



No FEAR Act

Equal Employment Opportunity (EEO) Data
Fiscal Year 2023, First Quarter



U.S. Customs and
Border Protection

Office of the Commissioner

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EEO Data Posted Pursuant to the No Fear Act: CBP

For 1st Quarter 2023, for period ending Dec. 31, 2022

1. Complaint Activity

Total	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023 (through 12/31/22)
Number of Complaints Filed	422	355	371	364	572	91
Number of Complainants	404	338	352	344	544	91
Repeat Filers	18	16	16	17	26	0

2. Complaints by Basis

Note: Complaints can be filed alleging multiple bases. The sum of the bases may not be equal to the total complaints filed.

Basis	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023 (through 12/31/22)
Race	101	84	100	81	87	20
Color	27	16	31	15	31	4
Religion	17	19	15	17	184	7
Reprisal	181	186	198	185	188	36
Sex	119	108	119	110	145	27
PDA	3	4	2	4	7	2
National Origin	114	70	86	56	62	20
Equal Pay Act	0	1	1	0	0	0
Age	114	95	112	95	123	25
Disability	91	102	108	101	143	22
Genetics	1	1	2	2	7	0
Non-EEO	26	15	31	48	38	10

3. Complaints by Issue

Note: Complaints can be filed alleging multiple issues. The sum of the issues may not be equal to the total complaints filed.

Starting in FY 2022, issues marked with:

* are reported under Other Terms and Conditions of Employment.

** are reported under Discipline: Other.

Issue	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023 (through 12/31/22)
Appointment/Hire	26	27	23	14	15	5
Assignment of Duties*	122	68	91	124	-	-
Awards	10	10	16	9	15	2
Conversion to Full Time/Perm Status*	0	0	0	0	-	-
Discipline: Demotion	6	2	2	2	1	2
Discipline: Reprimand**	17	16	20	18	-	-
Discipline: Suspension	17	10	22	17	14	6
Discipline: Removal	2	11	5	12	11	1
Discipline: Other**	0	0	0	0	59	6
Duty Hours*	8	10	16	15	-	-
Perf. Eval. or Appraisal	6	11	17	16	15	1
Examination or Test	11	11	6	2	6	0
Harassment: Non-Sexual	169	166	194	175	192	32
Harassment: Sexual	14	22	14	11	18	0
Medical Examination	13	10	11	5	129	2
Pay Including Overtime	11	22	24	26	20	4
Promotion or Non-Selection	74	58	69	58	54	14
Reassignment: Denied	11	7	8	7	15	2
Reassignment: Directed	16	14	10	10	14	4
Reasonable Accommodation Disability	24	35	37	23	28	7
Reinstatement*	2	1	1	2	-	-
Religious Accommodation	4	2	5	3	14	1
Retirement*	0	4	3	3	-	-
Sex-Stereotyping	0	0	0	0	0	0
Telework	3	2	8	11	13	3
Termination	24	23	30	24	21	2
Terms and Conditions of Employment*	32	45	39	36	-	-
Time and Attendance	27	50	45	65	39	10
Training	12	16	19	10	35	7
Other Terms and Conditions of Employment*	-	-	-	-	246	42

4. Processing Time

a. Complaints Pending During Fiscal Year

Processing Time	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023 (through 12/31/22)
Average Number of Days in Investigation	233.31	225.42	239.98	395.90	521.22	569.96
Average Number of Days in Final Action	106.44	90.36	162.90	181.86	96.41	31.66

b. Complaints Pending During Fiscal Year Where Hearing was Requested

Processing Time	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023 (through 12/31/22)
Average Number of Days in Investigation	232.26	230.93	228.24	370.53	487.84	526.24
Average Number of Days in Final Action	74.00	60.86	94.23	68.08	65.87	27.33

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

Processing Time	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023 (through 12/31/22)
Average Number of Days in Investigation	246.12	223.00	267.15	443.23	617.19	622.45
Average Number of Days in Final Action	150.15	175.19	361.70	368.42	168.71	39.07

5. Complaints Dismissed by the Agency

Complaints Dismissed by Agency	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023 (through 12/31/22)
Total Complaints Dismissed by Agency	55	41	18	14	27	11
Average Days Pending Prior to Dismissal	136	143	225	494	528	389

6. Complaints Withdrawn by Complainants

Complaints Withdrawn by Complainants	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023 (through 12/31/22)
Total Complaints Withdrawn by Complainants	46	50	50	48	48	46

