

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

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

ENCY OR DEPARTMENT: Department of Homeland Security

REPORTING PERIOD: FY 2006

**PART I - PRE-COMPLAINT COUNSELING**

EEO COUNSELOR	COUNSELINGS	
	COUNSELINGS	INDIVIDUALS
<b>A. TOTAL COMPLETED/ENDED COUNSELINGS</b>	<b>2223</b>	<b>2148</b>
1. COUNSELED WITHIN 30 DAYS	756	725
2. COUNSELED WITHIN 31 TO 90 DAYS	1053	1042
a. COUNSELED WITHIN WRITTEN EXTENSION PERIOD NO LONGER THAN 60 DAYS	525	516
b. COUNSELED WITHIN 90 DAYS WHERE INDIVIDUAL PARTICIPATED IN ADR	554	552
3. COUNSELED BEYOND 90 DAYS	414	411
4. COUNSELED DUE TO REMANDS	0	0

ADR INTAKE OFFICER	COUNSELINGS	
	COUNSELINGS	INDIVIDUALS
<b>B. TOTAL COMPLETED/ENDED COUNSELINGS</b>	<b>0</b>	<b>0</b>
1. COUNSELED WITHIN 30 DAYS	0	0
2. COUNSELED WITHIN 31 TO 90 DAYS	0	0
a. COUNSELED WITHIN WRITTEN EXTENSION PERIOD NO LONGER THAN 60 DAYS	0	0
b. COUNSELED WITHIN 90 DAYS WHERE INDIVIDUAL PARTICIPATED IN ADR	0	0
3. COUNSELED BEYOND 90 DAYS	0	0

COMBINED TOTAL	COUNSELINGS	
	COUNSELINGS	INDIVIDUALS
<b>C. TOTAL COMPLETED/ENDED COUNSELINGS</b>	<b>2223</b>	<b>2148</b>
1. COUNSELED WITHIN 30 DAYS	756	725
2. COUNSELED WITHIN 31 TO 90 DAYS	1053	1042
a. COUNSELED WITHIN WRITTEN EXTENSION PERIOD NO LONGER THAN 60 DAYS	525	516
b. COUNSELED WITHIN 90 DAYS WHERE INDIVIDUAL PARTICIPATED IN ADR	554	552
3. COUNSELED BEYOND 90 DAYS	414	411
4. COUNSELED DUE TO REMANDS	0	0

D. COUNSELING ACTIVITIES	COUNSELINGS	
	COUNSELINGS	INDIVIDUALS
1. ON HAND AT THE BEGINNING OF THE REPORTING PERIOD	305	295
2. INITIATED DURING THE REPORTING PERIOD	2726	2665
3. COMPLETED/ENDED COUNSELINGS	2223	2148
a. SETTLEMENTS (MONETARY AND NON-MONETARY)	215	215
b. WITHDRAWALS/NO COMPLAINT FILED	889	878
c. COUNSELINGS COMPLETED/ENDED IN REPORTING PERIOD THAT RESULTED IN COMPLAINT FILINGS IN REPORTING PERIOD	983	953
d. DECISION TO FILE COMPLAINT PENDING AT THE END OF THE REPORTING PERIOD	136	136
4. COUNSELINGS PENDING AT THE END OF THE REPORTING PERIOD	808	808

E. NON-ADR SETTLEMENTS WITH MONETARY BENEFITS	COUNSELINGS		
	COUNSELINGS	INDIVIDUALS	AMOUNT
<b>TOTAL</b>	<b>5</b>	<b>5</b>	<b>\$ 47334.00</b>
1. COMPENSATORY DAMAGES	0	0	\$ 0.00
2. BACKPAY/FRONTPAY	2	2	\$ 9334.00
3. LUMP SUM PAYMENT	3	3	\$ 33000.00
4. ATTORNEYS FEES AND COSTS	1	1	\$ 5000.00
5.	0	0	\$ 0.00
6.	0	0	\$ 0.00
7.	0	0	\$ 0.00

F. NON-ADR SETTLEMENTS WITH NON-MONETARY BENEFITS	COUNSELINGS	
	COUNSELINGS	INDIVIDUALS
<b>TOTAL</b>	<b>33</b>	<b>33</b>
1. NEW HIRES	10	10
2. PROMOTIONS	3	3
3. REINSTATEMENTS	1	1
4. EXPUNGEMENTS	2	2
5. TRANSFERS	3	3
6. REMOVALS RESCINDED AND VOLUNTARY RESIGNATIONS	1	1
7. REASONABLE ACCOMMODATIONS	2	2
8. TRAINING	1	1
9. APOLOGY	1	1
10. APPRAISAL/EVALUATION MODIFIED	3	3
11. DISCIPLINE RESCINDED/MODIFIED	3	3
12. IMPROVED TERMS/CONDITIONS OF EMPLOYMENT	5	5

