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DHS OIG Confirms CBP Overtime Pay Misuse

Whistleblowers' information claiming misuse of administratively uncontrollable overtime (AUO) by some of Customs and Border Protection's (CBP) border patrol agents is confirmed, according to four Department of Homeland Security Office Inspector General reports.

The Office of Special Counsel referred numerous whistleblower disclosures to DHS, alleging widespread misuse of AUO within CBP. AUO, which supplements recipients' pay by as much as 25% annually, is meant for employees who are often required to work unpredictable overtime that cannot be controlled.

DHS OIG convened a multidisciplinary taskforce to evaluate allegations of AUO misuse in CBP's Ysleta Border Patrol Station (OIG 15-07), National Targeting Center (OIG 15-11), Border Patrol Headquarters (OIG 14-144), and in several Border Patrol sectors where agents served as CrossFit Instructors (OIG 15-20).

We found that AUO pay for CrossFit duties, such as instruction and gym maintenance, was inconsistent with Federal AUO regulations. Although the Ysleta Station, National Targeting Center, and Border Patrol Headquarters did not have sufficient AUO documentation to allow us identify a specific violation of law, rule, or regulation, many of the tasks border patrol agents performed during AUO hours appeared to have been administratively controllable.

DHS initiated a series of AUO reforms that will result in greater accountability and help prevent AUO misuse. In addition, CBP decertified AUO for 139 positions that did not meet AUO eligibility requirements and Congress enacted a pay reform law that eliminates AUO for border patrol agents—replacing it with a new pay system that may result in \$100 million in annual savings.

"I am encouraged by CBP's response to a costly misuse of the AUO system, which will help safeguard taxpayer money and give the accountability the public expects and deserves," said Inspector General John Roth.

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