

**GAO**

**Testimony**

Before the Subcommittee on Legislation  
and National Security  
Committee on Government Operations  
House of Representatives

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Not to Be  
Released Before  
9:30 a.m. EST  
Thursday  
November 17, 1994

**EQUAL EMPLOYMENT  
OPPORTUNITY**

**Immigration and Naturalization  
Service's Equal Employment  
Opportunity Program**

Statement for the Record  
Timothy P. Bowling, Associate Director  
Federal Human Resource Management Issues,  
General Government Division



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**Notice:** This is a reprint of a GAO report.

Immigration and Naturalization Service's  
Equal Employment Opportunity Program

Summary Statement by  
Timothy P. Bowling, Associate Director, Federal  
Human Resource Management Issues  
General Government Division

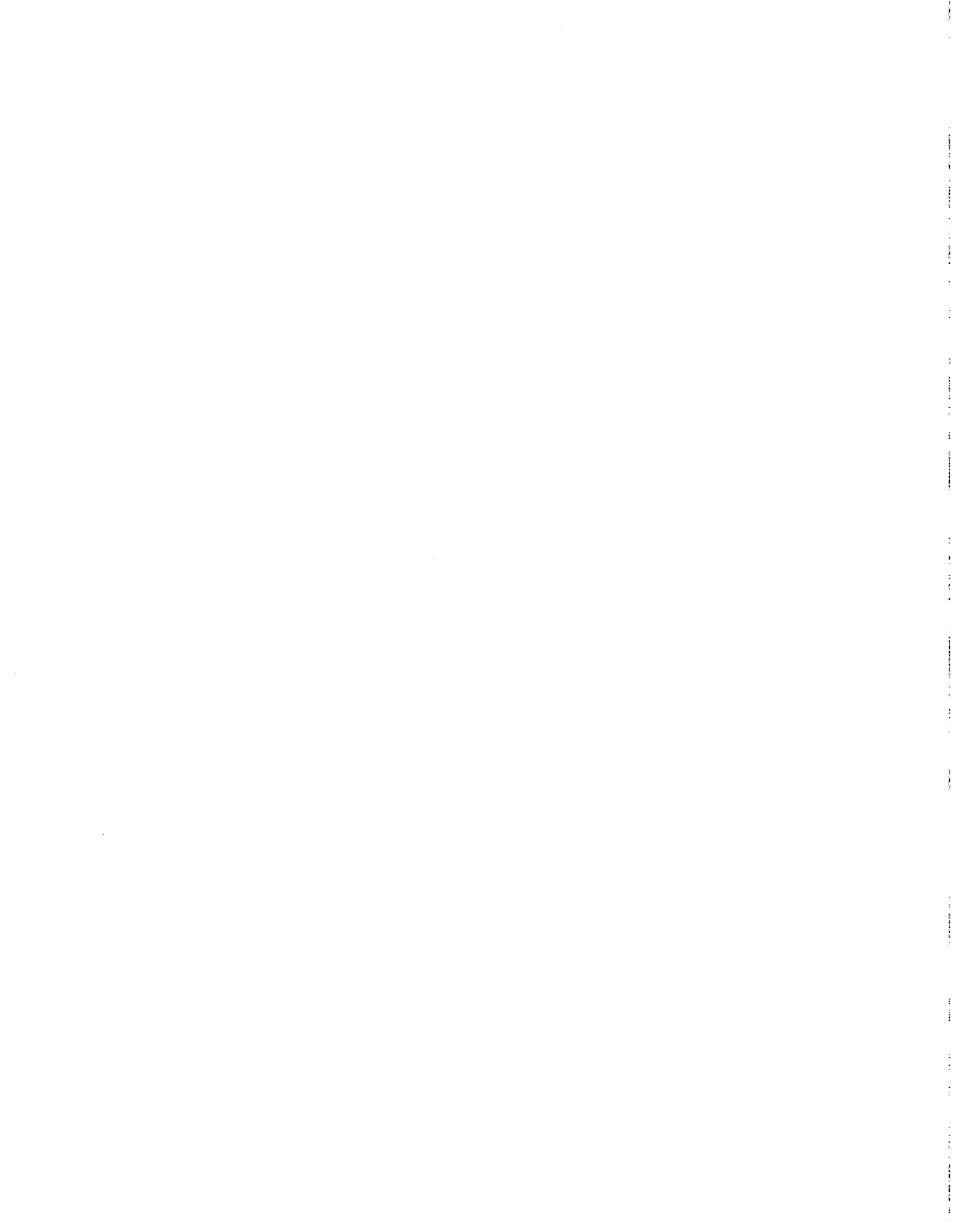
As of August 1994, the Immigration and Naturalization Service (INS) had eliminated its equal employment opportunity (EEO) complaint backlog of cases that were filed before fiscal year 1993. While 141 pre-1993 complaints remained in the current inventory, all of these complaints were either pending a hearing before the Equal Employment Opportunity Commission (EEOC) or were awaiting a final agency decision at the Department of Justice (DOJ). Complaints pending at EEOC and DOJ are beyond INS' jurisdiction.

INS consistently reduced the average number of calendar days for processing EEO discrimination complaints during fiscal years 1989 to 1993. In fiscal year 1993, INS took less than one-third of the average time it took in fiscal year 1989 to process an EEO complaint. The average processing time was 1,682 calendar days in fiscal year 1989 and 484 calendar days in fiscal year 1993.

INS more than tripled EEO program resources between fiscal years 1993 and 1995. Following several years of denied budget requests for additional Office of EEO resources, INS increased funding for the Office of EEO from \$893,000 in fiscal year 1993 to \$3.1 million in fiscal year 1995. INS provided these additional funds as a result of the June 1993 findings and recommendations of the INS EEO Task Force on the Underrepresentation of African-Americans.

The INS EEO Task Force also made 36 specific recommendations to the INS Commissioner to improve the representation of African-Americans and other minorities. According to the EEO Director, 34 of the 36 recommendations have been implemented or are in various stages of implementation.

Between September 30, 1992, and September 30, 1994, INS promoted 1,002 employees to supervisory and managerial positions at the GS-9 to Senior Executive Service levels. Promotions of minority employees accounted for 406, or about 40 percent of these promotions, while women accounted for 320, or about 32 percent. African-American men and women accounted for 108, or approximately 11 percent of the promotions.



Mr. Chairman and Members of the Subcommittee:

This statement describes the results of our review of the Immigration and Naturalization Service's (INS) Equal Employment Opportunity (EEO) program. As agreed with the Subcommittee, we focused our audit on four areas: (1) the status of the EEO complaint backlog during fiscal years 1989 through 1993, (2) the timeliness of INS' EEO complaint processing during fiscal years 1989 through 1993, (3) the status of internal proposals and recommendations to improve INS' EEO operations and workforce diversity between fiscal years 1989 and 1993, and (4) the number of promotions to supervisory and managerial positions in INS between September 1992 and September 1994 by race and gender.

We performed work from June to November 1994 at the INS headquarters Office of EEO. We examined policies and procedures, interviewed officials, and reviewed records and statistical data on INS' EEO discrimination complaints and promotions to supervisory and managerial positions.

#### BACKGROUND

INS is an agency of the Department of Justice (DOJ). The Commissioner of INS has delegated its EEO program function to the Executive Associate Commissioner for Management,<sup>1</sup> who has oversight responsibility for the INS Office of EEO, among other administrative functions. The Director, INS Office of EEO, manages the day-to-day headquarters EEO operations and approves all work plans and appraisals for field EEO personnel.