G. ADR SETTLEMENTS WITH MONETARY BENEFITS	COUNSELINGS		
	COUNSELINGS	INDIVIDUALS	AMOUNT
<b>TOTAL</b>	<b>10</b>	<b>10</b>	<b>\$ 26585.00</b>
1. COMPENSATORY DAMAGES	0	0	\$ 0.00
2. BACKPAY/FRONTPAY	1	1	\$ 0.00
3. LUMP SUM PAYMENT	5	5	\$ 15085.00
4. ATTORNEYS FEES AND COSTS	4	4	\$ 11500.00
5.	0	0	\$ 0.00
6.	0	0	\$ 0.00
7.	0	0	\$ 0.00

H. ADR SETTLEMENTS WITH NON-MONETARY BENEFITS	COUNSELINGS	
	COUNSELINGS	INDIVIDUALS
<b>TOTAL</b>	<b>176</b>	<b>176</b>
1. NEW HIRES	0	0
2. PROMOTIONS	5	5
3. REINSTATEMENTS	5	5
4. EXPUNGEMENTS	14	14
5. TRANSFERS	19	19
6. REMOVALS RESCINDED AND VOLUNTARY RESIGNATIONS	4	4
7. REASONABLE ACCOMMODATIONS	4	4
8. TRAINING	15	15
9. APOLOGY	24	24
10. APPRAISAL/EVALUATION MODIFIED	26	26
11. DISCIPLINE RESCINDED/MODIFIED	28	28
12. IMPROVED TERMS/CONDITIONS OF EMPLOYMENT	57	57



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

ISSUES OF ALLEGED DISCRIMINATION	BASES OF ALLEGED DISCRIMINATION														AGE	DISABILITY		TOTAL BASES BY ISSUE	TOTAL COMPLAINTS BY ISSUE	TOTAL COMPLAINTS BY ISSUE
	RACE				COLOR	RELIGION	REPRISAL	SEX		NATIONAL ORIGIN		EQUAL PAY ACT		MENTAL		PHYSICAL				
	AMER INDIAN/ALASKAN NATIVE	ASIAN PACIFIC ISLANDER	BLACK	WHITE				MALE	FEMALE	HISPANIC	OTHER	MALE	FEMALE							
A. APPOINTMENT HIRE	2	1	7	3	5	0	9	4	6	3	6			14	1	13	74	40	38	
B. ASSIGNMENT OF DUTIES	0	0	13	6	4	4	23	5	16	4	4			17	2	11	109	53	49	
C. AWARDS	0	0	9	1	4	1	11	1	9	3	1			7	0	3	50	14	13	
D. CONVERSION TO FULL TIME	0	0	0	0	0	0	0	0	0	0	0			1	0	0	1	1	1	
E. DISCIPLINARY ACTION	5	5	19	10	9	2	53	10	25	15	6			28	7	16	210	100	99	
1. DEMOTION	1	1	1	0	1	0	0	2	1	1	1			1	0	1	11	7	7	
2. REPRIMAND	3	1	5	2	2	0	9	1	5	4	2			4	1	0	39	20	20	
3. SUSPENSION	1	0	7	4	3	1	29	5	10	5	0			10	1	4	80	34	34	
4. REMOVAL	0	2	3	3	2	0	6	1	4	2	2			8	2	6	41	20	20	
REASSIGNMENT	0	1	2	1	1	1	7	1	4	1	0			4	3	5	31	14	13	
ADMONISHMENT/COUNSELING	0	0	1	0	0	0	2	0	1	2	1			1	0	0	8	5	5	
7.	0	0	0	0	0	0	0	0	0	0	0			0	0	0	0	0	0	
F. DUTY HOURS	0	0	0	0	0	0	5	1	3	2	1			2	1	2	17	13	13	
G. EVALUATION/APPRaisal	0	0	11	2	3	1	14	5	4	4	1			9	2	6	62	33	32	
H. EXAMINATION/TEST	0	0	3	1	1	0	0	2	1	0	2			3	0	1	14	4	4	
I. HARASSMENT	2	6	62	19	31	15	108	23	103	19	20			60	16	57	541	267	249	
1. NON-SEXUAL	2	6	62	19	31	15	101	21	64	19	20			60	16	57	493	231	214	
2. SEXUAL							7	2	39								48	36	35	
J. MEDICAL EXAMINATION	0	0	2	0	0	0	3	0	0	1	0			4	0	6	16	5	5	
K. PAY INCLUDING OVERTIME	0	0	6	2	2	0	14	3	4	6	2	0	1	5	2	5	52	27	27	
L. PROMOTION/NON-SELECTION	4	3	67	16	27	12	79	25	49	35	24			136	4	30	511	277	258	
M. REASSIGNMENT	0	0	9	1	4	3	25	3	19	6	1			24	3	10	108	44	43	
1. DENIED	0	0	4	1	1	2	6	3	8	2	0			1	1	2	31	14	13	
2. DIRECTED	0	0	5	0	3	1	19	0	11	4	1			23	2	8	77	30	30	
N. REASONABLE ACCOMMODATION						3	8								3	26	40	29	29	
O. REINSTATEMENT	0	0	1	0	0	0	1	0	0	0	0			1	0	0	3	2	2	
P. RETIREMENT	0	0	0	0	1	1	0	0	0	1	0			1	0	0	4	3	3	
Q. TERMINATION	0	2	21	5	8	9	37	13	20	10	8			25	8	28	194	107	106	
R. TERMS/CONDITIONS OF EMPLOYMENT	1	2	29	6	19	11	64	11	28	14	11			20	7	8	231	116	114	
S. TIME AND ATTENDANCE	0	1	11	1	5	5	18	6	11	0	1			5	4	11	79	40	35	
T. TRAINING	0	0	9	0	6	4	13	4	9	2	2			13	1	6	69	28	28	
U. OTHER (Please specify below)																				
RELEASE FROM TEMPORARY POSITION	0	0	3	3	0	1	3	2	10	11	3			6	3	9	54	20	18	
2.	0	0	0	0	0	0	0	0	0	0	0			0	0	0	0	0	0	
3.	0	0	0	0	0	0	0	0	0	0	0			0	0	0	0	0	0	
4.	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	
TOTAL ISSUES BY BASES	14	20	282	76	129	72	488	118	317	136	93	0	1	381	64	248				
TOTAL COMPLAINTS FILED BY BASES	14	16	192	54	76	51	346	76	207	106	70	0	1	296	39	156				
TOTAL COMPLAINANTS BY BASES	13	16	183	54	71	50	320	76	205	101	70	0	1	287	38	152				

