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**Administratively Uncontrollable Overtime
Case Summary**

**Ducos-Bello, Jose; OSC File No. DI-14-0581
U.S. Customs and Border Protection, National Targeting Center
Reston and Herndon, Virginia**

The whistleblower, Jose Ducos-Bello, a government oversight supervisor at CBP's Office of Information Technology, National Data Center, Virginia, disclosed that 96 National Targeting Center (NTC) employees regularly claimed AUO but failed to perform duties that qualify for AUO and that NTC management authorized and abetted the improper use of AUO and abused it themselves. On December 20, 2013, OSC referred Mr. Ducos-Bello's allegations to then DHS Acting Secretary Rand Beers for an investigation and report. DHS's Office of Inspector General was tasked with responsibility for investigating the matter. The investigation was completed on December 2, 2014. By letter dated January 15, 2015, CBP Commissioner R. Gil Kerlikowske communicated the results of the OIG investigation to Special Counsel Lerner.

The investigation revealed that NTC employees varied in their knowledge of AUO requirements. Further, the documentation submitted by employees to justify their use of AUO was "too brief and too vague" to permit the OIG investigators to determine whether employees would have been negligent had they not stayed on the job beyond their normal duty hours. Finally, the investigation concluded that NTC supervisory and non-supervisory program managers and targeters received AUO for performing duties that were administrative and recurring in nature.

According to the report, following Secretary Jeh Charles Johnson's January 27, 2014, memorandum suspending AUO for all DHS headquarters employees, NTC suspended AUO for its employees and informed them that future overtime hours would be compensated under other pay statutes.

On January 22, 2015, the agency report was forwarded to Mr. Ducos-Bello for review and comment. In Mr. Ducos-Bello's February 22, 2015 comments, he agreed with the report's findings but noted the agency's failure to hold "key CBP management employees" accountable for abusing AUO. Mr. Ducos-Bello asserted that "government secrecy breeds suspicion" and stated that, due to a lack of transparency, he is suspicious about how overtime funds will be spent and audited.