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General Accounting Office
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General Government Division
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April 14, 1995

The Honorable Bruce F. Vento
House of Representatives

Dear Mr. Vento:

We are responding to your request for information on the management of administratively uncontrollable overtime (AUO) in the U.S. Forest Service, Bureau of Land Management (BLM), and National Park Service (NPS). AUO is a type of premium pay used to compensate federal employees, such as law enforcement officers, who perform substantial amounts of irregular, unscheduled overtime work and who are responsible for recognizing, without supervision, circumstances which require them to remain on duty.

Our objectives were to determine (1) whether the AUO programs were being administered according to governmentwide and agency-specific criteria; (2) whether employees were abusing their agencies' AUO programs; and (3) how much the agencies were spending on AUO. To meet our objectives, we interviewed personnel and law enforcement officials at the agencies' headquarters and Denver, Santa Fe, Sacramento, and San Francisco field offices and collected the agencies' AUO policies. We also obtained time and attendance files as well as other records used to document AUO for all employees who received these payments during the period October 1992 through April 1994. From those records, we randomly selected 70 files which we used as case studies. This sample reflects what we found at the locations we visited and cannot be generalized to the three agencies' other field locations or to the government as a whole.

The agencies estimated they spent approximately \$6 million in AUO payments in 1994. The three agencies generally administered their AUO programs in accordance with criteria established in law and the Office of Personnel Management's (OPM) governmentwide regulations. That is, AUO was used, for the most part, in work situations where compelling reasons related to the performance of an employee's duties arose that

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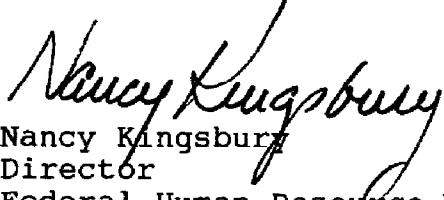
required the employee to remain on the job after normal working hours. We noted that while field office law enforcement officers typically performed the types of duties that met the criteria, activities performed by headquarters' criminal investigators in the Forest Service did not clearly do so.¹ Similarly, some field office law enforcement officers at the three agencies occasionally claimed AVO for duties which did not appear to meet the compelling need requirement. We have no basis to conclude, however, that employees systemically abused their agencies' AVO programs.

In September 1994, the Law Enforcement Availability Pay Act of 1994 (P.L. 103-329) was passed. The act provided for mandatory payment of 25 percent of base pay to criminal investigators for working or being available for work an annual average of 2 hours of unscheduled duty per regular work day. As a result, availability pay superseded AVO for criminal investigators. As agreed with your office, we did not pursue the issue of whether the questionable duties performed by headquarters criminal investigators and, in some cases, field criminal investigators met AVO criteria.

We discussed the results of our work with personnel and law enforcement officials in the three agencies, and they generally agreed with the facts as presented.

Enclosed is a finalized copy of the visual aids we used in our March 17, 1995, meeting with your office. Please contact me at (202) 512-5074 if you have any questions or require additional information.

Sincerely yours,


Nancy Kingsbury
Director
Federal Human Resource Management
Issues

Enclosure

¹BLM and NPS did not pay AVO to headquarters' employees.

**GAO Administratively Uncontrollable
Overtime Programs**

**Presentation for Mr. Bruce Vento,
House Subcommittee on National
Parks, Forests, and Lands.**

GAO Objectives

1. Were the AUO programs being administered according to governmentwide and agency-specific criteria?
2. Were employees abusing their agencies' AUO program?
3. What were the agencies' AUO costs?

GAO Scope of Review

- Headquarters (Forest Service, BLM, NPS)
- Field Offices
 - Denver (Forest Service, BLM, NPS)
 - Sacramento (BLM, NPS)
 - San Francisco (Forest Service)
 - Santa Fe (BLM, NPS)
- 70 case studies reviewed covering 10/92 to 4/94

GAO Background

The AUO program provides premium pay to federal employees in positions requiring substantial amounts of irregular, unscheduled overtime duty who are responsible for recognizing, without supervision, circumstances requiring them to remain on duty.

GAO Background (continued)

To qualify for AUO:

- Work situations must be of a compelling nature, such as law enforcement duties, where postponing or not responding would constitute negligence.

GAO Background (continued)

- AJO is paid biweekly at a predetermined rate of basic pay (10, 15, 20, or 25 percent).
- The amount of AJO paid is based on an average of past AJO hours and the number of AJO hours that may reasonably be required in the future.

GAO Background (continued)

AUO has been superseded for many employees:

- The Law Enforcement Availability Pay Act of 1994 provides for mandatory payment of 25 percent of base salaries to law enforcement officers in the criminal investigator job series for working or being "available" to work an annual average of 2 hours of unscheduled duty per regular work day.

GAO Objective 1

Were the AUO programs being administered according to governmentwide and agency-specific criteria?

GAO AUO Programs Generally Administered According to Established Criteria

- All three agencies followed OPM's governmentwide criteria for AUO.
- BLM and the Forest Service generally followed their policies on AUO administration.

GAO Objective 2

Were employees abusing their agency's AUO program?

**GAO Some AUO Activities Seemed
Questionable But Not Abusive**

- Field office AUO activities generally met the compelling need criteria but some did not.
- Forest Service headquarters' AUO activities seemed questionable.
- BLM and NPS did not believe headquarters activities warranted AUO.
- No employee abuse was found.

GAO Types Of Duties That Seemed Questionable For AUO Payments

- Studying the Code of Federal Regulations in order to teach a class.
- Routinely claiming at least 1 hour a day for administrative work completed after regular work hours.
- Preparing updated SF 171.
- Reconciling the imprest fund.

GAO Supervisory Review And AUO Recertification Generally Performed

- Documents used to verify AUO hours worked were generally signed by supervisors to show they had been reviewed.
- The Forest Service and BLM used a form to compute and recertify AUO percentage rates. NPS said it recertified AUO rates and maintained documentation when a rate change was approved.

GAO Objective 3

What were the agencies' AUO costs?

GAO AUO Costs

- During 1993, the three agencies paid AUO to 330 law enforcement officers, more than half of whom were criminal investigators, at a cost of about \$1.6 million.
- During 1994, the agencies estimated they paid approximately \$6 million in AUO to 424 law enforcement officers.

GAO Agencies' AUO Costs For 1993 and 1994

Agency	Number of Employees		AUO Costs	
	1993	1994	1993	1994
BLM	71	70	\$630,500	\$640,440
Forest Service	243	341	\$947,000	\$5.3 million ^a
NPS	16	13	\$ 52,090	\$ 68,190

^aThis was an estimated figure used by the Forest Service for budgeting purposes.

GAO The Law Enforcement Availability Pay Act of 1994

- The Law Enforcement Availability Act replaced criminal investigators' AUO payments with availability pay.
- Of the 424 law enforcement officers who received AUO in 1994, 224 are now eligible for availability pay, including those at Forest Service headquarters whose AUO duties seemed questionable.

GAO Summary

- For the most part, the three agencies' AUO programs were administered according to established criteria.
- Field office officers were more likely than headquarters officers to perform duties or activities which met the AUO compelling need requirement.

GAO Summary (continued)

- Although some AUO activities appeared questionable, we found no basis to conclude that employees abused their agencies' AUO programs.
- AUO will continue for law enforcement officers who are not criminal investigators.



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