

**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 2005

PART I - PRE-COMPLAINT COUNSELING

EEO COUNSELOR	COUNSELINGS		INDIVIDUALS	
	COUNSELINGS	INDIVIDUALS	COUNSELINGS	INDIVIDUALS
A. TOTAL COMPLETED/ENDED COUNSELINGS	1766	1699		
1. COUNSELED WITHIN 30 DAYS	599	580		
2. COUNSELED WITHIN 31 TO 90 DAYS	909	889		
a COUNSELED WITHIN WRITTEN EXTENSION PERIOD NO LONGER THAN 60 DAYS	460	452		
b COUNSELED WITHIN 90 DAYS WHERE INDIVIDUAL PARTICIPATED IN ADR	361	356		
3. COUNSELED BEYOND 90 DAYS	258	257		
4. COUNSELED DUE TO REMANDS	0	0		
ADR INTAKE OFFICER				
	COUNSELINGS		INDIVIDUALS	
B. TOTAL COMPLETED/ENDED COUNSELINGS	455	455		
1. COUNSELED WITHIN 30 DAYS	11	11		
2. COUNSELED WITHIN 31 TO 90 DAYS	443	443		
3. COUNSELED BEYOND 90 DAYS	1	1		
COMBINED TOTAL				
	COUNSELINGS		INDIVIDUALS	
C. TOTAL COMPLETED/ENDED COUNSELINGS	2221	2154		
1. COUNSELED WITHIN 30 DAYS	610	591		
2. COUNSELED WITHIN 31 TO 90 DAYS	1352	1332		
a COUNSELED WITHIN WRITTEN EXTENSION PERIOD NO LONGER THAN 60 DAYS	460	452		
b COUNSELED WITHIN 90 DAYS WHERE INDIVIDUAL PARTICIPATED IN ADR	804	802		
3. COUNSELED BEYOND 90 DAYS	259	258		
4. COUNSELED DUE TO REMANDS	0	0		
D. COUNSELING ACTIVITIES				
	COUNSELINGS		INDIVIDUALS	
1 ON HAND AT THE BEGINNING OF THE REPORTING PERIOD	278	260		
2. INITIATED DURING THE REPORTING PERIOD	2381	2328		
3. COMPLETED/ENDED COUNSELINGS	2221	2154		
a SETTLEMENTS (MONETARY AND NON-MONETARY)	199	199		
b. WITHDRAWALS/NO COMPLAINT FILED	673	666		
c COUNSELINGS COMPLETED/ENDED IN REPORTING PERIOD THAT RESULTED IN COMPLAINT FILINGS IN REPORTING PERIOD	1062	1032		
d DECISIONS TO FILE COMPLAINT PENDING AT THE END OF THE REPORTING PERIOD	287	287		
4 COUNSELINGS PENDING AT THE END OF THE REPORTING PERIOD	438	426		

E. NON-ADR SETTLEMENTS WITH MONETARY BENEFITS			
	COUNSELINGS	INDIVIDUALS	AMOUNT
TOTAL	0	0	\$ 0.00
1. COMPENSATORY DAMAGES	0	0	\$ 0.00
2. BACKPAY/FRONTPAY	0	0	\$ 0.00
3. LUMP SUM PAYMENT	0	0	\$ 0.00
4. ATTORNEYS FEES AND COSTS	0	0	\$ 0.00
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	
TOTAL	35	35	
1. NEW HIRES	0	0	
2. PROMOTIONS	1	1	
3. REINSTATEMENTS	0	0	
4. EXPUNGEMENTS	1	1	
5. TRANSFERS	6	6	
6 REMOVALS RESCINDED AND VOLUNTARY RESIGNATIONS	6	6	
7. REASONABLE ACCOMMODATIONS	5	5	
8. TRAINING	3	3	
9. APOLOGY	4	4	
10. appraisal/evaluation modified	1	1	
11. discipline rescinded/modified	2	2	
12. improved terms/conditions of employment	10	10	
G. ADR SETTLEMENTS WITH MONETARY BENEFITS			
	COUNSELINGS	INDIVIDUALS	AMOUNT
TOTAL	10	10	\$ 20058.00
1. COMPENSATORY DAMAGES	1	1	\$ 4999.00
2. BACKPAY/FRONTPAY	3	3	\$ 7909.00
3. LUMP SUM PAYMENT	4	4	\$ 6150.00
4. ATTORNEYS FEES AND COSTS	2	2	\$ 1000.00
5.	0	0	\$ 0.00
6.	0	0	\$ 0.00
7.	0	0	\$ 0.00
H. ADR SETTLEMENTS WITH NON-MONETARY BENEFITS			
	COUNSELINGS	INDIVIDUALS	
TOTAL	161	161	
1. NEW HIRES	0	0	
2. PROMOTIONS	6	6	
3. REINSTATEMENTS	3	3	
4. EXPUNGEMENTS	26	26	
5. TRANSFERS	12	12	
6 REMOVALS RESCINDED AND VOLUNTARY RESIGNATIONS	11	11	
7. REASONABLE ACCOMMODATIONS	5	3	
8. TRAINING	21	20	
9. APOLOGY	8	8	
10. appraisal/evaluation modified	7	6	
11. discipline rescinded/modified	4	4	
12. improved terms/conditions of employment	92	92	