7. Total Final Agency Actions Finding Discrimination

a. Final Agency Actions Finding Discrimination: Breakdown by Number

Total Final Agency Actions Finding Discrimination	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023 (through 12/31/22)
Findings Without Hearing	0	3	8	2	7	0
Findings With Hearing	1	1	12	0	1	3
Total Number of Findings	1	4	20	2	8	3

b. Final Agency Actions Finding Discrimination: Breakdown by Percentage

Total Final Agency Actions Finding Discrimination	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023 (through 12/31/22)
Findings Without Hearing	0%	75%	40%	100%	87%	0%
Findings With Hearing	100%	25%	60%	0%	13%	100%

8. Findings of Discrimination Rendered by Basis

Note: Complaints can be filed alleging multiple bases. The sum of the bases may not be equal to the total complaints filed.

a. Total Number of Findings

i. Basis Breakdown by Number

Basis	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023 (through 12/31/22)
Race	0	0	4	0	0	0
Color	0	0	0	0	0	0
Religion	0	0	0	0	0	0
Reprisal	1	2	11	1	5	2
Sex	0	2	4	1	1	3
PDA	0	0	1	0	0	0
National Origin	0	0	4	0	2	1
Equal Pay Act	0	0	0	0	0	0
Age	0	1	5	0	1	1
Disability	0	1	10	0	5	0
Genetics	0	0	0	0	0	0
Non-EEO	0	0	2	0	0	1
Total	1	4	20	2	8	3

ii. Basis Breakdown by Percentage

Basis	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023 (through 12/31/22)
Race	0%	0%	20%	0%	0%	0%
Color	0%	0%	0%	0%	0%	0%
Religion	0%	0%	0%	0%	0%	0%
Reprisal	100%	50%	55%	50%	63%	67%
Sex	0%	50%	20%	50%	13%	100%
PDA	0%	0%	5%	0%	0%	0%
National Origin	0%	0%	20%	0%	25%	33%
Equal Pay Act	0%	0%	0%	0%	0%	0%
Age	0%	25%	25%	0%	13%	33%
Disability	0%	25%	50%	0%	63%	0%
Genetics	0%	0%	0%	0%	0%	0%
Non-EEO	0%	0%	10%	0%	0%	33%

b. Findings After Hearing

i. Basis Breakdown by Number

Basis	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023 (through 12/31/22)
Race	0	0	3	0	0	0
Color	0	0	0	0	0	0
Religion	0	0	0	0	0	0
Reprisal	1	1	8	0	1	2
Sex	0	1	1	0	1	3
PDA	0	0	1	0	0	0
National Origin	0	0	4	0	1	1
Equal Pay Act	0	0	0	0	0	0
Age	0	0	3	0	0	1
Disability	0	0	6	0	1	0
Genetics	0	0	0	0	0	0
Non-EEO	0	0	0	0	0	1
Total	1	1	12	0	1	3

ii. Basis Breakdown by Percentage

Basis	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023 (through 12/31/22)
Race	0%	0%	25%	0%	0%	0%
Color	0%	0%	0%	0%	0%	0%
Religion	0%	0%	0%	0%	0%	0%
Reprisal	100%	100%	67%	0%	100%	67%
Sex	0%	100%	8%	0%	100%	100%
PDA	0%	0%	8%	0%	0%	0%
National Origin	0%	0%	33%	0%	100%	33%
Equal Pay Act	0%	0%	0%	0%	0%	0%
Age	0%	0%	25%	0%	0%	33%
Disability	0%	0%	50%	0%	100%	0%
Genetics	0%	0%	0%	0%	0%	0%
Non-EEO	0%	0%	0%	0%	0%	33%

c. Findings Without Hearing

i. Basis Breakdown by Number

Basis	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023 (through 12/31/22)
Race	0	0	1	0	0	0
Color	0	0	0	0	0	0
Religion	0	0	0	0	0	0
Reprisal	0	1	3	1	4	0
Sex	0	1	3	1	0	0
PDA	0	0	0	0	0	0
National Origin	0	0	0	0	1	0
Equal Pay Act	0	0	0	0	0	0
Age	0	1	2	0	1	0
Disability	0	1	4	0	4	0
Genetics	0	0	0	0	0	0
Non-EEO	0	0	2	0	0	0
Total	0	3	8	2	7	0

ii. Basis Breakdown by Percentage

Basis	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023 (through 12/31/22)
Race	0%	0%	13%	0%	0%	0%
Color	0%	0%	0%	0%	0%	0%
Religion	0%	0%	0%	0%	0%	0%
Reprisal	0%	33%	38%	50%	57%	0%
Sex	0%	33%	38%	50%	0%	0%
PDA	0%	0%	0%	0%	0%	0%
National Origin	0%	0%	0%	0%	14%	0%
Equal Pay Act	0%	0%	0%	0%	0%	0%
Age	0%	33%	25%	0%	14%	0%
Disability	0%	33%	50%	0%	57%	0%
Genetics	0%	0%	0%	0%	0%	0%
Non-EEO	0%	0%	25%	0%	0%	0%

