

**ANNUAL FEDERAL EQUAL EMPLOYMENT OPPORTUNITY  
STATISTICAL REPORT OF DISCRIMINATION COMPLAINTS**

(REPORTING PERIOD BEGINS OCTOBER 1ST AND ENDS SEPTEMBER 30TH)

AGENCY OR DEPARTMENT: Department of Homeland Security

REPORTING PERIOD: FY 2004

**PART I - PRE-COMPLAINT COUNSELING**

EEO COUNSELOR		
	COUNSELINGS	INDIVIDUALS
<b>A. TOTAL COUNSELED</b>	2088	2010
1. COUNSELED WITHIN 30 DAYS	808	783
2. COUNSELED WITHIN 31 TO 90 DAYS	970	839
a. COUNSELED WITHIN WRITTEN EXTENSION PERIOD NO LONGER THAN 60 DAYS	487	470
b. COUNSELED WITHIN 90 DAYS WHERE INDIVIDUAL PARTICIPATED IN ADR	222	213
3. COUNSELED BEYOND 90 DAYS	309	300
4. COUNSELED DUE TO REMANDS	1	1
<b>ADR INTAKE OFFICER</b>		
	COUNSELINGS	INDIVIDUALS
<b>B. TOTAL COUNSELED</b>	359	352
1. COUNSELED WITHIN 30 DAYS	99	98
2. COUNSELED WITHIN 31 TO 90 DAYS	241	235
3. COUNSELED BEYOND 90 DAYS	19	19
<b>COMBINED TOTAL</b>		
	COUNSELINGS	INDIVIDUALS
<b>C. TOTAL COUNSELED</b>	2447	2364
1. COUNSELED WITHIN 30 DAYS	907	883
2. COUNSELED WITHIN 31 TO 90 DAYS	1211	1016
a. COUNSELED WITHIN WRITTEN EXTENSION PERIOD NO LONGER THAN 60 DAYS	487	470
b. COUNSELED WITHIN 90 DAYS WHERE INDIVIDUAL PARTICIPATED IN ADR	463	225
3. COUNSELED BEYOND 90 DAYS	328	319
4. COUNSELED DUE TO REMANDS	1	1
<b>D. COUNSELING ACTIVITIES</b>		
	COUNSELINGS	INDIVIDUALS
1 ON HAND AT THE BEGINNING OF THE REPORTING PERIOD	353	350
2. INITIATED DURING THE REPORTING PERIOD	2355	2129
3. COMPLETED COUNSELINGS	2447	2364
a. SETTLEMENTS (MONETARY AND NON-MONETARY)	234	232
b. WITHDRAWALS	475	473
c. COUNSELINGS COMPLETED IN REPORTING PERIOD THAT RESULTED IN COMPLAINT FILINGS IN REPORTING PERIOD	1213	1171
d. DECISIONS TO FILE COMPLAINT PENDING AT THE END OF THE REPORTING PERIOD	525	489
4 COUNSELINGS PENDING AT THE END OF THE REPORTING PERIOD	261	241

E. NON-ADR SETTLEMENTS WITH MONETARY BENEFITS			
	COUNSELINGS	INDIVIDUALS	AMOUNT
<b>TOTAL</b>	3	3	\$ 27579.00
1. COMPENSATORY DAMAGES	0	0	\$ 0.00
2. BACKPAY/FRONTPAY	0	0	\$ 0.00
3. LUMP SUM PAYMENT	2	2	\$ 20579.00
4. ATTORNEYS FEES AND COSTS	1	1	\$ 7000.00
5.	0	0	\$ 0.00
6.	0	0	\$ 0.00
7.	0	0	\$ 0.00

F. NON-ADR SETTLEMENTS WITH NON-MONETARY BENEFITS		
	COUNSELINGS	INDIVIDUALS
<b>TOTAL</b>	44	44
1. NEW HIRES	0	0
2. PROMOTIONS	4	4
3. REINSTATEMENTS	0	0
4. EXPUNGEMENTS	3	3
5. TRANSFERS	8	8
6. REMOVALS RESCINDED AND VOLUNTARY RESIGNATIONS	4	4
7. REASONABLE ACCOMMODATIONS	5	5
8. TRAINING	6	6
9. APOLOGY	4	4
10. Improve Communication	8	8
11. Time and Attendance	2	2
12. Performance Evaluation Modified	2	2

G. ADR SETTLEMENTS WITH MONETARY BENEFITS			
	COUNSELINGS	INDIVIDUALS	AMOUNT
<b>TOTAL</b>	7	7	\$ 19475.00
1. COMPENSATORY DAMAGES	1	1	\$ 1500.00
2. BACKPAY/FRONTPAY	4	4	\$ 12500.00
3. LUMP SUM PAYMENT	1	1	\$ 4600.00
4. ATTORNEYS FEES AND COSTS	1	1	\$ 875.00
5.	0	0	\$ 0.00
6.	0	0	\$ 0.00
7.	0	0	\$ 0.00