An INS employee who believes he or she has been discriminated against and wishes to pursue legal remedies must first participate in an informal process. The informal process requires the employee to contact an EEO counselor within 45 days of the last discriminatory event. Within the next 30 days, the EEO counselor must attempt to resolve the matter informally. The employee may elect to forgo this counseling procedure and use EEO conciliation, the mediation method INS uses in its alternative dispute resolution program.<sup>2</sup> Under EEO conciliation, the period for counseling is extended to 90 days. If resolution is

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<sup>1</sup>The same individual held the positions of Executive Associate Commissioner for Management, Acting Commissioner, and Deputy Commissioner referred to in this statement.

<sup>2</sup>The Administrative Dispute Resolution Act of 1990, dated November 15, 1990, authorizes federal agencies to consider using alternative resolution techniques such as mediation, conciliation, and arbitration to settle disputes without litigation or administrative adjudication.

not reached using either procedure, the counselor must hold a final interview with the complainant and advise him or her of the right to file a formal complaint within 15 days.

If the employee files a formal complaint and INS accepts it, INS must complete an investigation within 180 calendar days. At the conclusion of the investigation, the complainant may receive an immediate final decision from INS or request a hearing. If a hearing is requested, INS must request that the Equal Employment Opportunity Commission (EEOC) appoint an administrative judge to conduct a hearing. Within 180 days, the administrative judge must issue findings and conclusions on the merit of the complaint. Within 60 days of the complainant either requesting an immediate final decision or receiving the findings and conclusions of an administrative judge, DOJ must issue a final decision. Once the case is forwarded to EEOC or DOJ, INS no longer has jurisdiction over it.

In early 1993, the acting INS Commissioner convened a task force to study the underrepresentation of African-Americans at the agency. The task force recommended a number of changes to INS' EEO and affirmative action programs to increase representation of African-Americans and other minorities in supervisory and managerial positions.

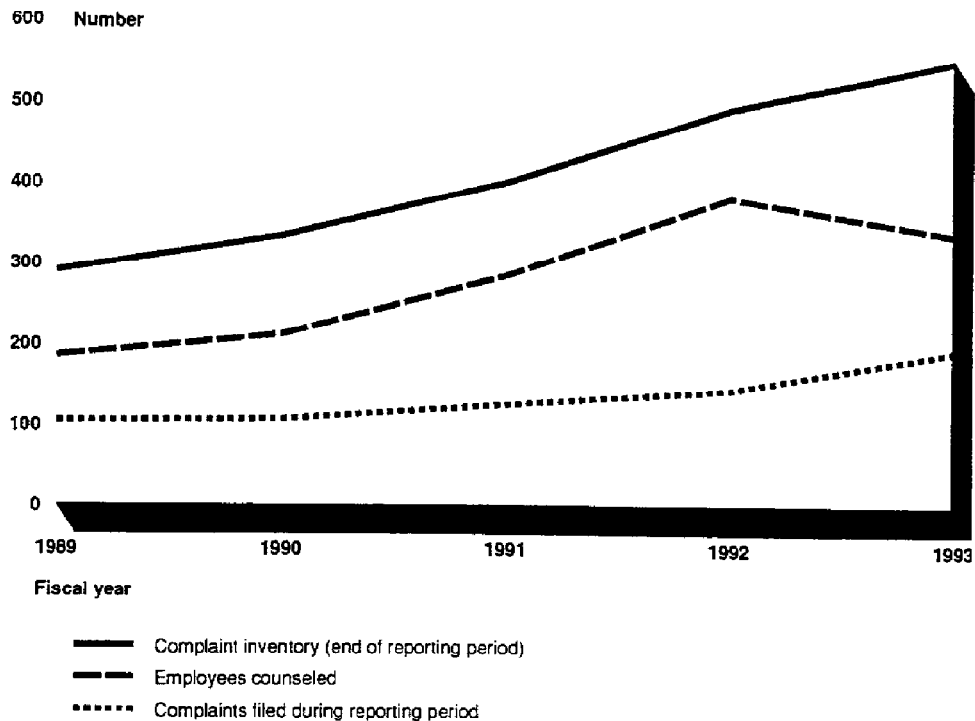
INS' PRE-FISCAL YEAR 1993  
EEO COMPLAINT BACKLOG ELIMINATED

While the number of EEO complaints filed at INS has increased steadily since 1989, INS has eliminated the backlog of complaints that were awaiting investigation during fiscal years 1989 to 1992.

Over the past 5 fiscal years, INS has experienced growth in its EEO complaint activity, including the number of complaints in the pending inventory, employees counseled, and complaints filed. The EEO Director attributed the increase in the number of formal complaints filed to, among other things, actions taken by employees as a result of the Attorney General's 1992 hiring initiative and the 1993 class action suit filed by African-American special agents.

Figure 1 shows the increase in EEO complaint activity for fiscal years 1989 through 1993.

Figure 1: EEO Complaint Activity, Fiscal Years 1989 to 1993



SOURCE: INS, Office of EEO.

Despite the increase in EEO complaint activity, INS has eliminated the pre-1993 backlog of cases awaiting investigation at the agency. As of August 31, 1994, the inventory of 334 complaints did not include any complaints that were filed before fiscal year 1993 that were still at INS awaiting "acceptance/rejection" or "investigation." The 141 still-active EEO complaints that had been filed before fiscal year 1993 were either pending a hearing at EEOC or a decision at DOJ. (See table 1.) Complaints at these stages of the process are beyond INS' jurisdiction.

Table 1: Status of Inventory of EEO Complaints, as of August 31, 1994

| Year filed | Acceptance rejection (INS) | Investigation (INS) | Hearing (EEOC) | Final agency decision (DOJ) | Total |
|------------|----------------------------|---------------------|----------------|-----------------------------|-------|
| 1988       | 0                          | 0                   | 1              | 1                           | 2     |
| 1989       | 0                          | 0                   | 2              | 5                           | 7     |
| 1990       | 0                          | 0                   | 6              | 9                           | 15    |
| 1991       | 0                          | 0                   | 21             | 17                          | 38    |
| 1992       | 0                          | 0                   | 61             | 18                          | 79    |
| 1993       | 0                          | 76                  | 35             | 24                          | 135   |
| 1994       | 0                          | 57                  | 1              | 0                           | 58    |
| Total      | 0                          | 133                 | 127            | 74                          | 334   |
| Percent    |                            | 40                  | 38             | 22                          | 100   |

Source: INS, Office of EEO.

INS has been able to eliminate its complaint backlog because of several externally and internally generated actions. These actions include DOJ and EEOC mandates as well as actions INS management and Office of EEO staff have taken to improve the operation of the EEO program.

DOJ, which had long been criticized as being one of the slowest federal agencies in processing discrimination complaints, ordered INS and other DOJ agencies in 1989 to reduce their backlog of EEO complaints by 50 percent by June 30, 1989, and to zero by the end of fiscal year 1989. The INS Office of EEO developed a plan that eliminated the then-existing backlog by September 30, 1989. However, in the subsequent 2-year period the increase in complaint activity resulted in a new backlog.

In 1989 and again in 1991, the DOJ Assistant Attorney General for Administration requested that the directors of its agencies report on the current status of their respective EEO programs and efforts to alleviate their backlog of EEO complaints. In response, INS indicated that it would reprogram 20 full-time permanent positions into the Office of EEO and \$267,000 to increase the personnel resources within EEO. According to the Director of EEO, INS did not provide all of these resources, and



the Office of EEO was only given an additional \$80,000 for contract EEO investigations and \$75,000 for overtime for EEO staff in 1991.