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**PART V - SUMMARY OF CLOSURES BY STATUTE**

<b>A. STATUTE</b> (IF A SINGLE COMPLAINT HAS MULTIPLE STATUTES RECORD EACH ON THE APPROPRIATE LINE.)	
<u>1052</u>	1. TITLE VII
<u>381</u>	2. AGE DISRIMINATION IN EMPLOYMENT ACT (ADEA)
<u>303</u>	3. REHABILITATION ACT
<u>1</u>	4. EQUAL PAY ACT (EPA)
<b>B. TOTAL BY STATUTES</b>	
<u>1737</u>	THIS NUMBER MAY BE LARGER THAN THE TOTAL NUMBER OF COMPLAINTS CLOSED.
<small>(A1+A2+A3+A4)</small>	

**PART VI - SUMMARY OF CLOSURES BY CATEGORY**

	TOTAL NUMBER	TOTAL DAYS	AVERAGE DAYS
<b>A. TOTAL NUMBER OF CLOSURES</b> (1+2+3)	<b>1195</b>	<b>667096</b>	<b>558.24</b>
1. WITHDRAWALS	85	17800	209.41
a. NON-ADR WITHDRAWALS	83	17776	214.17
b. ADR WITHDRAWALS	2	24	12.00
2. SETTLEMENTS	204	79769	391.02
a. NON-ADR SETTLEMENTS	191	77388	405.17
b. ADR SETTLEMENTS	13	2381	183.15
3. FINAL AGENCY DECISIONS (B+C)	906	569527	628.62
<b>B. FINAL AGENCY DECISIONS WITHOUT AN ADMINISTRATIVE JUDGE DECISION</b> (1+2+3)	<b>570</b>	<b>271480</b>	
1. FINDING DISCRIMINATION	3	3687	1229.00
2. FINDING NO DISCRIMINATION	263	190035	722.57
3. DISMISSAL OF COMPLAINTS	304	77758	255.78
<b>C. FINAL AGENCY ACTIONS WITH AN ADMINISTRATIVE JUDGE (AJ) DECISION</b> (1+2)	<b>336</b>	<b>298046</b>	
1. AJ DECISION FULLY IMPLEMENTED (a+b)	329	290136	
(a) FINDING DISCRIMINATION	14	19913	1422.36
(b) FINDING NO DISCRIMINATION	299	259868	869.12
(c) DISMISSAL OF COMPLAINTS	16	10355	647.19
2. AJ DECISION NOT FULLY IMPLEMENTED (a+b+c)	7	7910	
(a) FINDING DISCRIMINATION (i+ii+iii)	7	7910	1130.00
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	7	7910	1130.00
(b) FINDING NO DISCRIMINATION	0	0	0.00
(c) DISMISSAL OF COMPLAINTS	0	0	0.00

