



No FEAR Act

Equal Employment Opportunity Data

Fiscal Year 2021, Fourth Quarter



U.S. Customs and
Border Protection

Office of the Commissioner

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

CBP – 4th Quarter 2021 for period ending September 30, 2021

1. Complaint Activity

Total	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
Number of Complaints Filed	310	268	422	355	371	364
Number of Complainants	296	262	404	338	352	344
Repeat Filers	14	5	18	16	16	17

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 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
Race	67	65	101	84	100	81
Color	21	17	27	16	31	14
Religion	9	10	17	19	15	17
Reprisal	138	128	181	186	198	184
Sex	100	88	119	108	119	110
PDA	4	6	3	4	2	4
National Origin	77	57	114	70	86	56
Equal Pay Act	0	2	0	1	1	0
Age	80	66	114	95	112	95
Disability	88	59	91	102	108	101
Genetics	2	1	1	1	2	2
Non-EEO	18	16	26	15	31	48

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.

Issue	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
Appointment/Hire	10	15	26	27	23	14
Assignment of Duties	51	46	122	68	91	124
Awards	9	8	10	10	16	9
Conversion to Full Time/Perm Status	1	0	0	0	0	0
Discipline: Demotion	0	1	6	2	2	2
Discipline: Reprimand	5	25	17	16	20	18
Discipline: Suspension	17	15	17	10	22	17
Discipline: Removal	4	3	2	11	5	12
Duty Hours	8	2	8	10	16	15
Perf. Eval./Appraisal	5	10	6	11	17	16
Examination/Test	2	2	11	11	6	2
Harassment: Non-Sexual	151	125	169	166	194	174
Harassment: Sexual	7	13	14	22	14	11
Medical Examination	9	5	13	10	11	5
Pay Including Overtime	7	15	11	22	24	26
Promotion/Non-Selection	66	62	74	58	69	58
Reassignment: Denied	11	3	11	7	8	7
Reassignment: Directed	3	4	16	14	10	10
Reasonable Accommodation Disability	21	18	24	35	37	23
Reinstatement	1	0	2	1	1	2
Religious Accommodation	3	2	4	2	5	3
Retirement	1	0	0	4	3	3
Sex-Stereotyping	1	0	0	0	0	0
Telework	3	1	3	2	8	11
Termination	11	11	24	23	30	24
Terms/Conditions of Employment	16	18	32	45	39	36
Time and Attendance	22	20	27	50	45	66
Training	9	14	12	16	19	10

4. Processing Time

a. Complaints Pending During Fiscal Year

Processing Time	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
Average Number of Days in Investigation	181.06	228.10	233.31	225.42	239.98	395.90
Average Number of Days in Final Action	62.79	99.28	106.44	90.36	162.90	183.12

b. Complaints Pending During Fiscal Year Where Hearing was Requested

Processing Time	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
Average Number of Days in Investigation	182.78	223.08	232.26	230.93	228.24	370.53
Average Number of Days in Final Action	50.85	64.64	74.00	60.86	94.23	68.47

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

Processing Time	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
Average Number of Days in Investigation	182.69	240.37	246.12	223.00	267.15	332.32
Average Number of Days in Final Action	81.50	146.24	150.15	175.19	361.70	372.19

5. Complaints Dismissed by the Agency

Complaints Dismissed by Agency	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
Total Complaints Dismissed by Agency	23	19	55	41	18	14
Average Days Pending Prior to Dismissal	104	119	136	143	225	494

6. Complaints Withdrawn by Complainants

Complaints Withdrawn by Complainants	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
Total Complaints Withdrawn by Complainants	41	27	46	50	50	48

