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STUDY BY THE STAFF OF THE U.S.

General Accounting Office

Observations On Overtime, Sunday, And Holiday
Compensation For The U.S. Customs Service,
Immigration And Naturalization Service, And
The Animal And Plant Health Inspection Service
Inspectors



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UNITED STATES GENERAL ACCOUNTING OFFICE
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GENERAL GOVERNMENT
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FOREWORD

The Department of the Treasury's U.S. Customs Service, the Department of Justice's Immigration and Naturalization Service, and the Department of Agriculture's Animal and Plant Health Inspection Service process international travelers and imported products into the United States. Under their compensation laws, inspectors are compensated differently for overtime, Sunday, and holiday work assignments from other federal employees. The administration has proposed legislation to the Congress to change the way the inspectors are compensated.

To provide information the Congress and the executive branch may find useful concerning the inspectors' compensation laws, the General Accounting Office conducted a study of inspectors' compensation for overtime, Sunday, and holiday work. We are sending copies of this study to congressional committees; the Director, Office of Management and Budget; the Secretary of Agriculture; the Attorney General; the Secretary of the Treasury; and other interested parties.

W. J. Anderson

William J. Anderson
Director

SUMMARY

The U.S. Customs Service, Immigration and Naturalization Service, and the Animal and Plant Health Inspection Service inspectors are compensated differently for overtime, Sunday, and holiday work assignments from most other federal employees. The administration has proposed legislation to the Congress to change this kind of compensation for inspectors. Congress, when it considers suggested compensation law changes, may find the following observations useful:

--Some of the conditions that led to enacting the inspectors' compensation laws have changed. (See p. 7.)

--We estimate that the cost of paying inspectors differently from most other federal employees was at least \$21.6 million in fiscal year 1982. (See p. 11.)

International travelers and imported products entering the United States are subject to inspection by the federal inspection agencies--the U.S. Customs Service, the Immigration and Naturalization Service, and the Animal and Plant Health Inspection Service. In fiscal year 1983, about 284 million travelers entered the United States; 252 million by land, 29 million by air, and 3 million by sea. Customs also processed 5.3 million formal entries of cargo. In carrying out these responsibilities, the inspectors' overtime, Sunday, and holiday compensation costs were about \$85 million in fiscal year 1983.

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ABBREVIATIONS

APHIS	Animal and Plant Health Inspection Service
INS	Immigration and Naturalization Service

CHAPTER 1

INTRODUCTION

International travelers and articles entering the United States are subject to inspection primarily by three federal agencies--the U.S. Customs Service (Customs), the Immigration and Naturalization Service (INS), and the Animal and Plant Health Inspection Service (APHIS), hereafter referred to as the federal inspection agencies. In fiscal year 1983, the three agencies inspected about 284 million travelers who entered the United States, 252 million by land, 29 million by air, and 3 million by sea. Also, Customs processed import documentation for 5.3 million entries of cargo. To process this work load inspectors were required to work overtime, Sundays, and holidays and received \$85.1 million in compensation for this work. The government's share of this expense was \$35.3 million. Private sector users of inspection services--airlines, shipping companies, importers, and owners of private aircraft or vessels--reimbursed the government \$49.8 million of this cost.¹

The federal inspection agencies inspect persons and articles entering the United States as follows:

- The U.S. Customs Service, an agency of the Department of the Treasury, inspects merchandise and baggage; collects duties on imports; enforces Customs' and related laws against contraband smuggling; and interdicts the flow of narcotics and dangerous drugs.
- The Immigration and Naturalization Service, an agency of the Department of Justice, inspects aliens to determine their admissibility into the United States; adjudicates requests for benefits under the Nation's immigration law; guards against illegal entry; and investigates, apprehends, and removes aliens who violate the law.
- The Animal and Plant Health Inspection Service, an agency of the Department of Agriculture, administers federal laws and regulations pertaining to animal and plant health quarantine, to humane treatment of animals, and to the control and eradication of pests and diseases.

¹By law and regulation the private sector reimburses the government for a part of the cost of compensating inspectors for overtime, Sunday, and holiday work.

Each agency usually carries out its responsibilities independently of the other, but in certain situations inspectors of one agency perform the inspection functions of one or more of the other agencies.