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**AGENCY OR DEPARTMENT:** Department of Homeland Security **REPORTING PERIOD:** FY 2006

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

	TOTAL NUMBER	TOTAL DAYS	AVERAGE DAYS
<b>D. FINAL AGENCY MERIT DECISIONS (FAD) ISSUED</b> (1+2+3)	266	106328	399.73
1. COMPLAINANT REQUESTED IMMEDIATE FAD (1a+1b)	123	48984	398.24
a. AGENCY ISSUED FAD WITHIN 60 DAYS OF RECEIPT OF FAD REQUEST	1	36	36.00
b. AGENCY ISSUED FAD MORE THAN 60 DAYS BEYOND RECEIPT OF FAD REQUEST	122	48948	401.21
2. COMPLAINANT DID NOT ELECT HEARING OR FAD (2a+2b)	75	28250	376.67
a. AGENCY ISSUED FAD WITHIN 60 DAYS OF END OF 30-DAY ELECTION PERIOD	1	42	42.00
b. AGENCY ISSUED FAD MORE THAN 60 DAYS BEYOND END OF 30-DAY ELECTION PERIOD	74	28208	381.19
3. HEARING REQUESTED; AJ REMANDED FOR FAD WITHOUT AJ DECISION (3a+3b)	68	29094	427.85
a. AGENCY ISSUED FAD WITHIN 60 DAYS OF RECEIPT OF AJ REMAND FOR FAD ISSUANCE	2	86	43.00
b. AGENCY ISSUED FAD MORE THAN 60 DAYS AFTER RECEIPT OF AJ REMAND FOR FAD ISSUANCE	66	29008	439.52

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

		AMOUNT
A. TOTAL COMPLAINTS CLOSED WITH CORRECTIVE ACTION	221	
B. CLOSURES WITH MONETARY BENEFITS TO COMPLAINANT	71	\$ 2074432.43
1. BACK PAY/FRONT PAY	10	\$ 101005.36
2. LUMP SUM PAYMENT	55	\$ 1856927.07
3. COMPENSATORY DAMAGES	7	\$ 116500.00
C. CLOSURES WITH ATTORNEY'S FEES AND COSTS	46	\$ 672216.30
D. SUBTOTAL OF ALL MONETARY BENEFITS (B+C)	116	\$ 2746648.73
E. CLOSURES WITH NON-MONETARY BENEFITS	135	
F. TYPES OF CORRECTIVE ACTION	NUMBER OF CLOSURES WITH MONETARY BENEFITS	NUMBER OF CLOSURES WITH NON-MONETARY BENEFITS
1. HIRE	7	5
a. RETROACTIVE	7	2
b. NON-RETROACTIVE	0	3
2. PROMOTION	15	15
a. RETROACTIVE	13	10
b. NON-RETROACTIVE	2	5
3. DISCIPLINARY ACTION	4	13
a. RESCINDED	0	9
b. MODIFIED	4	4
4. REINSTATEMENT	6	3
5. REASSIGNMENT	12	18
6. PERFORMANCE EVALUATION MODIFIED	12	12
7. PERSONNEL FILE PURGED OF ADVERSE MATERIAL	12	42
8. ACCOMMODATION	2	2
9. TRAINING/TUITION/ETC.	11	11
10. LEAVE RESTORED	11	2
11. TRAINING FOR RMOS	8	14
12. POSTINGS	10	1
13. IMPROVED TERMS/CONDITIONS OF EMPLOYMENT	12	12

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

A. TOTAL COMPLAINTS PENDING (SAME AS PART II Line I) (1+2+3+4)	NUMBER PENDING	NUMBER OF DAYS	AVERAGE DAYS	NUMBER OF DAYS PENDING FOR OLDEST CASE
	2001	1259456		
1. COMPLAINTS PENDING WRITTEN NOTIFICATION	28	397	14.18	64
2. COMPLAINTS PENDING IN INVESTIGATION	618	138086	223.44	2430
3. COMPLAINTS PENDING IN HEARINGS	608	553050	909.62	5007
4. COMPLAINTS PENDING A FINAL AGENCY DECISION	747	567923	760.27	3062