EEOC also made some changes to the complaint processing regulations in October 1992 that required INS and all other federal agencies to act more quickly in resolving EEO discrimination complaints. The new regulation, 29 C.F.R. part 1614, requires agencies to complete the investigation of EEO complaints within 180 calendar days. Under the former regulation, 29 C.F.R. part 1613, no time limit was established for the completion of investigations.

According to the Director of EEO, INS took several steps to reduce the complaint backlog. These actions included reorganizing the Office of EEO's discrimination complaint branch, obtaining funds specifically to increase resources for staff and contract investigators, and implementing an alternative dispute resolution program, which is designed to provide early fact-finding and resolution of complaints before they reach the formal process.

INS has increased funding for the Office of EEO for fiscal year 1994. The office's requests during fiscal years 1989 to 1993 for additional funds and staff to process the increased number of EEO discrimination complaints were largely denied. According to the Deputy Commissioner, administrative services, such as financial management and human resource management, were significantly understaffed in previous years. Two 1992 internal management studies of the administrative services recommended that the number of administrative positions in INS headquarters and regional offices be increased.

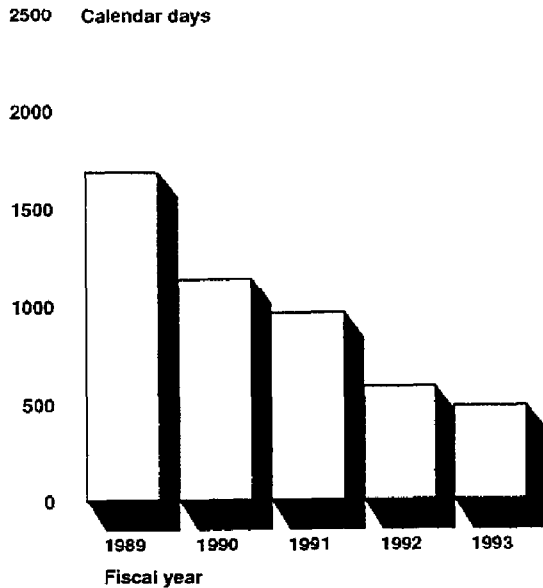
In fiscal year 1994, INS increased the Office of EEO's operating budget from \$893,000 in fiscal year 1993 to \$2.1 million in fiscal year 1994, followed by an increase to \$3.1 million in fiscal year 1995. The increase in funds was the result of the recommendations of a task force on the underrepresentation of African-Americans.

#### INS EEO COMPLAINT PROCESSING TIME REDUCED

The actions INS took to reduce the complaint backlog also helped the agency improve the timeliness of its complaint processing. Data developed by INS' Office of EEO indicates that INS has been successful in consistently reducing the average processing time for discrimination complaints. The average complaint processing time in fiscal year 1993 was 484 calendar days compared to 1,682 calendar days in fiscal year 1989.

Figure 2 shows the average number of processing days for EEO complaints for the 5-year period 1989 to 1993.

Figure 2: Average INS Complaint Processing Time, Fiscal Years 1989 to 1993



SOURCE: INS, Office of EEO.

RACIAL AND GENDER PROFILE OF PROMOTIONS TO SUPERVISORY AND MANAGERIAL POSITIONS

Since September 30, 1992, INS has made some progress in the promotion of women and minorities to supervisory and managerial positions in grades GS-9 through the Senior Executive Service (SES). Women accounted for 320 (32 percent) and minorities 406 (41 percent) of the 1,002 promotions. African-American men and women accounted for 4 percent and 6 percent of the promotions, respectively. Of the two SES appointments announced on September 1, 1994, and awaiting approval by DOJ and the Office of Personnel Management (OPM), one is an Hispanic man and the other a white woman. No African-Americans have been appointed to the SES.

Table 2 shows the distribution of supervisory and managerial promotions by race and gender for grades GS-9 through the SES during the period September 30, 1992, through September 30, 1994.

**Table 2: Supervisory and Managerial Promotions for Grade 9 Through SES, September 30, 1992, to September 30, 1994**

| Grade   | Total |       | White |                | African American |       | Hispanic       |       | Asian American/Pacific Islander |       | Native American/Alaskan Native |       |
|---------|-------|-------|-------|----------------|------------------|-------|----------------|-------|---------------------------------|-------|--------------------------------|-------|
|         | All   | Women | Men   | Women          | Men              | Women | Men            | Women | Men                             | Women | Men                            | Women |
| 09      | 92    | 46    | 18    | 20             | 10               | 13    | 15             | 10    | 3                               | 2     | 0                              | 1     |
| 10      | 21    | 11    | 7     | 7              | 1                | 2     | 2              | 2     | 0                               | 0     | 0                              | 0     |
| 11      | 42    | 20    | 11    | 10             | 1                | 7     | 10             | 2     | 0                               | 1     | 0                              | 0     |
| 12      | 355   | 79    | 153   | 30             | 10               | 10    | 100            | 29    | 11                              | 8     | 2                              | 2     |
| 13      | 320   | 109   | 140   | 69             | 19               | 19    | 47             | 15    | 4                               | 5     | 1                              | 1     |
| 14      | 121   | 41    | 64    | 24             | 2                | 10    | 14             | 6     | 0                               | 1     | 0                              | 0     |
| 15      | 48    | 14    | 30    | 10             | 2                | 2     | 2              | 2     | 0                               | 0     | 0                              | 0     |
| SES     | 3     | 0     | 3     | 0 <sup>a</sup> | 0                | 0     | 0 <sup>a</sup> | 0     | 0                               | 0     | 0                              | 0     |
| Total   | 1002  | 320   | 426   | 170            | 45               | 63    | 190            | 66    | 18                              | 17    | 3                              | 4     |
| Percent |       | 31.94 | 42.51 | 16.97          | 4.49             | 6.29  | 18.96          | 6.59  | 1.80                            | 1.70  | 0.30                           | 0.40  |

<sup>a</sup>On September 1, 1994, INS announced the appointment of one Hispanic man and one white woman to SES positions. These appointments are subject to approval by DOJ and the Office of Personnel Management.

Source: INS, Office of EEO.

Additional details about the distribution of these supervisory and managerial promotions by race, gender, and location are included in attachment I.

While women and minorities accounted for a majority of the recent promotions to supervisory and managerial positions, the overall representation of women and minorities in INS' workforce as of September 30, 1994, has remained relatively stable--42 percent white male, 41 percent minorities, and 34 percent women since September 30, 1992. The proportion of African-American men and women in INS' workforce has also remained relatively stable at 12 percent for the same period. Attachment II contains INS' workforce profiles for September 30, 1992, and September 30, 1994.

#### EEO PROGRAM RECOMMENDATIONS

A number of internal proposals and suggestions to improve the operation of the EEO program, were submitted with the annual budget requests during fiscal years 1989 to 1993. A major

internal proposal was generated by the INS task force on the underrepresentation of African-Americans. The acting Commissioner convened the task force in early 1993 to address several issues, including the underrepresentation of African-Americans and other minorities in the agency's officer corps<sup>3</sup> positions at the supervisory and managerial levels. The recommendations of the task force addressed issues in six areas: (1) fostering support for affirmative action among managers, supervisors, and employees; (2) strengthening the operations of the INS EEO program; (3) improving EEO performance through training; (4) establishing EEO and affirmative action accountability for managers; (5) improving the level and quality of service; and (6) improving personnel practices.