FEDERAL INSPECTION AGENCIES'
COMPENSATION LAWS AND
REGULATIONS

The federal inspections agencies' compensation is governed by specific laws and regulations for each agency. The applicable laws and regulations are:

- Customs Inspectors, Act of February 18, 1911, as amended (19 U.S.C. 267), referred to as the 1911 act. Implementing regulations are set forth in 19 C.F.R. 24.16.
- INS Inspectors, Act of March 2, 1931, as amended (8 U.S.C. 1353a), referred to as the 1931 act. Implementing guidance is prescribed in INS Administrative Manual, Section 2818.01.
- APHIS Inspectors performing inspection and quarantine services relating to imports and exports, Act of August 28, 1950, as amended (7 U.S.C. 2260), enacted 1950. Implementing guidance is contained in APHIS Directive 402.3 (1981).

Most other federal employees are governed by the Federal Employees Pay Act (FEPA) of 1945, as amended (5 U.S.C. 5541-5549). All employees, unless exempted, are also covered by the Fair Labor Standards Act of 1974, (PL 93-259, April 8, 1974, 88 Stat. 55).

OVERTIME, SUNDAY, AND
HOLIDAY COMPENSATION
COSTS FOR INSPECTION
SERVICES

The total overtime, Sunday, and holiday compensation costs for inspection services for fiscal years 1982 and 1983 are summarized on the following page.

Overtime, Sunday, and holiday
compensation costs
(millions of dollars)

<u>Agency</u>	<u>Fiscal year 1982</u>	<u>Fiscal year 1983</u>
Customs	\$54.7	56.1
INS	18.4	19.5
APHIS	<u>8.0</u>	<u>9.5</u>
	<u>\$81.1</u>	<u>\$85.1</u>

CONGRESSIONAL AND EXECUTIVE
BRANCH CONCERNS

The federal inspection agencies' overtime, Sunday, and holiday compensation costs are of concern to the Congress and the executive branch. In 1979, in an effort to control compensation costs, the Congress put a \$20,000 extra compensation limit on Customs and INS inspectors. In its 1981, 1982, and 1983 hearings the House Committee on Appropriations continued to discuss the inspectors compensation issue with Customs. However, no legislation was enacted. Congress increased the extra compensation limitation per inspector to \$25,000 for fiscal year 1983, primarily because of the need to allow the agencies more flexibility in scheduling employee work assignments.

In September 1981, the President's Management Improvement Council recommended legislation that would have replaced the 1931 INS act with the Federal Employees Pay Act, which is applicable to most government employees. The administration supported this recommendation and the Senate Judiciary Committee included the proposal in the fiscal year 1982 INS authorization. The administration did not propose similar legislation for Customs, and no further congressional action was taken on the INS proposal.

On August 8, 1983, the Department of the Treasury submitted to the Congress proposed legislation to amend the rate of pay for overtime, Sundays, and holidays. In July 1983, the Attorney General submitted to the Congress similar proposed legislation. As of September 1, 1984, no action had been taken on the legislation.

OBJECTIVES, SCOPE, AND METHODOLOGY

The objective of this assignment was to compare inspectors' compensation laws for overtime, Sunday, and holiday work. To achieve this objective we (1) collected information

on the amounts of and agency procedures relating to overtime, Sunday, and holiday compensation payments to inspectors at Customs, INS, and APHIS; (2) interviewed agency officials at headquarters and field locations; and (3) researched the history and background of the present laws, regulations, and procedures relating to overtime, Sunday, and holiday compensation for inspectors at the three agencies.

We collected data on inspector overtime, Sunday, and holiday compensation at locations that agency officials said were representative of such work assignments nationwide. The locations where we conducted our work are discussed in the appendix.

We collected information on inspector overtime, Sunday, and holiday compensation payments at each of the locations we visited from time and attendance sheets, compensation logs, shift schedules, and computerized compensation reports. We stored this information in a computerized data base. Our data base included 19,447 overtime, Sunday, and holiday assignments. We analyzed each assignment to determine the length of the duty tour, the time it occurred, the type of assignment, who worked, and the location of the assignment. To check the accuracy and reliability of our computerized data base, we performed tests on source documentation and computerized print-outs.

We collected data for six fiscal year 1982 pay periods at INS and APHIS and four periods at Customs.² For these pay periods we reviewed all overtime, Sunday, and holiday assignments at each location. The data on overtime, Sunday, and holiday compensation collected during our site visits does not constitute a random statistical sample and cannot be projected nationwide. However, agency officials told us that the pay periods we selected included typical overtime, Sunday, and holiday assignments worked by inspectors nationwide that occur commonly throughout the year.

