Why GAO Did This Study

DHS had approximately 29,000 employees earning AUO, a type of premium pay intended to compensate eligible employees for substantial amounts of irregular, unscheduled overtime. DHS components’ use of AUO has been a long-standing issue since at least 2007, when reviews identified the inappropriate use of AUO in DHS. GAO was asked to review DHS components’ use and implementation of AUO.

This report addresses, among other things, how much DHS spent on AUO from fiscal year 2008 through March 2014 (the most current data available) and the extent to which DHS components implemented AUO appropriately. GAO analyzed AUO payments data from components that have regularly used AUO, which included U.S. Customs and Border Protection, U.S. Immigration and Customs Enforcement, U.S. Secret Service, National Protection and Programs Directorate, U.S. Citizenship and Immigration Services, and Office of the Chief Security Officer. When calculating annual averages, GAO used the last full fiscal year of available data (2013). GAO also analyzed component AUO policies and procedures to assess compliance with federal regulations and guidance.

What GAO Recommends

GAO recommends that DHS develop and execute a department-wide mechanism to ensure components implement AUO appropriately. Congress should consider requiring DHS to report annually on components’ progress remediating AUO implementation deficiencies. DHS concurred with the recommendation.

What GAO Found

Department of Homeland Security (DHS) components spent $512 million on administratively uncontrollable overtime (AUO) payments in fiscal year 2013 and $255 million through March 2014, mostly on Border Patrol agents. DHS’s AUO expenditures increased from fiscal years 2008 through 2013, in part because of higher payments per earner. The average annual AUO payment per employee increased by about 31 percent, or from about $13,000 to about $17,000 from fiscal years 2008 through 2013, as shown in the figure below.

Some DHS component policies are not consistent with certain provisions of federal regulations or guidance, and components have not regularly followed their respective AUO policies and procedures, contributing to widespread AUO administration and oversight deficiencies. For example, components have not consistently reviewed hours claimed and employee eligibility for AUO. In response, in 2014, DHS issued two memorandums. One required the suspension of AUO for certain employees. The other required components to submit plans to address deficiencies, which most DHS components have done. DHS also plans to issue a department-wide AUO directive and to monitor component implementation of corrective actions through its ongoing human resource office assessments every 3 to 4 years, among other things. However, this monitoring is too general and infrequent to effectively monitor or evaluate DHS components’ progress. Given the department’s long-standing and widespread AUO administration and oversight deficiencies, developing and executing a department-wide oversight mechanism to ensure components implement AUO appropriately on a sustained basis, and in accordance with law and regulation, could better position DHS to monitor components’ progress remediating AUO deficiencies. Further, DHS’s reporting annually to Congress on the extent to which DHS components have made progress in remediating AUO implementation deficiencies could provide Congress with reasonable assurance that DHS components have sustained effective and appropriate use of AUO in accordance with law and regulation.