

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 2007

PART I - PRE-COMPLAINT COUNSELING

EEO COUNSELOR			E. NON-ADR SETTLEMENTS WITH MONETARY BENEFITS			
	COUNSELINGS	INDIVIDUALS	TOTAL	COUNSELINGS	INDIVIDUALS	AMOUNT
A. TOTAL COMPLETED/ENDED COUNSELINGS	2240	2166	TOTAL	1	1	\$ 5000.00
1. COUNSELED WITHIN 30 DAYS	681	656	1. COMPENSATORY DAMAGES	0	0	\$ 0.00
2. COUNSELED WITHIN 31 TO 90 DAYS	1077	1055	2. BACKPAY/FRONTPAY	0	0	\$ 0.00
a. COUNSELED WITHIN WRITTEN EXTENSION PERIOD NO LONGER THAN 60 DAYS	607	598	3. LUMP SUM PAYMENT	1	1	\$ 5000.00
b. COUNSELED WITHIN 90 DAYS WHERE INDIVIDUAL PARTICIPATED IN ADR	421	417	4. ATTORNEY FEES AND COSTS	0	0	\$ 0.00
c. COUNSELED WITHIN 31-90 DAYS THAT WERE UNTIMELY	49	49	5.	0	0	0.00
3. COUNSELED BEYOND 90 DAYS	482	480	6.	0	0	0.00
4. COUNSELED DUE TO REMANDS	0	0	7.	0	0	0.00
ADR INTAKE OFFICER			F. NON-ADR SETTLEMENTS WITH NON-MONETARY BENEFITS			
	COUNSELINGS	INDIVIDUALS	TOTAL	COUNSELINGS	INDIVIDUALS	
B. TOTAL COMPLETED/ENDED COUNSELINGS	0	0	1. HIRES	44	44	
1. COUNSELED WITHIN 30 DAYS	0	0	a. RETROACTIVE	1	1	
2. COUNSELED WITHIN 31 TO 90 DAYS	0	0	b. NON-RETROACTIVE	0	0	
a. COUNSELED WITHIN WRITTEN EXTENSION PERIOD NO LONGER THAN 60 DAYS	0	0	2. PROMOTIONS	14	14	
b. COUNSELED WITHIN 90 DAYS WHERE INDIVIDUAL PARTICIPATED IN ADR	0	0	a. RETROACTIVE	1	1	
c. COUNSELED WITHIN 31-90 DAYS THAT WERE UNTIMELY	0	0	b. NON-RETROACTIVE	13	13	
3. COUNSELED BEYOND 90 DAYS	0	0	3. EXPUNGEMENTS	4	4	
4. COUNSELED DUE TO REMANDS	0	0	4. REASSIGNMENTS	4	4	
COMBINED TOTAL			5. REMOVALS RESCINDED	2	2	
	COUNSELINGS	INDIVIDUALS	a. REINSTATEMENT	1	1	
C. TOTAL COMPLETED/ENDED COUNSELINGS	2240	2166	b. VOLUNTARY RESIGNATION	1	1	
1. COUNSELED WITHIN 30 DAYS	681	656	6. ACCOMMODATIONS	0	0	
2. COUNSELED WITHIN 31 TO 90 DAYS	1077	1055	7. TRAINING	5	5	
a. COUNSELED WITHIN WRITTEN EXTENSION PERIOD NO LONGER THAN 60 DAYS	607	598	8. APOLOGY	1	1	
b. COUNSELED WITHIN 90 DAYS WHERE INDIVIDUAL PARTICIPATED IN ADR	421	417	9. DISCIPLINARY ACTIONS	4	4	
c. COUNSELED WITHIN 31-90 DAYS THAT WERE UNTIMELY	49	49	a. RESCINDED	4	4	
3. COUNSELED BEYOND 90 DAYS	482	480	b. MODIFIED	0	0	
4. COUNSELED DUE TO REMANDS	0	0	10. PERFORMANCE EVALUATION MODIFIED	6	6	
D. COUNSELING ACTIVITIES			11. LEAVE RESTORED	1	1	
	COUNSELINGS	INDIVIDUALS	12. Improved Terms/Conditions of Employment	5	5	
1. ON HAND AT THE BEGINNING OF THE REPORTING PERIOD	370	370	13.	0	0	
2. INITIATED DURING THE REPORTING PERIOD	2261	2169	G. ADR SETTLEMENTS WITH MONETARY BENEFITS			
3. COMPLETED/ENDED COUNSELINGS	2240	2166	TOTAL	COUNSELINGS	INDIVIDUALS	AMOUNT
a. SETTLEMENTS (MONETARY AND NON-MONETARY)	176	176	TOTAL	9	9	\$ 20002.29
b. WITHDRAWALS/NO COMPLAINT FILED	923	887	1. COMPENSATORY DAMAGES	3	3	\$ 7500.00
c. COUNSELINGS COMPLETED/ENDED IN REPORTING PERIOD THAT RESULTED IN COMPLAINT FILINGS IN REPORTING PERIOD	1018	989	2. BACKPAY/FRONTPAY	0	0	\$ 0.00
d. DECISION TO FILE COMPLAINT PENDING AT THE END OF THE REPORTING PERIOD	123	120	3. LUMP SUM PAYMENT	5	5	\$ 9802.29
4. COUNSELINGS PENDING AT THE END OF THE REPORTING PERIOD	391	370	4. ATTORNEY FEES AND COSTS	1	1	\$ 5000.00
			5.	0	0	0.00
			6.	0	0	0.00
			7.	0	0	0.00
			H. ADR SETTLEMENTS WITH NON-MONETARY BENEFITS			
			TOTAL	COUNSELINGS	INDIVIDUALS	
			TOTAL	129	129	
			1. HIRES	0	0	
			a. RETROACTIVE	0	0	
			b. NON-RETROACTIVE	0	0	
			2. PROMOTIONS	6	5	
			a. RETROACTIVE	0	0	
			b. NON-RETROACTIVE	6	6	
			3. EXPUNGEMENTS	18	18	
			4. REASSIGNMENTS	13	13	
			5. REMOVALS RESCINDED	12	12	
			a. REINSTATEMENT	5	5	
			b. VOLUNTARY RESIGNATION	7	7	
			6. ACCOMMODATIONS	15	13	
			7. TRAINING	26	26	
			8. APOLOGY	3	3	
			9. DISCIPLINARY ACTIONS	21	16	
			a. RESCINDED	6	6	
			b. MODIFIED	15	11	
			10. PERFORMANCE EVALUATION MODIFIED	20	16	
			11. LEAVE RESTORED	11	10	
			12. Improved Terms/Conditions of Employment	35	28	
			13.	0	0	
			I. NON-ADR SETTLEMENTS			
			TOTAL	COUNSELINGS	INDIVIDUALS	
			TOTAL	44	44	