H. ADR SETTLEMENTS WITH NON-MONETARY BENEFITS		
	COUNSELINGS	INDIVIDUALS
<b>TOTAL</b>	188	187
1. NEW HIRES	2	2
2. PROMOTIONS	13	13
3. REINSTATEMENTS	4	4
4. EXPUNGEMENTS	61	61
5. TRANSFERS	21	21
6. REMOVALS RESCINDED AND VOLUNTARY RESIGNATIONS	33	33
7. REASONABLE ACCOMMODATIONS	9	9
8. TRAINING	29	29
9. APOLOGY	15	15
10. Tele-work	1	1
11. Improve Communication	14	14
12. Time and Attendance	5	5

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**PART I - PRE-COMPLAINT COUNSELING (CONTINUED)**

I. NON-ADR SETTLEMENTS	COUNSELINGS	INDIVIDUALS
TOTAL	46	46

**PART III - AGENCY RESOURCES, TRAINING, REPORTING LINE**

**A. AGENCY RESOURCES**

	NUMBER	PERCENT
1. WORK FORCE		
a. TOTAL WORK FORCE	160749	
b. PERMANENT EMPLOYEES	138502	
2. COUNSELOR	203	
a. FULL-TIME	12	5.91
b. PART-TIME	32	15.76
c. COLLATERAL DUTY	159	78.33
3. INVESTIGATOR	8	
a. FULL-TIME	2	25.00
b. PART-TIME	6	75.00
c. COLLATERAL DUTY	0	0.00
4. COUNSELOR/INVESTIGATOR	0	
a. FULL-TIME	0	0.00
b. PART-TIME	0	0.00
c. COLLATERAL DUTY	0	0.00

**PART II - FORMAL COMPLAINT ACTIVITIES**

2109	A	COMPLAINTS ON HAND AT THE BEGINNING OF THE REPORTING PERIOD
1254	B	COMPLAINTS FILED
16	C	REMANDS
3379	D	TOTAL COMPLAINTS (sum of lines A+B+C)
3336	E	COMPLAINTS IN LINE D THAT WERE <b>NOT</b> CONSOLIDATED
873	F	COMPLAINTS IN LINE E CLOSED DURING REPORT PERIOD
43	G	COMPLAINTS IN LINE D THAT <b>WERE</b> CONSOLIDATED
21	H	COMPLAINTS IN LINE G CLOSED DURING REPORT PERIOD
2485	I	COMPLAINTS ON HAND AT THE END OF THE REPORTING PERIOD (Line D - (sum of Lines F+H))
1204	J	INDIVIDUALS FILING COMPLAINTS
19	K	NUMBER OF JOINT PROCESSING UNITS FROM CONSOLIDATION OF COMPLAINTS

**B. STAFF TRAINING**

	COUNSELORS		INVESTIGATORS		COUNS/INVESTIG	
	AGENCY	CONTRACT	AGENCY	CONTRACT	AGENCY	CONTRACT
1. NEW STAFF - TOTAL	13	2	8	0	0	0
a. STAFF RECEIVING REQUIRED 32 OR MORE HOURS	13	2	8	9	0	0
b. STAFF RECEIVING 8 OR MORE HOURS. USUALLY GIVEN TO EXPERIENCED STAFF	1	0	0	0	0	0
c. STAFF RECEIVING NO TRAINING AT ALL	0	0	0	0	0	0
2. EXPERIENCED STAFF - TOTAL	190	11	0	185	0	0
a. STAFF RECEIVING REQUIRED 8 OR MORE HOURS	104	9	0	185	0	0
b. STAFF RECEIVING 32 OR MORE HOURS. GENERALLY GIVEN TO NEW STAFF	32	0	0	0	0	0
c. STAFF RECEIVING NO TRAINING AT ALL	49	2	0	0	0	0

**C. REPORTING LINE**

1	DOES THE EEO DIRECTOR REPORT TO THE AGENCY HEAD?	YES x	NO
2	IF NO. WHO DOES THE EEO DIRECTOR REPORT TO?		
	PERSON:		
	TITLE:		

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AGENCY OR DEPARTMENT: Department of Homeland Security

