



Office of Inspector General U.S. Government Accountability Office Report Highlights

March 26, 2018

LAW ENFORCEMENT AVAILABILITY PAY:

Premium Pay Compensation Not Supported by Agency Need

Objectives

This report addresses (1) the extent to which agency need, as directed by management or self-identified by a criminal investigator, required Forensic Audits and Investigative Service's (FAIS) criminal investigators to work hours beyond their regularly scheduled 40-hour workweek; and (2) whether criminal investigators met the Law Enforcement Availability Pay (LEAP) Act substantial hours eligibility requirement for receiving LEAP premium pay.

What OIG Found

The LEAP Act of 1994, as amended, established a uniform compensation system for federal criminal investigators who, by the nature of their duties, are often required to work excessive and unusual hours. The LEAP Act authorized a 25 percent increase in base salary as long as specific requirements of the LEAP Act were met. Our analysis shows that GAO may not have a significant need for FAIS investigators to work beyond their regular 40-hour workweek, whether unscheduled (LEAP) or scheduled overtime. Specifically, of the total 4,973 LEAP premium pay hours reported by FAIS criminal investigators, and certified by their managers for fiscal year 2017, we found that 21 percent (1,056 hours) was reported as hours "worked." The remaining 79 percent (3,917 hours) was reported as "hours available to perform unscheduled work." To obtain a complete picture of the agency's need for work beyond a regular 40-hour workweek, we also examined scheduled (overtime) hours and found no overtime hours for fiscal year 2017. We also found that GAO used an incorrect formula for determining compliance with the LEAP premium pay substantial hours eligibility requirement. As a result, five of eight FAIS criminal investigators did not meet the LEAP substantial hours requirement and therefore erroneously certified their eligibility and received LEAP premium pay totaling \$79,603.

What OIG Recommends

OIG is making three recommendations intended to ensure that GAO's use of LEAP premium pay is consistent with its investigative needs. Specifically, we recommend GAO evaluate the need for criminal investigators to work or be available to work beyond a 40-hour workweek in support of GAO's investigative needs; modify WEBTA to ensure compliance with the substantial hours requirement for eligibility; and determine whether to cancel LEAP certifications for five criminal investigators and suspend the investigators' entitlement to LEAP premium pay for an appropriate period. In its written comments to the report, GAO agreed with our recommendations and stated that actions are underway to address them.