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PART II - FORMAL COMPLAINT ACTIVITIES

1935	A. COMPLAINTS ON HAND AT THE BEGINNING OF THE REPORTING PERIOD
1086	B. COMPLAINTS FILED
25	C. REMANDS
20	C.1. REMANDS (NOT INCLUDED IN A. OR B.)
5	C.2. REMANDS (INCLUDED IN A. OR B.)
3041	D. TOTAL COMPLAINTS
2977	E. COMPLAINTS IN LINE D THAT WERE NOT CONSOLIDATED
974	F. COMPLAINTS IN LINE E CLOSED DURING REPORT PERIOD
64	G. COMPLAINTS IN LINE D THAT WERE CONSOLIDATED
23	H. COMPLAINTS IN LINE G CLOSED DURING REPORT PERIOD
2044	I. COMPLAINTS ON HAND AT THE END OF THE REPORTING PERIOD (Line D - (sum of Lines F+H))
1045	J. INDIVIDUALS FILING COMPLAINTS
15	K. NUMBER OF JOINT PROCESSING UNITS FROM CONSOLIDATION OF COMPLAINTS

PART III - AGENCY RESOURCES, TRAINING, REPORTING LINE

A. AGENCY & CONTRACT RESOURCES

	AGENCY		CONTRACT	
	NUMBER	PERCENT	NUMBER	PERCENT
1. WORK FORCE				
a. TOTAL WORK FORCE	166082			
b. PERMANENT EMPLOYEES	149128			
2. COUNSELOR	205		47	
a. FULL-TIME	37	18.05	42	89.36
b. PART-TIME	34	16.59	0	0.00
c. COLLATERAL DUTY	134	65.37	5	10.64
3. INVESTIGATOR	10		227	
a. FULL-TIME	1	10.00	101	44.49
b. PART-TIME	9	90.00	120	52.88
c. COLLATERAL DUTY	0	0.00	6	2.64
4. COUNSELOR/INVESTIGATOR	2		1	
a. FULL-TIME	0	0.00	0	0.00
b. PART-TIME	2	100.00	0	0.00
c. COLLATERAL DUTY	0	0.00	1	100.00