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REPORTING PERIOD: FY 2005

PART I - PRE-COMPLAINT COUNSELING (CONTINUED)

I. NON-ADR SETTLEMENTS	COUNSELINGS	INDIVIDUALS
TOTAL	35	35

PART II - FORMAL COMPLAINT ACTIVITIES

2563	A COMPLAINTS ON HAND AT THE BEGINNING OF THE REPORTING PERIOD
1168	B COMPLAINTS FILED
23	C REMANDS
3754	D TOTAL COMPLAINTS (sum of lines A+B+C)
3692	E COMPLAINTS IN LINE D THAT WERE NOT CONSOLIDATED
1323	F COMPLAINTS IN LINE E CLOSED DURING REPORT PERIOD
62	G COMPLAINTS IN LINE D THAT WERE CONSOLIDATED
51	H COMPLAINTS IN LINE G CLOSED DURING REPORT PERIOD
2380	I COMPLAINTS ON HAND AT THE END OF THE REPORTING PERIOD (Line D - (sum of Lines F+H))
1105	J INDIVIDUALS FILING COMPLAINTS
5	K NUMBER OF JOINT PROCESSING UNITS FROM CONSOLIDATION OF COMPLAINTS

PART III - AGENCY RESOURCES, TRAINING, REPORTING LINE

A. AGENCY RESOURCES

	NUMBER	PERCENT
1. WORK FORCE		
a. TOTAL WORK FORCE	157522	
b. PERMANENT EMPLOYEES	135684	
2. COUNSELOR	226	
a. FULL-TIME	10	4.42
b. PART-TIME	29	12.83
c. COLLATERAL DUTY	187	82.74
3. INVESTIGATOR	13	
a. FULL-TIME	2	15.38
b. PART-TIME	11	84.62
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

B. STAFF TRAINING

	COUNSELORS		INVESTIGATORS		COUNS/INVESTIG	
	AGENCY	CONTRACT	AGENCY	CONTRACT	AGENCY	CONTRACT
1. NEW STAFF - TOTAL	42	6	0	0	0	0
a. STAFF RECEIVING REQUIRED 32 OR MORE HOURS	42	6	0	0	0	0
b. STAFF RECEIVING 8 OR MORE HOURS, USUALLY GIVEN TO EXPERIENCED STAFF	6	0	0	0	0	0
c. STAFF RECEIVING NO TRAINING AT ALL	0	0	0	0	0	0
2. EXPERIENCED STAFF - TOTAL	184	60	13	359	0	0
a. STAFF RECEIVING REQUIRED 8 OR MORE HOURS	133	60	13	273	0	0
b. STAFF RECEIVING 32 OR MORE HOURS, GENERALLY GIVEN TO NEW STAFF	0	0	0	86	0	0
c. STAFF RECEIVING NO TRAINING AT ALL	51	0	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