Our study was conducted between March 11, 1983, and February 24, 1984, in accordance with generally accepted government auditing standards.

²When we initiated our review in March 1983, the fiscal year 1982 period reflected the most current information on compensation costs of the federal inspection agencies for a 1 year time frame.

CHAPTER 2

COMPARISON OF CUSTOMS, INS, AND APHIS

COMPENSATION LAWS AND REGULATIONS FOR

INSPECTORS WITH THOSE FOR OTHER

FEDERAL EMPLOYEES

The federal inspection agencies inspectors are compensated differently for overtime, Sunday, and holiday work from most other federal employees. The added cost to the federal government and private sector, which jointly pay for the overtime, Sunday, and holiday compensation, was at least \$21.6 million in fiscal year 1982.

LEGISLATIVE HISTORY OF FEDERAL INSPECTION AGENCIES' PAY LAWS

The legislative history of the federal inspection agencies pay laws indicates that the Congress provided different compensation rates for inspectors compared with most federal employees because (1) the cost of overtime, Sunday, and holiday work would be reimbursed to the federal government by the private sector; and (2) the nature of inspection overtime work was considered to be different from work performed by other federal employees. Overtime, for the most part, occurred at night and at the convenience of the private sector and was frequently unplanned. Congress determined that such inspection work was unusually burdensome and inconvenient and should receive different overtime, Sunday, and holiday compensation.

When Congress enacted FEPA in 1945, it retained the special compensation laws for inspectors. The legislative history of both the 1945 FEPA and its 1954 amendment reveals that there was some support for the inclusion of the inspectional services in the uniform compensation provisions. However, the federal inspection agencies' individual laws for overtime, Sunday, and holiday work assignments remained in effect and attempts to repeal them were defeated. Congress was persuaded in 1945 and 1954 that several reasons, such as the nature of the overtime work, the long history of the special status, and especially the private sector reimbursement requirements, justified the compensation laws. Thus, the compensation laws for inspectors remain in force today. A brief description of the legislative history of each of the agencies' compensation laws follows.

Customs

The legislative history of the 1911 act suggests that the reimbursement for the extra compensation by the private sector was crucial for the passage of the law. Congress was aware of the increasing demands for Customs inspection services outside of established hours of operation. The law provided the basis for the government to obtain financial reimbursement for the overtime, Sunday, and holiday services provided the private sector.

INS

The March 2, 1931, act provided INS inspectors overtime, Sunday, and holiday compensation comparable to that paid to Customs inspectors. Senate and House reports on the legislation repeatedly stressed the compensation inequities between Customs and INS inspectors.¹ The act established compensation for overtime, Sundays, and holidays and provided that the private sector would pay these costs.

APHIS

The August 28, 1950, act as implemented by APHIS allowed inspectors to receive compensation comparable in some respects to that received by Customs and INS inspectors. Specifically, the regulations comparable to Customs and INS provide for double time on Sundays and for each call-back assignment--overtime which is unpredictable and inconvenient because the inspector is called back to work--provides a minimum of 2 hours pay. Non-Sunday overtime and holiday pay is at the FEPA rate applicable to most federal employees. The law was passed to accommodate the needs of the private sector who were expected to reimburse the government for the overtime, Sunday, and holiday compensation costs. The expectation of reimbursement was a major factor in the Congress' enactment of the law.²

¹Senate Report No. 191, 70th Congress, 1st Session 3 (1928).
Senate Report No. 1720, 71st Congress, 3rd Session 1 (1931).
House Report No. 1214, 71st Congress, 2nd Session 3-4 (1930).

²Senate Report No. 2853, 81st Congress, 2nd Session 2 (1950).

Changes since enactment of
inspectors' compensation
laws

Changes have occurred since the Congress enacted the inspectors' compensation laws. Reimbursement to the government by the private sector for inspectors' overtime, Sunday, and holiday work has declined from about 100 percent when Customs compensation legislation was passed in 1911 to about 59 percent in fiscal year 1983. Also, unplanned overtime, Sunday, and holiday inspector work assignments have declined.