B. AGENCY & CONTRACT STAFF TRAINING

	COUNSELORS		INVESTIGATORS		COUNS/INVESTIG	
	AGENCY	CONTRACT	AGENCY	CONTRACT	AGENCY	CONTRACT
1. NEW STAFF - TOTAL	11	0	0	1	0	1
a. STAFF RECEIVING REQUIRED 32 OR MORE HOURS	11	0	0	1	0	0
b. STAFF RECEIVING 8 OR MORE HOURS, USUALLY GIVEN TO EXPERIENCED STAFF	0	0	0	0	0	1
c. STAFF RECEIVING NO TRAINING AT ALL	0	0	0	0	0	0
2. EXPERIENCED STAFF - TOTAL	194	47	10	226	2	0
a. STAFF RECEIVING REQUIRED 8 OR MORE HOURS	102	36	1	141	0	0
b. STAFF RECEIVING 32 OR MORE HOURS, GENERALLY GIVEN TO NEW STAFF	79	11	9	85	2	0
c. STAFF RECEIVING NO TRAINING AT ALL	13	0	0	0	0	0

C. REPORTING LINE

1. DOES THE EEO DIRECTOR REPORT TO THE AGENCY HEAD? YES NO
X

2. IF NO, WHO DOES THE EEO DIRECTOR REPORT TO?
PERSON: _____
TITLE: _____

3. WHO IS RESPONSIBLE FOR THE DAY-TO-DAY OPERATION OF THE EEO PROGRAM IN YOUR DEPARTMENT/AGENCY/ORGANIZATION?
PERSON: Carmen H. Walker
TITLE: Deputy Officer, EEO Programs

4. WHO DOES THAT PERSON REPORT TO?
PERSON: Dan W. Sutherland
TITLE: Officer for Civil Rights and Civil Liberties

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PART IV - BASES AND ISSUES ALLEGED IN COMPLAINTS FILED

ISSUES OF ALLEGED DISCRIMINATION	BASES OF ALLEGED DISCRIMINATION																TOTAL BASES BY ISSUE	TOTAL COMPLAINTS BY ISSUE	TOTAL COMPLAINANTS BY ISSUE
	RACE				COLOR	RELIGION	REPRISAL	SEX		NATIONAL ORIGIN		EQUAL PAY ACT		AGE	DISABILITY				
	AMER. INDIAN/ ALASKAN NATIVE	ASIAN PACIFIC ISLANDER	BLACK	WHITE				MALE	FEMALE	HISPANIC	OTHER	MALE	FEMALE		MENTAL	PHYSICAL			
A. APPOINTMENT/HIRE	0	1	6	6	4	1	11	4	3	2	3			15	3	19	78	57	54
B. ASSIGNMENT OF DUTIES	0	2	9	3	1	4	26	9	17	11	1			17	1	11	112	61	61
C. AWARDS	0	0	4	0	2	2	8	1	3	2	0			3	0	0	25	15	15
D. CONVERSION TO FULL TIME	0	0	1	0	0	0	0	1	1	0	0			0	0	0	3	3	3
E. DISCIPLINARY ACTION	0	4	37	7	12	7	66	10	31	19	6			32	5	18	254	136	135
1. DEMOTION	0	1	5	4	1	2	7	3	4	4	2			4	0	3	40	18	18
2. REPRIMAND	0	1	16	1	9	3	28	6	11	8	1			16	2	6	108	50	50
3. SUSPENSION	0	1	13	1	2	1	21	1	12	2	2			8	0	4	68	45	44
4. REMOVAL	0	1	3	1	0	1	10	0	3	5	1			4	3	5	37	22	22
5. Admonishment/Counseling	0	0	0	0	0	0	0	0	1	0	0			0	0	0	1	1	1
6.	0	0	0	0	0	0	0	0	0	0	0			0	0	0	0	0	0
7.	0	0	0	0	0	0	0	0	0	0	0			0	0	0	0	0	0
F. DUTY HOURS	0	0	2	0	2	2	4	2	2	0	0			4	0	9	27	22	22
G. EVALUATION/APPRaisal	0	2	11	1	5	0	25	1	6	6	1			6	0	2	66	38	34
H. EXAMINATION/TEST	0	1	1	0	0	0	1	1	2	0	0			3	0	2	11	8	8
I. HARASSMENT	1	9	58	23	29	13	137	32	98	27	18			64	4	51	564	326	317
1. NON-SEXUAL	1	9	58	23	29	13	125	28	70	27	18			64	4	51	520	289	280
2. SEXUAL							12	4	28								44	37	37
J. MEDICAL EXAMINATION	0	0	1	0	0	0	0	0	0	0	0			4	0	7	12	8	8
K. PAY INCLUDING OVERTIME	0	0	7	1	4	0	11	5	8	4	0	1	6	10	2	4	63	25	25
L. PROMOTION/NON-SELECTION	0	11	67	12	30	9	88	29	49	23	26			116	5	39	504	277	264
M. REASSIGNMENT	0	7	12	6	4	1	30	13	17	11	7			14	3	16	141	63	62
1. DENIED	0	4	6	2	0	1	15	7	11	5	3			3	2	10	69	34	34
2. DIRECTED	0	3	6	4	4	0	15	6	6	6	4			11	1	6	72	29	28
N. REASONABLE ACCOMMODATION						1	9								2	39	51	43	42
O. REINSTATEMENT	0	0	0	1	0	0	1	0	0	2	0			0	0	0	4	4	4
P. RETIREMENT	0	0	1	0	0	0	2	0	1	1	0			3	1	1	10	5	5
Q. TERMINATION	2	3	18	5	9	6	40	9	22	11	7			28	5	37	292	135	135
R. TERMS/CONDITIONS OF EMPLOYMENT	1	4	26	10	8	2	74	16	38	17	5			27	6	32	266	142	133
S. TIME AND ATTENDANCE	0	0	8	0	3	3	24	7	7	6	3			6	5	13	85	36	35
T. TRAINING	0	1	10	1	2	2	12	4	5	6	1			5	3	6	58	26	26
U. OTHER (Please specify below)																			
1. Release from Temporary Position	0	0	2	9	3	2	13	4	8	1	0			14	0	4	60	35	34
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	4	45	281	85	118	55	582	148	318	149	78	1	6	371	45	310			
TOTAL COMPLAINTS FILED BY BASES	4	31	185	68	80	38	389	105	229	95	63	1	6	283	29	231			
TOTAL COMPLAINANTS BY BASES	4	31	178	68	79	38	364	103	225	94	62	1	6	279	28	225			