**PART IX - SUMMARY OF INVESTIGATIONS COMPLETED**

		TOTAL	TOTAL DAYS	AVERAGE DAYS
A. INVESTIGATIONS COMPLETED DURING REPORTING PERIOD	(1+3)	796	221905	
1. INVESTIGATIONS COMPLETED BY AGENCY PERSONNEL	(a+b+c)	48	14314	298.21
a. INVESTIGATIONS COMPLETED IN 180 DAYS OR LESS		18	2475	137.50
b. INVESTIGATIONS COMPLETED IN 181 - 360 DAYS		18	4061	225.61
1. TIMELY COMPLETED INVESTIGATIONS		5	1122	224.40
2. UNTIMELY COMPLETED INVESTIGATIONS		13	2939	226.08
c. INVESTIGATIONS COMPLETED IN 361 OR MORE DAYS		12	7778	648.17
2. COST OF AGENCY INVESTIGATIONS		\$ 96295.00		
3. INVESTIGATIONS COMPLETED BY CONTRACTORS	(a+b+c)	748	207591	277.53
a. INVESTIGATIONS COMPLETED IN 180 DAYS OR LESS		146	20583	140.98
b. INVESTIGATIONS COMPLETED IN 181 - 360 DAYS		468	119362	255.05
1. TIMELY COMPLETED INVESTIGATIONS		85	21785	256.29
2. UNTIMELY COMPLETED INVESTIGATIONS		383	97577	254.77
c. INVESTIGATIONS COMPLETED IN 361 OR MORE DAYS		134	67646	504.82
4. COST OF CONTRACTOR INVESTIGATIONS		\$ 2492656.46		

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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	158	158		
B. ADR ACTIONS IN COMPLETED/ENDED COUNSELINGS				
1. ADR OFFERED	1689	1668		
2. REJECTED BY COMPLAINANT	707	686		
3. REJECTED BY AGENCY	27	27		
4. TOTAL ACCEPTED INTO ADR	955	955		
C. ADR RESOURCES USED IN COMPLETED/ENDED COUNSELINGS (1+2+3+4+5+6+7)	672	670		
1. INHOUSE	139	139		
2. ANOTHER FEDERAL AGENCY	168	166		
3. PRIVATE ORGANIZATIONS, (e.g., CONTRACTORS, BAR ASSOCIATIONS, INDIVIDUAL VOLUNTEERS OR COLLEGE/UNIVERSITY PERSONNEL)	365	365		
4. MULTIPLE RESOURCES USED (Please specify)	0	0		
5.	0	0		
6.	0	0		
7.	0	0		
D. ADR ATTEMPTS IN COMPLETED/ENDED COUNSELINGS (1+2+3+4+5+6+7+8+9+10+11)	672	670	44610	66.38
1. MEDIATION	610	608	41230	67.59
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	49	49	3260	66.53
6. OMBUDSMAN	11	11	90	8.18
7. PEER REVIEW	0	0	0	0.00
8. MULTIPLE TECHNIQUES USED (Please specify)	2	2	30	15.00
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)	955	955	67731	70.92
a. SETTLEMENTS WITH BENEFITS (Monetary and Non-monetary)	178	178	10716	60.20
b. NO FORMAL COMPLAINT FILED	230	230	15546	67.59
c. NO RESOLUTION	356	356	26963	75.74
d. NO ADR ATTEMPT	191	191	14506	75.95
e.	0	0	0	0.00
f.	0	0	0	0.00
2. OPEN INVENTORY - ADR PENDING	38	38	1232	32.42