ISSUES OF ALLEGED DISCRIMINATION	BASES OF ALLEGED DISCRIMINATION													TOTAL COMPLAINTS BY ISSUE	TOTAL BASES BY ISSUE	TOTAL COMPLAINTS BY ISSUE	TOTAL COMPLAINTS BY ISSUE				
	RACE				RELIGION	REFUSAL	SEX			NATIONAL ORIGIN			EQUAL PAY ACT					AGE	DISABILITY		
	AMER. INDIAN/ ALASKAN NATIVE	ASIAN PACIFIC ISLANDER	BLACK	WHITE			COLOR	MALE	FEMALE	HISPANIC	OTHER	MALE	FEMALE						MENTAL	PHYSICAL	
A. APPOINTMENT	0	2	2	0	2	0	4	2	2	0	5	0	0	0	6	1	7	33	15	15	
B. ASSIGNMENT OF DUTIES	0	1	16	7	1	1	43	7	15	5	3	0	0	0	24	1	15	139	65	64	
C. AWARDS	0	0	5	1	0	1	8	34	8	39	8	0	0	0	4	0	1	109	61	61	
D. CONVERSION TO FULL TIME	0	0	0	0	0	0	1	0	2	1	0	0	0	0	0	1	0	5	2	2	
E. DISCIPLINARY ACTION	1	8	39	11	17	9	79	21	37	24	10	0	0	0	39	20	30	345	185	184	
1. DETENTION	0	1	4	2	3	1	6	5	4	1	0	0	0	0	4	1	2	34	18	18	
2. REPRIMAND	0	2	9	3	2	3	26	6	5	6	4	0	0	0	10	5	5	86	48	48	
3. SUSPENSION	0	1	10	3	5	1	19	2	9	7	1	0	0	0	6	3	6	73	43	43	
4. REVOCAL	1	1	4	3	1	2	12	5	7	6	4	0	0	0	10	10	9	75	39	39	
5. REASSIGNMENT	0	0	1	0	0	1	2	0	2	3	0	0	0	0	2	0	1	12	8	8	
6. ADMONITION/COUNSELING	0	3	11	0	6	1	14	3	10	1	1	0	0	0	7	1	7	65	29	28	
F. DUTY HOURS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
G. EVALUATION/APPEAL	0	0	3	0	2	4	12	0	8	2	0	0	0	0	6	3	6	46	21	21	
H. EXAMINATION/TEST	0	2	18	4	4	1	30	6	19	4	2	0	0	0	18	2	7	117	51	51	
1. PARASUIT	4	5	66	32	31	18	180	46	118	33	29	0	0	0	3	1	13	705	256	252	
2. NON-SEXUAL	4	5	66	32	31	18	164	37	85	33	29	0	0	0	71	14	58	647	225	221	
3. SEXUAL	0	0	0	0	0	0	16	9	33	0	0	0	0	0	71	14	58	58	31	31	
I. MEDICAL EXAMINATION	0	0	0	0	1	0	0	0	1	0	0	0	0	0	1	0	1	4	2	2	
J. PAY INCLUDING OVERTIME	0	1	5	3	5	2	19	5	8	3	1	0	0	0	7	2	14	75	36	34	
K. PROMOTION/SELECTION	3	8	69	28	13	25	134	41	62	40	26	0	0	0	105	7	40	601	250	245	
1. REASSIGNMENT	1	2	10	5	0	1	27	8	14	12	5	0	0	0	23	2	9	119	55	55	
2. DENIED	0	1	1	2	0	1	13	5	7	6	3	0	0	0	9	1	4	54	22	22	
3. DIRECTED	0	1	9	3	0	0	14	3	7	6	2	0	0	0	14	1	5	65	33	33	
L. REASONABLE ACCOMMODATION	0	0	1	0	0	5	13	0	0	0	0	0	0	0	0	3	22	43	30	30	
M. REINSTATEMENT	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	1	1	1	1	
N. RETIREMENT	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2	0	0	2	2	2	
O. TERMINATION	1	0	33	11	13	9	55	28	18	3	8	0	0	0	43	14	61	297	155	155	
P. TERMS/CONDITIONS OF EMPLOYMENT	0	2	15	11	4	3	43	18	18	10	2	0	0	0	26	7	24	183	81	80	
1. TIME AND ATTENDANCE	0	0	5	4	1	3	19	2	9	3	0	0	0	0	8	0	11	65	31	30	
2. TRAINING	1	1	20	3	15	5	41	16	16	5	0	0	0	0	25	3	21	172	90	84	
3. OTHER (Please specify below)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
1. details	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
2. job classification	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
3. job reference	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
4. RIF	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
5.	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
TOTAL ISSUES BY BASES	11	32	307	121	109	87	712	235	355	184	100	0	0	0	411	81	329	209	207	207	
TOTAL COMPLAINTS FILED BY BASES	7	22	181	71	26	52	390	163	212	115	68	0	0	0	268	52	209	207	207	207	
TOTAL COMPLAINTS BY BASES	7	22	176	71	18	52	378	160	208	112	67	0	0	0	266	52	207	207	207	207	

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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.)

1158	1. TITLE VII
438	2. AGE DISCRIMINATION IN EMPLOYMENT ACT (ADEA)
312	3. REHABILITATION ACT
0	4. EQUAL PAY ACT (EPA)

B. TOTAL BY STATUTES

1908 THIS NUMBER MAY BE LARGER THAN THE TOTAL NUMBER OF COMPLAINTS CLOSED.

(A1+A2+A3+A4)

PART VI - SUMMARY OF CLOSURES BY CATEGORY

	TOTAL NUMBER	TOTAL DAYS	AVERAGE DAYS
A. TOTAL NUMBER OF CLOSURES (1+2+3)	1374	926964	674.65
1. WITHDRAWALS (a+b)	86	29795	346.45
a. NON-ADR WITHDRAWALS	81	27440	338.77
b. ADR WITHDRAWALS	5	2355	471.00
2. SETTLEMENTS (a+b)	176	90862	516.26
a. NON-ADR SETTLEMENTS	164	88175	537.65
b. ADR SETTLEMENTS	12	2687	223.92
3. FINAL AGENCY ACTIONS (B+C)	1112	806307	725.10
B. FINAL AGENCY DECISIONS <i>WITHOUT</i> AN ADMINISTRATIVE JUDGE DECISION (1+2+3)	847	614344	
1. FINDING DISCRIMINATION	2	2336	1168.00
2. FINDING NO DISCRIMINATION	549	537359	978.80
3. DISMISSAL OF COMPLAINTS	296	74649	252.19
C. FINAL AGENCY ACTIONS <i>WITH</i> AN ADMINISTRATIVE JUDGE (AJ) DECISION (1+2)	265	191963	
1. AJ DECISION FULLY IMPLEMENTED (a+b+c)	261	189032	
(a) FINDING DISCRIMINATION	6	6038	1006.33
(b) FINDING NO DISCRIMINATION	247	176847	715.98
(c) DISMISSAL OF COMPLAINTS	8	6147	768.38
2. AJ DECISION NOT FULLY IMPLEMENTED (a+b+c)	4	2931	
(a) FINDING DISCRIMINATION (i+ii+iii)	3	2455	818.33
i. AGENCY APPEALED FINDING BUT NOT REMEDY	0	0	0.00
ii. AGENCY APPEALED REMEDY BUT NOT FINDING	0	0	0.00
iii. AGENCY APPEALED BOTH FINDING AND REMEDY	3	2455	818.33
(b) FINDING NO DISCRIMINATION	0	0	0.00
(c) DISMISSAL OF COMPLAINTS	1	476	476.00