Printed on 11/29/2007

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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.)	
725	1. TITLE VII
275	2. AGE DISRIMINATION IN EMPLOYMENT ACT (ADEA)
269	3. REHABILITATION ACT
13	4. EQUAL PAY ACT (EPA)
B. TOTAL BY STATUTES	
1282	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)	997	548386	550.04
1. WITHDRAWALS	96	28551	297.41
a. NON-ADR WITHDRAWALS	87	27604	317.29
b. ADR WITHDRAWALS	9	947	105.22
2. SETTLEMENTS	187	88445	472.97
a. NON-ADR SETTLEMENTS	159	74720	469.94
b. ADR SETTLEMENTS	28	13725	490.18
3. FINAL AGENCY DECISIONS (B+C)	714	431390	604.19
B. FINAL AGENCY DECISIONS WITHOUT AN ADMINISTRATIVE JUDGE DECISION (1+2+3)	436	229066	
1. FINDING DISCRIMINATION	2	1679	839.50
2. FINDING NO DISCRIMINATION	247	179293	725.88
3. DISMISSAL OF COMPLAINTS	187	48094	257.19
C. FINAL AGENCY ACTIONS WITH AN ADMINISTRATIVE JUDGE (AJ) DECISION (1+2)	278	202324	
1. AJ DECISION FULLY IMPLEMENTED (a+b)	275	198991	
(a) FINDING DISCRIMINATION	7	7070	1010.00
(b) FINDING NO DISCRIMINATION	259	186999	722.00
(c) DISMISSAL OF COMPLAINTS	9	4922	546.89
2. AJ DECISION NOT FULLY IMPLEMENTED (a+b+c)	3	3333	
(a) FINDING DISCRIMINATION (i+ii+iii)	3	3333	1111.00
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	3	3333	1111.00
(b) FINDING NO DISCRIMINATION	0	0	0.00
(c) DISMISSAL OF COMPLAINTS	0	0	0.00