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

**FORMAL PHASE**

		COMPLAINTS	COMPLAINANTS	DAYS	AVERAGE DAYS
<b>A. ADR PENDING FROM PREVIOUS REPORTING PERIOD</b>		10	10		
<b>B. ADR ACTIONS IN COMPLAINT CLOSURES</b>					
1.	ADR OFFERED	320	320		
2.	REJECTED BY COMPLAINANT	280	280		
3.	REJECTED BY AGENCY	2	2		
4.	TOTAL ACCEPTED INTO ADR	38	38		
<b>C. ADR RESOURCES USED IN COMPLAINT CLOSURES (1+2+3+4+5+6+7)</b>		31	31		
1.	INHOUSE	20	20		
2.	ANOTHER FEDERAL AGENCY	6	6		
3.	PRIVATE ORGANIZATIONS, (e.g., CONTRACTORS, BAR ASSOCIATIONS, INDIVIDUAL VOLUNTEERS OR COLLEGE/UNIVERSITY PERSONNEL)	5	5		
4.	MULTIPLE RESOURCES USED (Please specify)	0	0		
5.		0	0		
6.		0	0		
7.		0	0		
<b>D. ADR ATTEMPTS IN COMPLAINT CLOSURES (1+2+3+4+5+6+7+8+9+10+11+12)</b>		31	31	1638	52.84
1.	MEDIATION	30	30	1617	53.90
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.	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)	1	1	21	21.00
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.	<b>TOTAL CLOSED (a+b+c+d+e+f)</b>	38	38	3495	91.97
a.	SETTLEMENTS WITH BENEFITS (Monetary and Non-monetary)	13	13	2363	181.77
b.	WITHDRAWAL FROM EEO PROCESS	2	2	24	12.00
c.	NO RESOLUTION	20	20	918	45.90
d.	NO ADR ATTEMPT	3	3	190	63.33
e.		0	0	0	0.00
f.		0	0	0	0.00
2.	<b>OPEN INVENTORY - ADR PENDING</b>	2	2	50	25.00
<b>F. BENEFITS RECEIVED</b>		<b>COMPLAINTS</b>	<b>COMPLAINANTS</b>	<b>AMOUNT</b>	
1.	<b>MONETARY (INSERT TOTAL)</b>	3	3	\$ 19900.00	
a.	COMPENSATORY DAMAGES	0	0	\$ 0.00	
b.	BACKPAY/FRONTPAY	0	0	\$ 0.00	
c.	LUMP SUM	3	3	\$ 19900.00	
d.	ATTORNEY'S FEES AND COSTS	0	0	\$ 0.00	
e.		0	0	\$ 0.00	
f.		0	0	\$ 0.00	
g.		0	0	\$ 0.00	
2.	<b>NON-MONETARY (INSERT TOTAL)</b>	10	10		
a.	NEW HIRES	1	1		
b.	PROMOTIONS	0	0		
c.	REINSTATEMENTS	0	0		
d.	EXPUNGEMENTS	2	2		
e.	TRANSFERS	4	4		
f.	REMOVALS RESCINDED AND VOLUNTARY RESIGNATIONS	1	1		
g.	REASONABLE ACCOMMODATIONS	1	1		
h.	TRAINING	1	1		
i.	APOLOGY	0	0		
j.	IMPROVED TERMS/CONDITIONS OF EMPLOYMENT	3	3		
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 2006

**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	22409	13488
2.	EMPLOYEES	146456	78380
B. EMPLOYEES THAT CAN PARTICIPATE IN ADR		168865	
C. IN HOUSE STAFF RESOURCES AVAILABLE FOR ADR		83	
1.	FULL TIME	9	
2.	PART TIME	3	
3.	COLLATERAL DUTY	71	
D. ADR FUNDING SPENT		AMOUNT	
		\$ 1750499.59	

**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, 2005 through September 30, 2006 are accurate and complete.

TYPED NAME AND TITLE OF CERTIFYING OFFICIAL: Carmen H Walker, Deputy Officer, EEO Programs, CRCL

SIGNATURE OF CERTIFYING OFFICIAL:

TYPED NAME AND TITLE OF PREPARER: Junish Arora, EEO Complaints Manager

SIGNATURE OF PREPARER:

DATE: 2/9/2007 TELEPHONE NUMBER: 202-357-8417 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 2

- CIS - II.A - This number was adjusted due to FY06 audit.
- CBP - II.A - There were 533 open complaints on hand at the end of FY05. An audit was conducted, revealing that 59 legacy Customs Service (37 from FY05; 22 from FY04) and 50 legacy INS cases were counted as pending FA when the FY05 462 report was prepared since the FA were received after the prior 462 reports were finalized. Therefore, the correct number of complaints on hand at the end of FY05 should be 424.
- CIS - II.A - An FY06 audit adjusted this number.
- ICE - II.A - This is the result of a transfer of cases back to TSA in FY06 and a data audit.
- FEMA - II.A - There was an increase in the processing of complaints, based on the various disasters and increase in Disaster Assistance Employees (DAEs) hiring.
- TSA - II.A - A review of last year's closures showed an additional 18 cases closed during FY05.
- ICE - II.B - There were fewer formal complaints filed in FY06.
- FEMA - II.B - Because of the major disasters and increase in DAEs, there was a 30% increase in complaints.
- DHS HQ - II.B - There were additional complaints received during the reporting period.

