

**Office of the Commissioner
Privacy and Diversity Office
FY 2013 Annual Report**

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I. Introduction

On behalf of the dedicated staff members of the Office of the Commissioner (OC), Privacy and Diversity Office (PDO), we would like to take this opportunity to share some of U.S. Customs and Border Protection's (CBP) fiscal year (FY) 2013 privacy, Freedom of Information Act (FOIA), diversity, inclusion, equal employment opportunity (EEO), civil rights/civil liberties program and mission support achievements.

During FY 2013, PDO implemented several initiatives and actions which achieved outstanding results in the six program areas listed above. For example, to create a culture of privacy, CBP drafted a management directive describing the responsibilities and roles for all CBP employees, from Commissioner to Mailroom Clerk, with respect to ensuring a culture of privacy within CBP. Also, in collaboration with the Office of Information and Technology (OIT), CBP implemented measures to allow the Privacy Office staff to maintain an ongoing review of all CBP Information Technology (IT) systems, technologies, rulemakings, programs, pilot projects, information sharing, and other activities to identify collections and uses of personal identifiable information (PII) and to identify any other attendant privacy impacts - the Federal Information Security Management Act (FISMA) score has improved from 28.0% for Privacy Impact Assessments (PIAs) and 72.0% for System Of Records Notices (SORNs) at the beginning of FY 2012 to 42.0% for PIAs and 85.0% SORNs by the end of FY 2013.

Also, PDO developed a comprehensive plan to address the existing CBP FOIA backlog, and conducted a workflow analysis of CBP's FOIA process to identify solutions to reduce the existing FOIA backlog. PDO collaborated with several CBP Offices to utilize student-interns to support CBP's efforts to reduce the number of pending FOIA requests from 10,010 to 7,186 within four months. PDO also created an initiative to utilize light duty staff from across CBP to assist in the processing of FOIA requests, which resulted in the closure of 3,743 FOIA requests.

Additionally, with its strong commitment to Diversity and Inclusion, CBP continues to participate and encourage participation in EEO/diversity programs. CBP experienced growing diversity in FY 2013, as more than one in three employees, or 34.4%, are of Hispanic origin - outpacing the private sector labor force rate of 7.5%. Furthermore, CBP engaged in counseling, mediation, and investigation activities to address and resolve EEO complaints at the lowest possible level by processing 100.0% of EEO counseling requests, 98.0% of EEO investigations and 100.0% of EEO mediation requests within the regulatory timeframes.

As a steward of public resources and based on budget constraints as a result of sequester, PDO met organizational needs within the funds that were provided to cover utilities, supplies, travel, equipment, training and services. PDO spent \$1,059.00 on diversity and inclusion programs; \$29,562.00 on equipment; \$37,500.00 on supplies; \$25,890.00 on supplies for FOIA; \$912.00 on training; \$3,000.00 on training for the Privacy staff; \$51,562.00 on travel; and \$51,119.00 on utilities, which included UPS payments, overtime utilities, and phone bills.

II. Privacy and Diversity Office Overview

PDO is responsible for developing and implementing policy, procedures, and tools to create a culture of privacy by: ensuring and safeguarding all personally identifiable information (PII). PDO is also responding to processing all requests for information relative to the Freedom of Information Act (FOIA); addressing allegations of civil rights and civil liberties and EEO complaints filed by applicants and current CBP employees. In addition, PDO is responsible for creating a culture of diversity and inclusion, and engaging employees to make CBP the governmental agency of choice for talented and diverse personnel.

OUR PROGRAMS

Privacy Program

Develop and implement policy, procedures, and tools to create a culture of privacy within CBP. Maintain oversight of all CBP IT systems, technologies, rulemakings, programs, pilot projects, functional deployments, information sharing, and other activities to identify and address collections and uses of Personally Identifiable Information (PII). Manage CBP's privacy incident response and remediation efforts.

Freedom of Information Act (FOIA) Program

Develop and implement policy, procedures, and practices that ensure access to CBP records under provisions of the FOIA and the Privacy Act, subject to the protections and limitations provided for in these Acts.

Diversity Program

Implement CBP's Diversity and Inclusion Strategic Plan, which is designed to meet departmental goals for an inclusive and engaged CBP workforce. Develop and implement a CBP-wide outreach program to educate the CBP workforce on diversity and inclusion issues.

Equal Employment Opportunity (EEO) Program

Engage in counseling, mediation, and investigation activities to address and resolve EEO complaints at the lowest possible level and in accordance with the applicable regulations and policies. Ensure compliance with all EEOC decisions and settlement agreements. Provide EEO awareness training for all CBP employees.

Civil Rights and Civil Liberties (CRCL) Program

Maintain an efficient and effective CRCL claims processing program. Receive, review, and respond to CRCL draft recommendations based on CRCL complaints investigated; develop responses to CRCL final recommendations; and draft and assure completion of a CBP action plan for all accepted final recommendations. Provide CRCL awareness training for all CBP employees.

Mission Support

The skill set that the mission support staff provides are essential to meeting the very basic and essential functions of our operational needs, which includes, but is not limited to: supplies and equipment liaison, budget liaison, spacing, staffing, executive support, onboarding procedures, logistical support, performance management, Fair Act Inventory, Self-Inspection, etc.

III. Privacy Program Management

During FY 2013 CBP's Privacy Program was integrated into the Office of the Commissioner, culminating with the establishment of PDO. To foster a culture of privacy within CBP, the CBP Privacy Staff (Privacy Office) prepares and reviews privacy compliance documents for CBP operations and information technology (IT) systems, reviews CBP information sharing agreements to ensure proper safeguarding of PII, oversees CBP privacy incident response and approves mitigation, provides privacy training, and, lastly, fulfills a privacy oversight role. These activities directly benefit CBP's unique role at the border because it provides access to a broad array of data concerning people and merchandise arriving into and departing from the United States. CBP officials use and share the data for a variety of border security, trade compliance, and law enforcement purposes.

During FY 2013, CBP Privacy engaged in the following activities to promote and protect privacy while supporting the work of CBP:

CBP Privacy Policy Leadership and Development

- Briefed Senate Judiciary and Homeland Security and Government Affairs Committees Staffs on the privacy issues associated with CBP, Office of Air and Marine, use of Unmanned Aircraft Systems.
- Revised the CBP Management Directive on the Use and Disclosure of Automated Targeting System (ATS) Passenger Name Record Data.
- Created a standard operating procedure for information sharing with law enforcement partners.

CBP Privacy Compliance

- Mandated by the Privacy Act of 1974, the E-Government Act of 2002, and the Homeland Security Act of 2002, CBP, as a component of DHS, must prepare System of Records Notices (SORNs), Privacy Impact Assessments (PIAs), and Privacy Threshold Analyses (PTAs) for all IT systems and CBP Operational practices that involve the collection, use, and retention of PII.
- This year, CBP completed or updated 40 PTAs, 12 PIAs, and six SORNs.
- Notable examples of PIAs, SORNs, and updates completed include:



Above: A pair of CBP Unmanned Aircraft Systems (UAS) located at the southern border.

Below: A CBP officer captures biometric information (fingerprints) during a Global Entry interview.



- **PIA and SORN for the Customs-Trade Partnership Against Terrorism (C-TPAT) System**
 - C-TPAT is a voluntary program in which members agree to provide CBP with information pertaining to their internal analysis, measurement, and monitoring of their cargo supply chains in exchange for greater security and efficiency at the U.S. ports. In conjunction with separate CBP supply-chain reviews, the program seeks to enhance cargo and border security. The C-TPAT PIA and SORN discuss the minimal potential privacy risks associated with the system and how CBP has employed safeguards to mitigate those risks.
- **PIA and SORN for Global Enrollment System (GES)**
 - GES allows CBP to handle the enrollment and vetting processes for trusted traveler and registered traveler programs in a centralized environment. Because individuals who wish to participate in these programs voluntarily provide PII in return for expedited transit, the PIA and SORN discuss the potential privacy risks associated with GES, and how CBP has employed safeguards to mitigate those risks. The updates to these documents published during the reporting period expand the discussion of the privacy compliance for the evolving Global Entry Program and its several mutual recognition agreements with partner nations.
- **PIA and SORN for the Intellectual Property Rights e-Recordation and Search Systems (IPRRSS)**
 - The systems in IPRRSS collect, use, and maintain records related to intellectual property rights recordation and their owners. CBP uses this repository of protected trademarks, trade names, and copyrights to provide trade enforcement for these valuable economic assets. The IPRRSS PIA and SORN discuss the potential privacy risks for any collected PII, and how CBP has employed safeguards to mitigate those risks.
- **PIA for CBP Form I-94 Automation**
 - This PIA notifies the public of how CBP is employing safeguards to mitigate any privacy risks related to the rulemaking transforming the collection of arrival and departure information from non-resident foreign national visitors from the paper I-94 form to an electronic submission.
- **PIA and SORN for the Air and Marine Operations Surveillance System (AMOSS)**
 - AMOSS is a sophisticated radar processing system that is used in conjunction with air, land, and sea resources to detect, interdict, and prevent acts of terrorism and the unlawful movement of people, illegal drugs, and other contraband toward or across the borders of the United States. Because AMOSS may collect and use PII contained in aircraft data from the Federal Aviation Administration's event recordings, watch logs, or track-event logs, the AMOSS PIA and SORN provide notice to the public, discuss any potential privacy risks associated with AMOSS, and describes how CBP has employed safeguards to mitigate those risks.
- **PIAs and SORN Update for the Beyond the Border Entry/Exit Program**
 - The PIA and SORN notify the public of the program and implementation of the Beyond the Border Entry/Exit Program, which expands the bi-lateral sharing of border crossing information between CBP and the Canada Border Services Agency; it also discusses the privacy risks and describes the safeguards CBP has employed to mitigate those risks.