## PART IV - BASES AND ISSUES ALLEGED IN COMPLAINTS FILED

### BASES OF ALLEGED DISCRIMINATION

ISSUES OF ALLEGED DISCRIMINATION	RACE										REPRISAL	SEX			NATIONAL ORIGIN			AGE	DISABILITY		TOTAL BASES BY ISSUE	TOTAL COMPLAINTS BY ISSUE	TOTAL COMPLAINTS BY ISSUE																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																								
	AMERICAN ALASKAN NATIVE		ASIAN PACIFIC ISLANDER		BLACK		WHITE		COLOR			RELIGION		REPRISAL		SEX			NATIONAL ORIGIN					MENTAL	PHYSICAL																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																						
	0	1	2	3	4	5	6	7	8	9		10	11	12	13	14	15		16	17						18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100	101	102	103	104	105	106	107	108	109	110	111	112	113	114	115	116	117	118	119	120	121	122	123	124	125	126	127	128	129	130	131	132	133	134	135	136	137	138	139	140	141	142	143	144	145	146	147	148	149	150	151	152	153	154	155	156	157	158	159	160	161	162	163	164	165	166	167	168	169	170	171	172	173	174	175	176	177	178	179	180	181	182	183	184	185	186	187	188	189	190	191	192	193	194	195	196	197	198	199	200	201	202	203	204	205	206	207	208	209	210	211	212	213	214	215	216	217	218	219	220	221	222	223	224	225	226	227	228	229	230	231	232	233	234	235	236	237	238	239	240	241	242	243	244	245	246	247	248	249	250	251	252	253	254	255	256	257	258	259	260	261	262	263	264	265	266	267	268	269	270	271	272	273	274	275	276	277	278	279	280	281	282	283	284	285	286	287	288	289	290	291	292	293	294	295	296	297	298	299	300	301	302	303	304	305	306	307	308	309	310	311	312	313	314	315	316	317	318	319	320	321	322	323	324	325	326	327	328	329	330	331	332	333	334	335	336	337	338	339	340	341	342	343	344	345	346	347	348	349	350	351	352	353	354	355	356	357	358	359	360	361	362	363	364	365	366	367	368	369	370	371	372	373	374	375	376	377	378	379	380	381	382	383	384	385	386	387	388	389	390	391	392	393	394	395	396	397	398	399	400	401	402	403	404	405	406	407	408	409	410	411	412	413	414	415	416	417	418	419	420	421	422	423	424	425	426	427	428	429	430	431	432	433	434	435	436	437	438	439	440	441	442	443	444	445	446	447	448	449	450	451	452	453	454	455	456	457	458	459	460	461	462	463	464	465	466	467	468	469	470	471	472	473	474	475	476	477	478	479	480	481	482	483	484	485	486	487	488	489	490	491	492	493	494	495	496	497	498	499	500	501	502	503	504	505	506	507	508	509	510	511	512	513	514	515	516	517	518	519	520	521	522	523	524	525	526	527	528	529	530	531	532	533	534	535	536	537	538	539	540	541	542	543	544	545	546	547	548	549	550	551	552	553	554	555	556	557	558	559	560	561	562	563	564	565	566	567	568	569	570	571	572	573	574	575	576	577	578	579	580	581	582	583	584	585	586	587	588	589	590	591	592	593	594	595	596	597	598	599	600	601	602	603	604	605	606	607	608	609	610	611	612	613	614	615	616	617	618	619	620	621	622	623	624	625	626	627	628	629	630	631	632	633	634	635	636	637	638	639	640	641	642	643	644	645	646	647	648	649	650	651	652	653	654	655	656	657	658	659	660	661	662	663	664	665	666	667	668	669	670	671	672	673	674	675	676	677	678	679	680	681	682	683	684	685	686	687	688	689	690	691	692	693	694	695	696	697	698	699	700	701	702	703	704	705	706	707	708	709	710	711	712	713	714	715	716	717	718	719	720	721	722	723	724	725	726	727	728	729	730	731	732	733	734	735	736	737	738	739	740	741	742	743	744	745	746	747	748	749	750	751	752	753	754	755	756	757	758	759	760	761	762	763	764	765	766	767	768	769	770	771	772	773	774	775	776	777	778	779	780	781	782	783	784	785	786	787	788	789	790	791	792	793	794	795	796	797	798	799	800	801	802	803	804	805	806	807	808	809	810	811	812	813	814	815	816	817	818	819	820	821	822	823	824	825	826	827	828	829	830	831	832	833	834	835	836	837	838	839	840	841	842	843	844	845	846	847	848	849	850	851	852	853	854	855	856	857	858	859	860	861	862	863	864	865	866	867	868	869	870	871	872	873	874	875	876	877	878	879	880	881	882	883	884	885	886	887	888	889	890	891	892	893	894	895	896	897	898	899	900	901	902	903	904	905	906	907	908	909	910	911	912	913	914	915	916	917	918	919	920	921	922	923	924	925	926	927	928	929	930	931	932	933	934	935	936	937	938	939	940	941	942	943	944	945	946	947	948	949	950	951	952	953	954	955	956	957	958	959	960	961	962	963	964	965	966	967	968	969	970	971	972	973	974	975	976	977	978	979	980	981	982	983	984	985	986	987	988	989	990	991	992	993	994	995	996	997	998	999	1000	1001	1002	1003	1004	1005	1006	1007	1008	1009	1010	1011	1012	1013	1014	1015	1016	1017	1018	1019	1020	1021	1022	1023	1024	1025	1026	1027	1028	1029	1030	1031	1032	1033	1034	1035	1036	1037	1038	1039	1040	1041	1042	1043	1044	1045	1046	1047	1048	1049	1050	1051	1052	1053	1054	1055	1056	1057	1058	1059	1060	1061	1062	1063	1064	1065	1066	1067	1068	1069	1070	1071	1072	1073	1074	1075	1076	1077	1078	1079	1080	1081	1082	1083	1084	1085	1086	1087	1088	1089	1090	1091	1092	1093	1094	1095	1096	1097	1098	1099	1100	1101	1102	1103	1104	1105	1106	1107	1108	1109	1110	1111	1112	1113	1114	1115	1116	1117	1118	1119	1120	1121	1122	1123	1124	1125	1126	1127	1128	1129	1130	1131	1132	1133	1134	1135	1136	1137	1138	1139	1140	1141	1142	1143	1144	1145	1146	1147	1148	1149	1150	1151	1152	1153	1154	1155	1156	1157	1158	1159	1160	1161	1162	1163	1164	1165	1166	1167	1168	1169	1170	1171	1172	1173	1174	1175	1176	1177	1178	1179	1180	1181	1182	1183	1184	1185	1186	1187	1188	1189	1190	1191	1192	1193	1194	1195	1196	1197	1198	1199	1200	1201	1202	1203	1204	1205	1206	1207	1208	1209	1210	1211	1212	1213	1214	1215	1216	1217	1218	1219	1220	1221	1222	1223	1224	1225	1226	1227	1228	1229	1230	1231	1232	1233	1234	1235	1236	1237	1238	1239	1240	1241	1242	1243	1244	1245	1246	1247	1248	1249	1250	1251	1252	1253	1254	1255	1256	1257	1258	1259	1260	1261	1262	1263	1264	1265	1266	1267	1268	1269	1270	1271	1272	1273	1274	1275	1276	1277	1278	1279	1280	1281	1282	1283	1284	1285	1286	1287	1288	1289	1290	1291	1292	1293	1294	1295	1296	1297	1298	1299	1300	1301	1302	1303	1304	1305	1306	1307	1308	1309	1310	1311	1312	1313	1314	1315	1316	1317	1318	1319	1320	1321	1322	1323	1324	1325	1326	1327	1328	1329	1330	1331	1332	1333	1334	1335	1336	1337	1338	1339	1340	1341	1342	1343	1344	1345	1346	1347	1348	1349	1350	1351	1352	1353	1354	1355	1356	1357	1358	1359	1360	1361	1362	1363	1364	1365	1366	1367	1368	1369	1370	1371	1372	1373	1374	1375	1376	1377	1378	1379	1380	1381	1382	1383	1384	1385	1386	1387	1388	1389	1390	1391	1392	1393	1394	1395	1396	1397	1398	1399	1400	1401	1402	1403	1404	1405	1406	1407	1408	1409	1410	1411	1412	1413	1414	1415