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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)	249	88486	355.37
1. COMPLAINANT REQUESTED IMMEDIATE FAD (1a+1b)	155	46363	299.12
a. AGENCY ISSUED FAD WITHIN 60 DAYS OF RECEIPT OF FAD REQUEST	2	37	18.50
b. AGENCY ISSUED FAD MORE THAN 60 DAYS BEYOND RECEIPT OF FAD REQUEST	153	46326	302.78
2. COMPLAINANT DID NOT ELECT HEARING OR FAD (2a+2b)	47	21275	452.66
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	47	21275	452.66
3. HEARING REQUESTED; AJ RETURNED CASE TO AGENCY FOR FAD WITHOUT AJ DECISION (3a+3b)	47	20848	443.57
a. AGENCY ISSUED FAD WITHIN 60 DAYS OF RECEIPT OF AJ RETURNED CASE FOR FAD ISSUANCE	2	43	21.50
b. AGENCY ISSUED FAD MORE THAN 60 DAYS AFTER RECEIPT OF AJ RETURNED CASE FOR FAD ISSUANCE	45	20805	462.33

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

		AMOUNT
A. TOTAL COMPLAINTS CLOSED WITH BENEFITS	196	
B. CLOSURES WITH MONETARY BENEFITS TO COMPLAINANT	91	\$ 1421930.64
1. BACK PAY/FRONT PAY	20	\$ 474289.88
2. LUMP SUM PAYMENT	66	\$ 633057.76
3. COMPENSATORY DAMAGES	11	\$ 314583.00
C. CLOSURES WITH ATTORNEY FEES AND COSTS	38	\$ 794589.06
D. SUBTOTAL OF ALL MONETARY BENEFITS (B+C)	116	\$ 2216519.69
E. CLOSURES WITH NON-MONETARY BENEFITS	117	
F. TYPES OF BENEFITS	NUMBER OF CLOSURES WITH MONETARY BENEFITS	NUMBER OF CLOSURES WITH NON-MONETARY BENEFITS
1. HIRES	1	2
a. RETROACTIVE	1	0
b. NON-RETROACTIVE	0	2
2. PROMOTIONS	6	7
a. RETROACTIVE	4	1
b. NON-RETROACTIVE	2	6
3. EXPUNGEMENTS	25	21
4. REASSIGNMENTS	3	20
5. REMOVALS RESCINDED	20	10
a. REINSTATEMENT	7	1
b. VOLUNTARY RESIGNATION	13	9
6. ACCOMMODATIONS	5	4
7. TRAINING	5	17
8. APOLOGY	0	3
9. DISCIPLINARY ACTIONS	5	14
a. RESCINDED	3	7
b. MODIFIED	2	7
10. PERFORMANCE EVALUATION MODIFIED	2	5
11. LEAVE RESTORED	11	18
12. LUMP SUM PAYMENT	71	0
13. Training for RMOs	3	4
14. Improved Terms/Conditions of Employment	7	16

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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
	2050	1267369		
1. COMPLAINTS PENDING WRITTEN NOTIFICATION	4	161	40.25	128
2. COMPLAINTS PENDING IN INVESTIGATION	585	63918	109.26	583
3. COMPLAINTS PENDING IN HEARINGS	676	527461	780.27	3966
4. COMPLAINTS PENDING A FINAL AGENCY DECISION	785	675829	860.93	3141

PART IX - SUMMARY OF INVESTIGATIONS COMPLETED

		TOTAL	TOTAL DAYS	AVERAGE
A. INVESTIGATIONS COMPLETED DURING REPORTING PERIOD	(1+3)	742	183884	247.82
1. INVESTIGATIONS COMPLETED BY AGENCY PERSONNEL	(a+b+c)	60	16029	267.15
a. INVESTIGATIONS COMPLETED IN 180 DAYS OR LESS		33	4054	122.85
b. INVESTIGATIONS COMPLETED IN 181 - 360 DAYS		19	4759	250.47
1. TIMELY COMPLETED INVESTIGATIONS		5	1210	242.00
2. UNTIMELY COMPLETED INVESTIGATIONS		14	3549	253.50
c. INVESTIGATIONS COMPLETED IN 361 OR MORE DAYS		8	7216	902.00
2. AGENCY INVESTIGATION COSTS		\$ 274217.00		4570.28
3. INVESTIGATIONS COMPLETED BY CONTRACTORS	(a+b+c)	682	167855	246.12
a. INVESTIGATIONS COMPLETED IN 180 DAYS OR LESS		272	37370	137.39
b. INVESTIGATIONS COMPLETED IN 181 - 360 DAYS		321	81503	253.90
1. TIMELY COMPLETED INVESTIGATIONS		65	16563	254.82
2. UNTIMELY COMPLETED INVESTIGATIONS		256	64940	253.67
c. INVESTIGATIONS COMPLETED IN 361 OR MORE DAYS		89	48982	550.36
4. CONTRACTOR INVESTIGATION COSTS		\$ 2440064.08		3577.81