- **PIA for Centralized Area Video Surveillance System (CAVSS)**
 - The PIA notifies the public of CBP’s collection, maintenance, and dissemination of video images and audio recordings of law enforcement incidents related to the entry and admission of persons at the border ports of entry; the PIA discusses the privacy risks and describes the safeguards CBP has employed to mitigate those risks.
- **PIA for Aircraft Systems**
 - The PIA notifies the public of CBP’s use of manned and unmanned aircraft to provide an overview of border interdiction efforts, law enforcement activities, terrorist incidents, and natural disasters. CBP collects, maintains, and disseminates information, principally in the form of video or radar imagery, to support its border enforcement mission and those efforts of partnering law enforcement agencies at the federal, state, and local level. The PIA discusses the privacy risks and describes how CBP is mitigating those risks.

Safeguarding of CBP Information Sharing

- Reviewed over 560 one-time requests for information from CBP systems, and issued an authorization memorandum specific to each case. CBP’s role as executive agent for the Federal Government at the border places critical reliance upon the breadth of information collected from persons and about merchandise in support of regulatory compliancy and law enforcement investigations and prosecutions.
- Reviewed and cleared 13 Memoranda of Agreement supporting trade compliance and border security missions of CBP and other federal government agencies.

CBP Privacy Incident Response and Mitigation

- Upgraded the 2013 CBP IT Security Awareness and Rules of Behavior Training, which includes issues related to privacy; and it requires all CBP employees, contractors, and any other people authorized to have access to the CBP Network must complete training before the end of the reporting period.
- Managed and continued to mitigate the 58 CBP-only privacy incidents involving a potential or actual compromise of PII during the year.
- Continued to advocate for implementing active IT solutions to remove Social Security Numbers from CBP systems.

CBP Privacy Training and Outreach

- Prepared materials, presented a briefing on information sharing and disclosure, and provided direct support to the DHS participation in the U.S.-EU Joint Review Meetings for the Passenger Name Records (PNR) agreement, July 8th and 9th, 2013.
- Conducted privacy training for the Office of Field Operations auditors in the National Capital Region.
- Participated in a briefing for House Homeland Security Staff on the integration into the Analytical Framework for Intelligence (AFI) of ICE’s Intelligence Fusion System.
- Briefed the CBP Attaché to the United Kingdom on CBP privacy and data protection laws and regulations.
- Briefed NTEU National Labor Counsel on the status of an investigation into a major privacy incident, by a contract service provider, with the potential to impact a significant percentage of the CBP workforce.

CBP Privacy Oversight

- Completed transfer of the Privacy Oversight function from the Office of International Trade, Regulations and Rulings, into the newly reorganized PDO.
- Continued to reorganize the structure of the Privacy Staff to embed privacy into the operations and system development of CBP by blending detail attorney and operational staff with newly hired government information specialists to provide team support for both privacy compliance and information sharing guidance to mission operators and IT support personnel.

IV. Freedom of Information Act Program Management

FOIA Overview

- The Freedom of Information Act (FOIA), Title 5 of the United States Code, Section 552, was enacted in 1966 and provides that any person has the right to request access to Federal agency records or information. All Federal agencies are required to disclose records upon receiving a written request, except for those records that are protected from disclosure by the nine exemptions and three exclusions of the FOIA. This right of access to information is enforceable in court. Pursuant to the FOIA, CBP must process requests within 20 calendar days of perfection - however, additional time may be provided in “unusual circumstances” - if records need to be collected from multiple offices separate from the office processing the request; there are voluminous responsive records to the request; or there is a need for consultation outside the agency.

FOIA Backlog Reduction Efforts

- As of June 6, 2013, CBP’s FOIA Office had 33,919 open FOIA requests pending: 10,027 FOIAs from FY 2012, and another 23,909 from FY 2013. The FOIA Division identified major issues and challenges and enacted a plan for reducing the FOIA backlog and sustaining FOIA operations. The FOIA Division worked with HRM to develop written procedures for each of the processes within the FOIA Division. We also partnered with OFO and OBP to allow individuals on light duty to conduct TECS and E3 searches so that the FOIA Analysts only needed to apply any necessary redactions. This reduced the time it takes for an analyst to complete a request while allowing light duty eligible employees to continue working. A proposal was sent to the Commissioner and approved to utilize student-interns to assist in the reduction of the backlog. In mid-June, 22 student-interns in the Pathways Career Intern Program in the National Capital Region were assigned to the CBP FOIA office to assist permanent FOIA staff in reducing the FOIA backlog. Since mid-June 2013, students conducted more than 3,500 FOIA record searches and prepared and mailed more than 1,500 final FOIA letters. Their efforts are part of an eight month CBP project to drastically reduce the CBP FOIA backlog by January 31, 2014. Students represent 18 universities and colleges. Students will return to the FOIA office at the winter college break to continue working to reduce the CBP FOIA backlog.

FOIA Strategic Initiatives

- **Student Interns**
 - The FOIA Division intends to utilize the student interns to not only reduce the current backlog, but in future efforts to sustain FOIA operations while affording them valuable workplace experiences and CBP insight.
- **FOIAonline**
 - During our assessment of the current state of FOIA, it was apparent that the FOIAXpress application being used was not the most efficient product to promote productivity. We worked with OIT the FOIAXpress vendor’s (AINS) staff to address many functionality issues and problems with FOIAXpress. CBP FOIA office benchmarked several other agencies’ FOIA offices, which included: DHS/HQ, Postal Service, ICE, EPA, and Navy. In June 2013, a proposal was sent to the Commissioner with a recommendation to change to a different FOIA tracking system (from FOIAXpress to FOIAonline). The proposal included activities completed over six months, including current issues,

along with a side-by-side comparison of current and proposed tracking system and cost analysis. FOIAonline was already being used by many agencies including: EPA, Dept. of Commerce (except the US Patent and Trademark Office), Office of General Counsel of the National Archives and Records Administration, MSPB, Federal Labor Relations Authority, Department of the Treasury's Departmental Offices (headquarters), Alcohol and Tobacco Tax and Trade Bureau, Bureau of Engraving and Printing, Bureau of the Fiscal Service, FinCEN, and United States Mint. The proposal was approved and FOIAonline was implemented on September 30, 2013.

- **Staffing**

- FOIA partnered with CBP's Office of Human Resources Management to develop and implement a new organizational structure. A permanent Director and two permanent Branch Chiefs have been hired, three existing analysts were converted to Subject Matter Experts (SMEs), three staff assistants and three student-interns were converted to full-time FOIA Analysts, and two new employees were added to the staff since May 2013. All FOIA Analysts were converted from the 0343 Management and Program Analyst series to the 0306 Government Information Specialists series.

Customer Outreach

A redesign of the CBP.gov FOIA website was completed to simplify the submission of a new FOIA request by a requester, and improved the overall look and feel of the site.

- **Field Partner Project**

- FOIA has partnered with OBP and OFO to utilize light duty staff to assist with the FOIA backlog as mentioned above. OFO has also provided 12 employees from the field to devote 25% of their time to assist FOIA.

- **Partnering with USCIS**

- CBP FOIA partnered with USCIS to eliminate duplicative efforts related to individuals required to produce copies of entry/exit information for purposes of applying for citizenship. Updated information has been added to the CBP and USCIS websites to ensure information is uniform and up-to-date.

- **Interaction with the American Immigration Lawyer Associations (AILAs)**

- The Executive and FOIA Directors have attended town hall meetings and teleconferences to keep the AILAs informed on the changes and improvements that CBP FOIA has made. The AILAs were provided with the public FOIA website, given information on its benefits, and encouraged to file electronically rather than by mail. The CBP FOIA Office sent an email on May 29, 2013, to more than 160 attorneys who frequently mail FOIA requests to our office and asked that they use our electronic FOIA submissions for a faster and more efficient response.

V. Diversity and Inclusion Management

CBP values require excellence in all areas of our Homeland Security Duties.

To sustain our reputation as socially conscientious public service organization, we must conspicuously reaffirm our commitment to treating all people with dignity and respect.

By focusing on diversity and looking for more ways to be truly inclusive, CBP will sustain its position as world class Federal law enforcement organization in which our employees excel in all facets of our Homeland Security mission.

CBP Diversity and Inclusion Management Policy Statement

U.S. Customs and Border Protection's (CBP) most important asset is our workforce - and a diverse and engaged workforce is our best tool for protecting our borders. Therefore, consistent with Executive Order 13583, "Establishing a Coordinated Government-Wide Initiative to Promote Diversity and Inclusion in the Federal Workforce," it is the policy of CBP to continuously strive to build a diverse workforce and inclusive work environment in which the knowledge, skills and abilities of all employees are fully utilized to achieve CBP's mission. CBP's workforce - at the frontline and in mission support occupations - must interact with the world's populations each and every day, and I believe that our workforce must reflect the diverse cultures and traditions that reflect the population of our great Nation. As such, it is the responsibility of all CBP employees to work to build a work environment based upon mutual respect and inclusiveness.

Diversity enables us to understand and respond effectively to the needs of our co-workers and together achieve our mission to protect America's borders while facilitating lawful travel and trade. We must remain steadfast in our commitment to the ideals that all employees are valued for their ideas and encouraged to share their input. We must leverage the strengths afforded by our individual cultural perspectives to achieve our homeland security mission and to sustain our role as a leader in Federal law enforcement.

To demonstrate our commitment to complying with Executive Order 13583, we developed a Diversity and Inclusion Strategic Plan. This four-year plan will further our efforts to promote the diversity that our employees bring to the workplace, inspire innovation, encourage respect and stimulate unlimited success in achieving our homeland security mission and serve as a catalyst for sustained progress over time. The Plan will enhance critical aspects of our management practices, employee recruitment, and employee engagement and inclusion, including developing policies, training, and practices to improve diversity in all job categories.

To maintain CBP's competitive advantage, we must fully utilize the benefits of diversity and inclusion management to create and maintain a positive work environment where the similarities and differences of individuals are valued. By reflecting America's diversity, CBP's workforce can provide a wider range of ideas and solutions through the benefits of creativity, innovation, problem-solving and overall business performance aimed at protecting and securing our Nation.



Washington, D.C. - Customs and Border Protection Valor Memorial and Wreath Laying Ceremony.