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## PART V - SUMMARY OF CLOSURES BY STATUTE

**A. STATUTE** (IF A SINGLE COMPLAINT HAS MULTIPLE STATUTES RECORD EACH ON THE APPROPRIATE LINE.)

712	1. TITLE VII
227	2. AGE DISCRIMINATION IN EMPLOYMENT ACT (ADEA)
138	3. REHABILITATION ACT
5	4. EQUAL PAY ACT (EPA)

**B. TOTAL BY STATUTES**

1082 THIS NUMBER MAY BE LARGER THAN THE TOTAL NUMBER OF COMPLAINTS CLOSED.  
(A1+A2+A3+A4)

## PART VI - SUMMARY OF CLOSURES BY CATEGORY

		TOTAL	TOTAL	AVERAGE
		NUMBER	DAYS	DAYS
<b>A. TOTAL NUMBER OF CLOSURES</b>	(1+2+3)	894	477452	534.06
1. WITHDRAWALS	(a+b)	117	31719	271.10
a. NON-ADR WITHDRAWALS		114	30588	268.32
b. ADR WITHDRAWALS		3	1131	377.00
2. SETTLEMENTS	(a+b)	195	73708	377.99
a. NON-ADR SETTLEMENTS		183	72472	396.02
b. ADR SETTLEMENTS		12	1236	103.00
3. FINAL AGENCY ACTIONS	(B+C)	582	372025	639.22
<b>B. FINAL AGENCY DECISIONS <i>WITHOUT</i> AN ADMINISTRATIVE JUDGE DECISION</b>	(1+2+3)	352	158931	
1. FINDING DISCRIMINATION		20	22378	1118.90
2. FINDING NO DISCRIMINATION		94	80502	856.40
3. DISMISSAL OF COMPLAINTS		238	56051	235.51
<b>C. FINAL AGENCY ACTIONS <i>WITH</i> AN ADMINISTRATIVE JUDGE (AJ) DECISION</b>	(1+2)	230	213094	
1. AJ DECISION FULLY IMPLEMENTED	(a+b+c)	207	195223	
(a) FINDING DISCRIMINATION		14	5095	363.93
(b) FINDING NO DISCRIMINATION		175	167068	954.67
(c) DISMISSAL OF COMPLAINTS		18	23060	1281.11
2. AJ DECISION NOT FULLY IMPLEMENTED	(a+b+c)	23	17871	
(a) FINDING DISCRIMINATION	(i+ii+iii)	5	9684	1936.80
i. AGENCY APPEALED FINDING BUT NOT REMEDY		0	0	0.00
ii. AGENCY APPEALED REMEDY BUT NOT FINDING		4	8480	2120.00
iii. AGENCY APPEALED BOTH FINDING AND REMEDY		1	1204	1204.00
(b) FINDING NO DISCRIMINATION		16	7191	449.44
(c) DISMISSAL OF COMPLAINTS		2	996	498.00

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**PART VI - SUMMARY OF CLOSURES BY CATEGORY (Continued)**

