



### Why This Matters

The U.S. Office of Special Counsel (OSC) received a whistleblower disclosure concerning U.S. Customs and Border Protection's (CBP) U.S. Border Patrol Headquarters (USBP) in Washington, DC. The whistleblower alleged employees in USBP Headquarters claim administratively uncontrollable overtime (AUO) daily, but fail to perform duties that qualify for AUO.

OSC referred this allegation to DHS Secretary Jeh Johnson. The Department subsequently requested our assistance with this allegation and several other AUO-related allegations from other DHS components. We assembled a taskforce of auditors, program analysts, investigators, and attorneys to review these allegations. This report contains the results of our evaluation on the alleged misuse of AUO at USBP Headquarters. We will issue the results of our evaluations of the alleged misuse of AUO at other components in separate reports.

## Evaluation of Alleged AUO Misuse at U.S. Border Patrol Headquarters (OSC File No. DI-14-1093)

### What We Determined

Federal regulations allow agencies to pay AUO annually to employees in positions that require substantial amounts of irregular or occasional overtime work and in which the hours of duty cannot be controlled administratively.

USBP Headquarters did not have sufficient AUO documentation to allow us to specifically identify a violation of law, rule, or regulation. However, many of the tasks that agents performed during AUO hours appear to have been administratively controllable.

Effective January 26, 2014, USBP headquarters' use of AUO was permanently suspended. The report contains no recommendations.

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#### For Further Information:

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