Diversity and Inclusion Strategic Plan (Fiscal Years 2013 - 2018)

In 2011, the President issued Executive Order 13583 – *Establishing a Coordinated Government-Wide Initiative to Promote Diversity and Inclusion in the Federal Workforce*. The Executive Order directs executive departments and agencies to develop and implement a more comprehensive, integrated, and strategic focus on diversity and inclusion as a key component of their human resources strategies. This approach should include a continuing effort to identify and adopt best practices to promote diversity and inclusion and to identify and remove any barriers to equal employment opportunity, consistent with merit system principles and applicable law.

CBP's Diversity and Inclusion Strategic Plan spans 2013-2018 and focuses on the following goals:

1. Workforce Diversity

Recruit from a diverse, qualified group of potential applicants to secure a high-performing workforce drawn from all segments of American society.

2. Workplace Inclusion

Cultivate a culture that encourages collaboration, flexibility, and fairness to enable individuals to contribute to their full potential and feel valued and supported.

3. Sustainability

Institutionalize diversity and inclusion management as a key strategic priority, through continued leadership commitment, accountability, and total workforce engagement.

At the heart of CBP's Plan are practices and procedures that are reinforced through more than a decade of CBP's own experience, that a diverse workforce, in an inclusive environment, improves individual and organizational performance. As an example of these practices, during FY 2013, CBP launched a robust agency-wide employee mentoring program. Further, CBP continued its executive-level support for diversity and inclusion through the Diversity and Inclusion Management Council (DIMC). The DIMC is comprised of all the member of CBP's senior leadership team representing all CBP office and programs. To exponentially advance CBP's Diversity and Inclusion Strategic Plan, CBP relied on "collateral duty staff members" to provide leadership, coordination, and direction as members of the Diversity and Inclusion Program Committees (DIPC) to establish and maintain a diverse, inclusive, and highly engaged workforce at all CBP locations. All CBP field locations have DIPCs to assist local management in their efforts to achieve CBP's diversity and inclusion goals. DIPC's roles and responsibilities include developing and sponsoring local diversity and inclusion events and activities, and planning and engaging in outreach to local colleges, universities and community organizations.

Diversity and Inclusion Management Council

The (DIMC), as referenced above, serves as an advisory body to CBP's Commissioner, and is comprised of all the Assistant Commissioners and independent office heads. The DIMC supports and fosters effective diversity and inclusion management practices, promotes diversity initiatives at all levels of CBP, and strives to integrate the principals of diversity and inclusion management into CBP's day-to-day operations. The DIMC strives to

demonstrate the highest level of organizational commitment to diversity and inclusion management by identifying strategic goals, assigning initiatives to specific CBP offices, identifying anticipated outcomes and appropriate metrics to support CBP's Diversity and Inclusion Management Plan.

In FY 2013, the DIMC, led by Acting Commissioner Thomas Winkowski, accomplished the following strategic goals:

- Launched CBP's mentorship program;
- Utilized bona fide occupational qualifications as authorized by the Office of Personnel Management to hire female CBP Officers;
- Endorsed the implementation of local Diversity and Inclusion Management Councils in seven regional areas spanning the Nation, which will be headed by Directors of Field Operations, Sector Chiefs and Air and Marine Directors;
- Promoted the implementation of a Disability Employee Resources Group; and
- Reinvigorated Section 508 Compliance through an internal collaborative partnership between OIT, PDO, Office of Human Resources Management (HRM), and the Office of Training and Development (OTD).





Supervisory CBP Officers and a Supervisory Agriculture Specialist assigned to the Toronto Preclearance Port took part in a one day outreach event called “Toronto Pearson Street Festival 2013.”

The CBP representatives answered numerous questions from the public and vendors while conducting outreach.

Examining CBP Workforce Statistics for Diversity and Inclusion

At CBP, diversity and inclusion remains one of our top priorities and an important theme that permeates CBP’s management philosophy. CBP’s leadership team is focused on eliminating barriers that restrict equal employment opportunity for all individuals and dedicated to promoting an environment of inclusion, cultural appreciation, and awareness, which supports the development and advancement of all employees. Between FY 2009 and FY 2013, CBP’s overall workforce increased by 2.3% and many Ethnicity and Race Indicator (ERI) groups are close to, or exceed, parity with the Civilian Labor Force (CLF).¹ As part of CBP’s diversity and inclusion strategy, CBP regularly conducts targeted outreach and recruitment to increase representation of qualified candidates from underrepresented groups in CBP’s employment candidate pool.

VI. CBP’s Workforce Demographics

Five Year Demographic Trend

Table 1 provides CBP’s demographic breakdown for the previous five fiscal years.

Table 1: CBP Workforce by Gender, Ethnicity, and Race - 5 Year Trend ²						
CBP Workforce Onboard	CLF	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Male	51.9%	78.2%	78.3%	78.8%	79.0%	79.3%
Female	48.1%	21.8%	21.7%	21.2%	21.0%	20.7%
American Indian or Alaska Native	1.1%	0.6%	1.0%	1.0%	0.9%	0.9%
Asian	3.9%	3.6%	4.8%	4.7%	4.7%	4.7%
Black or African American	12.0%	6.0%	7.1%	6.9%	6.8%	6.8%
Hispanic or Latino	10.0%	31.5%	35.6%	35.1%	34.4%	34.3%
Native Hawaiian or Other Pacific Islander	0.1%	0.2%	0.4%	0.4%	0.4%	0.4%
White	72.4%	58.0%	50.8%	51.5%	52.3%	52.6%
Two or More	0.5%	0.0%	0.5%	0.5%	0.5%	0.5%

¹ CBP utilizes an adjusted CLF benchmark that controls for citizenship status.

² Percentages may not total 100% due to rounding.

- Many ERI groups within CBP exceed their representation in the CLF.
- Female representation has slightly declined from 21.8% to 20.7%, and is below the CLF of 48.1%.
- Black or African American representation has slightly increased from 5.9% to 6.8%, but remains below the CLF of 12.0%.
- Several ERI groups have increased their representation in the CBP workforce including: Asians, Black or African Americans, Hispanics, Native Hawaiian or Other Pacific Islanders, and Two or More races. These changes in the workforce representation are helping CBP to realize our goal of being a model employer that is representative of the U.S. workforce.

CBP Law Enforcement Workforce Demographics

For limited comparison, Table 2 depicts CBP’s law enforcement demographics as compared to a snapshot of selected Federal sector law enforcement demographics.³ Some of CBP’s law enforcement workforce demographics are close to, or exceed, parity with the overall Federal law enforcement community’s representation of minority groups - notably American Indians or Alaskan Natives, Asians and Native Hawaiian or Other Pacific Islanders, Hispanics or Latinos, and Two or More races. Females represent 11.3% of CBP’s law enforcement positions compared with 15.5% in Federal law enforcement overall. Black or African Americans represent 4.4% of CBP’s law enforcement positions compared with 10.4% in Federal law enforcement overall.

Agency	Female	American Indian/ Alaska Native	Asian/ Pacific Islander	Black or African American	Hispanic or Latino	Two or More
CBP (Armed Officers)	11.3%	0.9%	4.5%	4.4%	39.4%	0.4%
Bureau of Prisons	13.6%	1.4%	1.6%	24.1%	12.9%	0.0%
FBI	18.8%	0.4%	3.9%	5.4%	8.1%	0.2%
ICE	15.7%	0.7%	3.8%	8.3%	24.3%	-- ⁴
Secret Service	10.5%	0.6%	2.7%	11.2%	5.2%	--
DEA	9.6%	0.4%	2.6%	7.1%	9.3%	0.0%
Marshals Service	10.2%	0.7%	2.2%	7.4%	9.6%	0.1%
ATF	13.0%	1.1%	2.1%	8.5%	5.8%	1.6%
Overall – Federal	15.5%	1.0%	3.0%	10.4%	19.8%	--

Table 3 provides a breakdown of the workforce demographics for CBP’s most populous law enforcement occupations.

³ The most current available information on Federal law enforcement statistics from the Bureau of Justice Statistics, released June 2012, is based on 2008 census data and is only provided for limited comparison.

⁴ Percentage represents less than 0.05.

Table 3: Law Enforcement Demographics of CBP Workforce⁵

CBP Workforce Onboard	CBP Officer	CBPO ⁶ RCLF	Border Patrol Agent	BPA RCLF	Air Interdiction Agent	AIA RCLF
Male	81.9%	53.6%	95.0%	85.2%	98.3%	76.4%
Female	18.1%	46.4%	5.0%	14.8%	1.7%	23.7%
American Indian or Alaska Native	1.0%	1.2%	0.8%	1.0%	1.8%	1.1%
Asian	7.3%	5.0%	1.1%	2.2%	0.6%	2.1%
Black or African American	7.2%	11.2%	1.8%	12.6%	2.1%	11.8%
Hispanic or Latino	30.7%	8.7%	49.8%	12.3%	10.4%	11.3%
Native Hawaiian or Other Pacific Islander	0.6%	0.2%	0.2%	0.2%	0.0%	0.1%
White	52.7%	73.2%	46.1%	71.0%	84.4%	73.2%
Two or More	0.6%	0.6%	0.2%	0.7%	0.7%	0.5%

• CBP Officer (CBPO)

- Many ERI groups are close to or exceed parity with the Relevant Civilian Labor Force (RCLF).⁷
- Females represent 18.1% of CBPOs, as compared with 46.4% in the RCLF.
- Black or African Americans represent 7.2% of CBPOs, as compared with 11.2% in the RCLF.

• Border Patrol Agent (BPA)

- Females represent 5.0% of BPAs, as compared with 14.8% in the RCLF.
- Black or African Americans represent 1.9% of BPAs, as compared with 12.6% in the RCLF.

• Air Interdiction Agent (AIA)

- Many ERI groups are close to or exceed parity with the RCLF.
- Females represent 1.8% of AIAs, as compared with 23.8% in the RCLF.
- Black or African Americans represent 2.1% of AIAs, as compared with 11.8% in the RCLF.



⁵ Percentages may not total 100% due to rounding.