Legislative changes have reduced the extent to which the private sector pays for overtime, Sunday, and holiday costs incurred by inspectors. The 1944 Border Act exempted the owners of highway vehicles, bridges, tunnels, and ferries between the United States and Canada or Mexico from the extra compensation reimbursement requirement. The Airport and Airway Development Act of 1976 also exempted some compensation costs chargeable to the private sector. That act made the federal government responsible for overtime, Sunday, and holiday compensation costs incurred during regularly established hours of service formerly paid by the private sector.

The extent to which the private sector reimbursed the government in fiscal years 1982 and 1983 for the costs of inspectors' overtime, Sunday, and holiday work is summarized below.

Reimbursement of Overtime, Sunday,
and Holiday Compensation Costs
(millions of dollars)

<u>Overtime, Sunday, and holiday compensation costs</u>	<u>Fiscal year</u>	
	<u>1982 (%)</u>	<u>1983 (%)</u>
Government share	\$28.6 (35)	\$35.3 (41)
Reimbursement by the private sector	<u>52.5 (65)</u>	<u>49.8 (59)</u>
Total	<u>\$81.1</u>	<u>\$85.1</u>

Advances in commerce, transportation, and communications now allow work requirements to be better known in advance. We found that most work assignments are routinely scheduled. Over 90 percent of the hours worked by inspectors involving overtime, Sunday, and holiday compensation were scheduled in advance and occurred either immediately before or after a

regularly scheduled workday or involved Sunday or holiday work assignments. Approximately 10 percent of the hours were for call-back assignments. Burdensome call-back assignments that start between midnight and 5 a.m. comprised about 5 percent of all call-back assignments.

Fifty years ago overtime occurred when cargo vessels arrived unexpectedly either at night or on Sunday, and inspectors were subject to call-back assignments without advance warning. Ports-of-entry were normally open to routine business only during daytime duty hours, 5 days a week. The inspection process today requires most border crossing stations and major airports to be open 24 hours a day, 7 days a week, with as many inspections occurring on Sundays, holidays, and after 5 p.m. as at any other time. Inspection agencies are able to schedule inspectors for overtime well in advance, especially at locations that are open 24 hours a day. Also, most international airline flights are predictable. For example, at one airport our analyses of six pay periods disclosed that over 95 percent of 754 flights arrived on time or within 1 hour of their expected arrival. In the remaining cases, inspectors were usually notified in advance of flight delays or cancellations.

We found that work schedules including Sunday and holiday work assignments were usually scheduled 2 weeks in advance. The predictable and unpredictable overtime, Sunday, and holiday work and those assignments which do not require additional travel are shown on the following page.

Overtime, Sunday, and Holiday
Hours Worked by Inspectors

Hours worked

<u>Predictable</u>	<u>Customs</u>	<u>INS</u>	<u>APHIS</u>	<u>Total</u>
Sunday/holiday	24,245	20,003	3,075	47,323
Extended workday (No additional travel)	20,683	5,093	855	26,631
Pre-tour assignments (No additional travel)	<u>2,328</u>	<u>681</u>	<u>172</u>	<u>3,181</u>
Total predictable hours	47,256	25,777	4,102	77,135
<u>Unpredictable</u>				
Call-back assignments	<u>4,868</u>	<u>2,364</u>	<u>1,058</u>	<u>8,290</u>
Total hours	<u>52,124</u>	<u>28,141</u>	<u>5,160</u>	<u>85,425</u>
Predictable hours as a percentage of total hours	90.7	91.6	79.5	90.3

Because the inspection overtime, Sunday, and holiday work is usually scheduled in advance, the inconvenience of such work is reduced.

INSPECTORS ARE COMPENSATED
DIFFERENTLY FOR OVERTIME,
SUNDAY, AND HOLIDAY WORK
FROM MOST OTHER FEDERAL
EMPLOYEES

The following table compares the primary overtime, Sunday, and holiday compensation provisions for most government employees under the Federal Employees Pay Act (FEPA) with the provisions applied to Customs and INS inspectors. APHIS compensation provisions are in some instances similar to FEPA and in some instances similar to those for Customs and INS. These differences are discussed in the text where applicable.