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PART VI - SUMMARY OF CLOSURES BY CATEGORY (Continued)

	Total Number	Total Days	Average Days
D. FINAL AGENCY MERIT DECISIONS (FAD) ISSUED (1+2+3)	551	558231	1013.12
1. COMPLAINANT REQUESTED IMMEDIATE FAD (1a+1b)	306	273312	893.18
a. AGENCY ISSUED FAD WITHIN 60 DAYS OF RECEIPT OF FAD REQUEST	0	0	0.00
b. AGENCY ISSUED FAD MORE THAN 60 DAYS BEYOND RECEIPT OF FAD REQUEST	306	273312	893.18
2. COMPLAINANT DID NOT ELECT HEARING OR FAD (2a+2b)	218	247994	1137.59
a. AGENCY ISSUED FAD WITHIN 60 DAYS OF END OF 30-DAY ELECTION PERIOD	0	0	0.00
b. AGENCY ISSUED FAD MORE THAN 60 DAYS BEYOND END OF 30-DAY ELECTION PERIOD	218	247994	1137.59
3. HEARING REQUESTED; AJ REMANDED FOR FAD WITHOUT AJ DECISION (3a+3b)	27	36925	1367.59
a. AGENCY ISSUED FAD WITHIN 60 DAYS OF RECEIPT OF AJ REMAND FOR FAD ISSUANCE	0	0	0.00
b. AGENCY ISSUED FAD MORE THAN 60 DAYS AFTER RECEIPT OF AJ REMAND FOR FAD ISSUANCE	27	36925	1367.59

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

	NUMBER	AMOUNT
A. TOTAL COMPLAINTS CLOSED WITH CORRECTIVE ACTION	184	
B. CLOSURES WITH MONETARY BENEFITS	40	\$ 463736.02
1. BACK PAY/FRONT PAY	18	\$ 124369.54
2. LUMP SUM PAYMENT	22	\$ 339366.48
C. CLOSURES WITH NON-MONETARY BENEFITS	101	
D. CLOSURES WITH COMPENSATORY DAMAGES	39	\$ 675499.00
E. CLOSURES WITH ATTORNEY'S FEES AND COSTS	47	\$ 488108.11
F. TYPES OF CORRECTIVE ACTION	NUMBER OF CLOSURES WITH	NUMBER OF CLOSURES WITH
	MONETARY BENEFITS	NON-MONETARY BENEFITS
1. HIRE	4	13
a. RETROACTIVE	3	10
b. NON-RETROACTIVE	1	3
2. PROMOTION	3	13
a. RETROACTIVE	3	7
b. NON-RETROACTIVE	0	6
3. DISCIPLINARY ACTION	6	36
a. RESCINDED	3	29
b. MODIFIED	3	7
4. REINSTATEMENT	5	8
5. REASSIGNMENT	7	8
6. PERFORMANCE EVALUATION MODIFIED	3	7
7. PERSONNEL FILE PURGED OF ADVERSE MATERIAL	16	43
8. ACCOMMODATION	1	8
9. TRAINING/TUITION/ETC.	3	9
10. LEAVE RESTORED	4	13
11. training for RMOs	2	5
12. postings	1	0
13. improved terms/conditions of employment	14	3

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PART VIII - SUMMARY OF PENDING COMPLAINTS BY CATEGORY

	NUMBER PENDING	NUMBER OF DAYS	AVERAGE DAYS	NUMBER OF DAYS PENDING FOR OLDEST CASE
A. TOTAL COMPLAINTS PENDING (SAME AS PART II Line I) (1+2+3+4)	2380	1224921		
1 COMPLAINTS PENDING ACKNOWLEDGMENT	11	545	49.55	250
2. COMPLAINTS PENDING INVESTIGATION	1027	256572	249.83	1002
3. COMPLAINTS PENDING IN HEARINGS	700	549379	784.83	4404
4. COMPLAINTS PENDING A FINAL AGENCY DECISION/ACTION	642	418425	651.75	2702

