



CBP Officer Overtime

November 8, 2018

Fiscal Year 2018 Report to Congress



**Homeland
Security**

U.S. Customs and Border Protection

Message from the Acting Deputy Commissioner of CBP

November 8, 2018

I am pleased to submit the following report, “CBP Officer Overtime,” which has been prepared by U.S. Customs and Border Protection (CBP).

This report was compiled pursuant to the language set forth in House Report 115-239, which accompanies the Fiscal Year (FY) 2018 Department of Homeland Security Appropriations Act (P.L. 115-141). The report provides the methodology for allocating CBP officer overtime resources, as well as funding levels for 2015–2017. Overtime caps and the process for determining official hours of operation also are addressed. The CBP’s Customs Officer Pay Reform Act (COPRA) overtime system (19 U.S.C. § 267) provides for CBP officers to be paid at two times their basic hourly rate for work in excess of 8 hours.



Pursuant to congressional requirements, this report is being provided to the following Members of Congress:

The Honorable Kevin Yoder
Chairman, House Appropriations Subcommittee on Homeland Security

The Honorable Lucille Roybal-Allard
Ranking Member, House Appropriations Subcommittee on Homeland Security

The Honorable Shelley Moore Capito
Chairman, Senate Appropriations Subcommittee on Homeland Security

The Honorable Jon Tester
Ranking Member, Senate Appropriations Subcommittee on Homeland Security

I would be pleased to respond to any questions you may have. Please do not hesitate to contact my office at (202) 344-2001.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Perez", with a long horizontal flourish extending to the right.

Robert E. Perez
Acting Deputy Commissioner
U.S. Customs and Border Protection

Executive Summary

This report addresses the methodology for allocating officer overtime resources. Maximizing employee resources provides the agency with greater flexibility to ensure that enough frontline personnel are assigned to address peak travel times and increased workload, and that ports of entry (POE) have the appropriate number of personnel to maintain CBP's core mission of antiterrorism and border security.

This report provides the funding levels for COPRA overtime for FYs 2015, 2016, and 2017; the number of officers who reached the overtime cap in those years; and the process for determining and changing official hours at POEs.



FY 2018 CBP Officer Overtime Report

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I. Legislative Language

This document was compiled pursuant to the legislative language set forth in House Report 115-239, which accompanies the Fiscal Year (FY) 2018 Department of Homeland Security Appropriations Act (P.L. 115-141).

The House Report 115-239 states:

Within 180 days after the date of enactment of this Act, CBP shall report to the Committee on the following for all ports of entry: the methodology for allocating officer overtime resources; the overtime funding levels for fiscal years 2015, 2016, and 2017, at the national, regional, and port of entry levels; the number of officers who received overtime pay in those years; and the number that reached overtime cap in those years, at the national, regional, and port of entry levels. The report should also address the process for determining official hours of operation at a port of entry, and how the hours might be changed to accommodate airport and airline schedules.

II. Background

U.S. Customs and Border Protection's (CBP) Customs Officer Pay Reform Act (COPRA) overtime system is based primarily in statute (codified at 19 U.S.C. § 267).

At the ports of entry (POE), CBP uses overtime to address core operational staffing requirements as well as surge requirements. Core overtime is used in two primary ways: (1) to address daily peak traffic periods and close potential gaps between shifts; and (2) to complete enforcement actions initiated during daily shifts. Surge overtime, in contrast, is used to provide surge capacity to address heightened enforcement operations; to address unanticipated traffic peaks; and to support threat or incident response operations, including mobile response team deployments and national special security events.

COPRA overtime can be scheduled in 15-minute increments. The standard use of core overtime provides the ability to staff in precise increments, rather than in 8- to 10-hour blocks, and promotes efficient application of CBP's staffing resources at POEs. It is an important technique in optimizing resources. COPRA provides flexibility to address emergent operational needs.

CBP has a negotiated labor agreement with the National Treasury Employees Union. Overtime assignment provisions are laid out clearly in Article 35 of this agreement, and scheduling and assignment of anticipated and unanticipated hours are addressed therein.

III. Report Data

A. Methodology for Allocating Officer Overtime Resources

Before the beginning of each fiscal year, CBP reviews options for the distribution of overtime plans based upon the prior fiscal year and any anticipated workload changes for the coming year. These options factor in the field offices' historical use of and requests for overtime increases, as well as any operations or events that may be anticipated during the fiscal year. When assigning overtime, CBP also takes into consideration the results from the Workload Staffing Model as well as current vacancies to assign overtime to meet those requirements.