⁶ CBP Officer = CBPO; Relevant Civilian Labor Force = RCLF; Border Patrol Agent = BPA; Air Interdiction Agent = AIA.

⁷ The RCLF is the portion of the CLF data that are directly comparable to the occupational population being presented.

VII. Implementing CBP's Diversity and Inclusion Initiative

Field Diversity and Inclusion Achievements

- Diversity and Inclusion Programs:** CBP's Diversity and Inclusion Program Committees (DIPCs) strive to ensure that all ethnic and nationality groups in our CBP family are acknowledged and celebrated. We believe that it is important to honor our heritage and celebrate those elements of ourselves that we value and respect as individuals. Through CBP monthly observance activities, DIPC volunteers and employees around the nation continue to cultivate a culture where similarities and differences of individuals are respected and valued. CBP is using DIPC volunteers and designees across the country to help build diversity through increased cultural awareness, education, and appreciation of differences. During FY 2013, 784 DIPC volunteers sponsored 1,057 workplace diversity activities, with 57,062 in total attendance for the year.

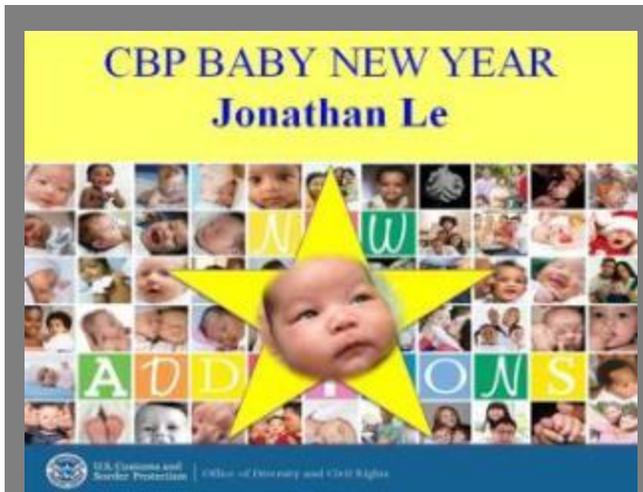
Table 4 provides an overview of the celebrations and acknowledgments for some of the numerous ethnic groups and nationalities represented in our workforce.

Table 4: Acknowledgements and Celebrations			
Diversity and Inclusion Programs	FY 2012	FY 2013	%
American Indian Heritage Month	74	66	10.8%
Arab American Heritage Month	0	40	100.0%
Asian Pacific American Heritage Month	87	70	-19.5%
Black History Month	126	142	12.7%
Bring Your Child to Work Day	51	50	-2.0%
Caribbean American Heritage Month	74	36	-51.4%
Disability Employment Awareness Month	63	58	-7.9%
Disability Mentoring Day	6	1	-83.3%
Dr. Martin Luther King, Jr. Day of Service	59	66	11.9%
Dutch American Heritage Month	11	5	-54.6%
Family Heritage Month	84	35	-58.3%
German American Heritage Month	31	17	-45.2%
Hispanic Heritage Month	98	81	-17.4%
Irish American Heritage Month	65	70	7.7%
Italian American Heritage Month	22	38	72.7%
Jewish American Heritage Month	27	33	22.2%
Lesbian, Gay, Bisexual, and Transgender Pride Month	43	43	0.0%
Polish American Heritage Month	10	19	90.0%
Veterans' Day	35	58	65.7%
Women's History Month	104	103	-1.0%
Women's Equality Day	23	9	-60.9%
Other	7	17	28.6%
Total	1,100	1,057	-4.6%

- **Community Outreach:** Nationally, DIPC volunteers collaborated with local community organizations (e.g., high schools, colleges, and churches) to make CBP a more diverse and inclusive place to work by participating in 125 community outreach events to educate the public about CBP's mission and career opportunities.

New Additions

- PDO continued to promote employee engagement through its New Additions gallery, which is a website where employees can announce a new addition within their own family, whether it is a newborn, adopted, or foster child. Many employees have already posted pictures and entries of their new additions. To participate in New Additions, employees must send their child's or children's photo in JPEG format along with some brief information (child's name, child's age, and parent's name and duty location) about their new addition to the PDO point of contact. During its first year, the site welcomed nearly 100 new additions to the CBP family, including a set of quadruplets.



Baby New Year of 2013 was announced in PDO's New Addition Gallery as well as CBP Today.



The Area Port of New Orleans becomes a virtual classroom for the Historically Black College Dillard University.

On April 3, 2013, presentations were made by Import and Agricultural Specialists who took hands on approaches when sharing with the class about their official duties.

The Port Director also shared employment opportunities with the students.

VIII. Managing Reasonable Accommodation Requests

Reasonable Accommodation - Disability

CBP is committed to providing reasonable accommodation for its employees and applicants for employment in order to ensure that qualified individuals with disabilities enjoy full access to equal employment opportunity, unless a particular accommodation would impose an undue hardship on the operation of CBP's programs. During FY 2013, 111 individuals requested a reasonable accommodation based on a disability, which represents a 20.7% increase compared to FY 2012 (92 requests). CBP continued to partner with the Department of Defense's (DoD) Computer/Electronic Accommodations Program (CAP) to ensure that employees with disabilities have equal access to information technology and opportunities in CBP. CAP increases access to information and works to remove barriers to employment opportunities by eliminating the costs of assistive technology and accommodation solutions. During FY 2013, 19 CBP employees received reasonable accommodation funded through CAP totaling \$22,722.40.

To facilitate the efficient processing of reasonable accommodation requests for persons with disabilities, PDO took the following actions:

- Continuously featured a rotating link on the PDO Internet webpage with information on how to request a reasonable accommodation including the following:
 - CBP Directive No. 51713-007A, Reasonable Accommodation Procedures for Applicants and Employees with Disabilities;
 - CBP Guide to Processing Reasonable Accommodation Requests Based on a Disability;
 - CBP Request for Reasonable Accommodation Form; and
 - Other guidance for applicants, employees, and supervisors.
- Facilitated supervisory completion of DHS' *Employment of People with Disabilities: A Roadmap to Success* training, which provided departmental policy, procedures, and best practices associated with the reasonable accommodation of individuals with disabilities. During FY 2013, 490 supervisors completed this training.
- Made CBP supervisors who attended Supervisory Leadership Training aware of CBP's commitment to provide reasonable accommodations for employees and applicants with disabilities. During FY 2013, 358 new supervisors completed this training on various dates throughout the year, which taught supervisors about the reasonable accommodation process and resources available to provide accommodation through the Computer/Electronics Accommodation Program and the Job Accommodation Network.

CBP Technician, Lourdes Scorbell, uses assistive technology to excel in her career within the Agency. Her responsibilities include data entry for the Agriculture Inspection Program at the Bridge of the Americas POE in El Paso, TX.



Scorbell uses ZOOM Text computer software and other assistive technology to excel in her daily tasks.



On November 12, 2012, the El Paso Times featured an article about Scorbell which further examined her use of assistive technology in the workplace.

- Worked with the CBP Diversity and Inclusion Program Committees (DIPC's) to hold 58 events in support of Disability Employment Awareness Month, where a total of 2,356 attendees were provided awareness on issues related to the employment of individuals with disabilities.
- Worked with the CBP Section 508 Coordinator and the DHS Office of Accessible Systems and Technology (OAST) to improve the coordination between offices so as to facilitate more effective accommodations regarding assistive technology and related requests.
- To enhance knowledge and understanding of the supervisor's role and obligation in addressing requests for reasonable accommodation, the following article was issued to managers and supervisors in the Manager's E-Tips - an OTD quarterly e-Newsletter:
 - [Supervisor's Affirmative Obligation to Provide Reasonable Accommodation to Employees With a Disability](#)



On October 17, 2012, CBP's Minneapolis Hiring Center (MHC) partnered with the American Association of People with Disabilities to recognize National Disability Mentoring Day. A young woman was given the opportunity to learn more about the profession through job shadowing.



On November 12, 2013, CBP hosted a National Disability and Veterans Day event at the Ronald Reagan Building in Washington, D.C., entitled, "Because We are Equal to the Task."

Reasonable Accommodation - Religion

It is the policy of CBP to prohibit discrimination against employees and applicants for employment based on religious beliefs, practices, or affiliation. In addition, CBP shall provide reasonable accommodation for the religious beliefs and/or practices of employees and applicants for employment unless providing an accommodation would result in undue hardship. CBP will strive to ensure that accommodations provided will be the least restrictive alternative and will be narrowly tailored to remove the particular burden for which the accommodation is sought. During FY 2013, PDO facilitated the processing of 31 individual requests for reasonable accommodation based on religious beliefs and/or practices, which represents a 158.3% increase as compared to FY 2012 (12 requests).

- To facilitate the efficient processing of requests for reasonable accommodation based on religious beliefs and/or practices, PDO took the following actions:
 - Collaborated with the unions (National Border Patrol Council and the National Treasury Employees Union) to develop a Directive on Reasonable Accommodation for Religious Beliefs or Practices. This Directive established CBP's policy regarding reasonable accommodation of religious beliefs and/or practices of employees and applicants for employment. The Directive was issued on November 2, 2012, and notification was sent out to all employees shortly thereafter with a link to the Directive. In addition, a webpage on CBPnet was established to promote the Directive and provide a direct link. The Directive helps managers, supervisors, and employees better understand the religious accommodation process.
 - To enhance knowledge and understanding about topics and issues associated with the religious accommodation process, the following article was issued to the CBP workforce in the DCR News - an Office of Diversity and Civil Rights quarterly e-Newsletter:
 - [Reasonable Accommodation for Religious Beliefs or Practices](#)

IX. Disability Program

Plan to Increase CBP's Employment of Individuals with Disabilities



On November 12, 2013, Retired USMC Captain and current Air Interdiction Agent Ryan Voltin participated as the guest speaker for the National Disability Employment Awareness Month at the El Paso International Airport, El Paso, TX.