	Total	Total	Average
	Number	Days	Days
D. FINAL AGENCY MERIT DECISIONS (FAD) ISSUED (1+2+3)	114	43039	377.54
1. COMPLAINANT REQUESTED IMMEDIATE FAD (1a+1b)	78	26035	333.78
a. AGENCY ISSUED FAD WITHIN 60 DAYS OF RECEIPT OF FAD REQUEST	28	1178	42.07
b. AGENCY ISSUED FAD MORE THAN 60 DAYS BEYOND RECEIPT OF FAD REQUEST	50	24857	497.14
2. COMPLAINANT DID NOT ELECT HEARING OR FAD (2a+2b)	18	8084	449.11
a. AGENCY ISSUED FAD WITHIN 60 DAYS OF END OF 30-DAY ELECTION PERIOD	5	252	50.40
b. AGENCY ISSUED FAD MORE THAN 60 DAYS BEYOND END OF 30-DAY ELECTION PERIOD	13	7832	602.46
3. HEARING REQUESTED; AJ REMANDED FOR FAD WITHOUT AJ DECISION (3a+3b)	18	8920	495.56
a. AGENCY ISSUED FAD WITHIN 60 DAYS OF RECEIPT OF AJ REMAND FOR FAD ISSUANCE	5	172	34.40
b. AGENCY ISSUED FAD MORE THAN 60 DAYS AFTER RECEIPT OF AJ REMAND FOR FAD ISSUANCE	13	8748	672.92

**PART VII - SUMMARY OF COMPLAINTS CLOSED WITH CORRECTIVE ACTION  
DURING FORMAL COMPLAINT STAGE**

	NUMBER	AMOUNT
A. TOTAL COMPLAINTS CLOSED WITH CORRECTIVE ACTION	229	
B. CLOSURES WITH MONETARY BENEFITS	75	\$ 1409120.24
1. BACK PAY/FRONT PAY	14	\$ 94545 00
2. LUMP SUM PAYMENT	61	\$ 1324565 24
C. CLOSURES WITH NON-MONETARY BENEFITS	114	
D. CLOSURES WITH COMPENSATORY DAMAGES	27	\$ 143396.00
E. CLOSURES WITH ATTORNEY'S FEES AND COSTS	48	\$ 391386.86
F. TYPES OF CORRECTIVE ACTION	NUMBER OF CLOSURES WITH MONETARY BENEFITS	NUMBER OF CLOSURES WITH NON-MONETARY BENEFITS
1. HIRE	14	5
a. RETROACTIVE	10	2
b. NON-RETROACTIVE	4	3
2. PROMOTION	9	2
a. RETROACTIVE	7	0
b. NON-RETROACTIVE	2	2
3. DISCIPLINARY ACTION	5	42
a. RESCINDED	4	12
b. MODIFIED	1	30
4. REINSTATEMENT	0	1
5. REASSIGNMENT	12	13
6. PERFORMANCE EVALUATION MODIFIED	4	4
7. PERSONNEL FILE PURGED OF ADVERSE MATERIAL	13	13
8. ACCOMMODATION	1	3
9. TRAINING/TUITION/ETC.	12	12
10. LEAVE RESTORED	14	9
11. Awards	1	0
12. Apology	0	1
13. Compliance with Union Agreement	0	3

**ANNUAL FEDERAL EQUAL EMPLOYMENT OPPORTUNITY  
STATISTICAL REPORT OF DISCRIMINATION COMPLAINTS**

(REPORTING PERIOD BEGINS OCTOBER 1ST AND ENDS SEPTEMBER 30TH)

**AGENCY OR DEPARTMENT:** Department of Homeland Security

**REPORTING PERIOD:** FY 2004

**PART VIII - SUMMARY OF PENDING COMPLAINTS BY CATEGORY**

	NUMBER PENDING	NUMBER OF DAYS	AVERAGE DAYS	NUMBER OF DAYS PENDING FOR OLDEST CASE
<b>A. TOTAL COMPLAINTS PENDING (SAME AS PART II Line I) (1+2+3+4)</b>	2485	1143111		
1 COMPLAINTS PENDING ACKNOWLEDGMENT	137	8994	65.65	317
2. COMPLAINTS PENDING INVESTIGATION	802	132092	164.70	849
3. COMPLAINTS PENDING IN HEARINGS	646	482864	747.47	5364
4. COMPLAINTS PENDING A FINAL AGENCY DECISION/ACTION	900	519161	576.85	3466

**PART IX - SUMMARY OF INVESTIGATIONS COMPLETED**

	TOTAL	TOTAL DAYS	AVERAGE DAYS
<b>A. INVESTIGATIONS COMPLETED DURING REPORTING PERIOD (1+3)</b>	750	192400	
1. INVESTIGATIONS COMPLETED BY <b>AGENCY PERSONNEL</b> (a+b+c)	98	27820	283.88
a. INVESTIGATIONS COMPLETED IN 180 DAYS OR LESS	22	3371	153.23
b. INVESTIGATIONS COMPLETED IN 181 - 360 DAYS	54	13693	253.57
1. TIMELY COMPLETED INVESTIGATIONS	19	4668	245.68
2. UNTIMELY COMPLETED INVESTIGATIONS	35	9025	257.86
c. INVESTIGATIONS COMPLETED IN 361 OR MORE DAYS	22	10756	488.91
2 COST OF AGENCY INVESTIGATIONS	\$ 173902.00		
3. INVESTIGATIONS COMPLETED BY <b>CONTRACTORS</b> (a+b+c)	652	164580	252.42
a. INVESTIGATIONS COMPLETED IN 180 DAYS OR LESS	211	29415	139.41
b. INVESTIGATIONS COMPLETED IN 181 - 360 DAYS	342	87422	255.62
1. TIMELY COMPLETED INVESTIGATIONS	79	15842	200.53
2. UNTIMELY COMPLETED INVESTIGATIONS	263	71580	272.17
c. INVESTIGATIONS COMPLETED IN 361 OR MORE DAYS	99	47743	482.25
4. COST OF CONTRACTOR INVESTIGATIONS	\$ 1492593.79		