### Part 3

- CBP - III.A.1.a Number - Please note that full-time EEO managers or EEO specialists perform the EEO counseling functions. CBP does not utilize collateral duty staff to provide EEO counseling.
- CBP - III.B.1 Coun/Agency - CBP is not able to provide a specific number of individuals who performed contract investigations on behalf of CBP because we use investigative firms. CBP does not use specific individuals to conduct investigations. The contract requires each firm to certify that all investigators assigned to CBP cases meet all of the EEOC's requirements to conduct investigations into allegations of workplace discrimination.
- DHS HQ - III.C.2 Person - Daniel Sutherland, Officer for CRCL, reports to the Secretary, DHS.

### Part 6

- DHS HQ - VI.A Number - There were additional filings during FY06.
- USSS - VI.A Number - Data entered is correct.
- FEMA - VI.A Number - There was an increase in staff hiring of DAEs, based on the various disasters that caused an increase in the complaint filing.
- ICE - VI.A Number - There were fewer closures in FY06.
- CIS - VI.A Number - There were fewer decisions in FY06.
- TSA - VI.A Number - Work is being done to eliminate case inventory.
- ICE - VI.B Number - There were fewer decisions in FY06.
- CBP - VI.B Number - CBP - Part VI B2 - Average days is correct. Only 2 of the FADs issued were under 180 days; case age for the other 45 FADs ranged from 480 days to over 2000 days.
- CIS - VI.B Number - There were fewer decisions in FY06.
- A - VI.B Number - The data was provided by DHS spreadsheets and database.
- CBP - VI.C Number - All final orders were issued after 450 days.
- ICE - VI.C Number - There were fewer decisions in FY06.
- USSS - VI.C Number - Data entered is correct.
- TSA - VI.C Number - Work is being done to eliminate the backlog of cases.
- USCG - VI.C.1.(a) Ave Days - 2 Cases are legacy Department of Treasury Civil Rights (DOCR) cases totaling 2324 days and averaging 1162 days per case.
- USCG - VI.C.1.(b) Ave Days - 5 Cases are old DOCR cases totaling 6,916 days and averaging 1,383.2 days per case.

### Part 7

- TSA - VII.A Number - There was an increase in settlements with non-monetary benefits.
- CIS - VII.C Number - There was an overall decrease in the number of complaints closed from FY05 to FY06.
- TSA - VII.C Number - There was a significant decrease in the amount of compensatory damages awarded.
- TSA - VII.D Number - There was an increase in non-monetary settlements.
- CIS - VII.E Number - Of the 18 closures, 10 had monetary benefits and 8 had no monetary benefits.

### Part 8

- DHS HQ - VIII.A.1 Average Days - There are no complaints pending acknowledgment.
- TSA - VIII.A.1 Average Days - There was an effort to eliminate backlog.
- TSA - VIII.A.1 Number Pending - Acknowledgment letters were not signed prior to end of FY06.
- USSS - VIII.A.2 Average Days - Data entered is correct.
- DHS HQ - VIII.A.2 Average Days - There was the untimely acceptance of a complaint during the reporting period.
- ICE - VIII.A.2 Number Pending - The number of formal complaints filed from FY05 to FY06 dropped by over 30%.
- USCG - VIII.A.2 Number Pending - USCG received a group complaint consisting of 10 cases.
- CBP - VIII.A.2 Number Pending - CRCL returned complaint at 2430 days old for supplemental investigation.
- TSA - VIII.A.2 Number Pending - There was an effort to eliminate backlog.
- FEMA - VIII.A.2 Number Pending - There was a large volume of complaints based on the increased hiring of DAEs for the various disasters.
- DHS HQ - VIII.A.2 Number Pending - There were additional complaints filed during FY06.
- CBP - VIII.A.3 Ave Days - There were 63 complaints pending hearing at EEOC that were over 1000 days old; an additional 35 complaints were over 500 days old; therefore, there was an increase in the average case age.
- TSA - VIII.A.3 Average Days - There was an effort to eliminate backlog.
- DHS HQ - VIII.A.3 Average Days - As an investigation can take 180-360 days to complete, a hearing request that is 247 days old is within the regulatory timeframes.

## Appendix A – Comments (continued)

FLETC - VIII.A.3 Average Days - As there is only one hearing, there is a greater than usual statistical variation between FY05 and FY06 data.

USCG - VIII.A.3 Number Pending - This is the number of complaints that are awaiting a hearing.

A - VIII.A.3 Number Pending - There was an effort to eliminate backlog.

CBP - VIII.A.4 Ave Days - A number of complaints pending at FAD were over 800 days old, therefore, causing an increase in the case age.

TSA - VIII.A.4 Average Days - There was an effort to eliminate backlog.

ICE - VIII.A.4 Average Days - Final Agency Decisions will be issued in a more timely manner.