9. Findings of Discrimination Rendered by Issue

a. Total Number of Findings by Issue

i. Issue Breakdown by Number

Issue	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023 (through 12/31/22)
Appointment or Hire	0	0	2	0	0	0
Assignment of Duties*	0	1	2	0	-	-
Awards	0	1	1	0	0	0
Conversion to Full Time or Perm Status*	0	0	0	0	-	-
Discipline: Demotion	0	0	0	0	0	0
Discipline: Reprimand**	0	0	1	0	-	-
Discipline: Suspension	0	0	0	0	0	0
Discipline: Removal	0	0	0	0	1	0
Discipline: Other**	0	0	0	0	0	0
Duty Hours*	0	0	0	0	-	-
Perf. Eval. or Appraisal	0	1	1	0	0	0
Examination or Test	0	0	0	0	0	0
Harassment: Non-Sexual	0	1	10	2	3	3
Harassment: Sexual	0	0	3	0	0	1
Medical Examination	0	0	1	0	0	0
Pay Including Overtime	0	0	0	0	0	0
Promotion or Non-Selection	0	1	1	0	1	2
Reassignment: Denied	0	0	0	0	0	0
Reassignment: Directed	0	1	1	0	0	0
Reasonable Accommodation Disability	0	1	0	0	2	0
Reinstatement*	0	0	0	0	-	-
Religious Accommodation	0	0	0	0	0	0
Retirement*	0	0	0	0	-	-
Sex-Stereotyping	0	0	0	0	0	0
Telework	0	0	1	0	0	0
Termination	0	0	1	0	0	0
Terms and Conditions of Employment*	1	0	1	0	-	-
Time and Attendance	0	1	1	0	1	1
Training	0	0	0	0	0	1
Other Terms and Conditions of Employment*	-	-	-	-	2	0
Total	1	4	20	2	8	3

ii. Issue Breakdown by Percentage

Issue	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023 (through 12/31/22)
Appointment or Hire	0%	0%	10%	0%	0%	0%
Assignment of Duties*	0%	25%	10%	0%	-	-
Awards	0%	25%	5%	0%	0%	0%
Conversion to Full Time or Perm Status*	0%	0%	0%	0%	-	-
Discipline: Demotion	0%	0%	0%	0%	0%	0%
Discipline: Reprimand**	0%	0%	5%	0%	-	-
Discipline: Suspension	0%	0%	0%	0%	0%	0%
Discipline: Removal	0%	0%	0%	0%	13%	0%
Discipline: Other**	0%	0%	0%	0%	0%	0%
Duty Hours*	0%	0%	0%	0%	-	-
Perf. Eval. or Appraisal	0%	25%	5%	0%	0%	0%
Examination or Test	0%	0%	0%	0%	0%	0%
Harassment: Non-Sexual	0%	25%	50%	100%	38%	100%
Harassment: Sexual	0%	0%	15%	0%	0%	33%
Medical Examination	0%	0%	5%	0%	0%	0%
Pay Including Overtime	0%	0%	0%	0%	0%	0%
Promotion or Non-Selection	0%	25%	5%	0%	13%	67%
Reassignment: Denied	0%	0%	0%	0%	0%	0%
Reassignment: Directed	0%	25%	5%	0%	0%	0%
Reasonable Accommodation Disability	0%	25%	0%	0%	25%	0%
Reinstatement*	0%	0%	0%	0%	-	-
Religious Accommodation	0%	0%	0%	0%	0%	0%
Retirement*	0%	0%	0%	0%	-	-
Sex-Stereotyping	0%	0%	0%	0%	0%	0%
Telework	0%	0%	5%	0%	0%	0%
Termination	0%	0%	5%	0%	0%	0%
Terms and Conditions of Employment*	100%	0%	5%	0%	-	-
Time and Attendance	0%	25%	5%	0%	13%	33%
Training	0%	0%	0%	0%	0%	33%
Other Terms and Conditions of Employment*	-	-	-	-	25%	0%