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(REPORTING PERIOD BEGINS OCTOBER 1ST AND ENDS SEPTEMBER 30TH)

**AGENCY OR DEPARTMENT:** Department of Homeland Security **REPORTING PERIOD:** FY 2004

**PART X - SUMMARY OF ADR PROGRAM ACTIVITIES**

**INFORMAL PHASE (PRE-COMPLAINT)**

	COUNSELINGS	INDIVIDUALS	DAYS	AVERAGE DAYS
<b>A. ADR PENDING FROM PREVIOUS REPORTING PERIOD</b>	154	154	22424	
<b>B. ADR ACTIONS FOR CURRENT REPORTING PERIOD</b>				
1. ADR OFFERED	2097	2026		
2. REJECTED BY COMPLAINANT	1322	1261		
3. REJECTED BY AGENCY	7	7		
4. TOTAL ACCEPTED INTO ADR	768	758		
<b>C. RESOURCES USED (1+2+3+4+5+6+7)</b>	709	701		
1. INHOUSE	265	260		
2. ANOTHER FEDERAL AGENCY	442	439		
3. PRIVATE ORGANIZATIONS, (e.g., CONTRACTORS, BAR ASSOCIATIONS, INDIVIDUAL VOLUNTEERS OR COLLEGE/UNIVERSITY PERSONNEL)	2	2		
4. MULTIPLE RESOURCES USED (Please specify)	0	0		
5.	0	0		
6.	0	0		
7.	0	0		
<b>D. ADR ATTEMPTS (1+2+3+4+5+6+7+8+9+10+11)</b>	709	701	45647	64.38
1. MEDIATION	588	580	36254	61.66
2. SETTLEMENT CONFERENCES	0	0	0	0.00
3. EARLY NEUTRAL EVALUATIONS	0	0	0	0.00
4. FACTFINDING	0	0	0	0.00
5. FACILITATION	108	108	9289	86.01
6. OMBUDSMAN	13	13	104	8.00
7. PEER REVIEW	0	0	0	0.00
8. MULTIPLE TECHNIQUES USED (Please specify)	0	0	0	0.00
9.	0	0	0	0.00
10.	0	0	0	0.00
11.	0	0	0	0.00
<b>E. STATUS OF CASES</b>	<b>COUNSELINGS</b>	<b>INDIVIDUALS</b>	<b>DAYS</b>	<b>AVERAGE DAYS</b>
1. TOTAL CLOSED (a+b+c+d+e+f)	778	768	56413	72.51
a. SETTLEMENTS WITH BENEFITS (Monetary and Non-monetary)	188	188	15349	81.64
b. NO FORMAL COMPLAINT FILED	210	207	13772	65.58
c. NO RESOLUTION	288	282	18389	63.85
d. NO ADR ATTEMPT	92	91	8903	96.77
e.	0	0	0	0.00
f.	0	0	0	0.00
2. OPEN INVENTORY - ADR PENDING	144	144	8835	61.35

**ANNUAL FEDERAL EQUAL EMPLOYMENT OPPORTUNITY  
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(REPORTING PERIOD BEGINS OCTOBER 1ST AND ENDS SEPTEMBER 30TH)

