

DI-13-3516 Daniel McLoughlin
Whistleblower Comments
February 11, 2015

It will be short and sweet since I did not have access to the time records. My comments will be more on line with the fact not one BPA or SBPA (supervisor) took a hit for falsifying their T&A reports. In addition, the agency who investigated was, at the time, receiving AUO and I'm guessing it was not in their interest to find any wrong doing. It was interesting that they were unable to secure footage from the cameras. It was wrong to make us look like we were liars and fabricating the story when the civilians all saw what was happening.

AUO is very coveted and the agents are doing their best to protect it. There is even speculation the new pay reform will allow the agents to choose a 100-hour pay period and leave early; just like in the good old AUO days.

The issue for the civilians was that agents were permitted hour long coffee breaks, two-hour lunches, and left early nearly every day and claimed AUO for work they were ineligible to receive AUO. The common comment often made to us was if the agent worked any part of the half hour they got to claim the whole half hour. This is not the case. In most cases, they were not doing "work" but other self-serving activities and not looking for extra work to perform.

We were able to keep the boat afloat even though the staff was reduced by two-thirds and FEWER working hours (10 hour days for agents and 8 hours for us). Jimmy and I estimated monthly cost savings of \$70,000 but management did not reward or recognize it.

The layout of the office did not allow any one civilian to monitor everyone every minute. In addition, we were always busier than the agents. Jimmy could not have spent his whole day, week, month, etc. watching the agents and expect to get his work and other duties completed.

I recall advising my supervisor at the time, Alan Mills, that my research revealed the agents were ineligible for AUO because they were not performing a law enforcement function. He told me he would just send them into the field. I told him the law required it be a continuation of the law enforcement function. My basis for researching AUO came by accident because I was ordered to work overtime but only paid comp time and being told BP has an exemption to the FLSA. It was during my research of the FLSA did I find AUO covered in 5 CFR. It troubles me how they fight for time they didn't even work which was premium pay and they would not pay me legitimate overtime.

Even today we have detailed agents working paralegal duties. They are all GS-12's and we all are GS-11's. A report I ran showed the three (3) GS-012 agents have only 25 more cases combined than either of the civilian paralegals. Apparently, BPA's need more time to complete the same assignment as us civilians. This is true even at the academy level, where I have taught. You participated in the Senate hearings and heard OBP try to defend the necessity of 10 hour days. The instruction is regimented and controlled by CBP and prep time is really not necessary since you don't teach 8 hours. Your block may only be four at best.

Finally, there is no doubt this Whistleblower complaint has kept me from other positions with OBP and may be the key reason for attempting to integrate us. Had I not got the union involved I believe they would have just moved us ("co-located" as they call it) without filing the 3a notice and negotiating the change in working conditions. Thanks for following up.

Dan