PART IX - SUMMARY OF INVESTIGATIONS COMPLETED

	TOTAL	TOTAL DAYS	AVERAGE DAYS
A. INVESTIGATIONS COMPLETED DURING REPORTING PERIOD (1+3)	930	307038	
1. INVESTIGATIONS COMPLETED BY AGENCY PERSONNEL (a+b+c)	131	45858	350.06
a. INVESTIGATIONS COMPLETED IN 180 DAYS OR LESS	22	2767	125.77
b. INVESTIGATIONS COMPLETED IN 181 - 360 DAYS	61	15845	259.75
1. TIMELY COMPLETED INVESTIGATIONS	13	2949	226.85
2. UNTIMELY COMPLETED INVESTIGATIONS	48	12896	268.67
c. INVESTIGATIONS COMPLETED IN 361 OR MORE DAYS	48	27246	567.63
2 COST OF AGENCY INVESTIGATIONS	\$ 288000 00		
3. INVESTIGATIONS COMPLETED BY CONTRACTORS (a+b+c)	799	261180	326.88
a. INVESTIGATIONS COMPLETED IN 180 DAYS OR LESS	140	13543	96.74
b. INVESTIGATIONS COMPLETED IN 181 - 360 DAYS	373	101868	273.10
1. TIMELY COMPLETED INVESTIGATIONS	42	10624	252.95
2. UNTIMELY COMPLETED INVESTIGATIONS	331	91244	275.66
c. INVESTIGATIONS COMPLETED IN 361 OR MORE DAYS	286	145769	509.68
4. COST OF CONTRACTOR INVESTIGATIONS	\$ 2301137 44		

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PART X - SUMMARY OF ADR PROGRAM ACTIVITIES

INFORMAL PHASE (PRE-COMPLAINT)

	COUNSELINGS	INDIVIDUALS	DAYS	AVERAGE DAYS
A. ADR PENDING FROM PREVIOUS REPORTING PERIOD	143	143	8812	
B. ADR ACTIONS FOR CURRENT REPORTING PERIOD				
1 ADR OFFERED	1870	1808		
2 REJECTED BY COMPLAINANT	931	878		
3 REJECTED BY AGENCY	18	18		
4 TOTAL ACCEPTED INTO ADR	921	912		
C. RESOURCES USED (1+2+3+4+5+6+7)	851	846		
1 INHOUSE	214	210		
2 ANOTHER FEDERAL AGENCY	614	613		
3 PRIVATE ORGANIZATIONS, (e.g., CONTRACTORS BAR ASSOCIATIONS INDIVIDUAL VOLUNTEERS OR COLLEGE/UNIVERSITY PERSONNEL)	23	23		
4 MULTIPLE RESOURCES USED (Please specify)	0	0		
5	0	0		
6	0	0		
7.	0	0		
D. ADR ATTEMPTS (1+2+3+4+5+6+7+8+9+10+11)	851	846	52609	61.82
1 MEDIATION	799	794	49547	62.01
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	46	46	2984	64.87
6 OMBUDS	6	6	78	13.00
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
E. STATUS OF CASES	COUNSELINGS	INDIVIDUALS	DAYS	AVERAGE DAYS
1 TOTAL CLOSED (a+b+c+d+e+f)	906	897	47925	52.90
a. SETTLEMENTS WITH BENEFITS (Monetary and Non-monetary)	164	164	9422	57.45
b NO FORMAL COMPLAINT FILED	334	331	13576	40.65
c NO RESOLUTION	325	324	20859	64.18
d NO ADR ATTEMPT	83	82	4068	49.01
e	0	0	0	0.00
f	0	0	0	0.00
2. OPEN INVENTORY - ADR PENDING	158	158	10645	67.37