Comparison of Overtime, Sunday, and
Holiday Compensation Provisions

<u>Type of provision</u>	<u>Federal Employees Pay Act</u>	<u>Customs and INS</u>
Overtime rate per hour	Time and one-half	Minimum of 2 hours at double time provided at least 1 hour is worked
Sunday provisions	Time and one-quarter for time actually worked if part of employee's 40-hour week or at time and one-half if not part of workweek	Double time for a minimum of 8 hours (INS inspectors must work 8 hours)
Holiday provisions	Basic rate of pay for actual hours worked in addition to the paid holiday or at time and one-half if not part of workweek	Double time for a minimum of 8 hours in addition to regular pay. (INS inspectors must work 8 hours)
Call-back assignment provisions	Time and one-half with a minimum of 2 hours	Minimum of 2 hours at double time plus 4 hours (Customs) and 2 hours (INS) at double time rate for being called back to work

Another difference between the overtime, Sunday, and holiday compensation provisions applied to most federal employees under FEPA and the federal inspection agencies' provisions is how work increments are defined. FEPA workers are usually paid for work actually performed in 15-minute increments. For example, 1 hour and 15 minutes of overtime work warrants 1 hour and 15 minutes of pay at the applicable rate. In contrast, Customs and INS and some APHIS compensation provisions pay inspectors for minimum periods of time. For example, 1 hour and 15 minutes of overtime (Monday-Saturday) warrants 2 hours of compensation at the appropriate overtime rate.

ESTIMATED COST TO COMPENSATE
INSPECTORS DIFFERENTLY FOR
OVERTIME, SUNDAY, AND HOLIDAY
WORK

We estimate that the difference in cost to the federal government and private sector to compensate inspectors for overtime, Sunday, and holiday work differently from most other federal employees was at least \$21.6 million in fiscal year 1982. These costs resulted from:

- Paying inspectors double time as compared to time and one-half for overtime, Sunday, and holiday compensation cost \$19.3 million for all INS, Customs, and APHIS inspectors.
- Making Sunday not part of an inspector's 40-hour week rather than a regularly scheduled workday compensated at time and one-quarter cost \$.6 million at the locations we visited.
- Paying for minimum periods of time rather than for the overtime, Sunday, and holiday hours worked cost \$1.7 million at the locations we visited.

The first cost difference applies to all INS, Customs, and APHIS inspectors nationwide for fiscal year 1982. The last two cost differences are GAO projections which apply only to the locations we visited. However, agency officials told us that conditions existing at the locations we visited are typical of those nationwide. If these assumptions are correct, the nationwide costs resulting from making Sunday not part of an inspector's 40-hour week rather than a regularly scheduled workday and paying for minimum periods of time rather than for hours worked would be greater.

We computed the cost of paying overtime, Sunday, and holiday rate of compensation at double time as compared to time and one-half by multiplying the total compensation cost for fiscal year 1982 that was paid at double time rates (\$81.1 million--less an estimated \$4 million in APHIS compensation not paid at double time rates) times 25 percent. The \$.6 million added cost was computed by assuming Sunday to be a regularly scheduled workday paid at straight time plus a 25-percent premium. Our analysis for those locations we visited showed that over one-half of the extra compensation hours involved Sunday work; therefore, we estimated that the projected Sunday compensation (\$5.0 million) compensated at time and one-half rather than time and one-quarter (\$5.0 million x 12.5 percent) increased the cost by \$.6 million.

The compensation laws and regulations whereby inspectors are paid for minimum periods of time rather than for hours worked are complex and are discussed in detail in the following section of this report.

INSPECTORS ARE PAID FOR
MINIMUM PERIODS OF TIME
FOR OVERTIME, SUNDAY, AND
HOLIDAY WORK RATHER THAN
FOR HOURS WORKED

Under laws and regulations, Customs, INS, and APHIS inspectors are paid for minimum periods of time for overtime, Sunday, and holiday work rather than for hours worked for the pay periods we reviewed. The hours worked at the locations included in our review in relationship to the minimum hours compensated at the appropriate overtime rate are shown below.

Overtime, Sunday, and Holiday Hours
Worked In Relation To Minimum Hours Compensated

<u>Work assignment type</u>	<u>Customs</u>		<u>INS</u>		<u>APHIS</u>	
	<u>Actual</u>	<u>Compensated</u>	<u>Actual</u>	<u>Compensated</u>	<u>Actual</u>	<u>Compensated</u>
Extended--overtime work immediately following a regular assignment	20,683	24,346	5,093	5,734	855	1,181
Pre-tour--overtime work within 2 hours prior to regular assignment	2,328	3,728	681	1,578	172	308
Sunday/holiday	24,245	27,375	20,003	20,110	3,075	3,580
Call-back--over- time work more than 4 hours after or 2 hours prior to a regular assignment	4,868	7,450	2,364	2,551	1,058	1,801
Total	<u>52,124</u>	<u>62,899</u>	<u>28,141</u>	<u>29,973</u>	<u>5,160</u>	<u>6,870</u>