According to the EEO Director, 34 of the 36 recommendations have been implemented or are in various stages of implementation. With respect to the two recommendations that have not been implemented, the EEO Director stated that (1) INS will continue to have the EEO Director report to the Executive Associate Commissioner for Management and (2) no decision has been made to increase resources for the Tuition Assistant Program. Attachment III summarizes the 36 recommendations and actions reported taken as of November 1, 1994.

According to the INS Commissioner, some of the key actions taken in response to the task force's recommendations include the following:

- All executive and senior managers in INS, including the Commissioner and Deputy Commissioner, have received EEO training.
- An automated statistical system has been developed to provide headquarters and field managers with information and guidance regarding underrepresentation of minorities, women, and disabled persons within each region, district, sector, service center, and asylum office and in headquarters offices.
- Special emphasis program managers have been trained to assist the field and headquarters managers in recruiting and hiring minorities, women, and disabled persons.
- Each supervisor is now evaluated on a critical EEO element in his/her performance work plan.

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<sup>3</sup>Officer corps positions are Border Patrol Agent, Immigration Inspector, Immigration Examiner, Criminal Investigator (Special Agent), and Deportation Officer.

- During fiscal year 1994, a new Affirmative Employment Program (AEP) Plan was developed to address systemic problems and barriers to minorities, women, and disabled persons. The plan covers recruitment, training, promotions, manager accountability, and retention and is scheduled to begin in November 1994.
- A national EEO advisory council was formed to advise the Commissioner on the effectiveness of INS' employment and training processes.
- The Merit Staffing Plan II and the Merit Promotion and Reassignment Plan are being revised to ensure that all hiring and promotion processes are neutral and fair.
- An EEO handbook has been developed for all INS managers, supervisors, and employees.
- Formal programs are being developed for developmental assignments and training to eliminate underrepresentation in the pipeline leading to senior management and SES positions.
- OPM is currently developing a competency-based study for INS. The study will identify desired skills and competencies necessary to perform duties within the special agent occupation and supervisory positions; its results should provide more objective basis for competition for promotions. Eventually, the study will be expanded to include all officer corps positions.

On October 19, 1993, the acting Commissioner formed an EEO Advisory Council, with representation from all minority groups and disabled employees, to advise the Commissioner on the status of the implementation plan for the EEO program and to consider other employment and training issues.

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This completes our statement for the record. This statement was prepared by Linda Elmore, Evaluator-in-Charge, and Xavier Richardson, Assistant Director.

**NUMBER OF INS SUPERVISORY PROMOTIONS FOR  
GRADE 9-SES, BY LOCATION,  
September 30, 1992-September 30, 1994**

| Location/Organization   | Total | White |       | African American |       | Hispanic |       | Asian American/<br>Pacific Islander |       | Native American/<br>Alaskan Native |       |
|---|-------|-------|-------|------------------|-------|----------|-------|-------------------------------------|-------|------------------------------------|-------|
|   |       | Men   | Women | Men              | Women | Men      | Women | Men                                 | Women | Men                                | Women |
| Headquarters  | 157   | 77    | 37    | 5                | 12    | 16       | 9     | 0                                   | 1     | 0                                  | 0     |
| Eastern Region  | 214   | 99    | 45    | 12               | 26    | 16       | 8     | 5                                   | 1     | 1                                  | 1     |
| Associate Regional<br>Commissioner for<br>Operations                  | 5     | 3     | 2     | 0                | 0     | 0        | 0     | 0                                   | 0     | 0                                  | 0     |
| Associate Regional<br>Commissioner for<br>Management                  | 7     | 0     | 5     | 0                | 1     | 0        | 1     | 0                                   | 0     | 0                                  | 0     |
| Buffalo District  | 29    | 21    | 6     | 0                | 2     | 0        | 0     | 0                                   | 0     | 0                                  | 0     |
| Newark District   | 14    | 5     | 4     | 1                | 0     | 2        | 1     | 1                                   | 0     | 0                                  | 0     |
| New York District   | 72    | 33    | 9     | 5                | 14    | 5        | 1     | 4                                   | 1     | 0                                  | 0     |
| Portland, Maine<br>District   | 14    | 12    | 1     | 0                | 0     | 0        | 0     | 0                                   | 0     | 1                                  | 0     |
| Buffalo Sector  | 2     | 2     | 0     | 0                | 0     | 0        | 0     | 0                                   | 0     | 0                                  | 0     |
| Swanton Sector  | 1     | 0     | 1     | 0                | 0     | 0        | 0     | 0                                   | 0     | 0                                  | 0     |
| Houlton Sector  | 1     | 1     | 0     | 0                | 0     | 0        | 0     | 0                                   | 0     | 0                                  | 0     |
| Boston District   | 13    | 6     | 5     | 0                | 0     | 1        | 1     | 0                                   | 0     | 0                                  | 0     |
| Baltimore District  | 12    | 3     | 3     | 2                | 3     | 0        | 0     | 0                                   | 0     | 0                                  | 1     |
| Philadelphia<br>District  | 10    | 3     | 4     | 0                | 3     | 0        | 0     | 0                                   | 0     | 0                                  | 0     |
| San Juan District   | 15    | 4     | 0     | 0                | 0     | 8        | 3     | 0                                   | 0     | 0                                  | 0     |
| Washington, D.C.<br>District  | 13    | 3     | 2     | 4                | 3     | 0        | 1     | 0                                   | 0     | 0                                  | 0     |
| Eastern Service<br>Center   | 3     | 1     | 2     | 0                | 0     | 0        | 0     | 0                                   | 0     | 0                                  | 0     |
| Office of Field<br>Operations Refuge<br>Asylum and Parole<br>Division | 3     | 2     | 1     | 0                | 0     | 0        | 0     | 0                                   | 0     | 0                                  | 0     |