**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 2005

PART XI - SUMMARY OF ADR PROGRAM ACTIVITIES

FORMAL PHASE

	COMPLAINTS	COMPLAINANTS	DAYS	AVERAGE DAYS
A. ADR PENDING FROM PREVIOUS REPORTING PERIOD	18	18		
B. ADR ACTIONS FOR CURRENT REPORTING PERIOD				
1. ADR OFFERED	561	543		
2. REJECTED BY COMPLAINANT	505	487		
3. REJECTED BY AGENCY	0	0		
4. TOTAL ACCEPTED INTO ADR	56	56		
C. RESOURCES USED (1+2+3+4+5+6+7)	46	46		
1. INHOUSE	5	5		
2. ANOTHER FEDERAL AGENCY	39	39		
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		
D. ADR ATTEMPTS (1+2+3+4+5+6+7+8+9+10+11+12)	46	46	1470	31.96
1. MEDIATION	45	45	1469	32.64
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	0	0	0	0.00
6. OMBUDS	1	1	1	1.00
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
E. STATUS OF CASES	COMPLAINTS	COMPLAINANTS	DAYS	AVERAGE DAYS
1. TOTAL CLOSED (a+b+c+d+e+f)	42	42	1668	39.71
a. SETTLEMENTS WITH BENEFITS (Monetary and Non-monetary)	12	12	271	22.58
b. WITHDRAWAL FROM EEO PROCESS	5	5	127	25.40
c. NO RESOLUTION	25	25	1270	50.80
d.	0	0	0	0.00
e.	0	0	0	0.00
f.	0	0	0	0.00
2. OPEN INVENTORY - ADR PENDING	32	32	1462	45.69
F. BENEFITS RECEIVED	COMPLAINTS	COMPLAINANTS	AMOUNT	
1. MONETARY (INSERT TOTAL)	3	3	\$ 32000.00	
a. COMPENSATORY DAMAGES	1	1	\$ 27500.00	
b. BACKPAY/FRONTPAY	0	0	\$ 0.00	
c. LUMP SUM	0	0	\$ 0.00	
d. ATTORNEY S FEES AND COSTS	2	2	\$ 4500.00	
e.	0	0	\$ 0.00	
f.	0	0	\$ 0.00	
g.	0	0	\$ 0.00	
2. NON-MONETARY (INSERT TOTAL)	10	10		
a. NEW HIRES	0	0		
b. PROMOTIONS	0	0		
c. REINSTATEMENTS	2	2		
d. EXPUNGEMENTS	1	1		
e. TRANSFERS	2	2		
f. REMOVALS RESCINDED AND VOLUNTARY RESIGNATIONS	1	1		
g. REASONABLE ACCOMMODATIONS	0	0		
h. TRAINING	1	1		
i. APOLOGY	0	0		
j. Improved terms/conditions of employment	6	6		
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 2005

PART XII - SUMMARY OF ADR PROGRAM ACTIVITIES

TRAINING AND RESOURCES

A. BASIC ADR ORIENTATION TRAINING		NUMBER IN TOTAL WORKFORCE	TRAINED BY END OF REPORTING PERIOD
1.	MANAGERS	19258	11054
2.	EMPLOYEES	138264	61618
		NUMBER IN TOTAL WORKFORCE	
B. MANAGERS AND EMPLOYEES IN TOTAL WORKFORCE THAT CAN PARTICIPATE IN ADR		157522	
C. IN HOUSE STAFF RESOURCES AVAILABLE FOR ADR		NUMBER IN TOTAL WORKFORCE	
		121	
1	FULL TIME	14	
2	PART TIME	1	
3.	COLLATERAL DUTY	106	
D. ADR FUNDING SPENT		AMOUNT	
		\$ 538682.41	


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 2004 through September 30 2005 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: **Junish A Arora, Senior EEO Complaints Manager**

SIGNATURE OF PREPARER: 

DATE: 12/6/2005 TELEPHONE NUMBER: 202-205-7867 E-MAIL: junish.arora@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

TSA - I.B Counselings - Requests for counseling are initially routed through TSA's ADR process.
CIS - I.D 1 Counselings - The pending end value from the previous year (FY04) has been adjusted to 27 based on this years audit.
ICE - I.D 1 Counselings - The pending end value from the previous year (FY04) has been adjusted to 64 based on this years audit
ICE - I.D 1 Individuals - The pending end value from the previous year (FY04) has been adjusted to 64 based on this years audit

Part 2

TSA - II A - This difference is due to records reconciliation during FY05
FEMA - II A - One case was counted as one and it should have reflected a count of two, which was not recognized until after the submission of the FY04 EEOC Form 462 Report
FLETC - II A - That was the number of complaints on hand at the beginning of FY05.
CIS - II.A - This was adjusted due to FY05 audit.
ICE - II A - This was adjusted due to FY05 audit.
CBP - II.A - This includes complaints transferred from INS/DOJ to DHS/CBP.
CIS - II B - There was an increase in formal filings for FY05
FEMA - II B - There was a larger volume of complaints based on higher employment and the release of Disaster Assistance Employees (DAE's) for the fiscal year.
FLETC - II B - That was the number of formal complaints filed during FY05
TSA - II B - This difference is due to a reduction of backlog

Part 3

TSA - III.A 2 Number - The difference is due to some counselors leaving due to retirement, job changes, etc.
FEMA - III B. 1 Coun/Agency - As a result of several disasters and mission requirements, noted staff were deployed and will attend requisite training at a later date
DHS HQ - III B.1 Coun/Agency - Contract personnel (both EEO Counselors and Investigators) were certified as having the required training as outlined in EEO-MD-110 during FY05 prior to awarding the contract. Follow-up will be performed.
DHS HQ - III C 2 Person - The Officer for Civil Rights and Civil Liberties reports directly to the Secretary, Department of Homeland Security

Part 4

CBP - VIII A Number Pending - It appears that all the required fields have been completed, however, the system only reflects 99% completion