In FY 2013, CBP continued the implementation of its multi-year *Plan to Increase U.S. Customs and Border Protection's Employment of Individuals with Disabilities*. The Plan outlines the strategies and actions CBP will take to increase the number of individuals with disabilities from 2.7% of the workforce to 3.2% by the end of FY 2017. As of the end of FY 2013, CBP has reached 85.9% of its goal. As a result of this successful strategy, CBP hired 112 individuals with disabilities including five with targeted disabilities during a hiring freeze that lasted through the full fiscal year. Additionally, during FY 2013, to ensure that all individuals with disabilities who are hired have the reasonable accommodations they need to be successful their first day of work, CBP developed a process to notify prospective employees of their right to request reasonable accommodations to perform job duties or receive benefits or privileges of employment in their final selection letters, and procedures for receiving and facilitating requests, which included an electronic request form posted to CBP internet website.

Disability Program Training

- As a part of CBP's Plan to Increase the Employment of Individuals with Disabilities, all hiring managers and human resources professionals are required to take a web-based training module on the employment of individuals with disabilities every two years. The web-based training is entitled *Employment of People with Disabilities: A Roadmap to Success*, which was launched in May 2012. This course provides CBP managers and supervisors with resources, strategies, and tips for successfully hiring and managing civilian and veteran employees with disabilities. In FY 2013, 490 managers completed the web-based training.
- CBP is committed through its Supervisory Leadership Training (SLT) Program to investing in the leadership development of all its managers and supervisors. During the SLT, all new supervisors are required to complete a module on Diversity and Civil Rights (DCR) Awareness. During FY 2013, 358 new supervisors completed this training on various dates throughout the year which taught supervisors about diversity and inclusion management. The module also included a section on the reasonable accommodation process, including an overview of the resources available through the Computer/Electronics Accommodation Program and the Job Accommodation Network.
- In addition to the mandatory SLT course, CBP offered several virtual learning courses to introduce supervisors and managers to their roles and responsibilities with regard to the Equal Employment Opportunity (EEO) Program and to provide valuable information on diversity and inclusion and how everyone in CBP can benefit from these principles. These courses included: EEO Awareness for Supervisors and Managers 2: Preventing Discrimination; Diversity and Inclusion Awareness; and Diversity and Inclusion Management for Managers. During FY 2013, CBP supervisors and managers completed 2,887 EEO/Diversity related virtual learning courses.

National Disability Employment Awareness Month and Disability Mentoring Day

During FY 2013, CBP sponsored 58 programs around the country in support of National Disability Employment Awareness Month, which had a total of 2,356 attendees participated, including 402 managers. Additionally, CBP distributed materials on its Intranet web site (CBP.net) and publically on its Internet web site (CBP.gov) to honor the contributions of workers with disabilities and inform the workforce that they represent a highly skilled talent pool to help CBP complete its homeland security mission.

On October 25, 2012, in recognition of Disability Mentoring Day, staff and recipients of services from enAble of Georgia, Inc. visited the Port of Atlanta, Atlanta Field Office. enAble serves more than 100 people with primary diagnoses of intellectual disabilities, autism spectrum disorder, and down syndrome. Nine CBP officials/mentors and three mentees participated in CBP's Disability Mentoring Day Program.



CBP/Office of Disability Employment Policy (ODEP) Alliance Agreement

CBP continued as the first Federal agency to be a part of ODEP's Alliance Initiative (the Alliance), which is scheduled for completion in December of 2013 (the Alliance was signed on January 6, 2012). The purpose of the Alliance was to provide CBP's employees with information, guidance, and access to resources that will help them recruit, hire, and advance workers with disabilities. The focus of the Alliance was training and education, outreach and communication, technical assistance, and promoting a national dialogue. The implementation team identified three primary goals for the Alliance:

1. CBP seeks to increase employment of job candidates with disabilities;
2. CBP to become a Model Federal Employer; and
3. CBP to become an employer of choice for job seekers with disabilities.

Bolstered by Alliance efforts, CBP has increased its capacity to recruit, hire, and retain workers with disabilities using the Schedule A Hiring Authority. Ongoing agency disability employment training for staff have resulted in an increase in hires of people with disabilities. CBP seeks to be an employer of choice for job seekers with disabilities. The Agency aims to provide an environment where workers with disabilities feel comfortable and have successful careers. ODEP and CBP will continue to communicate and work together. The close working association that was formed during the two years of the Alliance has allowed each organization to understand each other. Staff from both organizations will continue to work together to sustain an ongoing, supportive relationship.

Disability Outreach

In FY 2013, CBP conducted 4,743 contacts to minority serving institutions (MSIs), of which 1,574 were to institutions of higher education for students with disabilities.

Operation No One Left Behind Communication Campaign

During FY 2013, CBP launched an Operation No One Left Behind communication campaign to remind all CBP employees about the importance of emergency preparedness for individuals with disabilities. This layered communication strategy included electronic mail communication, a poster, a PowerPoint presentation, and messaging through the Informational Display System.



National Disability
Employment Awareness
Program at the
Department of Commerce
Auditorium held on
November 19, 2013.
Featured is Master of
Ceremonies, Joseph
Tezak, Director of CBP's
Office of Executive
Secretariat.

X. Addressing Allegations of Discriminatory and Sexual Harassment

Reporting, Addressing, and Investigating Allegations of Discriminatory Harassment

Allegations of discriminatory and sexual harassment are reviewed in concert with CBP's Harassment Allegation Response Team (i.e., Office of Internal Affairs (IA), Office of Chief Counsel (CC), HRM, and PDO), to determine the appropriate course of action based on the information available. All allegations are documented and assessed to determine the appropriate investigative jurisdiction and advice and guidance is provided to assist managers and supervisors in taking prompt, appropriate, and effective action to prevent recurrence when warranted. Allegations of discriminatory and sexual harassment are tracked and monitored until final management action is taken, when warranted by the facts of the case, to correct the effects on the employee and ensure that the harassment does not recur. During FY 2013, 218 allegations of discriminatory or sexual harassment were reported to PDO, which represents a 2.8% increase as compared to FY 2012 (212).

To facilitate the prompt reporting and investigation of acts of suspected discriminatory harassment and the implementation of remedial measures when allegations are substantiated, PDO took the following actions:

- Issued CBP's [Anti-Discrimination and Anti-Harassment Policy](#), signed by Acting Commissioner Thomas S. Winkowski on July 9, 2013, affirming CBP's commitment to equal opportunity and the fair treatment of all employees. This policy strictly prohibits unlawful discrimination, the unfavorable treatment of a person or class of persons based on their protected status under Federal law, and assures employees that workplace harassment will not be tolerated, allegations of harassment will be immediately investigated, and, where allegations are substantiated, prompt and appropriate action will be taken.
- To ensure that all CBP employees were made aware of their obligations under this policy, a muster module titled "EEO is Everyone's Responsibility" was delivered at all CBP duty locations.
- To promote and maintain a work environment that is free for discrimination and harassment, the availability of the following resources was also conveyed to the CBP workforce:
 - VLC Course: "Basic EEO Awareness Training for Employees" (TRAEN Course Code ID 059001),
 - VLC Course: "EEO Awareness for Supervisors and Managers 2: Preventing Discrimination" (TRAEN Course Code ID 059703), and
 - EEO Awareness Training delivered by the servicing DCR Officer.

XI. Managing CBP's EEO Complaint Program

CBP's EEO Complaint Management Program

CBP has delegated authority from the Department of Homeland Security (DHS), Office for Civil Rights and Civil Liberties (CRCL), to implement the U.S. Equal Employment Opportunity Commission's (EEOC) regulations set forth in 29 C.F.R. Part 1614 pertaining to the processing of workplace equal employment opportunity (EEO) complaints⁸ of discrimination. CBP is committed to resolving complaints of discrimination at the earliest possible point in the complaint process, at the lowest managerial level, and to processing all complaints in accordance with the applicable regulations and policies.⁹

FY 2013 Informal EEO Counseling Statistical Analysis

- **Rate of Workforce¹⁰ Growth Relative to Complaints**
 - CBP's workforce overview as depicted in Table 5 provides the context for the achievements outlined in the area of EEO complaints management. Table 5 provides an overview of CBP's workforce between FY 2009 and FY 2013, as compared to the entire Department of Homeland Security for FY 2013 and the Federal sector for FY 2011. The Federal workforce increased by 5.4%, while the total DHS workforce increased by 3.8%, and CBP's workforce has increased at slightly below half the rate of the Federal workforce, increasing by 2.5%.

	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	% Increase Between FY 2009 and FY 2013
CBP	58,496	58,674	59,464	60,668	59,969	2.5%
% Increase	11.5%	0.3%	1.3%	2.0%	-1.2%	
DHS	189,337	191,150	199,452	200,559	196,439	3.8%
% Increase	5.4%	1.0%	4.3%	0.6%	-2.1%	
Federal	2,811,277	2,850,584	2,961,820	N/A	N/A	5.4% ¹¹
% Increase	1.7%	1.4%	3.9%	N/A	N/A	

- **Per Capita¹² EEO Counseling Requests Received**
 - While as shown in Table 5, CBP's workforce increased by 2.5% between FY 2009 and FY 2013, Table 6 on the following page shows that the number of requests for informal EEO counseling received by PDO's staff decreased by 16.3% during the same period. This figure is slightly above the rate of reduction in total DHS counseling requests which decreased by 13.9% during the same time period and

⁸ In civil rights matters, discrimination refers to unfavorable or unequal treatment of a person or class of people because of the following factors (called protected classes): race, color, sex, sexual orientation, age, religion, national origin, physical or mental disability, genetic information, status as a parent, or reprisal for participation in the EEO complaint process or for opposing discriminatory practices. It also includes harassment because of a protected class and failure to reasonably accommodate one's religion or disability.

⁹ Additionally, federal law prohibits discrimination on the basis of pregnancy, childbirth, or related medical conditions.

¹⁰ Comparative Federal workforce data for FY 2012 is not available at this time; Federal workforce FY 2011 comparative data was retrieved from the EEOC *Annual Report on the Federal Work Force (Part 1) Fiscal Year 2011* which is available [here](#).