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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					
B. ADR ACTIONS IN COMPLETED/ENDED COUNSELINGS					
1.	ADR OFFERED BY AGENCY	1546	1501		
2.	REJECTED BY COUNSELEE	659	614		
3.	REJECTED BY AGENCY (INCLUDES MANAGEMENT OFFICIALS)	51	51		
4.	TOTAL ACCEPTED INTO ADR PROGRAM	836	827		
C. ADR RESOURCES USED IN COMPLETED/ENDED COUNSELINGS		818	810		
1.	INHOUSE	349	349		
2.	ANOTHER FEDERAL AGENCY	456	448		
3.	PRIVATE ORGANIZATIONS, (e.g., CONTRACTORS, BAR ASSOCIATIONS, INDIVIDUAL VOLUNTEERS OR COLLEGE/UNIVERSITY PERSONNEL)	1	1		
4.	MULTIPLE RESOURCES USED (Please specify in a comment box)	0	0		
5.	FEDERAL EXECUTIVE BOARD	12	12		
6.		0	0		
7.		0	0		
D. ADR TECHNIQUES USED IN COMPLETED/ENDED COUNSELINGS		818	810	52973	64.76
1.	MEDIATION	580	574	42027	72.46
2.	SETTLEMENT CONFERENCES	50	48	3235	64.70
3.	EARLY NEUTRAL EVALUATIONS	0	0	0	0.00
4.	FACTFINDING	0	0	0	0.00
5.	FACILITATION	187	187	7701	41.18
6.	OMBUDSMAN	1	1	10	10.00
7.	PEER REVIEW	0	0	0	0.00
8.	MULTIPLE TECHNIQUES USED (Please specify in a comment box)	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 ADR CASES IN COMPLETED/ENDED COUNSELINGS		COUNSELINGS	INDIVIDUALS	DAYS	AVERAGE DAYS
1.	TOTAL CLOSED	836	827	67277	80.47
a.	SETTLEMENTS WITH BENEFITS (Monetary and Non-monetary)	132	132	9875	74.81
b.	NO FORMAL COMPLAINT FILED	317	316	24358	76.84
c.	NO RESOLUTION	321	319	26699	83.17
d.	NO ADR ATTEMPT	33	31	2753	83.42
e.	DECISION TO FILE COMPLAINT PENDING AT THE END OF THE REPORTING PERIOD	33	33	3592	108.85
2.	OPEN INVENTORY - ADR PENDING				