Part 6

TSA - VI A Number - This difference is due to a reduction of backlog
DHS HQ - VI A Number - Complaints received are pending investigation/closure.
CBP - VI A Number - Most of the cases listed were carry-overs from the creation of DHS
USSS - VI.A Number - The data is correct; 18 cases were closed during FY05 Total days were due to 3 cases that were over 1300 days or more and previously handled by another agency
ICE - VI A Number - Increased closure rate in FY05.
FLETC - VI A Number - There were 15 closures in FY05
CIS - VI A Number - Increased closure rate in FY05.
CIS - VI B Number - Increased decisions in FY 05.
FEMA - VI.B Number - There was an increase in final agency decisions and dismissals rendered by the Department In regards to average days, the Department took longer on average to issue a final agency decision.
ICE - VI B Number - Increased closure rate in FY 05.
CBP - VI B Number - Most of these cases were transferred from DOJ/INS to DHS/CBP
TSA - VI C Number - This increase is due to reduction in backlog

FEMA - VI C Number - There were less final orders rendered during FY05

Part 7

FLETC - VII.A Number - Nine complaints were settled at the formal stage during the fiscal year.
FEMA - VII A Number - Complainants were more willing to continue the process of their complaints than to settle
FLETC - VII A Number - Nine complaints were settled at the formal stage during the fiscal year.
ICE - VII A Number - There was a lower number of settlement agreements and findings in FY05.
CIS - VII.A Number - There was an increased number of settlement agreements in FY05.
TSA - VII A Number - The increase in "Total complaints closed with corrective action" is due to the amount of formal complaints at hearing before the EEOC
CBP - VII A Number - As a result of the creation of DHS, complaint activity trends may vary.
CBP - VII C Number - As a result of the creation if DHS, complaint activity trends may vary.
TSA - VII.C Number - This decrease is due to an increase of formal complaints at hearing before the EEOC being settled
ICE - VII C Number - There was a lower number of settlement agreements and findings in FY05
ICE - VII D Number - There was a lower number of settlement agreements and findings in FY05
CBP - VII D Number - As a result of the creation of DHS, complaint activity trends may vary.
TSA - VII D Number - The increase in "Closures with compensatory damages " is due to formal complaints at hearing before the EEOC being settled.
TSA - VII.E Number - The increase in "Closures with attorney's fees and costs " is due to formal complaints at hearing before the EEOC being settled
ICE - VII E Number - There was a lower number of settlement agreements and findings in FY05

Part 8

CIS - VIII A 1 Average Days - All FY05 acknowledgment letters were issued

Appendix A – Comments (continued)

ICE - VIII A 1 Average Days - All FY05 acknowledgment letters were issued
DHS HQ - VIII A 1 Average Days - Working with complainant on mediation request
CBP - VIII A 1 Average Days - All FY05 acknowledgment letters were issued.
TSA - VIII A 1 Average Days - This increase is due to the reduction of backlog.
TSA - VIII A 1 Number Pending - This decrease is due to the reduction of backlog
CBP - VIII.A.1 Number Pending - All FY05 acknowledgment letters were issued
ICE - VIII A 1 Number Pending - All FY05 acknowledgment letters were issued.
CIS - VIII.A 1 Number Pending - All FY05 acknowledgment letters were issued
FEMA - VIII A 2 Average Days - There was a sufficient increase of DAEs hires during the fiscal year which caused an increase of complaints when individuals were released.
FLETC - VIII.A 2 Average Days - The average days for processing cases fell in 2005.
ICE - VIII.A.2 Average Days - Budget constraints in FY05 delayed investigations
USSS - VIII A.2 Average Days - Information is correct; the oldest case was delayed due to complainant taking 3 months to provide a rebuttal.
CBP - VIII A 2 Average Days - The oldest complaint was amended twice prior to the completion of investigation.
TSA - VIII.A 2 Average Days - This increase is due to the reduction of backlog.
CBP - VIII.A.2 Number Pending - In FY04, the number excluded the complaints pending acknowledgement In FY05, all the acknowledgment letters were issued therefore, pending investigations are greater.
ICE - VIII A 2 Number Pending - Budget constraints in FY05 delayed investigations
CIS - VIII.A.2 Number Pending - There was an increase in formal complaint filings in FY05
FEMA - VIII A 2 Number Pending - There was a sufficient increase of DAEs hires during the fiscal year, which caused an increase of complaints when individuals were released.
CBP - VIII A 3 Average Days - A number of complaints exceeding 900 days are still pending an A/J's decision and final agency decision/action
TSA - VIII A 3 Average Days - This increase is due to the reduction of backlog
TSA - VIII.A.3 Number Pending - This increase is due to the reduction of backlog.
ICE - VIII.A 3 Number Pending - There was an increase in EEOC decisions in FY05.
FEMA - VIII A 3 Number Pending - There was a sufficient increase of DAEs hires during the fiscal year, which caused an increase of complaints when individuals were released.
CIS - VIII.A 4 Average Days - There was a higher closure rate in FY05
TSA - VIII A 4 Average Days - This increase is due to the reduction of backlog.
USCG - VIII A 4 Average Days - There were more complaints pending final agency action by the Department in FY05 than in FY04.
USCG - VIII A 4 Number Pending - There were more complaints pending final agency action by the Department in FY05 than in FY04
TSA - VIII A 4 Number Pending - This decrease is due to the reduction of backlog
CIS - VIII.A 4 Number Pending - There was a higher closure rate in FY05.
FEMA - VIII A 4 Number Pending - There was a sufficient increase of DAEs hires during the fiscal year which caused an increase of complaints when individuals were released
ICE - VIII A 4 Number Pending - There was an increase in final agency actions in FY05
CBP - VIII A 4 Number Pending - As a result of the creation of DHS many of the cases were carry-overs