¹¹ The Federal workforce percentage increase is from FY 2009 to FY 2013.

¹² Per capita is a Latin prepositional phrase which translates to "by heads" or in this specific instance for each individual or person in CBP's workforce.

is nearly three times above the rate of reduction in Federal counseling requests which decreased to 6.1%. In our opinion, this result can be attributed to the outstanding efforts of PDO staff members to educate and inform the workforce in order to prevent and address potential EEO issues before the behavior or actions rise to the level of an EEO claim. While the per capita rate for informal EEO counseling activity has fluctuated, it has declined by 0.1% from 0.9% for FY 2009 to its present rate of 0.7% for FY 2013. CBP's per capita EEO counseling rate of 0.7% is below both the DHS rate of 1.1% and the Federal rate of 1.2%.

Table 6: Per Capita Counseling Request Rate						
	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	% Increase between FY 2009 and FY 2013
CBP Completed Counseling % Increase Per Capita Rate	529	506	574	464	443	-16.3%
	0.2%	-4.3%	13.4%	-19.2%	-4.5%	
	0.9%	0.9%	1.0%	0.8%	0.7%	
DHS Completed Counseling % Increase Per Capita Rate	2,479	1,848	2,096	2,031	2,134	-13.9%
	20.1%	-25.5%	13.4%	-3.1%	5.1%	
	1.3%	1.0%	1.1%	1.0%	1.1%	
Federal Completed Counseling % Increase Per Capita Rate	39,038	40,563	36,642	N/A	N/A	-6.1%
	0.4%	3.9%	-9.7%	N/A	N/A	
	1.4%	1.4%	1.2%	N/A	N/A	

- **Timeliness of EEO Counseling Services**

- As previously indicated, the number of counseling cases completed by PDO between FY 2009 to FY 2013, decreased by 16.3%. Table 7 shows PDO's rate of timeliness for processing informal counseling cases improved from 99.1% in FY 2009 to 100.0% by the end of FY 2010, and has continued to remain at 100.0% through FY 2013. PDO's timeliness rate for completed counseling exceeds the DHS average timeliness rate of 79.1% and the Federal sector average timeliness rate of 91.4%.

Table 7: Timeliness of Services						
	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	Average Timeliness Rate
CBP % Timely	524	506	574	464	443	99.8%
	99.1%	100.0%	100.0%	100.0%	100.0%	
DHS % Timely	1,684	1,495	1,692	1,718	1,737	79.1%
	67.9%	80.9%	80.7%	84.6%	81.4%	
Federal % Timely	35,165	37,093	33,992	N/A	N/A	91.4% ¹³
	90.1%	91.4%	92.8%	N/A	N/A	

¹³ The Federal average timeliness rate is from FY 2009 to FY 2011.

Mediation - Informal Counseling Stage¹⁴

- Table 8 below demonstrates that PDO's initiative to increase the use of mediation at the lowest managerial level, and earliest possible point in the EEO complaint process was highly successful. In FY 2013, there was a significant decrease in the amount of complaint activity from previous years; therefore, percentages will be used to demonstrate the progress. Table 8 shows that the number of individuals electing to participate in mediation to resolve potential EEO complaints during the informal counseling stage significantly increased from 393 of 529 cases (74.3%) in FY 2009 to 350 of 443 cases (79.0%) in FY 2013. However, the key to our success is based on the number of mediations which are actually conducted. The number of mediations conducted increased from 250 of 393 requests (63.6%) in FY 2009 to 242 of 350 requests (69.1%) in FY 2013.

	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Mediation Offered	529	506	574	464	443
Mediation Accepted	393	381	404	336	350
	74.3%	75.3%	70.4%	72.1%	79.0%
Mediation Conducted	250	263	271	255	242
	63.6%	69.0%	67.1%	75.9%	69.1%

- Settlement and Withdrawal Rate Following Mediation (Informal Counseling)**

- The best evidence of the success achieved through PDO's mediation initiative is demonstrated through the number of individuals who elected not to file a formal EEO claim after participating in mediation during the informal counseling stage. From FY 2009 to FY 2013, 47.2% of the cases in which mediation was conducted, were resolved at the informal counseling stage. Table 9 on the next page shows the following:
 - The number of cases settled through the use of mediation remained nearly unchanged from 26 in FY 2009 to 25 in FY 2013. However, when compared to FY 2012, cases settled through this method have increased by 25.0% (from 20 to 25).
 - The number of individuals who elected to withdraw their informal complaint after engaging in mediation significantly decreased from 61 in FY 2009 to 39 FY 2013 (36.1% decrease).
 - The number of individuals who elected not to file a formal EEO complaint after engaging in meditation and receiving a Notice of Right to File (NORTF) a formal complaint remained unchanged from 46 in FY 2009 to 46 in FY 2013. However, when analyzing the data in terms of per capita, 18.4% (46 of 250) of complainants in FY 2009 did not file a formal complaints, while in FY 2013, complaint whereas 19.0% (46 of 242) of complainants did not file a formal complaint after engaging in mediation and receiving a NORTF; this represents a 0.6% increase.
 - The total number of individuals who elected not to file a formal complaint after participating in mediation decreased from 133 in FY 2009 to 110 in FY 2013.
 - The percentage of cases which achieved success (via a settlement agreement, withdrawal, or not filing formally following mediation conducted) slightly decreased from 53.2% (133 of 250) in FY 2009 to 45.5% (110 of 242) in FY 2013.

¹⁴ FY 2013 data is as of November 13, 2013. Thirty complaints remain open in the informal EEO complaint process. This table does not take into account open cases.

- We believe that the increase in the acceptance of and participation in mediation can be attributed to the professionalism of the PDO staff and collateral duty mediators and the willingness of CBP employees and managers to openly discuss their issues in a neutral and impartial environment.

Table 9: Outcome of Informal Complaint Following Acceptance of Mediation

	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Mediation Accepted by Complainant	393	381	404	336	362
	74.3%	75.3%	70.4%	72.1%	79.2%
Mediation Conducted	250	263	271	255	242
	63.6%	69.0%	67.1%	75.9%	66.9%
Settlement - Mediation Conducted	26	26	30	20	25
	6.6%	6.8%	7.4%	7.8%	10.3%
Withdrawal - Mediation Conducted	61	45	51	51	39
	15.5%	11.8%	12.6%	20.0%	16.1%
Did Not File Formal - Mediation Conducted and NORTF Issued	46	51	40	46	46
	11.7%	13.4%	9.9%	18.0%	19.0%
Filed Formal - Mediation Conducted	124	141	157	138	132
	31.6%	37.0%	38.9%	54.1%	54.5%

Number of Informal Complaints Resolved as a Result of Mediation Participation	133	122	121	117	110
% of Informal Complaints Resolved as a Result of Mediation Participation	53.2%	46.4%	44.6%	45.9%	45.5%

- **Filing Rate - Mediation Rejected:** Table 10 on the following page displays that when a complainant rejects mediation, he or she is more likely to file a formal EEO complaint. From FY 2009 through FY 2012, an average of 28.6% of individuals seeking informal EEO counseling decided to reject mediation. However, in FY 2013, the rate significantly decreased to 20.8% of individuals rejecting mediation.

- During the preceding four years (FY 2009 to FY 2012), the average percentage of complainants who filed a formal EEO complaint following the rejection of mediation was 62.4%. During FY 2013, this figure stayed below the average at 58.9% of complainants. Table 10 shows the following:
 - The number of complainants who rejected mediation has decreased from 148 (28.0%) in FY 2009 to 95 (20.8%) in FY 2013; this represents a 7.2% decrease in the rejection of mediation.
 - The number of cases settled following the rejection of mediation has remained at zero from FY 2009 to FY 2013.
 - The number of cases withdrawn following the rejection of mediation has fluctuated over this period. In FY 2013, 13 complaints were withdrawn, which is a 9.4% decrease from FY 2012.
 - The number of complainants electing to file formal complaints after rejecting mediation was over 60.0% from FY 2009 to FY 2011. However, in FY 2012, the number of formal filings after mediation rejection decreased to 64 (49.2%) but rose to 56 (58.9%) in FY 2013.

Table 10: Outcome of Informal Complaint Following Rejection of Mediation					
	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Mediation Rejected by Complainant	148	149	167	130	95
	28.0%	29.4%	29.1%	27.9%	20.8%
Settlement - Mediation Rejected	0	0	0	0	0
	0.0%	0.0%	0.0%	0.0%	0.0%
Withdrawal - Mediation Rejected	0	18	31	30	13
	0.0%	12.1%	18.6%	23.1%	13.7%
Did Not File Formal - Mediation Rejected	56	36	63	66	39
	37.8%	24.2%	37.7%	50.8%	41.1%
Filed Formal - Mediation Rejected	92	113	104	64	56
	62.2%	75.8%	62.3%	49.2%	58.9%

Number of Informal Complaint Resolved Following Rejection of Mediation	56	54	94	96	52
% of Informal Complaints Resolved Following Rejection of Mediation	37.8%	36.2%	56.3%	73.8%	54.7%

- **Formal Filing Rate:**¹⁵ Table 11 on the following page indicates that the number of counseling cases completed by PDO has increased from 529 in FY 2009 to 574 in FY 2011, representing an increase of 8.5%. However, in FY 2012, this figure was reduced to 464, representing a substantial decrease (19.2%) from FY 2011. In FY 2013, this figure again decreased to 458, representing a decrease of 1.3% from FY 2012, and a 13.4% decrease when compared to FY 2009. In addition, Table 11 shows the following:

¹⁵ The Federal sector informal EEO claim figures are not available at this time; therefore, data from FY 2011 was used as a comparator. Furthermore, the DHS FY 2013 EEO claims figures are not available; therefore, data from FY 2012 was used as a comparator.