| Location/Organization   | Total      | White     |           | African American |          | Hispanic  |           | Asian American/<br>Pacific Islander |          | Native American/<br>Alaskan Native |          |
|---|------------|-----------|-----------|------------------|----------|-----------|-----------|-------------------------------------|----------|------------------------------------|----------|
|   |            | Men       | Women     | Men              | Women    | Men       | Women     | Men                                 | Women    | Men                                | Women    |
| <b>Southern Region</b>  | <b>228</b> | <b>79</b> | <b>23</b> | <b>8</b>         | <b>7</b> | <b>85</b> | <b>24</b> | <b>0</b>                            | <b>1</b> | <b>0</b>                           | <b>1</b> |
| Associate Regional<br>Commissioner for<br>Operations                  | 2          | 1         | 0         | 0                | 0        | 1         | 0         | 0                                   | 0        | 0                                  | 0        |
| Associate Regional<br>Commissioner for<br>Management                  | 8          | 2         | 5         | 0                | 1        | 0         | 0         | 0                                   | 0        | 0                                  | 0        |
| Atlanta District  | 13         | 6         | 3         | 2                | 2        | 0         | 0         | 0                                   | 0        | 0                                  | 0        |
| El Paso District  | 25         | 5         | 0         | 0                | 0        | 13        | 7         | 0                                   | 0        | 0                                  | 0        |
| Miami District  | 18         | 4         | 2         | 3                | 2        | 3         | 3         | 0                                   | 0        | 0                                  | 1        |
| New Orleans<br>District   | 7          | 3         | 3         | 0                | 1        | 0         | 0         | 0                                   | 0        | 0                                  | 0        |
| San Antonio<br>District   | 30         | 6         | 1         | 0                | 0        | 20        | 3         | 0                                   | 0        | 0                                  | 0        |
| Houston District  | 16         | 8         | 2         | 0                | 1        | 4         | 1         | 0                                   | 0        | 0                                  | 0        |
| Marfa Sector  | 6          | 4         | 0         | 0                | 0        | 2         | 0         | 0                                   | 0        | 0                                  | 0        |
| New Orleans Sector  | 5          | 4         | 0         | 0                | 0        | 1         | 0         | 0                                   | 0        | 0                                  | 0        |
| Miami Sector  | 3          | 2         | 0         | 1                | 0        | 0         | 0         | 0                                   | 0        | 0                                  | 0        |
| El Paso Sector  | 15         | 9         | 0         | 0                | 0        | 6         | 0         | 0                                   | 0        | 0                                  | 0        |
| Del Rio Sector  | 21         | 13        | 1         | 2                | 0        | 5         | 0         | 0                                   | 0        | 0                                  | 0        |
| Laredo Sector   | 5          | 1         | 0         | 0                | 0        | 4         | 0         | 0                                   | 0        | 0                                  | 0        |
| McAllen Sector  | 11         | 4         | 0         | 0                | 0        | 0         | 7         | 0                                   | 0        | 0                                  | 0        |
| Dallas District   | 10         | 5         | 3         | 0                | 0        | 1         | 1         | 0                                   | 0        | 0                                  | 0        |
| Harlingen District  | 28         | 2         | 0         | 0                | 0        | 17        | 9         | 0                                   | 0        | 0                                  | 0        |
| Southern Service<br>Center  | 3          | 0         | 2         | 0                | 0        | 1         | 0         | 0                                   | 0        | 0                                  | 0        |
| Office of Field<br>Operations Refuge<br>Asylum and Parole<br>Division | 2          | 0         | 1         | 0                | 0        | 0         | 0         | 0                                   | 1        | 0                                  | 0        |

| Location/Organization  | Total      | White     |           | African American |          | Hispanic |          | Asian American/<br>Pacific Islander |          | Native American/<br>Alaskan Native |          |
|--|------------|-----------|-----------|------------------|----------|----------|----------|-------------------------------------|----------|------------------------------------|----------|
|  |            | Men       | Women     | Men              | Women    | Men      | Women    | Men                                 | Women    | Men                                | Women    |
| <b>Northern Region</b>                                       | <b>117</b> | <b>59</b> | <b>35</b> | <b>4</b>         | <b>5</b> | <b>8</b> | <b>3</b> | <b>1</b>                            | <b>1</b> | <b>1</b>                           | <b>0</b> |
| Regional Administrator                                       | 6          | 1         | 5         | 0                | 0        | 0        | 0        | 0                                   | 0        | 0                                  | 0        |
| Associate Regional Commissioner for Operations               | 4          | 4         | 0         | 0                | 0        | 0        | 0        | 0                                   | 0        | 0                                  | 0        |
| Chicago District   | 14         | 6         | 3         | 2                | 1        | 1        | 1        | 0                                   | 0        | 0                                  | 0        |
| Detroit District   | 22         | 13        | 3         | 1                | 3        | 1        | 0        | 0                                   | 0        | 1                                  | 0        |
| Helena District  | 3          | 2         | 0         | 0                | 0        | 0        | 1        | 0                                   | 0        | 0                                  | 0        |
| Kansas City District   | 3          | 1         | 2         | 0                | 0        | 0        | 0        | 0                                   | 0        | 0                                  | 0        |
| Omaha District   | 3          | 1         | 2         | 0                | 0        | 0        | 0        | 0                                   | 0        | 0                                  | 0        |
| Portland Oregon District                                     | 8          | 3         | 1         | 0                | 0        | 2        | 0        | 1                                   | 1        | 0                                  | 0        |
| St Paul District   | 11         | 6         | 4         | 0                | 0        | 1        | 0        | 0                                   | 0        | 0                                  | 0        |
| Seattle District   | 12         | 8         | 2         | 0                | 1        | 1        | 0        | 0                                   | 0        | 0                                  | 0        |
| Blaine Sector  | 2          | 2         | 0         | 0                | 0        | 0        | 0        | 0                                   | 0        | 0                                  | 0        |
| Spokane Sector   | 1          | 1         | 0         | 0                | 0        | 0        | 0        | 0                                   | 0        | 0                                  | 0        |
| Havre Sector   | 2          | 2         | 0         | 0                | 0        | 0        | 0        | 0                                   | 0        | 0                                  | 0        |
| Grand Forks Sector   | 1          | 1         | 0         | 0                | 0        | 0        | 0        | 0                                   | 0        | 0                                  | 0        |
| Detroit Sector   | 1          | 0         | 0         | 1                | 0        | 0        | 0        | 0                                   | 0        | 0                                  | 0        |
| Anchorage District   | 4          | 3         | 1         | 0                | 0        | 0        | 0        | 0                                   | 0        | 0                                  | 0        |
| Cleveland District   | 7          | 2         | 3         | 0                | 0        | 2        | 0        | 0                                   | 0        | 0                                  | 0        |
| Denver District  | 8          | 2         | 5         | 0                | 0        | 0        | 1        | 0                                   | 0        | 0                                  | 0        |
| Northern Service Center                                      | 4          | 1         | 3         | 0                | 0        | 0        | 0        | 0                                   | 0        | 0                                  | 0        |
| Office of Field Operations Refuge Asylum and Parole Division | 1          | 0         | 1         | 0                | 0        | 0        | 0        | 0                                   | 0        | 0                                  | 0        |



| Location/Organization   | Total      | White      |           | African American |           | Hispanic  |           | Asian American/<br>Pacific Islander |           | Native American/<br>Alaskan Native |          |
|---|------------|------------|-----------|------------------|-----------|-----------|-----------|-------------------------------------|-----------|------------------------------------|----------|
|   |            | Men        | Women     | Men              | Women     | Men       | Women     | Men                                 | Women     | Men                                | Women    |
| <b>Western Region</b>   | <b>286</b> | <b>112</b> | <b>30</b> | <b>16</b>        | <b>13</b> | <b>65</b> | <b>22</b> | <b>12</b>                           | <b>13</b> | <b>1</b>                           | <b>2</b> |
| Associate Regional<br>Commissioner for<br>Operations                  | 7          | 5          | 1         | 1                | 0         | 0         | 0         | 0                                   | 0         | 0                                  | 0        |
| Associate Regional<br>Commissioner for<br>Management                  | 6          | 0          | 3         | 3                | 0         | 0         | 0         | 0                                   | 0         | 0                                  | 0        |
| San Francisco<br>District   | 25         | 5          | 6         | 1                | 1         | 7         | 2         | 3                                   | 0         | 0                                  | 0        |
| Los Angeles<br>District   | 55         | 15         | 6         | 4                | 10        | 7         | 5         | 5                                   | 2         | 1                                  | 0        |
| Phoenix District  | 31         | 15         | 4         | 0                | 0         | 9         | 2         | 0                                   | 0         | 0                                  | 1        |
| Tucson Sector   | 9          | 7          | 0         | 0                | 0         | 2         | 0         | 0                                   | 0         | 0                                  | 0        |
| Yuma Sector   | 7          | 4          | 1         | 0                | 0         | 2         | 0         | 0                                   | 0         | 0                                  | 0        |
| El Centro Sector  | 13         | 6          | 0         | 0                | 0         | 5         | 1         | 0                                   | 1         | 0                                  | 0        |
| Livermore Sector  | 2          | 1          | 1         | 0                | 0         | 0         | 0         | 0                                   | 0         | 0                                  | 0        |
| San Diego Sector  | 47         | 23         | 3         | 1                | 0         | 16        | 4         | 0                                   | 0         | 0                                  | 0        |
| San Diego District  | 55         | 21         | 3         | 6                | 1         | 15        | 8         | 1                                   | 0         | 0                                  | 0        |
| Western Service<br>Center   | 5          | 2          | 0         | 0                | 1         | 0         | 0         | 1                                   | 0         | 0                                  | 1        |
| Honolulu District   | 23         | 7          | 2         | 0                | 0         | 2         | 0         | 2                                   | 10        | 0                                  | 0        |
| Office of Field<br>Operations Refuge<br>Asylum and Parole<br>Division | 1          | 1          | 0         | 0                | 0         | 0         | 0         | 0                                   | 0         | 0                                  | 0        |