7. Total Final Agency Actions Finding Discrimination

a. Final Agency Actions Finding Discrimination: Breakdown by Number

Total Final Agency Actions Finding Discrimination	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
Findings Without Hearing	6	3	1	3	7	4
Findings With Hearing	3	0	1	1	12	0
Total Number of Findings	9	3	2	4	19	4

b. Final Agency Actions Finding Discrimination: Breakdown by Percentage

Total Final Agency Actions Finding Discrimination	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
Findings Without Hearing	67%	100%	50%	75%	37%	100%
Findings With Hearing	33%	0%	50%	25%	63%	0%

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

1. Basis Breakdown by Number

Basis	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
Race	2	1	0	0	4	0
Color	1	0	0	0	0	0
Religion	0	0	0	0	0	0
Reprisal	5	3	1	2	10	1
Sex	6	2	0	2	4	1
PDA	0	0	0	0	1	0
National Origin	3	1	0	0	4	0
Equal Pay Act	0	0	0	0	0	0
Age	2	2	0	1	4	0
Disability	3	0	0	1	9	0
Genetics	0	0	0	0	0	0
Non-EEO	1	0	0	0	2	0
Total	8	3	1	4	19	2

2. Basis Breakdown by Percentage

Basis	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
Race	25%	33%	0%	0%	21%	0%
Color	13%	0%	0%	0%	0%	0%
Religion	0%	0%	0%	0%	0%	0%
Reprisal	63%	100%	100%	50%	53%	50%
Sex	75%	67%	0%	50%	21%	50%
PDA	0%	0%	0%	0%	5%	0%
National Origin	38%	33%	0%	0%	21%	0%
Equal Pay Act	0%	0%	0%	0%	0%	0%
Age	25%	67%	0%	25%	21%	0%
Disability	38%	0%	0%	25%	47%	0%
Genetics	0%	0%	0%	0%	0%	0%
Non-EEO	13%	0%	0%	0%	11%	0%

b. Findings After Hearing

1. Basis Breakdown by Number

Basis	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
Race	1	0	0	0	3	0
Color	0	0	0	0	0	0
Religion	0	0	0	0	0	0
Reprisal	3	0	1	1	8	0
Sex	3	0	0	1	1	0
PDA	0	0	0	0	1	0
National Origin	3	0	0	0	4	0
Equal Pay Act	0	0	0	0	0	0
Age	2	0	0	0	3	0
Disability	1	0	0	0	6	0
Genetics	0	0	0	0	0	0
Non-EEO	0	0	0	0	0	0
Total	3	0	1	1	12	0

2. Basis Breakdown by Percentage

Basis	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
Race	33%	0%	0%	0%	25%	0%
Color	0%	0%	0%	0%	0%	0%
Religion	0%	0%	0%	0%	0%	0%
Reprisal	100%	0%	100%	100%	67%	0%
Sex	100%	0%	0%	100%	8%	0%
PDA	0%	0%	0%	0%	8%	0%
National Origin	100%	0%	0%	0%	33%	0%
Equal Pay Act	0%	0%	0%	0%	0%	0%
Age	67%	0%	0%	0%	25%	0%
Disability	33%	0%	0%	0%	50%	0%
Genetics	0%	0%	0%	0%	0%	0%
Non-EEO	0%	0%	0%	0%	0%	0%

c. Findings Without Hearing

1. Basis Breakdown by Number

Basis	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
Race	1	1	0	0	1	0
Color	1	0	0	0	0	0
Religion	0	0	0	0	0	0
Reprisal	2	3	0	1	2	1
Sex	3	2	0	1	3	1
PDA	0	0	0	0	0	0
National Origin	0	1	0	0	0	0
Equal Pay Act	0	0	0	0	0	0
Age	0	2	0	1	1	0
Disability	2	0	0	1	3	0
Genetics	0	0	0	0	0	0
Non-EEO	1	0	0	0	2	0
Total	5	3	0	3	7	2