- In FY 2013, CBP accounted for 21.5% (458 of 2,134) of DHS-wide complaints, and in FY 2012, CBP employees accounted for 22.8% (464 of 2,031) of the complaints. These figures demonstrate a steady reduction in the amount of informal EEO complaints filed by CBP employees.
- In FY 2011, DHS accounted for 5.7% (2,096 of 36,642) of the EEO complaints filed within the Federal sector. FY 2012 and FY 2013 data for the Federal sector is not available at this time.
- The number of formal EEO complaints filed by CBP employees decreased from 275 in FY 2009 to 245 in FY 2013. This represents a significant decrease of 10.9% in formal EEO complaints filed.
- The formal to informal complaint filing ratio decreased from 56.0% in FY 2012 to 53.5% in FY 2013, compared to 55.9% for DHS and 46.3% for the Federal sector.

Table 11: Formal Filing Rate							
	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	DHS FY 2013	Federal FY 2011
Informal Counseling	529	506	574	464	458	2,134	36,642
Formal Complaints Filed	275	309	328	260	245	1,192	16,974
Formal Complaint Ratio	52.0%	61.1%	57.1%	56.0%	53.5%	55.9%	46.3%

FY 2013 Formal EEO Complaint Processing Statistical Analysis

- **Formal Investigations Completed:** Table 12 shows that between FY 2009 and FY 2013, PDO achieved the following outstanding results in the area of formal complaint investigations:
 - The number of investigations completed decreased from 215 in FY 2009 to 194 in FY 2013. This represents a 9.8% decrease.
 - The number of investigations completed within the regulatory timeframes increased from 97.7% in FY 2009 to 97.9% in FY 2013, as compared to 69.8% for other DHS components,¹⁶ and 74.7% for the Federal sector.
 - During FY 2013, formal EEO complaint investigations were completed, on average, within 162.7 calendar days, compared to 227.1 days for all DHS components and 183 days on average for the Federal sector.

Table 12: Formal Investigations							
	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	DHS FY 2013	Federal FY 2011
EEO Investigations Completed	215	247	268	252	194	871	10,854
# of Timely Investigations	210	242	265	241	190	608	8,103
% of Timely Investigations	97.7%	98.0%	98.9%	95.6%	97.9%	69.8%	74.7%
Average Processing Days	142.2	139.1	144.1	175.5	162.7	227.1	183.0

¹⁶ Pursuant to 29 C.F.R. Part 1614 formal EEO complaints must be investigated with 180 calendar days from the date of filing or, in cases of amended complaints within 360 calendar days.

- **Mediation - Formal Complaints:** CBP's goal is to offer mediation to all individuals who file formal EEO complaints. However, claims dismissed on jurisdictional grounds are not eligible for mediation. Table 13 on the next page shows that during FY 2013, CBP offered mediation in 85.7% of all formal complaints. However, only 11.0% (23 individuals) of the complainants agreed to participate in mediation after filing a formal EEO complaint. Specifically, Table 11 shows the following:

- The number of complainants offered mediation during the formal investigative process decreased from 236 in FY 2009 to 210 in FY 2013. However, the percentages of mediation offers remained relatively unchanged from 85.8% in FY 2009 to 85.7% in FY 2013.
- The number of complainants who accepted mediation at the investigative stage increased from six or 2.5% in FY 2009 to 23 or 10.9% in FY 2013, which represents an increase of approximately 73.9%.
- In FY 2013, seven formal complaints were mediated resulting in one case being settled, which represents an 88.0% decrease from FY 2012.

Table 13: Mediation Activity for Formal Complaints					
	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Filed Formal	275	309	328	269	245
Mediation Offered	236	241	263	231	210
	85.8%	78.0%	80.2%	85.9%	85.7%
Mediation Accepted by Complainant	6	31	16	40	23
	2.5%	12.9%	6.1%	17.3%	10.9%
Mediation Conducted	6	9	16	18	7
Settlement - Mediation Conducted	0	1	0	7	1
Withdrawal - Mediation Conducted	0	2	0	2	0
No Resolution - Claim Continued	6	6	N/A	9	6

- **Dismissals and Settlements - Formal Complaints:** Table 14 below shows the following:
 - The number of formal complaints dismissed by CBP on jurisdictional grounds decreased from 40 (14.5%) in FY 2009 to 32 (13.1%) in FY 2013, which is up slightly by 1.6% as compared to FY 2012.
 - On average, DHS components dismissed 11.0% of all formal complaints received in FY 2013, while in FY 2011, other Federal agencies dismissed 27.3%.
 - The number of formal claims settled remains relatively unchanged from 50 in FY 2009 to 53 in FY 2013.

Table 14: Outcome of Formal Complaints							
	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	DHS FY 2013	Federal FY 2011
Dismissal - No AJ	40	42	48	31	32	131	4768
	14.5%	13.6%	14.6%	11.5%	13.1	11.0%	27.3%
Average Processing Days - Dismissal	104.3	144.8	72.5	75.1	96.4	104.1	73.0
Settlements - Formal Complaints	50	56	64	58	53	232	3,785
	18.2%	18.1%	19.5%	21.56%	21.6%	19.5%	21.7%

- **Investigative Cost:** Table 15 on the next page shows that CBP spent \$2,499,109.03 on investigations in FY 2012 and \$804,241 in FY 2013. Specifically, Table 15 shows the following:
 - The total number of investigations completed by PDO decreased from 252 at an average of 176 days in FY 2012, to 194 cases at an average of 163 days in FY 2013.
 - The number of investigations completed by PDO Investigators decreased from 250 cases at an average of 176 days in FY 2012, to 188 cases at an average of 164 days in FY 2013.
 - In FY 2012, CBP spent \$2,488,524.03¹⁷ on investigations conducted by PDO Investigators, and \$783,327 in FY 2013.
 - The number of investigations conducted by contractors increased from two cases at an average of 225 days in FY 2012, to six cases at an average of 142 days in FY 2013.
 - In FY 2012, CBP spent \$10,585 on investigations conducted by contractors, and \$20,914 in FY 2013.¹⁸

Table 15: Investigation Cost				
	FY 2012		FY 2013	
	Total	Average Days	Total	Average Days
Investigations Completed	252	175.5	194	162.7
Investigations Completed by CBP Personnel	250	175.2	188	163.4
Agency Investigation Costs	\$2,488,524.03	NA	\$783,327.00	NA
Investigations Completed by Contractors	2	225.0	6	141.8
Contractor Investigation Costs	\$10,585	NA	\$20,914	NA
Total Cost	\$2,499,109.03		\$804,241.00	

- **Findings of Discrimination:** Table 16 shows that the number of findings of discrimination by EEOC Administrative Judges declined from five in FY 2009 to two in FY 2013.

Table 16: Findings of Discrimination					
	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Findings of Discrimination	5	3	2	5	2

¹⁷ In FY 2012, the agency investigation costs was determined using the annual salary dollars for all current Complaints Management and Investigations Group staff members and former staff that have either retired or left the agency. In FY 2013, the agency investigation costs was arrived using the average cost per investigation based on the number of completed investigations by each Investigator divided by their annual salary and the average cost of the total number of completed investigations for each Assistant Director's group based his/her salary.

¹⁸ In FY 2013, CBP no longer utilizes contractor investigators. The contractor costs reflect investigations completed in prior FYs and conflict of interest complaints investigated by other DHS components that utilize contractor investigators were the e-ROI(s) were issued in FY 2013.

- **Bases of Formal Complaints:** Table 17 provides a list of the bases upon which individuals filed complaints of discrimination. The most frequently alleged basis of discrimination was “Reprisal.” The second most frequently alleged basis was “Sex (Male and Female).”

Table 17: Bases of Formal Complaints					
	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Reprisal	129	190	281	117	111
Sex (Male and Female)	94	132	143	88	79
Age	93	131	132	89	74
Race	60	129	139	58	68
Disability (Mental and Physical)	76	113	134	60	47
National Origin	54	92	262	60	44
Color	5	44	28	19	13
Religion	17	22	33	15	10
PDA (Pregnancy Discrimination Act)	--	--	3	3	2
GINA (Genetic Information)	N/A	0	1	0	2
Equal Pay	N/A	N/A	N/A	N/A	1

- **Formal Complaint Allegations:** Table 18 highlights the “Top Ten” issues most frequently alleged by complainants.

Table 18: Issues of Formal Complaints					
	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Non-Sexual Harassment	79	166	113	89	87
Promotion/Non-Selection	96	105	55	55	48
Assignment of Duties	56	40	39	45	31
Reprimand	21	43	22	9	20
Terms/Condition of Employment	18	33	56	27	15
Suspension	17	28	23	15	14
Reassigned - Denied	7	14	12	9	12
Sexual Harassment	6	9	8	8	11
Pay Including Overtime	9	6	8	10	11
Reasonable Accommodation	16	18	28	14	10
Training	16	24	34	6	10
Termination	70	130	98	16	9
Time and Attendance	25	48	52	23	8
Appointment/Hire	1	15	21	7	8

XII. Alternative Dispute Resolution (ADR) Program Accomplishments

ADR Program Accomplishments

- During FY 2013, PDO's accomplishments consisted of the following:
 - Realized a cost savings of approximately \$142,712.50 by using internal mediation resources and shared neutrals, which was calculated based on the average cost of a mediation session as compared to using contracted services.
 - Increased the number of collateral duty mediators by 23.0% as compared to FY 2012.
 - Offered mediation to 100.0% of the individuals who requested EEO counseling and 100.0% of individuals whose claims were accepted for investigation.
 - Increased the informal complaint mediation acceptance rate by 7.1%, as compared to FY 2012, resulting in a 79.2% participation rate.
 - Conducted mediation on 58.9% of informal complaints and 30.4% of formal complaints.
 - Revised internal operating procedures for the ADR Program and trained all full-time and collateral staff on procedural updates.
 - Updated guidance for shared neutrals who mediate CBP EEO Complaints.
 - Created an Adobe fillable form: CBP Mediation Participation Assessment Form.
 - Established monthly mediator check-in sessions that facilitated the cross-training and professional development of 54 CBP employees who serve as collateral duty mediators.

