual	0%	0%	38%	0%	0%	0%
Medical Examination	0%	0%	0%	0%	0%	0%
Pay Including Overtime	0%	0%	0%	0%	0%	0%
Promotion or Non-Selection	0%	0%	0%	0%	14%	50%
Reassignment: Denied	0%	0%	0%	0%	0%	0%
Reassignment: Directed	0%	33%	0%	0%	0%	0%
Reasonable Accommodation Disability	0%	33%	0%	0%	29%	0%
Reinstatement*	0%	0%	0%	0%	-	-
Religious Accommodation	0%	0%	0%	0%	0%	0%
Retirement*	0%	0%	0%	0%	-	-
Sex-Stereotyping	0%	0%	0%	0%	0%	0%
Telework	0%	0%	13%	0%	0%	0%
Termination	0%	0%	13%	0%	0%	50%
Terms and Conditions of Employment*	0%	0%	13%	0%	-	-
Time and Attendance	0%	0%	13%	0%	14%	0%
Training	0%	0%	0%	0%	0%	0%
Other Terms and Conditions of Employment*	-	-	-	-	29%	0%

10. Pending Complaints Filed in Previous Fiscal Years by Status¹

a. Total Complaints and Complainants

Pending Complaints Filed in Previous Years by Status	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023 (through 9/30/23)
Total Complaints from Previous Fiscal Year	356	458	515	496	447	485
Total Complainants	317	416	465	437	405	454

b. Number of Complaints Pending

Status	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023 (through 9/30/23)
Investigation	2	52	65	137	245	313
ROI Issued, Pending Complainant's Action	1	1	2	13	5	9
Hearing	316	331	334	256	180	140
Final Agency Action	32	71	96	88	18	22
Appeal with EEOC Office of Federal Operations ²	118	152	178	189	216	161

11. Complaint Investigations

Complaint Investigation	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023 (through 9/30/23)
Pending Complaints Where Investigations Exceed Required Time Frames	3	9	59	188	321	354

¹ In accordance with 29 CFR §1614.703(f), CBP will publicly post the additional data required by 5 USC §2301.301(b)(9)(C) and §2301.301(b)(11) after the EEO Commission posts an updated NoFEAR reporting template on its website.

² Department of Homeland Security's Office of Civil Rights and Civil Liberties enters appeal-level events in DHS's iComplaints for CBP's cases. CBP has noted that CRCL has not yet entered the appeal closure events for many of CBP's completed cases.