2. Basis Breakdown by Percentage

Basis	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
Race	20%	33%	0%	0%	14%	0%
Color	20%	0%	0%	0%	0%	0%
Religion	0%	0%	0%	0%	0%	0%
Reprisal	40%	100%	0%	33%	29%	50%
Sex	60%	67%	0%	33%	43%	50%
PDA	0%	0%	0%	0%	0%	0%
National Origin	0%	33%	0%	0%	0%	0%
Equal Pay Act	0%	0%	0%	0%	0%	0%
Age	0%	67%	0%	33%	14%	0%
Disability	40%	0%	0%	33%	43%	0%
Genetics	0%	0%	0%	0%	0%	0%
Non-EEO	20%	0%	0%	0%	29%	0%

9. Findings of Discrimination Rendered by Issue

a. Total Number of Findings by Issue

1. Issue Breakdown by Number

Issue	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
Appointment/Hire	0	0	0	0	2	0
Assignment of Duties	2	2	0	1	2	0
Awards	1	0	0	1	1	0
Conversion to Full Time/Perm Status	0	0	0	0	0	0
Discipline: Demotion	0	0	0	0	0	0
Discipline: Reprimand	0	0	0	0	1	0
Discipline: Suspension	0	0	0	0	0	0
Discipline: Removal	0	0	0	0	0	0
Duty Hours	0	0	0	0	0	0
Perf. Eval./Appraisal	0	0	0	1	1	0
Examination/Test	0	0	0	0	0	0
Harassment: Non-Sexual	2	1	0	1	10	2
Harassment: Sexual	2	0	0	0	3	0
Medical Examination	0	0	0	0	1	0
Pay Including Overtime	0	0	0	0	0	0
Promotion/Non-Selection	2	0	0	1	1	0
Reassignment: Denied	0	0	0	0	0	0
Reassignment: Directed	0	0	0	1	1	0
Reasonable Accommodation Disability	1	0	0	1	0	0
Reinstatement	0	0	0	0	0	0
Religious Accommodation	0	0	0	0	0	0
Retirement	0	0	0	0	0	0
Sex-Stereotyping	0	0	0	0	0	0
Telework	0	0	0	0	1	0
Termination	0	0	0	0	0	0
Terms/Conditions of Employment	0	1	1	0	1	0
Time and Attendance	0	0	0	1	1	0
Training	0	0	0	0	0	0
Total	8	3	1	4	19	1

2. Issue Breakdown by Percentage

Issue	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
Appointment/Hire	0%	0%	0%	0%	11%	0%
Assignment of Duties	25%	67%	0%	25%	11%	0%
Awards	13%	0%	0%	25%	5%	0%
Conversion to Full Time/Perm Status	0%	0%	0%	0%	0%	0%
Discipline: Demotion	0%	0%	0%	0%	0%	0%
Discipline: Reprimand	0%	0%	0%	0%	5%	0%
Discipline: Suspension	0%	0%	0%	0%	0%	0%
Discipline: Removal	0%	0%	0%	0%	0%	0%
Duty Hours	0%	0%	0%	0%	0%	0%
Perf. Eval./Appraisal	0%	0%	0%	25%	5%	0%
Examination/Test	0%	0%	0%	0%	0%	0%
Harassment: Non-Sexual	25%	33%	0%	25%	53%	100%
Harassment: Sexual	25%	0%	0%	0%	16%	0%
Medical Examination	0%	0%	0%	0%	5%	0%
Pay Including Overtime	0%	0%	0%	0%	0%	0%
Promotion/Non-Selection	25%	0%	0%	25%	5%	0%
Reassignment: Denied	0%	0%	0%	0%	0%	0%
Reassignment: Directed	0%	0%	0%	25%	5%	0%
Reasonable Accommodation Disability	13%	0%	0%	25%	0%	0%
Reinstatement	0%	0%	0%	0%	0%	0%
Religious Accommodation	0%	0%	0%	0%	0%	0%
Retirement	0%	0%	0%	0%	0%	0%
Sex-Stereotyping	0%	0%	0%	0%	0%	0%
Telework	0%	0%	0%	0%	5%	0%
Termination	0%	0%	0%	0%	0%	0%
Terms/Conditions of Employment	0%	33%	100%	0%	5%	0%
Time and Attendance	0%	0%	0%	25%	5%	0%
Training	0%	0%	0%	0%	0%	0%