DHS Work Group Participation

CBP participated in a DHS work group to develop a department-wide ADR Program. CBP's ADR Program Manager served as a subject matter expert (SME) and as one of three facilitators of a sub-committee. CBP's ADR Program was utilized as a benchmark because we have implemented a successful component-wide program that ensures all employees utilizing the EEO complaint process have access to ADR as an alternative avenue to resolve work place disputes. CBP provided recommendations regarding effective management policies, processes, program funding, and best practices. Through this initiative, a business case was made for an effective department-wide ADR Program that provides DHS components with policy recommendations, procedures, and leveraged funding alternatives designed to maximize the benefits of ADR.

XIII. Civil Rights and Civil Liberties Program Management

Language Access for Persons with Limited English Proficiency

CBP's Language Access Plan implements the DHS Language Access Policy and establishes a system within CBP to implement Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency" (LEP), which requires that each Federal department and agency "examine the services it provides to LEP persons and develop and implement a system by which LEP persons have 'meaningful access' to those services without unduly burdening the fundamental mission of the agency." In addition to describing CBP's current language access activities, this Plan includes steps to improve and increase language services for LEP individuals in operations, services, activities, and programs across CBP.

Managing Civil Rights and Civil Liberties Claims

Civil liberties are the rights enumerated in the U.S. Constitution, Federal statutes, and regulations, including freedom from discrimination on the grounds of race, sex, religion, national origin, age, disability, or genetic information, freedom of speech, free exercise of religion, due process of law, appropriate conditions of confinement, and protection from excessive force, unreasonable searches and seizures, and unlawful intrusions into personal privacy.

CBP Civil Rights and Civil Liberties Policy

CBP shall treat all individuals in a non-discriminatory manner, with respect to all forms of protected status under federal law, regulation, Executive Order, or policy, with full respect for individual rights including equality under the law, due process, freedom of expression and religion, and freedom from excessive force, unreasonable searches and seizures, and unlawful intrusions into personal privacy. To exemplify these commitments, CBP will maintain an efficient and effective external CRCL complaint-processing program focused on gathering all the relevant facts and evidence necessary to resolve complaints. CBP shall adhere to the core premise that civil rights and civil liberties protection and elimination of unlawful profiling is not only an ethical and legal imperative but also a practical necessity to maintaining and enhancing the public's level of trust in federal law enforcement.

In addition, CBP follows the DHS policy, which prohibits the consideration of race or ethnicity in the application of CBP law enforcement activities, which states that:

"Racial profiling" is the invidious use of race or ethnicity as a criterion in conducting stops, searches, and other law enforcement, investigation, or screening activities. It is premised on the erroneous assumption that any particular individual of one race or ethnicity is more likely to engage in misconduct than any particular individual of another race or ethnicity. DHS has explicitly adopted the Department of Justice's (DOJ's) "Guidance Regarding the Use of Race by Federal Law Enforcement Agencies," issued in June of 2003. It is the policy of DHS to prohibit the consideration of race or ethnicity in our daily law enforcement and screening activities in all but the most exceptional instances, as defined in the DOJ Guidance. DHS personnel may use race or ethnicity only when a compelling governmental interest is present, and only in a way narrowly tailored to meet that compelling interest. Of course, race or ethnicity-based information that is specific to particular suspects or incidents, or ongoing criminal activities, schemes or enterprises, may be considered, as stated in the DOJ Guidance.

Except as noted below, it is DHS policy, although not required by the Constitution, that tools, policies, directives, and rules in law enforcement and security settings that consider, as an investigative or

screening criterion, an individual's simple connection to a particular country, by birth or citizenship, should be reserved for situations in which such consideration is based on an assessment of intelligence and risk, and in which alternatives do not meet security needs, and such consideration should remain in place only as long as necessary. These self-imposed limits, however, do not apply to antiterrorism, immigration, or customs activities in which nationality is expressly relevant to the administration or enforcement of a statute, regulation, or Executive Order, or in individualized discretionary use of nationality as a screening, investigation, or enforcement factor.

PDO is responsible for coordinating with the Department of Homeland Security's Office of Civil Rights and Civil Liberties in the investigation of claims alleging violations of these rights in activities in connection with CBP's mission, for responding to CRCL recommendations resulting from its investigation of such claims, and for overseeing the implementation of implementation of accepted recommendations.

PDO Civil Rights and Civil Liberties Responsibilities

- Establishing policies, implementing guidelines, standards, and programs necessary to ensure compliance with policy and guidance issued by the Department of Homeland Security, Office for Civil Rights and Civil Liberties (DHS/CRCL).
- Advising the Commissioner and other senior CBP leaders, as appropriate, on issues that may adversely impact operations or require funding to implement.
- Ensuring that DHS/CRCL receives requested information related to the implementation of guidelines, standards, and programs within the established timeframes.
- Leading CBP's efforts to gather all information necessary, ensuring a free flow of information between CBP and DHS/CRCL to facilitate the timely and thorough completion of CRCL investigations. In particular, PDO will attempt to ensure that reports of investigation are returned to DHS/CRCL within 180 days.
- Arranging classified briefings, when necessary, to respond to DHS/CRCL's requests for information.
- Ensuring the implementation, when appropriate, of recommendations made in memoranda issued by DHS/CRCL to senior CBP leadership.
- Providing notification to DHS/CRCL of actions taken or reason(s) for non-implementation of DHS/CRCL recommendations.

FY 2013 Civil Rights and Civil Liberties Activities

- The CRCL Program addressed the following civil liberties issues:
 - Notification to DHS/CRCL of all non-employee deaths in custody and/or as a result of enforcement activity.
 - Provision of basic care to temporarily detained unaccompanied minors and adults.
 - Allegations of unnecessary or excessive force and of unnecessary or inappropriate personal searches.
 - Allegations of discriminatory treatment in inspections and/or enforcement decision-making.
 - Interactions with persons making recordings of enforcement activity.
 - Provision of sign language interpreters during inspections.
- The CRCL Program accomplished the following key initiatives:
 - Development and implementation of measures to disseminate the Agency's non-discrimination in enforcement and anti-profiling policy.
 - Revision of Directive 2130-01A, establishing the responsibilities of CBP offices with respect to CRCL claims.

- Establishment of internal procedures for performing its responsibilities through preparation and implementation of Directions for Completion.

Civil Rights and Civil Liberties Referrals

- During FY 2013, CBP received 79 complaints. A total of 46 complaints were closed during the same period. As of the end of FY 2013, there were 137 complaints open, either under investigation or otherwise not yet closed by DHS/CRCL.

XIV. Managing PDO's Staff Development Initiatives

PDO is committed to the success of all CBP employees, so we are constantly striving to identify tools to increase individual performance, enhance our ability to manage our responsibilities, and develop and implement measures to achieve a higher level of employee engagement, while focusing on customer service.

- PDO strives to provide learning and knowledge management opportunities for our staff members in order to develop and sustain the skills required to facilitate a more diverse and inclusive CBP workforce. During FY 2013, PDO:
 - Devoted over 2,841 hours to staff training based on individual development plans, which were prepared at the beginning of the performance year.
 - Conducted five town hall meetings with staff to gain insight in their issues and concerns. Also, PDO conducted 19 bi-monthly all-hands conference call meetings to keep staff informed of our mission priorities, goals, and developmental training.
 - Supported four staff members' participation in emerging leadership training and one staff member's participation in CBP's Leadership Institute.
 - Utilized the results of the 2012 Federal Employee Viewpoint Survey to develop strategies to engage its staff. From this, PDO created a staff working group to address survey results and implemented suggestions recommended by the staff.

XV. Self-Inspection Program Results

PDO uses the Self Inspection Program (SIP) to audit CBP's compliance in meeting the parameters identified in the Management Directive 715 (MD-715), which is prepared pursuant to EEOC's authority under Section 717 of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e-16; Reorganization Plan No. 1 of 1978, issued pursuant to 5 U.S.C. § 901 et seq.; Executive Order 11748; and Section 501 of the Rehabilitation Act of 1973, as amended by Pub. L. 99-506, 100 Stat. 1807, October 21, 1986. The overriding objective of this Directive is to ensure that all employees and applicants for employment enjoy equality of opportunity in the Federal workplace regardless of race, sex, national origin, color, religion, disability or reprisal for engaging in prior protected activity.

During the SIP Cycle 2013, PDO included a total of seven self-inspection worksheets, which were administered 845 times and included a total of 28 questions in the combined worksheets. The worksheets were implemented in 26 headquarters and field office locations, which conducted self-assessment activities performing, certifying, and/or approving the results of office self-inspections.

The SIP Cycle 2013 diversity and civil rights self-inspection results reveal overall high levels of compliance in executing many functions supporting the CBP mission. However, as in previous self-inspection cycles of the widely circulated worksheets, instances of non-compliance in implementing requirements specific to No Fear Act Training revealed the lowest levels of compliance. Corrective action was developed to improve compliance with this requirement during the next reporting cycle.

XVI. Closing Remarks

In closing, thank you for taking the time to read PDO's FY 2013 Annual Report, and please appreciate that our success is only possible through the dedication and commitment of all CBP employees. I appreciate your tireless efforts to ensure the safety of our great Nation while striving to create an ideal working environment. In FY 2014, we look forward to continuing our efforts to make CBP the best place to work in the world and a sought after employer of choice in the law enforcement community. We will continue to build upon our strengths in the spirit of "One CBP" by growing our diversity and inclusion programs to sustain a workplace culture in which all Americans are welcomed and given an opportunity to excel. We will continue to celebrate the differences and uniqueness that each person brings to the CBP family, because our true strength is embroidered on a fabric which reflects many faces, many colors, individual beliefs and cultures, woven together by a common thread of vigilance, integrity, and commitment to public service while adhering to our values as Americans.

Moving forward, as we continue to improve upon our business operations and the services provided to all CBP employees,, PDO welcomes your comments and recommendations on how we can further our commitment to diversity and inclusion and our commitment to building the best possible organization to protect the American people.

For more information about CBP's privacy, FOIA, EEO, diversity and inclusion, and civil rights/civil liberties programs, please visit us at PDO's [Internet web site](#).

Yours truly,



Franklin C. Jones
Executive Director
Privacy and Diversity Office