SOURCE: INS, Office of EEO.

IMMIGRATION AND NATURALIZATION SERVICE  
WORKFORCE PROFILES

Table II.1: INS Workforce Profile, by Grade, as of September 30, 1992

| Grade   | Total |       | White |       | African American |       | Hispanic |       | Asian American/<br>Pacific Islander |       | Native American/<br>Alaskan Native |       |
|---------|-------|-------|-------|-------|------------------|-------|----------|-------|-------------------------------------|-------|------------------------------------|-------|
|         | All   | Women | Men   | Women | Men              | Women | Men      | Women | Men                                 | Women | Men                                | Women |
| 01      | 14    | 12    | 0     | 5     | 2                | 6     | 0        | 1     | 0                                   | 0     | 0                                  | 0     |
| 02      | 7     | 4     | 2     | 1     | 1                | 2     | 0        | 1     | 0                                   | 0     | 0                                  | 0     |
| 03      | 114   | 82    | 20    | 39    | 8                | 30    | 2        | 9     | 2                                   | 4     | 0                                  | 0     |
| 04      | 744   | 576   | 80    | 258   | 44               | 172   | 32       | 105   | 10                                  | 32    | 2                                  | 9     |
| 05      | 2310  | 1235  | 635   | 580   | 65               | 303   | 324      | 263   | 45                                  | 75    | 6                                  | 14    |
| 06      | 685   | 467   | 108   | 236   | 40               | 124   | 53       | 81    | 15                                  | 23    | 2                                  | 3     |
| 07      | 2466  | 1053  | 782   | 516   | 125              | 259   | 430      | 224   | 66                                  | 52    | 10                                 | 2     |
| 08      | 195   | 107   | 48    | 42    | 13               | 49    | 25       | 13    | 2                                   | 2     | 0                                  | 1     |
| 09      | 3628  | 722   | 1669  | 377   | 110              | 142   | 1047     | 148   | 68                                  | 48    | 12                                 | 7     |
| 10      | 193   | 12    | 77    | 7     | 3                | 3     | 94       | 2     | 5                                   | 0     | 2                                  | 0     |
| 11      | 2555  | 679   | 1150  | 332   | 63               | 158   | 604      | 137   | 50                                  | 48    | 9                                  | 4     |
| 12      | 2501  | 519   | 1372  | 320   | 90               | 93    | 468      | 83    | 46                                  | 20    | 6                                  | 3     |
| 13      | 1022  | 253   | 627   | 169   | 30               | 46    | 107      | 25    | 5                                   | 12    | 0                                  | 1     |
| 14      | 742   | 161   | 515   | 126   | 17               | 19    | 48       | 11    | 0                                   | 5     | 1                                  | 0     |
| 15      | 257   | 42    | 194   | 35    | 6                | 3     | 15       | 3     | 0                                   | 1     | 0                                  | 0     |
| SES     | 36    | 5     | 25    | 4     | 0                | 0     | 4        | 1     | 2                                   | 0     | 0                                  | 0     |
| Total   | 17469 | 5929  | 7304  | 3047  | 617              | 1409  | 3253     | 1107  | 316                                 | 322   | 50                                 | 44    |
| Percent |       | 33.94 | 41.81 | 17.44 | 3.53             | 8.07  | 18.62    | 6.34  | 1.81                                | 1.84  | 0.29                               | 0.25  |

SOURCE: INS, Office of EEO.

Table II.2: INS Workforce Profile, by Grade, as of September 30, 1994

| Grade   | Total |       | White |       | African American |       | Hispanic |       | Asian American/<br>Pacific Islander |       | Native American/<br>Alaskan Native |       |
|---------|-------|-------|-------|-------|------------------|-------|----------|-------|-------------------------------------|-------|------------------------------------|-------|
|         | All   | Women | Men   | Women | Men              | Women | Men      | Women | Men                                 | Women | Men                                | Women |
| 01      | 30    | 20    | 1     | 0     | 4                | 14    | 5        | 6     | 0                                   | 0     | 0                                  | 0     |
| 02      | 3     | 1     | 2     | 0     | 0                | 0     | 0        | 0     | 0                                   | 1     | 0                                  | 0     |
| 03      | 42    | 28    | 5     | 8     | 7                | 11    | 2        | 4     | 0                                   | 3     | 0                                  | 2     |
| 04      | 497   | 368   | 66    | 160   | 29               | 110   | 29       | 75    | 3                                   | 19    | 2                                  | 4     |
| 05      | 2006  | 1207  | 466   | 566   | 68               | 296   | 230      | 255   | 30                                  | 75    | 5                                  | 15    |
| 06      | 630   | 450   | 90    | 221   | 34               | 114   | 36       | 82    | 17                                  | 28    | 3                                  | 5     |
| 07      | 2241  | 930   | 710   | 470   | 129              | 229   | 407      | 178   | 55                                  | 51    | 10                                 | 2     |
| 08      | 440   | 302   | 65    | 130   | 21               | 101   | 41       | 59    | 11                                  | 11    | 0                                  | 1     |
| 09      | 4516  | 858   | 2162  | 469   | 116              | 141   | 1288     | 194   | 78                                  | 45    | 14                                 | 9     |
| 10      | 202   | 21    | 79    | 13    | 3                | 5     | 90       | 3     | 7                                   | 0     | 2                                  | 0     |
| 11      | 2368  | 578   | 1094  | 313   | 68               | 104   | 572      | 119   | 48                                  | 42    | 8                                  | 0     |
| 12      | 3076  | 808   | 1513  | 421   | 104              | 186   | 567      | 145   | 73                                  | 50    | 11                                 | 6     |
| 13      | 1155  | 317   | 648   | 208   | 51               | 60    | 130      | 33    | 8                                   | 14    | 1                                  | 2     |
| 14      | 782   | 199   | 516   | 154   | 15               | 25    | 51       | 12    | 0                                   | 8     | 1                                  | 0     |
| 15      | 270   | 56    | 188   | 46    | 7                | 5     | 16       | 4     | 2                                   | 1     | 1                                  | 0     |
| SES     | 26    | 4     | 19    | 3     | 0                | 0     | 2        | 1     | 1                                   | 0     | 0                                  | 0     |
| Total   | 18284 | 6147  | 7624  | 3182  | 656              | 1401  | 3466     | 1170  | 333                                 | 348   | 58                                 | 46    |
| Percent |       | 33.62 | 41.70 | 17.40 | 3.59             | 7.66  | 18.96    | 6.40  | 1.82                                | 1.90  | 0.32                               | 0.25  |

SOURCE: INS, Office of EEO.