Inspectors are usually compensated for overtime, Sunday, and holiday work based on minimum periods of time versus hours worked. For example, for the pay periods we reviewed these work assignments involved 85,425 hours of work. However, inspectors were compensated for 99,742 hours, or a difference of 14,317 hours--at double time or time and one-half. Specifically:

Increase In Hours Compensated
Due To Minimum Periods of Pay

<u>Work assignment type</u>	<u>Customs</u>	<u>INS</u>	<u>APHIS</u>	<u>Total</u>
Extended--overtime work immediately following a regular assignment	3,663	641	326	4,630
Pre-tour--overtime work within 2 hours prior to regular assignment	1,400	897	136	2,433
Sunday/holiday	3,130	107	505	3,742
Call-back--overtime work more than 4 hours after or 2 hours prior to a regular assignment	<u>2,582</u>	<u>187</u>	<u>743</u>	<u>3,512</u>
Total	<u>10,775</u>	<u>1,832</u>	<u>1,710</u>	<u>14,317</u>

At the locations included in our review we project that the increased cost for paying for minimum periods of time rather than for hours worked was \$1.7 million. Agency officials told us that this condition is common nationwide. If this assumption is correct the increased cost nationwide would be greater.

Extended tour assignments

Over 32 percent (4,630) of the additional 14,317 hours for minimum periods of time resulted from extended tour overtime assignments.

Customs and INS inspectors receive a minimum of 2 hours overtime at double time provided at least 1 hour is worked. APHIS inspectors working extended tour assignments are usually paid overtime for actual time worked. However, in some cases, extended tour assignments that involve a change in work location provide a minimum of 2 hours pay. At the APHIS locations visited, we found 161 such assignments.

Pre-tour assignments

About 2,433 of the additional 14,317 hours for minimum periods of time resulted from pre-tour assignments--immediately before a regularly scheduled workday. INS inspectors were compensated an average of 1.3 additional hours for each pre-tour hour worked; Customs inspectors averaged .6 hours; and APHIS inspectors averaged .8 hours.

Customs and INS provide a minimum of 2 hours at double time. APHIS inspectors are paid a minimum of 2 hours pay at the time and one-half rate. Pre-tour assignments usually occurred 2 hours prior to the start of a regular tour of duty and the inspectors also received compensation for being called back to work.

As a result of paying for minimum periods of time for overtime, Sunday, and holiday work rather than for hours worked, some inspectors receive large amounts of compensation. The following schedule shows the largest amount of pre-tour overtime hours compensated at the locations we visited.

Largest Amounts of Pre-tour
Overtime Hours Compensated

<u>Agency</u>	<u>Pre-tours worked</u>	<u>Actual overtime hours worked</u>	<u>Overtime hours compensated</u>
Customs			
Inspector A	13	7	26
Inspector B	12	6	24
INS			
Inspector C	21	17	66
Inspector D	13	12	46
APHIS			
Inspector E	3	<u>1</u>	<u>12</u>
Total		<u>43</u>	<u>174</u>

These five inspectors worked a total of 43 hours overtime and were compensated for 174 hours. Payment at the double time rate resulted in about 348 hours regular pay, or about 8 hours pay for each hour worked--this equates to \$77.50 an hour using the average pay grade for inspectors. Assuming the inspectors had been paid for overtime hours worked they would have received 43 hours overtime compensation at the appropriate rate.

Sunday and holiday compensation

Inspection pay laws and regulations pertaining to minimum periods of time for Sunday and holiday work resulted in inspectors being compensated for an additional 3,742 hours more than they worked. INS inspectors were usually paid for hours worked.

Inspection pay laws for Customs and INS provide that the compensation rate for inspectors for Sunday and holiday service is 2 days pay plus their regular pay for any holiday. APHIS inspectors receive double time for a minimum of 2 hours for Sunday service, but holiday pay is time and one-half like most other federal employees. Customs inspectors are not required to complete an 8-hour tour of duty in order to receive 16 hours pay; however, INS inspectors must work 8 hours to receive the 16 hours pay. We found 222 instances of Customs inspectors receiving 16 hours minimum pay for working a Sunday assignment of 2 hours or less.