AGENCY OR DEPARTMENT: Department of Homeland Security

REPORTING PERIOD: FY 2004

**PART XI - SUMMARY OF ADR PROGRAM ACTIVITIES**

**FORMAL PHASE**

	COMPLAINTS	COMPLAINANTS	DAYS	AVERAGE DAYS
<b>A. ADR PENDING FROM PREVIOUS REPORTING PERIOD</b>	2	2		
<b>B. ADR ACTIONS FOR CURRENT REPORTING PERIOD</b>				
1. ADR OFFERED	611	611		
2. REJECTED BY COMPLAINANT	560	560		
3. REJECTED BY AGENCY	2	2		
4. TOTAL ACCEPTED INTO ADR	49	49		
<b>C. RESOURCES USED (1+2+3+4+5+6+7)</b>	31	31		
1. INHOUSE	1	1		
2. ANOTHER FEDERAL AGENCY	29	29		
3. PRIVATE ORGANIZATIONS, (e.g., CONTRACTORS, BAR ASSOCIATIONS, INDIVIDUAL VOLUNTEERS OR COLLEGE/UNIVERSITY PERSONNEL)	1	1		
4. MULTIPLE RESOURCES USED (Please specify)	0	0		
5.	0	0		
6.	0	0		
7.	0	0		
<b>D. ADR ATTEMPTS (1+2+3+4+5+6+7+8+9+10+11+12)</b>	31	31	1468	47.35
1. MEDIATION	30	30	1413	47.10
2. SETTLEMENT CONFERENCES	0	0	0	0.00
3. EARLY NEUTRAL EVALUATIONS	0	0	0	0.00
4. FACTFINDING	0	0	0	0.00
5. FACILITATION	1	1	55	55.00
6. OMBUDSMAN	0	0	0	0.00
7. MINI-TRIALS	0	0	0	0.00
8. PEER REVIEW	0	0	0	0.00
9. MULTIPLE TECHNIQUES USED (Please specify)	0	0	0	0.00
10.	0	0	0	0.00
11.	0	0	0	0.00
12.	0	0	0	0.00
<b>E. STATUS OF CASES</b>	<b>COMPLAINTS</b>	<b>COMPLAINANTS</b>	<b>DAYS</b>	<b>AVERAGE DAYS</b>
1. TOTAL CLOSED (a+b+c+d+e+f)	34	34	2980	87.65
a. SETTLEMENTS WITH BENEFITS (Monetary and Non-monetary)	12	12	1057	88.08
b. WITHDRAWAL FROM EEO PROCESS	3	3	259	86.33
c. NO RESOLUTION	19	19	1664	87.58
d.	0	0	0	0.00
e.	0	0	0	0.00
f.	0	0	0	0.00
2. OPEN INVENTORY - ADR PENDING	17	17	2421	142.41
<b>F. BENEFITS RECEIVED</b>	<b>COMPLAINTS</b>	<b>COMPLAINANTS</b>	<b>AMOUNT</b>	
1. MONETARY (INSERT TOTAL)	5	5	\$ 40290.61	
a. COMPENSATORY DAMAGES	0	0	\$ 0.00	
b. BACKPAY/FRONTPAY	1	0	\$ 413.00	
c. LUMP SUM	4	0	\$ 39877.61	
d. ATTORNEY'S FEES AND COSTS	0	0	\$ 0.00	
e.	0	0	\$ 0	
f.	0	0	\$ 0	
g.	0	0	\$ 0	
2. NON-MONETARY (INSERT TOTAL)	7	7		
a. NEW HIRES	0	0		
b. PROMOTIONS	0	0		
c. REINSTATEMENTS	2	0		
d. EXPUNGEMENTS	10	0		
e. TRANSFERS	3	0		
f. REMOVALS RESCINDED AND VOLUNTARY RESIGNATIONS	7	0		
g. REASONABLE ACCOMMODATIONS	0	0		
h. TRAINING	2	2		
i. APOLOGY	0	0		
j.	0	0		
k.	0	0		
l.	0	0		

**ANNUAL FEDERAL EQUAL EMPLOYMENT OPPORTUNITY  
STATISTICAL REPORT OF DISCRIMINATION COMPLAINTS**

(REPORTING PERIOD BEGINS OCTOBER 1ST AND ENDS SEPTEMBER 30TH)

**AGENCY OR DEPARTMENT:** Department of Homeland Security      **REPORTING PERIOD:** FY 2004

**PART XII - SUMMARY OF ADR PROGRAM ACTIVITIES**

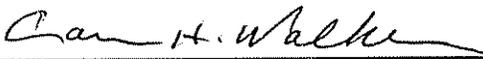
**TRAINING AND RESOURCES**

		NUMBER	TRAINED
<b>A. BASIC ADR ORIENTATION TRAINING</b>			
1.	MANAGERS	22871	6229
2.	EMPLOYEES	137878	23457
		<b>NUMBER</b>	
<b>B. EMPLOYEES THAT CAN PARTICIPATE IN ADR</b>		160749	
		<b>NUMBER</b>	
<b>C. IN HOUSE STAFF RESOURCES AVAILABLE FOR ADR</b>		90	
1.	FULL TIME	14	
2.	PART TIME	0	
3.	COLLATERAL DUTY	76	
		<b>AMOUNT</b>	
<b>D. ADR FUNDING SPENT</b>		\$ 699488.49	

**CERTIFICATION AND CONTACT INFORMATION**

I certify that the EEO complaint data contained on this report, EEOC Form 462, Annual Federal Equal Employment Opportunity Statistical Report of Discrimination Complaints, for the reporting period October 1, 2003 through September 30, 2004 are accurate and complete.

**TYPED NAME AND TITLE OF CERTIFYING OFFICIAL:** Carmen H Walker, Director, EEO Programs

**SIGNATURE OF CERTIFYING OFFICIAL:** 

**TYPED NAME AND TITLE OF PREPARER:** Sandi Quash, Equal Opportunity Manager

**SIGNATURE OF PREPARER:** 

**DATE:** 12/15/2004      **TELEPHONE NUMBER:** 202-692-4250      **E-MAIL:** Sandi.Quash@dhs.gov

This report is due to the following address on or before October 31st:  
 U.S. Equal Employment Opportunity Commission  
 Office of Federal Operations  
 Federal Sector Programs  
 1801 L Street, NW  
 Washington, DC 20507

## Appendix A - Comments

### Part 1

CIS, Part, F

12. remove contractor counseling 1 individual 1

CIS, Part 1, H

10 Acting Detail 1 counseling and 1 individual

11 Issue memorandum 2 counselings and 2 individuals

12 Submit reclassification 1 counseling and 1 individual

13 Other 4 counselings and 4 individuals

ICE Part I. F.