b. Findings After Hearing

1. Issue Breakdown by Number

Issue	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
Appointment/Hire	0	0	0	0	2	0
Assignment of Duties	1	0	0	1	1	0
Awards	1	0	0	1	1	0
Conversion to Full Time/Perm Status	0	0	0	0	0	0
Discipline: Demotion	0	0	0	0	0	0
Discipline: Reprimand	0	0	0	0	0	0
Discipline: Suspension	0	0	0	0	0	0
Discipline: Removal	0	0	0	0	0	0
Duty Hours	0	0	0	0	0	0
Perf. Eval./Appraisal	0	0	0	0	1	0
Examination/Test	0	0	0	0	0	0
Harassment: Non-Sexual	0	0	0	0	6	0
Harassment: Sexual	0	0	0	0	0	0
Medical Examination	0	0	0	0	1	0
Pay Including Overtime	0	0	0	0	0	0
Promotion/Non-Selection	2	0	0	1	1	0
Reassignment: Denied	0	0	0	0	0	0
Reassignment: Directed	0	0	0	0	1	0
Reasonable Accommodation Disability	0	0	0	0	0	0
Reinstatement	0	0	0	0	0	0
Religious Accommodation	0	0	0	0	0	0
Retirement	0	0	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/Conditions of Employment	0	0	1	0	0	0
Time and Attendance	0	0	0	1	0	0
Training	0	0	0	0	0	0
Total	3	0	1	1	12	0

2. Issue Breakdown by Percentage

Issue	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
Appointment/Hire	0%	0%	0%	0%	17%	0%
Assignment of Duties	33%	0%	0%	100%	8%	0%
Awards	33%	0%	0%	100%	8%	0%
Conversion to Full Time/Perm Status	0%	0%	0%	0%	0%	0%
Discipline: Demotion	0%	0%	0%	0%	0%	0%
Discipline: Reprimand	0%	0%	0%	0%	0%	0%
Discipline: Suspension	0%	0%	0%	0%	0%	0%
Discipline: Removal	0%	0%	0%	0%	0%	0%
Duty Hours	0%	0%	0%	0%	0%	0%
Perf. Eval./Appraisal	0%	0%	0%	0%	8%	0%
Examination/Test	0%	0%	0%	0%	0%	0%
Harassment: Non-Sexual	0%	0%	0%	0%	50%	0%
Harassment: Sexual	0%	0%	0%	0%	0%	0%
Medical Examination	0%	0%	0%	0%	8%	0%
Pay Including Overtime	0%	0%	0%	0%	0%	0%
Promotion/Non-Selection	67%	0%	0%	100%	8%	0%
Reassignment: Denied	0%	0%	0%	0%	0%	0%
Reassignment: Directed	0%	0%	0%	0%	8%	0%
Reasonable Accommodation Disability	0%	0%	0%	0%	0%	0%
Reinstatement	0%	0%	0%	0%	0%	0%
Religious Accommodation	0%	0%	0%	0%	0%	0%
Retirement	0%	0%	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/Conditions of Employment	0%	0%	100%	0%	0%	0%
Time and Attendance	0%	0%	0%	100%	0%	0%
Training	0%	0%	0%	0%	0%	0%

