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## Whistleblower Disclosures Lead to Border Patrol Reforms and \$100 Million in Savings

FOR IMMEDIATE RELEASE

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WASHINGTON, D.C./March 12, 2015 –

Yesterday, the U.S. Office of Special Counsel (OSC) sent [findings](#) to the President and Congress on recent positive efforts to address widespread misuse of millions of taxpayer dollars within the Department of Homeland Security (DHS). In response to whistleblower disclosures about long-standing abuse of overtime, Congress and [DHS](#) took action last year to reform and largely replace DHS's outdated "Administratively Uncontrollable Overtime" (AUO) system. For example, in 2014, by removing employees' eligibility for AUO payments, Customs and Border Protection (CBP) reduced its biweekly overtime payment by \$3.2 million – an annualized savings of \$83.7 million. In addition, in December 2014, Congress passed the Border Patrol Agent Pay Reform Act, which is estimated to save \$100 million a year, [according](#) to the Congressional Budget Office.

"I applaud the government's collective response to the long-standing problem of overtime pay abuse through the AUO system. After years of inaction, the entrenched AUO problem is now on a path toward resolution," said Special Counsel Carolyn Lerner. "It's important to recognize that if the whistleblowers had not stepped forward, this waste of taxpayer funds would never have been corrected."

AUO is only for employees whose hours cannot be controlled and are often unpredictable, such as border patrol agents who must respond to criminal activity along the border, even if that means staying on duty beyond normal hours. According to federal regulation, AUO is limited to "irregular" or "occasional" circumstances, such that failure to stay on duty "would constitute negligence." However, contrary to regulation, AUO became an entrenched, routine part of the compensation system at many DHS components.

The DHS investigative reports, supplemental information, and whistleblower comments generated in response to disclosures made by employees at ten different DHS offices are on OSC's [website](#). The CBP and Immigration and Customs Enforcement offices are in [El Centro, California](#); [Bakersfield, California](#); [San Ysidro, California](#); [Washington, D.C.](#); [Glynco, Georgia](#); [Laredo, Texas](#); [El Paso, Texas](#); [Houston, Texas](#); [Herndon and Reston, Virginia](#); and [Chattanooga, Tennessee](#). OSC also released information about AUO investigations in [2013](#) and in [2008](#).

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*The U.S. Office of Special Counsel (OSC) is an independent federal investigative and prosecutorial agency. Our basic authorities come from four federal statutes: the Civil Service Reform Act, the Whistleblower Protection Act, the Hatch Act, and the Uniformed Services Employment & Reemployment Rights Act (USERRA). OSC's primary mission is to safeguard the merit system by protecting federal employees and applicants from prohibited personnel practices, especially reprisal for whistleblowing, and to serve as a safe channel for allegations of wrongdoing. For more information, please visit our website at [www.osc.gov](http://www.osc.gov).*