**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 2007

PART XI - SUMMARY OF ADR PROGRAM ACTIVITIES

FORMAL PHASE

		COMPLAINTS	COMPLAINANTS	DAYS	AVERAGE DAYS
A. ADR PENDING FROM PREVIOUS REPORTING PERIOD					
B. ADR ACTIONS IN COMPLAINT CLOSURES					
1.	ADR OFFERED BY AGENCY	275	275		
2.	REJECTED BY COMPLAINANT	188	188		
3.	REJECTED BY AGENCY (INCLUDES MANAGEMENT OFFICIALS)	20	20		
4.	TOTAL ACCEPTED INTO ADR PROGRAM	67	67		
C. ADR RESOURCES USED IN COMPLAINT CLOSURES		66	66		
1.	INHOUSE	37	37		
2.	ANOTHER FEDERAL AGENCY	28	28		
3.	PRIVATE ORGANIZATIONS, (e.g., CONTRACTORS, BAR ASSOCIATIONS, INDIVIDUAL VOLUNTEERS OR COLLEGE/UNIVERSITY PERSONNEL)	1	1		
4.	MULTIPLE RESOURCES USED (Please specify in a comment box)	0	0		
5.	FEDERAL EXECUTIVE BOARD	0	0		
6.		0	0		
7.		0	0		
D. ADR TECHNIQUES USED IN COMPLAINT CLOSURES		66	66	10793	163.53
1.	MEDIATION	60	60	10613	176.88
2.	SETTLEMENT CONFERENCES	6	6	180	30.00
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 in a comment box)	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 IN COMPLAINT CLOSURES		COMPLAINTS	COMPLAINANTS	DAYS	AVERAGE DAYS
1.	TOTAL CLOSED	67	67	10947	163.39
a.	SETTLEMENTS WITH BENEFITS (Monetary and Non-monetary)	28	28	6968	320.29
b.	WITHDRAWAL FROM EEO PROCESS	9	9	870	96.67
c.	NO RESOLUTION	24	24	929	38.71
d.	NO ADR ATTEMPT	6	6	180	30.00
2.	OPEN INVENTORY - ADR PENDING				
F. BENEFITS RECEIVED		COMPLAINTS	COMPLAINANTS	AMOUNT	
1.	MONETARY (INSERT TOTAL)	11	11	\$ 109586.00	
a.	COMPENSATORY DAMAGES	1	1	\$ 8000.00	
b.	BACKPAY/FRONTPAY	0	0	\$ 0.00	
c.	LUMP SUM	8	8	\$ 61850.00	
d.	ATTORNEY FEES AND COSTS	4	4	\$ 39736.00	
e.		0	0	\$ 0.00	
f.		0	0	\$ 0.00	
g.		0	0	\$ 0.00	
2.	NON-MONETARY (INSERT TOTAL)	24	24		
a.	HIRES	1	1		
i.	RETROACTIVE	0	0		
ii.	NON-RETROACTIVE	1	1		
b.	PROMOTIONS	1	1		
i.	RETROACTIVE	0	0		
ii.	NON-RETROACTIVE	1	1		
c.	EXPUNGEMENTS	9	9		
d.	REASSIGNMENTS	1	1		
e.	REMOVALS RESCINDED	6	6		
i.	REINSTATEMENT	0	0		
ii.	VOLUNTARY RESIGNATION	6	6		
f.	ACCOMMODATIONS	0	0		
g.	TRAINING	2	2		
h.	APOLOGY	0	0		
i.	DISCIPLINARY ACTIONS	0	0		
i.	RESCINDED	0	0		
ii.	MODIFIED	0	0		
j.	PERFORMANCE EVALUATION MODIFIED	2	2		
k.	LEAVE RESTORED	4	4		
l.	Improved Terms/Conditions of Employment	3	3		
m.		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 2007

PART XII - SUMMARY OF ADR PROGRAM ACTIVITIES

EEO ADR TRAINING AND RESOURCES

		NUMBER IN TOTAL WORKFORCE	CUMULATIVE TOTAL WORKFORCE TRAINED
A. BASIC ADR ORIENTATION TRAINING			
1.	MANAGERS	25039	16181
2.	EMPLOYEES	141043	71944
B. EMPLOYEES THAT CAN PARTICIPATE IN ADR		166082	
C. RESOURCES AVAILABLE FOR ADR		113	
1.	IN-HOUSE FULL TIME	11	
2.	IN-HOUSE PART TIME	38	
3.	IN-HOUSE COLLATERAL DUTY	61	
4.	CONTRACT	3	
D. ADR FUNDING SPENT		AMOUNT	
		\$ 701436.99	

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, through September 30, 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, Senior Complaint Manager

SIGNATURE OF PREPARER:

DATE: 11/29/2007 **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 1

- USCG - I.A.2.b - Counselings - There were 30- and 60-day mediations.
- CBP - I.D.3.c Counselings - The difference between the two numbers accounts for the carry-overs from the previous fiscal year.
- TSA - I.D.3.c Counselings - There were 27 formal complaints filed from counselings completed in the previous fiscal year.

Part 2

- ICE - II.A - An audit of complaints on hand from FY06 revealed that 7 complaints were closed prior to FY06 and/or the decision was received after the reported period closed.
- CBP - II.A - 1. An audit of complaints on hand from FY06 revealed that 54 complaints were closed prior to FY06 and/or a decision was received after the reporting period closed.
- CBP - II.D - Two complaints were counted on hand and remanded back in the same reporting period.
- ICE - II.D - Two of the complaints on hand at the beginning of the reporting period were also remanded back to the agency from OFO in the current reporting period so they are counted in both Parts II.A and II.C
- ICE - III.I - Number will not match Line VIII.A due to the two remands not counted twice in section II.D.

Part 3

- DHS HQ - III.A.1.a Agency Number - Information on total work force is from data as of end of 3rd QTR FY07.
- TSA - III.A.3 Contract Number - The agency has three EEO investigative firms under contract.
- DHS HQ - III.B.1 Coun/Cont - There were no new agency or contract counselors or investigators hired at the beginning of the FY06.
- CIS - III.B.1 Coun/Agency - There was a lack of funding for EEO training.
- FLETC - III.B.1 Coun/Agency - Two counselors did not receive the 8 hour training with the others. One was hospitalized and the other received his training elsewhere.