INS EEO TASK FORCE REPORT  
RECOMMENDATIONS

| Recommendation   | Action taken  | Date completed                                  |
|--|---|---|
| <p>1. Include managers and supervisors in the development of the affirmative action plan (AAP); assign managers and supervisors specific responsibility in achieving the objectives of the AAP; provide mandatory training to managers and supervisors in their responsibilities under the AAP; and hold managers and supervisors accountable for their accomplishments under the AAP.</p> | <p>Management met and developed plan that will be ready for signature mid-November.</p> <p>Mandatory training provided to all senior executives, field managers, and GS-15 staff and above since November, 1993.</p>                      | <p>November 1993;<br/>ongoing training.</p>     |
| <p>2. As part of the training that is to be given to managers and supervisors on affirmative action, there must be a section of the training that will be devoted to teaching managers and supervisors how to address underrepresentation of minorities and women by using the services of Personnel and EEO officials.</p>  | <p>See number 1.</p>  | <p>November 1993;<br/>Ongoing training.</p>     |
| <p>3. Require EEO bulletin boards in ALL offices -- local, suboffices, ports, and other Service facilities that do not now have them. Post names of EEO Counselors and Special Emphasis Program Managers (SEPMs); develop a brochure identifying the procedures for filing complaints of discrimination.</p>   | <p>Poster listing EEO policy and name of counselors placed in all offices.</p> <p>130-page EEO handbook for all employees completed and at publisher for printing. To be distributed January 1995.</p>                                    | <p>September 1993.<br/><br/>(January 1995.)</p> |
| <p>4. Require that managers use written communication as well as verbal in providing guidance and direction in promoting their EEO program.</p>  | <p>Managers have been rated on this performance element since fiscal year 1994.</p>   | <p>September 1993.</p>                          |
| <p>5. Elevate the EEO office within the Service to report directly to the Commissioner to give it greater visibility and authority.</p>  | <p>Commissioner and Deputy Commissioner made decision to continue to have EEO Director report to Executive Associate Commissioner for Management.</p>   |   |
| <p>6. Place all full-time EEO personnel in the regions, districts, and sectors under the direct control of the Headquarters EEO Director. Require Headquarters approval of all regional, district, and sector Multi-Year Affirmative Employment plans and reports to ensure full compliance with EEOC directives and guidelines.</p>   | <p>Dual reporting authority for field EEO managers. EEO Director approves all work plans and appraisals for EEO regional staff and has approval authority and provides guidance on all multiyear and annual affirmative action plans.</p> | <p>September 1993.</p>                          |
| <p>7. Allocate additional resources to the EEO effort, both human and financial, so that the Office can be effective in its efforts to improve the representation of African-Americans, women, other minorities, and disabled persons in the Service.</p>  | <p>Office of EEO budget increased from \$893,000 in fiscal year 1993 to \$2.1 million in fiscal year 1994, and to \$3.1 million in fiscal year 1995. Six new positions were added to headquarters EEO staff.</p>                          | <p>Fiscal year 1994.</p>                        |

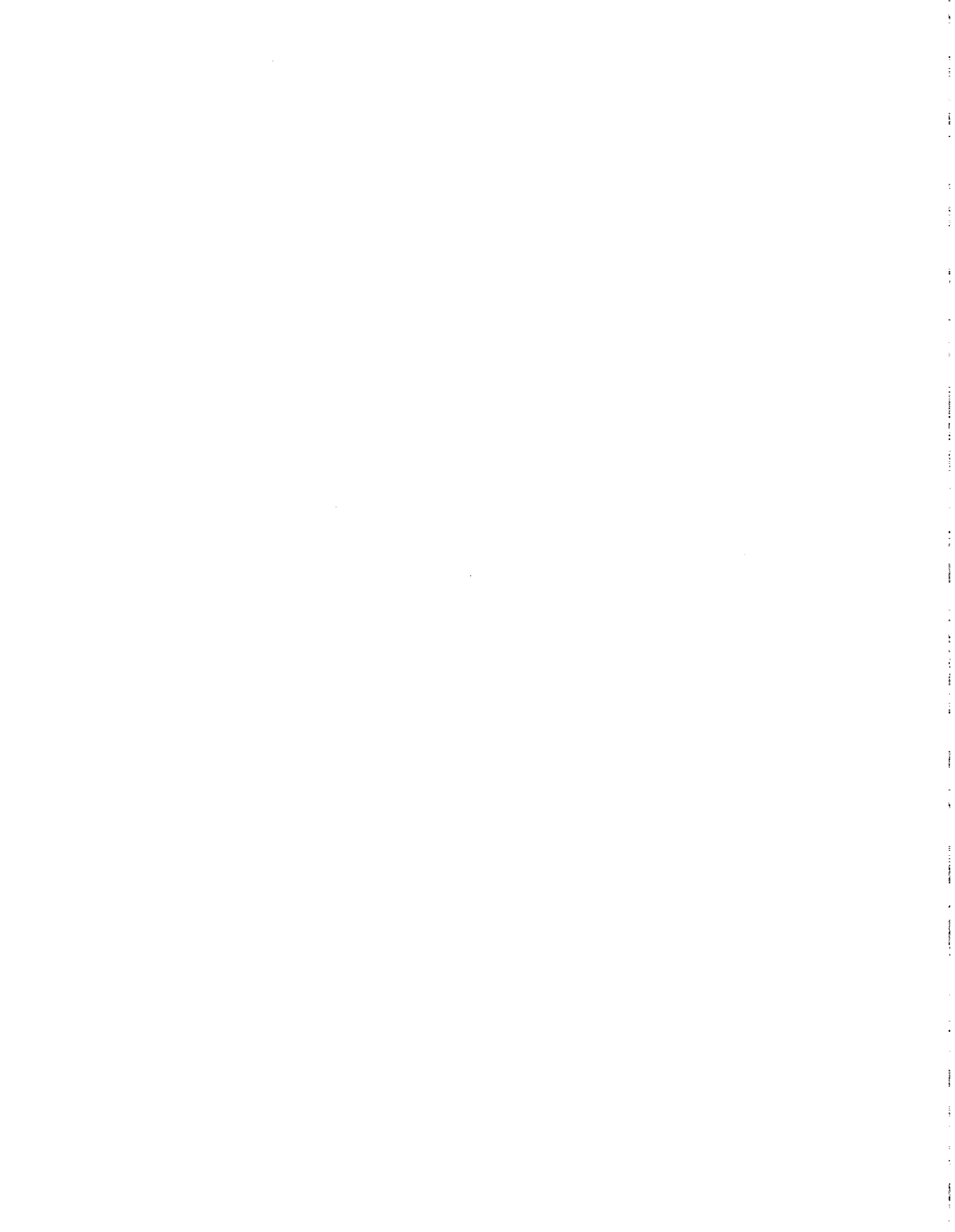
| Recommendation   | Action taken  | Date completed                                     |
|--|---|--|
| 8. Give serious consideration to allocating sufficient resources to replace collateral duty EEO officials with full-time EEO officials in critical field locations.  | Created one full-time equivalent position in Los Angeles, Miami, and New York for mediation, AAP monitoring. Continue to use collateral duty EEO officials. | Partially completed, fiscal year 1995.             |
| 9. Allocate adequate funding to support the field managers affirmative action (AA) efforts, consistent with their assigned AA tasks.   | See number 8.   | Partially completed, fiscal year, 1995.            |
| 10. Provide immediate and mandatory EEO training and yearly refresher training to all employees, including supervisors and managers. Include within this training rights and responsibilities associated with the complaint process.   | Training in process.  | Ongoing process to be completed by September 1995. |
| 11. Train all SEPMs before the end of fiscal year 1993.  | Provided training for all SEPMs beginning in July 1993.   | June 1994.   |
| 12. Educate INS managers and supervisors on their EEO/AA roles and responsibilities, and the expectations of higher management in this regard. Such training should be mandatory. Work actively to establish and "sell" a policy of racial and ethnic diversity to the entire INS workforce. | Included in handbook. See number 1.   | Ongoing. September 1993.                           |
| 13. Require mandatory EEO/AA training for all senior executives, managers, and supervisors within six months of their appointments to these positions.   | All new managers have received training within the first 6 months.  | Ongoing.   |
| 14. Provide "people skills" training designed to promote good relations and improve communication between supervisors and managers.  | Included in overall training. See number 1.   | Ongoing.   |
| 15. Establish accountability for AAP objectives.   | Quarterly statistical report showing underrepresentation compiled. Guidance provided on how to fill slots.  | September 1993.                                    |
| 16. Establish specific affirmative action targets for supervisors and managers at the District/Sector and equivalent levels. Train them on how to fulfill these responsibilities and hold them accountable for achieving their AAP objectives.   | See number 15.  | September 1993.                                    |
| 17. Require a separate critical EEO element in the performance workplans of Senior Executives, supervisors, and managers that has clear standards to measure positive accomplishments in the EEO and AA Programs.  | Critical EEO element placed in annual workplans. Critical elements will be revised annually.  | September 1993                                     |
| 18. Take immediate action to address the backlog of complaints pending EEO investigation and conduct an assessment of the complaints process to determine where the bottlenecks exist and what can be done to expedite the process.  | Backlog of EEO complaints at INS eliminated.  | Ongoing.   |