13 priority consideration 2 counselings. 2 individuals

ICE Part I. H.

10 detail 3 counselings. 3 individuals

11 reassignment 5 counselings. 5 individuals

12 positive recommendation 1 counseling. 1 individual

FLETC- Item D 3 - Fifteen (15) counselings were completed during the rating period

FLETC- Item D 4. - Only one (1) counseling was pending at the end of the reporting period

FLETC- Item H.10 - "Detail" - One (1) Counseling; One (1) individual

Component FEMA: Part I. H. Pre-Complaint Counseling - ADR Settlements w/Non-Monetary Benefits. block 10 Telework- Counselings/Individuals (1) and block

11 Improve Communications - Counselings/Individuals (8)

Component FEMA: Part I. F. Pre-Complaint Counseling - Non-ADR Settlements w/Non-Monetary Benefits. block 10 Improve Communications-  
Counselings/Individuals (2)

FLETC- I D 3 b - Number represents both counselings during which the pre-complainant withdrew and/or those who did not file a formal complaint

Part I, D, 3c, 41 counselings and 41 individuals were involved in counseling activities by components other than ICE This accounts for the discrepancy with IIb which is being reported as 271

### Part 2

USCG-II.A: Complaints on hand at end of previous reporting period = data provided by DOT; USCG cannot guarantee its accuracy.

FLETC- Part II. Item B. Complaints Filed - Number does not include all amendments to live complaints filed during reporting period. Since amendments do NOT go thru EEO counseling, the numbers in Part I.D 3c should NOT match number in Part II. B.

The cases listed include files that were forwarded to CBP by ICE.

### Part 3

USSS - III 2 c - 3 experienced staff collateral duty counselors were out of rotation during the reporting period.

ICE Part III, 1 The National Finance Center database does not currently include workforce data for the Federal Air Marshall Service

USCG-II B 2 c: Counselor appointments and training are managed by Civil Rights Program Managers and Officers in the field. These positions have recently been reorganized and incumbents are systematically addressing counselor training

### Part 6

Component FEMA: Part VI A 2 (Settlements) - Summary of Closures: Average days to settle 17 complaints were 573 days Settlements occurred in various stages of the formal process.

Component FEMA: Part VI A 3. FAD - Summary of Closures. The Final Agency Decisions and Actions are issued by the Department

CBP - VI B.1 and VI B 2 - Due to the DHS' backlog, the length of time of for issuance of a final agency decision/final order has taken longer

Component FEMA: Part VI B. 2. Summary of Closures, Final Agency Decisions and Actions are issued by the Department

Component FEMA: Part VI 2. C. Summary of Closures. Dismissals averaged 1.093 days to settled. Settlement occurred through various stages of the formal complaint process.

TSA Line VI.A.2.b is the correct number of day and has been verified. Days were calculated from date complaint was filed

FLETC- Part VI B 3 - The number of days lapse time is 208 Length of process time is the result of the transition from Treasury to DHS.

USCG-VI B 2: Total days for FAD finding no discrimination produces an average above 400 days

The information in this section was based on the information provided by ICE. As such, we cannot reconcile CBP's data because of the quality of the ICE tracking sheets.

### Part 7

ICE Part VII

14 provide special pay -2 monetary  
monetary

15. priority consideration - hiring - 4 non-monetary

CIS, Part VII, 14. post notice - 1 non-monetary

USCG-VII F 11: This section provides no field under Closures with Monetary Benefits for lump sum payments. Line F 11 is inaccessible for entry

### Part 8

USCG-VIII A 3: Oldest case = Regina M. Lipkin, DOT No. 2-03-2023.

USCG-VIII A 4: Number of days is more than 30% greater than same number for previous reporting period, largely due to one complaint that waited 3 years for a hearing, was withdrawn, waited for 1.5 years for a FAD before it was transferred from DOT to DHS, and still awaits a FAD. USCG had no control over these circumstances.

Component FEMA: Part VIII. A 3. Doyle Betters, case no. 97-014 and Doyle Betters, 97-017

FLETC- Part VIII A 1. - Transition from Treasury to DHS resulted in excessive delays due to procurement procedures in obtaining EEO investigation contracts.

USSS - VIII A 3

## Appendix A – Comments (continued)

USCG--X A: Failure to record 1 counseling/individual as "Open inventory - ADR pending" during previous reporting period was erroneous

### Part 11

USCG--X.I.F.2.j: Single case resolved through mediation at formal stage during FY04 resulted in following agency commitments that could not be entered in this field: (1) Agency will ensure fair consideration of aggrieved person for vacancy in question--to be filled within 30 days that have not yet expired. (2) If aggrieved is selected for that vacancy, agency will attempt to provide aggrieved with career development opportunities--including temporary promotions and developmental assignments--

USCG--X.I.F.2.j: CONTINUATION--during 12 months following selection (3) If aggrieved is not selected for vacancy in question, agency will attempt to reassign aggrieved within 60 days to position for which aggrieved is qualified in one of aggrieved's three fields of preference.

### Part 12

Component FEMA: Overall report has been reviewed and verified by edit checklist