Part 9

USSS - IX.A 1 Average Days - All investigations were contracted out for FY05.
USCG - IX A 1 Average Days - Fewer investigations were completed by agency personnel in FY05 than FY04.
TSA - IX A 1 Average Days - This is due to the elimination of backlog from the initial startup of agency
TSA - IX A 1 Total - This is due to the elimination of backlog from the initial startup of agency.
TSA - IX A 2 Total - This is due to the elimination of backlog from the initial startup of agency.
CBP - IX A 2 Total - A different formula was used to calculate cost in FY04.
CBP - IX.A.3 Average Days - No contract investigations completed by CBP. The average timeframe was provided by INS.
USSS - IX.A.3 Average Days - All investigations are contacted out for FY05 One investigation over the required days was due to complainant amending the complaint multiple times throughout the process and eventually filing an additional complaint that was consolidated with first complaint Another investigation was delayed due to complainant constantly adding additional documents making ROI voluminous.
FLETC - IX.A.3 Average Days - The total cost of the investigations was more in FY05 than FY04.
CIS - IX A 3 Average Days - FY05 investigations were completed in a timely manner.
FEMA - IX.A.3 Total - There was a larger volume of complaints based on the hiring of DAEs for the various disasters of the fiscal year
ICE - IX A.3 Total - There were FY05 budget restraints.
FLETC - IX.A.3 Total - There were more investigations in FY05 than FY04.
CBP - IX A 3 Total - CBP did not use contractor investigators in FY04. The 97 investigations were for INS complaints reassigned to CBP
TSA - IX.A 3 Total - This is due to the elimination of backlog from the initial startup of agency
USCG - IX A 3 Total - More investigations were completed in FY05 than FY04.
USCG - IX A 4 Total - More money was spent on contractor investigations in FY05 than FY04 because more contractor investigations were completed in FY05 several FY04 complaints were carried over into FY05 for billing purposes, and the contract price increased in FY05.
TSA - IX A 4 Total - An increased number of investigations were conducted in an effort to eliminate backlog from initial startup of agency.
CBP - IX A 4 Total - No cost incurred in FY04 by CBP. Contract investigations were completed by INS prior to the reassignment of the complaints.
FLETC - IX.A.4 Total - The length of investigations was shorter in FY05 than FY04
USSS - IX A.4 Total - All investigations were contracted out for FY05
ICE - IX A 4 Total - FY05 cost includes administrative costs.
CIS - IX A 4 Total - FY05 investigations completed in FY05 were lower than FY04.
FEMA - IX A 4 Total - There was a larger volume of hires of DAEs for the various disasters of the fiscal year.

Part 10

DHS HQ - X A Counselings - There were 8 ADR offers: 3 accepted 2 declined and 3 are pending.
USCG - X A Counselings - The one open inventory that was reported in FY04 should have been reported in FY04 as ADR during the formal phase.
USCG - X A Days - The one open inventory that was reported in FY04 should have been reported in FY04 as ADR during the formal phase

Appendix A – Comments (continued)

USCG - X A Individuals - The one open inventory that was reported in FY04 should have been reported in FY04 as ADR during the formal phase

Part 11

ICE - XI A Complainants - The pending end value from FY04 has been adjusted to 2 based on the FY05 audit.

ICE - XI A Complainants - The pending end value from FY04 has been adjusted to 2 based on the FY05 audit.

FLETC - XI.E.1 Complainants - The complainant filed a formal complaint on 6/10/04 and withdrew on 10/15/04 for a total of 127 days still within the regulatory time period for investigations

TSA - XI.E 1 b Complainants - The number of days was unavailable due to ongoing record reconciliation efforts.

Part 12

TSA - XII.B Total Workforce - The manpower size of the Federal Air Marshals, who recently rejoined TSA, is top-secret information and may not be revealed

USCG - XII.C In house staff resources - These functions have been and will be performed by mediators provided through the departmental shared neutrals program or selected from the GSA schedule.

DHS - XII.D Total Workforce - Note that the DHS Office for Civil Rights and Civil Liberties (CRCL) provided the following funding to its components for mediations: \$9751 60 (ICE); \$15161 20 (USCG); and \$4405 (HQ)