c. Findings Without Hearing

1. Issue Breakdown by Number

Issue	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
Appointment/Hire	0	0	0	0	0	0
Assignment of Duties	1	2	0	0	1	0
Awards	0	0	0	0	0	0
Conversion to Full Time/Perm Status	0	0	0	0	0	0
Discipline: Demotion	0	0	0	0	0	0
Discipline: Reprimand	0	0	0	0	1	0
Discipline: Suspension	0	0	0	0	0	0
Discipline: Removal	0	0	0	0	0	0
Duty Hours	0	0	0	0	0	0
Perf. Eval./Appraisal	0	0	0	1	0	0
Examination/Test	0	0	0	0	0	0
Harassment: Non-Sexual	2	1	0	1	4	2
Harassment: Sexual	2	0	0	0	3	0
Medical Examination	0	0	0	0	0	0
Pay Including Overtime	0	0	0	0	0	0
Promotion/Non-Selection	0	0	0	0	0	0
Reassignment: Denied	0	0	0	0	0	0
Reassignment: Directed	0	0	0	1	0	0
Reasonable Accommodation Disability	1	0	0	1	0	0
Reinstatement	0	0	0	0	0	0
Religious Accommodation	0	0	0	0	0	0
Retirement	0	0	0	0	0	0
Sex-Stereotyping	0	0	0	0	0	0
Telework	0	0	0	0	1	0
Termination	0	0	0	0	0	0
Terms/Conditions of Employment	0	1	0	0	1	0
Time and Attendance	0	0	0	0	1	0
Training	0	0	0	0	0	0
Total	5	3	0	3	7	2

2. Issue Breakdown by Percentage

Issue	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
Appointment/Hire	0%	0%	0%	0%	0%	0%
Assignment of Duties	20%	67%	0%	0%	14%	0%
Awards	0%	0%	0%	0%	0%	0%
Conversion to Full Time/Perm Status	0%	0%	0%	0%	0%	0%
Discipline: Demotion	0%	0%	0%	0%	0%	0%
Discipline: Reprimand	0%	0%	0%	0%	14%	0%
Discipline: Suspension	0%	0%	0%	0%	0%	0%
Discipline: Removal	0%	0%	0%	0%	0%	0%
Duty Hours	0%	0%	0%	0%	0%	0%
Perf. Eval./Appraisal	0%	0%	0%	33%	0%	0%
Examination/Test	0%	0%	0%	0%	0%	0%
Harassment: Non-Sexual	40%	33%	0%	33%	57%	100%
Harassment: Sexual	40%	0%	0%	0%	43%	0%
Medical Examination	0%	0%	0%	0%	0%	0%
Pay Including Overtime	0%	0%	0%	0%	0%	0%
Promotion/Non-Selection	0%	0%	0%	0%	0%	0%
Reassignment: Denied	0%	0%	0%	0%	0%	0%
Reassignment: Directed	0%	0%	0%	33%	0%	0%
Reasonable Accommodation Disability	20%	0%	0%	33%	0%	0%
Reinstatement	0%	0%	0%	0%	0%	0%
Religious Accommodation	0%	0%	0%	0%	0%	0%
Retirement	0%	0%	0%	0%	0%	0%
Sex-Stereotyping	0%	0%	0%	0%	0%	0%
Telework	0%	0%	0%	0%	14%	0%
Termination	0%	0%	0%	0%	0%	0%
Terms/Conditions of Employment	0%	33%	0%	0%	14%	0%
Time and Attendance	0%	0%	0%	0%	14%	0%
Training	0%	0%	0%	0%	0%	0%

10. Pending Complaints Filed in Previous Fiscal Years by Status

a. Total Complaints and Complainants

Pending Complaints Filed in Previous Years by Status	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
Total Complaints from Previous Fiscal Year	240	330	356	458	515	498
Total Complainants	214	295	317	416	465	439

b. Number of Complaints Pending

Status	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
Investigation	0	3	2	52	65	137
ROI Issued, Pending Complainant's Action	0	5	1	1	2	13
Hearing	215	296	316	331	334	256
Final Agency Action	24	19	32	71	96	88
Appeal with EEOC Office of Federal Operations	69	84	118	152	178	189

11. Complaint Investigations

Complaint Investigation	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
Pending Complaints Where Investigations Exceed Required Time Frames	0	8	3	9	59	188