USSS - VIII.A.4 Average Days - Data entered is correct.

FLETC - VIII.A.4 Average Days - In FY05, there were only 3 complaints pending FAD/FA.

USCG - VIII.A.4 Average Days - While the agency has improved its processing procedure, it has also improved its processing time.

DHS HQ - VIII.A.4 Average Days - There was the untimely dismissal of a complaint during the reporting period.

CBP - VIII.A.4 Number Pending - An audit was conducted on the number of pending FADs and it was revealed 109 complaints from our pending inventory were erroneously counted in the FY05 462. The final orders were received after the 462 was completed. The closed complaints were not deducted from the pending inventory from the prior year's figures.

ICE - VIII.A.4 Number Pending - The number of formal complaints filed from FY05 to FY06 dropped by over 30%.

USCG - VIII.A.4 Number Pending - The Agency has improved its processing procedures.

TSA - VIII.A.4 Number Pending - There was an effort to eliminate backlog.

FEMA - VIII.A.4 Number Pending - There was a larger volume of complaints based on the hiring of DAEs for the various disasters.

### Part 9

TSA - IX.A.1 Total - TSA is still processing a sizeable backlog of cases.

CBP - IX.A.1 Total - Agency personnel conducted less investigations than previous year.

CBP - IX.A.2 Total - There were less investigations conducted, resulting in a reduction in cost.

CIS - IX.A.3 Average Days - There were funding issues in FY06.

DHS HQ - IX.A.3 Average Days - There were zero investigations during FY05.

TSA - IX.A.3 Total - TSA is still processing a sizeable backlog of cases.

FEMA - IX.A.3 Total - There was a larger volume of complaints based on the hiring of DAEs for the various disasters.

ICE - IX.A.3 Total - In FY06, a higher number of investigations were completed.

CBP - IX.A.3 Total - There was an increase in the assignment of contract investigations.

CBP - IX.A.4 Total - There was a cost increase as a result of the number of authorized contract investigations.

CIS - IX.A.4 Total - More investigations were completed in FY06 than FY05.

FEMA - IX.A.4 Total - There was a sufficient increase of complaints based on the increased hiring of DAEs for the various disasters.

TSA - IX.A.4 Total - Fewer investigations were completed in FY06.

USSS - IX.A.4 Total - Data entered is correct.

DHS HQ - IX.A.4 Total - There were zero investigations during FY05.

### Part 10

TSA - X.D.5 Ave Days - TSA was working through a backlog of cases where the counselee had requested ADR.

### Part 11

TSA - XI.A Complainants - Data on this line is taken from current database.

TSA - XI.A Complaints - Data on this line is taken from current database.

FLETC - XI.D Ave Days - ADR in the formal phase can take more than 100 days as an investigation is from 180-360 days.

FLETC - XI.D.1 Ave Days - Mediation in the formal phase can take more than 100 days as an investigation is from 180-360 days.

FLETC - XI.E.1 Ave Days - The amount of time to close a case when there is ADR in the formal phase can take more than 100 days as an investigation is from 180-360 days.

TSA - XI.E.1 Ave Days - To close a case in the formal phase when there is ADR can take more than 100 days as an investigation is from 180-360 days.

TSA - XI.E.1.a Ave Days - Settlement efforts when there is ADR in the formal phase can take more than 100 days as an investigation is from 180-360 days.

DHS - XI.E.1.a Ave Days - Settlement efforts when there is ADR in the formal phase can take more than 100 days as an investigation is from 180-360 days.

FLETC - XI.E.1.a Ave Days - Settlement efforts when there is ADR in the formal phase can take more than 100 days as an investigation is from 180-360 days.

### Part 12

DHS HQ - XII.A.1 Total Workforce - The amount included in Part D includes actual funding spent on mediation/ADR requests throughout HQ and several DHS components.

FEMA - XII.A.1 Trained - The noted numbers are for FY06.

FEMA - XII.A.1 Trained - The cumulative total for FY05 and FY06 is 1012.

FEMA - XII.A.2 Trained - The cumulative total for FY05 and FY06 is 3100.

FEMA - XII.A.2 Trained - The noted numbers are for FY06.

DHS HQ - XII.A.2 Trained - All new employees receive basic information regarding use of Mediation/ADR during the Federal EEO process.

DHS HQ - XII.C In house staff resources - DHS-HQ utilizes contract mediation/ADR resources.

USCG - XII.C In house staff resources - These functions have been and will be performed by mediators provided through the department shared neutrals program, at no cost to the United States Coast Guard, or selected from the GSA Schedule whenever mediators from the shared neutrals program are unavailable.