Part 5

- DHS HQ - V.A.1 - Actual number of statutes under Title VII equaled 6.
- CBP - V.B - Prior EEO activity data for number of the complaints alleging reprisal is not available either because the complainant served as a representative or as a witness; therefore, the total statutes count is low.

Part 6

- ICE - VI.A AveDays - This number is greater than 400 days due to class complaints.
- FEMA - VI.A Number - There were 4 FADs closure that were not counted during FY07 because they were closed by DHS CRCL during September 2006. FEMA closed those complaints in October 2007 using the correct closure date of September 2006.
- CIS - VI.B Number - Agency is not in compliance with timeframes for decision issuance; error messages which notify about total being out-of-range do not apply.
- CBP - VI.B Number - Of the 26 FADs, 24 were issued between 414 days to 1116 days. Only 2 FADs were issued in 400 or less days.
- USSS - VI.B Number - Data entered is correct.
- CIS - VI.C Number - Agency is not in compliance with timeframes for decision issuance; error messages which notify about total being out-of-range do not apply.

Part 8

- ICE - VIII.A Number Pending - The two remanded cases that are in line II.D created an erroneous error message. In order to balance the number with part II line I, the two cases were omitted.
- FLETC - VIII.A Number Pending - Compliants pending in hearing are three complaints which have been consolidated into one.
- DHS HQ - VIII.A Number Pending - The agency accepted mediation after the complainant filed the formal complaint. The written notification/acceptance of complaint was pending awaiting the results of the mediation.
- TSA - VIII.A.1 Pending Oldest Case - The issuance of the acknowledgement letter was delayed pending a decision on consolidation of the formal complaint with another existing formal complaint.
- CBP - VIII.A.2 Pending Oldest Case - Four complaints have been placed in abeyance pending the outcome of the class action certification.
- CBP - VIII.A.3 Ave Days - Sixty-five complaints over 900 days are pending hearing. Case age ranges from 911 days to 3966 days old. The oldest complaint pending is the Peter Gonzalez, TD 97-4047. We have not received any documentation from EEOC after it was submitted to hearing.
- ICE - VIII.A.4 Ave Days - This number is greater than 800 days due to class complaints.
- DHS - VIII.A.4 Ave Days - CRCL Complaint Adjudication has been severely understaffed the last fiscal year and is doing the best it can do to keep on top of a continually increasing workload. In FY05, CRCL had ten contract FAD analysts. During FY07, CRCL was down to two contractors. CRCL now has four contract staff members assigned FAD responsibilities and is in the process of converting these and two additional positions into Full Time Equivalents. Unfortunately, the recruitment and clearance process has been slow.

Part 9

- TSA - IX.A.1 Ave Days - There were agency investigations from complaints filed in FY03 and FY04 that required supplemental investigation.

Part 10

- TSA - X.D Ave Days - Average processing time is outside the range due to the current case load and limited resources.
- TSA - X.D.1 Ave Days - Average processing time is outside the range due to the current case load and limited resources.
- TSA - X.D.5 Ave Days - Average processing time is outside the range due to the current case load and limited resources.

Part 11

- TSA - XI.D Ave Days - The value for total days and average days was calculated from date formal complaint was filed to the date the complaint was settled or withdrawn in the ADR process. TSA does not currently track the date ADR is elected in the formal complaint process.

Appendix A – Comments (continued)

Part 12

FLETC - XII.A.1 Total Workforce - The cost of the mediations was low due to the mediations being funded through DHS CRCL.

USCG - XII.A.1 Total Workforce - The 55 ADR resources reported are in-house staff available for ADR. The USCG ADR process allows for the use of all trained employees to mediate cases. This includes, but is not limited to, EEO counselors and EEO specialists.

DHS HQ - XII.A.1 Total Workforce - Information on managers and employees in total workforce obtained from data as of end of 3rd QTR FY07.

TSA - XII.A.1 Trained - The orientation to the agency's EEO ADR program is included in TSA's Civil Rights training. The agency has a division dedicated to performing this training, and TSA maintains contactors to assist in performing the training. Basic ADR Orientation training is also included in the new employee orientation training.

TSA - XII.C.4 Total Workforce - The agency maintains a memorandum of understanding with the Federal Occupational Health (FOH) to provide ADR services for EEO matters to the TSA workforce.

USCG - XII.D Total Workforce - The agency uses the Shared Neutrals program and in-house resources for its ADR services.