b. Findings After Hearing

i. Issue Breakdown by Number

Issue	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023 (through 12/31/22)
Appointment or Hire	0	0	2	0	0	0
Assignment of Duties*	0	1	1	0	-	-
Awards	0	1	1	0	0	0
Conversion to Full Time or Perm Status*	0	0	0	0	-	-
Discipline: Demotion	0	0	0	0	0	0
Discipline: Reprimand**	0	0	0	0	-	-
Discipline: Suspension	0	0	0	0	0	0
Discipline: Removal	0	0	0	0	0	0
Discipline: Other**						
Duty Hours*	0	0	0	0	-	-
Perf. Eval. or Appraisal	0	0	1	0	0	0
Examination or Test	0	0	0	0	0	0
Harassment: Non-Sexual	0	0	6	0	1	3
Harassment: Sexual	0	0	0	0	0	1
Medical Examination	0	0	1	0	0	0
Pay Including Overtime	0	0	0	0	0	0
Promotion or Non-Selection	0	1	1	0	0	2
Reassignment: Denied	0	0	0	0	0	0
Reassignment: Directed	0	0	1	0	0	0
Reasonable Accommodation Disability	0	0	0	0	0	0
Reinstatement*	0	0	0	0	-	-
Religious Accommodation	0	0	0	0	0	0
Retirement*	0	0	0	0	-	-
Sex-Stereotyping	0	0	0	0	0	0
Telework	0	0	0	0	0	0
Termination	0	0	0	0	0	0
Terms and Conditions of Employment*	1	0	0	0	-	-
Time and Attendance	0	1	0	0	0	1
Training	0	0	0	0	0	1
Other Terms and Conditions of Employment*	-	-	-	-	0	0
Total	1	1	12	0	1	3

ii. Issue Breakdown by Percentage

Issue	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023 (through 12/31/22)
Appointment or Hire	0%	0%	17%	0%	0%	0%
Assignment of Duties*	0%	100%	8%	0%	-	-
Awards	0%	100%	8%	0%	0%	0%
Conversion to Full Time/Perm Status*	0%	0%	0%	0%	-	-
Discipline: Demotion	0%	0%	0%	0%	0%	0%
Discipline: Reprimand**	0%	0%	0%	0%	-	-
Discipline: Suspension	0%	0%	0%	0%	0%	0%
Discipline: Removal	0%	0%	0%	0%	0%	0%
Discipline: Other**						
Duty Hours*	0%	0%	0%	0%	-	-
Perf. Eval. or Appraisal	0%	0%	8%	0%	0%	0%
Examination or Test	0%	0%	0%	0%	0%	0%
Harassment: Non-Sexual	0%	0%	50%	0%	100%	100%
Harassment: Sexual	0%	0%	0%	0%	0%	33%
Medical Examination	0%	0%	8%	0%	0%	0%
Pay Including Overtime	0%	0%	0%	0%	0%	0%
Promotion or Non-Selection	0%	100%	8%	0%	0%	67%
Reassignment: Denied	0%	0%	0%	0%	0%	0%
Reassignment: Directed	0%	0%	8%	0%	0%	0%
Reasonable Accommodation Disability	0%	0%	0%	0%	0%	0%
Reinstatement*	0%	0%	0%	0%	-	-
Religious Accommodation	0%	0%	0%	0%	0%	0%
Retirement*	0%	0%	0%	0%	-	-
Sex-Stereotyping	0%	0%	0%	0%	0%	0%
Telework	0%	0%	0%	0%	0%	0%
Termination	0%	0%	0%	0%	0%	0%
Terms and Conditions of Employment*	100%	0%	0%	0%	-	-
Time and Attendance	0%	100%	0%	0%	0%	33%
Training	0%	0%	0%	0%	0%	33%
Other Terms and Conditions of Employment*	-	-	-	-	0%	0%