Combining Saturday assignments that extend into Sunday morning with a Sunday regular assignment which is compensated under the call-back provisions can result in inspectors receiving large amounts of compensation for hours worked. For example, at one location we visited, a Customs inspector was compensated 4.8 hours for each hour worked and received the compensation shown on the following page.

Example of Sunday Compensation
For One Customs Inspector^a

<u>Assignment</u> time <u>start stop</u>	<u>Total</u> time <u>worked</u>	<u>Amount of</u> <u>Compensation</u>
0001 0100	1.0 hour	\$205.44
1730 2400	<u>6.5 hours</u>	<u>256.80^b</u>
	<u>7.5 hours</u>	<u>\$462.24</u>

^aBase pay rate was \$12.84 per hour.

^bThe inspector is entitled to 24 hours pay for this period. That would provide a total of 40 hours compensation. Customs has a limit of 36 hours pay for one 24-hour period.

Call-back assignments

The remaining 3,512 additional hours for minimum periods of time were paid for call-back assignments. Customs inspectors were compensated an average of .5 additional hours for each call-back hour worked; INS inspectors averaged .1 hour; and APHIS inspectors averaged .7 hour. Customs and INS inspectors receive a minimum of 2 hours overtime at a double time rate and APHIS receives a 2-hour minimum at time and one-half in addition to the compensation for being called back to work.

AGENCIES HAVE PROPOSED
LEGISLATION TO ALTER
INSPECTORS' COMPENSATION LAWS

The Department of the Treasury has submitted legislation to amend Customs overtime provisions to the President of the Senate and to the Speaker of the House. The Senate noted receipt on September 20, 1983, and referred the proposal to the Finance Committee. The Attorney General also submitted similar legislation, received on July 28, 1983, which would amend the INS compensation law. The House noted receipt on September 13, 1983, and referred the proposal to the Judiciary Committee and the Appropriations Committee. APHIS officials said they have no plans to propose legislation to change its compensation practices.

The proposed legislation should reduce compensation costs because it reduces the overtime rate from double time to time and one-half. The accompanying analysis provided by Customs

estimated that the compensation changes could result in a \$21 million reduction in costs to the government and the private sector.

The proposed legislation by Customs and INS would make the inspectors' overtime compensation more comparable to FEPA. However, certain compensation provisions are not changed by the proposed legislation. Specifically:

- Overtime, Sunday, and holiday work assignments are defined as minimum periods of time for compensation purposes (16 hours minimum compensation) or at least 4 hours minimum compensation for overtime assignments. Other federal agencies using FEPA compensation practices provide compensation for actual time worked, usually in 15-minute increments.
- Most inspectors who work Sundays receive double time for a minimum of 8 hours because Sundays are unscheduled workdays. As previously shown, most other federal agencies schedule Sundays as part of the normal workweek and employees who work Sundays receive time and one-quarter for actual time worked.

LOCATIONS OF AUDIT WORK

We conducted our work at Customs, INS, and APHIS Headquarters, Washington, D.C. For Customs, work was performed at regional offices located in Boston, Massachusetts; Houston, Texas; and Los Angeles, California; and at district offices in Boston, Massachusetts; San Diego and Long Beach, California. Work for INS was performed at regional offices located in Burlington, Vermont; and San Pedro, California; and district offices located in Boston, Massachusetts; Houston and Harlingen, Texas; Los Angeles and San Diego, California. Work at APHIS was done at the National Finance Center in New Orleans, Louisiana; and at field locations in Waltham, Massachusetts; Houston, Texas; and Los Angeles, California.

Specific site locations where data was collected were Houston International Airport, Houston, Texas; Logan International Airport, Boston, Massachusetts; Los Angeles International Airport, Los Angeles, California; land border ports-of-entry at Brownsville, Texas; San Ysidro, California; Lewiston and Peace Bridge, Buffalo, New York; seaports located at Boston, Massachusetts; Houston, Texas; and Los Angeles, California; and the pre-clearance facility located at Dorval International Airport, Montreal, Canada.

We also interviewed officials from the Federal Aviation Administration, Marshals Service, Food and Drug Administration, Park Service, the Veterans Administration, the National Weather Service, and the Postal Service to compare their overtime, Sunday, and holiday compensation provisions with those for inspectors of the federal inspection agencies.

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