| Recommendation   | Action taken   | Date completed                         |
|--|--|--|
| 19. Place full-time EEO officials in larger field locations, under the immediate supervision of the Director of EEO to ensure greater confidentiality, accessibility, and singularity of programmatic priorities.                          | See number 8.  | Partially completed, fiscal year 1995. |
| 20. The Service should undertake the immediate appointment of African-American to SES and senior management positions (GM-15).   | Three appointments to GS-15, (2 District and 1 Deputy District manager). No African-Americans appointed to SES.  | Ongoing.                               |
| 21. Serious consideration should be given to the appointment of African-Americans to supervisory positions as a means of addressing underrepresentation in the workforce.  | Of the 601 fiscal year 1994 appointments to supervisory and management positions, 255 were minority candidates including 188 women. Seventy-five (12%) were African-American men and women.  | Fiscal year 1994; Ongoing.             |
| 22. Revise the Merit Promotion and Reassignment Plan (MP&RP), the promotion plan for bargaining unit employees, for accuracy and consistency with Merit Staffing Plan II (MSP II), the promotion plan for supervisors and managers.        | Began revising the plans in October 1994. Completion expected by the end of fiscal year 1995.  | In process.                            |
| 23. Devise a uniform procedure for conducting interviews as well as a uniform method of documenting the interview results and the recommendations of the interviewer(s).   | See number 22.   | In process.                            |
| 24. Implement a comprehensive effort to correct the current race/national origin (RNO) and gender data for INS employees, and establish policies and procedures to ensure the timely and accurate collection of the data on new employees. | In November 1993, began requiring employees to self-identify race. Still in process of compiling data.   | Ongoing process.                       |
| 25. Utilize data systems to track training, disciplinary actions, and awards Servicewide by RNO and gender.  | In April 1994, Applicant Survey System began tracking training. Will be adapted to include disciplinary actions and awards.  | Ongoing.                               |
| 26. Implement targeted recruitment efforts to identify and employ African-Americans in Officer Corps occupations, especially Special Agents, Border Patrol Agents and Immigrations Inspectors.   | In September 1993, began nationwide recruiting program for applicants targeting 2- and 4-year colleges and military bases in the midwest and southwest for minority candidates.  | Ongoing process.                       |
| 27. Conduct a specialized study of Border Patrol hiring and retention to identify worthwhile sources of recruitment of African-Americans and methods for retaining African-American employees in the Patrol.                               | A study was done in 1987. OPM is developing a competency-based study to identify skills within the Special Agent occupation and supervisory positions. The study will also include all officer corps positions, i.e., Border Patrol Agent, Immigration Inspector, Immigration Examiner, and Deportation Officer. | Ongoing.                               |

| Recommendation  | Action taken   | Date completed                   |
|---|--|----------------------------------|
| 28. Increase resources allocated to the Tuition Assistance Program and publicize it in Servicewide, regional and local employee publications, and through the use of posters and brochures.   | INS has not acted on this agency-wide funding issue.   |                                  |
| 29. Revitalize the Upward Mobility Program. Working through the EEO Office, establish a percentage of new/vacated positions in targeted locations and occupations to be filled through the formal Upward Mobility Program.  | As part of affirmative action plan, slots are to be placed in several underrepresented offices.                                    | To be implemented November 1994. |
| 30. Develop a systematic way of providing training to ensure equal access by all employees. Develop criteria for selections for training and publicize this information to all employees.   | See number 25.   | Ongoing.                         |
| 31. Make greater use of Upward Mobility, Cooperative Education, Bi-lingual/Bi-cultural, and Outstanding Scholar Programs to address underrepresentation.  | INS is making greater use of Veterans Readjustment Appointments and the Outstanding Scholar Program to address underrepresentation | Ongoing process.                 |
| 32. Train managers and supervisors to effectively use hiring tools such as the Administrative Careers with America (ACWA) register and exception to ACWA, including special appointing authority--such as Bi-cultural/Bi-lingual, Outstanding Scholar, Veterans Readjustment and Cooperative Education Program, and Upward Mobility--to meet AA objectives. | Part of training received by senior managers. See number 1.  | November 1993.                   |
| 33. Allocate a greater percentage of officer Corps positions for internal candidates and clarify the May 1992 instructions regarding staffing sources for these positions. Clarify instructions regarding outside hiring to correct a prevalent misunderstanding that ACWA may serve as the only source of outside hires.                                   | Agency has no policy of hiring exclusively from ACWA. Clarification provided that no policy that ACWA would be used solely.        | November 1993.                   |
| 34. Involve the EEO Office in the selection process for managers and supervisors, especially in those locations and occupations in which underrepresentation of minorities and women exists; (e.g. provide to a selecting official, along with the selection list, a notice of underrepresentation in that occupation and that locality).                   | The EEO Director is involved in the review of every selection package in all locations.  | Ongoing process.                 |
| 35. With issuance of the selection list for certain occupations and locations, notify selection official of underrepresentation, as appropriate.  | See number 34.   | Ongoing process.                 |
| 36. Establish a mechanism to implement and monitor the recommendations contained in this report and to ensure continued efforts in support of the EEO/AA program.   | EEO Implementation plan developed in October 1993 to track implementation of recommendations.                                      | Ongoing.                         |

SOURCE: INS, Office of EEO.

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