c. Findings Without Hearing

i. Issue Breakdown by Number

Issue	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023 (through 12/31/22)
Appointment or Hire	0	0	0	0	0	0
Assignment of Duties*	0	0	1	0	-	-
Awards	0	0	0	0	0	0
Conversion to Full Time or Perm Status*	0	0	0	0	-	-
Discipline: Demotion	0	0	0	0	0	0
Discipline: Reprimand**	0	0	1	0	-	-
Discipline: Suspension	0	0	0	0	0	0
Discipline: Removal	0	0	0	0	1	0
Discipline: Other**	0	0	0	0	0	0
Duty Hours*	0	0	0	0	-	-
Perf. Eval. or Appraisal	0	1	0	0	0	0
Examination or Test	0	0	0	0	0	0
Harassment: Non-Sexual	0	1	4	2	2	0
Harassment: Sexual	0	0	3	0	0	0
Medical Examination	0	0	0	0	0	0
Pay Including Overtime	0	0	0	0	0	0
Promotion or Non-Selection	0	0	0	0	1	0
Reassignment: Denied	0	0	0	0	0	0
Reassignment: Directed	0	1	0	0	0	0
Reasonable Accommodation Disability	0	1	0	0	2	0
Reinstatement*	0	0	0	0	-	-
Religious Accommodation	0	0	0	0	0	0
Retirement*	0	0	0	0	-	-
Sex-Stereotyping	0	0	0	0	0	0
Telework	0	0	1	0	0	0
Termination	0	0	1	0	0	0
Terms and Conditions of Employment*	0	0	1	0	-	-
Time and Attendance	0	0	1	0	1	0
Training	0	0	0	0	0	0
Other Terms and Conditions of Employment*	-	-	-	-	2	0
Total	0	3	8	2	7	0

ii. Issue Breakdown by Percentage

Issue	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023 (through 12/31/22)
Appointment or Hire	0%	0%	0%	0%	0%	0%
Assignment of Duties*	0%	0%	13%	0%	-	-
Awards	0%	0%	0%	0%	0%	0%
Conversion to Full Time or Perm Status*	0%	0%	0%	0%	-	-
Discipline: Demotion	0%	0%	0%	0%	0%	0%
Discipline: Reprimand**	0%	0%	13%	0%	-	-
Discipline: Suspension	0%	0%	0%	0%	0%	0%
Discipline: Removal	0%	0%	0%	0%	14%	0%
Discipline: Other**	0%	0%	0%	0%	0%	0%
Duty Hours*	0%	0%	0%	0%	-	-
Perf. Eval. or Appraisal	0%	33%	0%	0%	0%	0%
Examination or Test	0%	0%	0%	0%	0%	0%
Harassment: Non-Sexual	0%	33%	50%	100%	29%	0%
Harassment: Sexual	0%	0%	38%	0%	0%	0%
Medical Examination	0%	0%	0%	0%	0%	0%
Pay Including Overtime	0%	0%	0%	0%	0%	0%
Promotion or Non-Selection	0%	0%	0%	0%	14%	0%
Reassignment: Denied	0%	0%	0%	0%	0%	0%
Reassignment: Directed	0%	33%	0%	0%	0%	0%
Reasonable Accommodation Disability	0%	33%	0%	0%	29%	0%
Reinstatement*	0%	0%	0%	0%	-	-
Religious Accommodation	0%	0%	0%	0%	0%	0%
Retirement*	0%	0%	0%	0%	-	-
Sex-Stereotyping	0%	0%	0%	0%	0%	0%
Telework	0%	0%	13%	0%	0%	0%
Termination	0%	0%	13%	0%	0%	0%
Terms and Conditions of Employment*	0%	0%	13%	0%	-	-
Time and Attendance	0%	0%	13%	0%	14%	0%
Training	0%	0%	0%	0%	0%	0%
Other Terms and Conditions of Employment*	-	-	-	-	29%	0%

10. Pending Complaints Filed in Previous Fiscal Years by Status¹

a. Total Complaints and Complainants

Pending Complaints Filed in Previous Years by Status	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023 (through 12/31/22)
Total Complaints from Previous Fiscal Year	356	458	515	496	447	845
Total Complainants	317	416	465	437	405	769

b. Number of Complaints Pending

Status	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023 (through 12/31/22)
Investigation	2	52	65	137	245	629
ROI Issued, Pending Complainant's Action	1	1	2	13	5	11
Hearing	316	331	334	256	180	187
Final Agency Action	32	71	96	88	18	13
Appeal with EEOC Office of Federal Operations ²	118	152	178	189	216	237

11. Complaint Investigations

Complaint Investigation	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023 (through 12/31/22)
Pending Complaints Where Investigations Exceed Required Time Frames	3	9	59	188	321	372

¹ In accordance with 29 CFR §1614.703(f), CBP will publicly post the additional data required by 5 USC §2301.301(b)(9)(C) and §2301.301(b)(11) after the EEO Commission posts an updated NoFEAR reporting template on its website.

² Department of Homeland Security's Office of Civil Rights and Civil Liberties enters appeal-level events in DHS's iComplaints for CBP's cases. CBP has noted that CRCL has not yet entered the appeal closure events for many of CBP's completed cases.