Once Office of Field Operations (OFO) leadership approves the overtime plans, each Director, Field Operations (DFO), is provided his or her specific financial plan within which he or she must operate for the entire fiscal year. These plans are disseminated before the beginning of the fiscal year in time for the field to adjust work schedules and assignments. DFOs have discretion in how they manage their resources on the basis of requirements and needs (i.e., wait times, enforcement operations, staffing, etc.). They may opt to provide each POE with a budget or to manage all overtime at the field office level. The field office is expected to stay within its approved financial plan. This is assessed during the year of execution to allow the field to request additional overtime funding for situations warranting consideration such as a migration surge, natural disaster, or other event that may require the field office to exceed its financial plan.

The overtime is tracked at the national and field office levels by pay period, which enables OFO to identify current and historical spend rates, peak seasons, and anomalies, and to analyze future requirements accurately. This cost-of-operations perspective provides CBP with the full costs for its activities and processes, and thereby provides a means to measure the effectiveness of operations. CBP is able to measure the cost of activities and services/products by assigning resource costs on the basis of consumption. It aggregates activities into the logical process flows that ultimately deliver a product or service. CBP assigns the direct and indirect costs of an organization to the activities and products/services that consume the organization's resources. Finally, the system helps to meet several requirements including the President's Management Agenda, the Chief Financial Officers Act, and the Government Performance and Results Act.

Mission/Operational Process: Overtime is utilized to maximize employee resources as well as for seizure/arrest processing that goes beyond a CBP officer's regular duty hours. Maximizing employee resources provides the agency with greater flexibility to ensure that enough frontline personnel are assigned to address peak travel times and increased workloads as well as to maintain the appropriate number of personnel to maintain CBP's core mission of antiterrorism and border security.

The following factors affect how OFO currently assigns overtime:

- Maintaining appropriate staffing levels to address regular and reoccurring workload for officers who are on leave, attending training, or on temporary duty assignments;
- After-hours international flights or vessel arrivals requiring CBP processing for non-24-hour POEs;
- Workload growth as seen through yearly passenger increases;
- Increased seasonal passenger workload during peak seasons (traditionally in the summer);
- Staffing shortages due to:
 - Historical hiring challenges; and
 - Additional staffing needs as identified in the President's Budget and requested through user fee changes via legislative proposals.
- Special operations addressing specific threats (terrorism and/or narcotic);
- Transportation for detainees to overnight facilities;
- Transportation to medical facilities and security of internal narcotics couriers; and
- Seizure and arrest processing.

Local Tracking: Local management tracks overtime in the following manner:

- (1) Tours of duty are consistent with regular and recurring workload;
- (2) Tours of duty are adjusted to accommodate seasonal and other shifting patterns of work;
- (3) Work schedules are adjusted to preclude blanket overtime assignments and regular and recurring overtime assignments immediately before, or after, established tours of duty;
- (4) Work assignments are prorated to the maximum extent possible; and
- (5) Staffing on Sundays and holidays is not greater than the rest of the week unless the workload justifies the increase.

B. Overtime Funding Levels for FYs 2015, 2016, and 2017 at the National and Field Office Levels

Below are the base funding levels, as well as adjustments made throughout the year for FY 2015–FY 2017. Adjustments are made each year to account for current year fluctuations in mission need in real time. These overtime plans are specific to COPRA earners. Each DFO is provided his or her specific financial plan within which the field office must operate for the entire fiscal year.

Table 1

FY 2015 Overtime Plans

OFFICE	BASE PLAN	ADD. FUNDS PROVIDED	TOTAL ANNUAL PLAN
OFO-HQ	\$ 2,545,876	\$ 2,177,103	\$ 4,722,979
Atlanta	\$ 3,940,059	\$ 151,147	\$ 4,091,206
Baltimore	\$ 5,258,667	\$ 967,680	\$ 6,226,347
Boston	\$ 6,097,740	\$ 2,290,866	\$ 8,388,606
Buffalo	\$ 9,108,558	\$ 1,324,106	\$ 10,432,664
Chicago	\$ 7,466,562	\$ 1,319,444	\$ 8,786,006
Detroit	\$ 7,123,175	\$ 1,565,264	\$ 8,688,439
El Paso	\$ 17,486,943	\$ 1,845,719	\$ 19,332,662
Houston	\$ 6,212,168	\$ 1,676,551	\$ 7,888,719
Laredo	\$ 30,024,500	\$ 5,281,958	\$ 35,306,458
Los Angeles	\$ 17,252,446	\$ 2,274,829	\$ 19,527,275
Miami	\$ 20,576,842	\$ 1,568,813	\$ 22,145,655
New Orleans	\$ 1,299,127	\$ 25,661	\$ 1,324,788
New York	\$ 30,499,848	\$ 3,397,892	\$ 33,897,740
Portland	\$ 2,043,688	\$ 288,807	\$ 2,332,495
Preclearance	\$ 6,470,182	\$ 1,959,010	\$ 8,429,192
Puerto Rico	\$ 3,644,987	\$ 620,928	\$ 4,265,915
San Diego	\$ 34,107,757	\$ 3,658,938	\$ 37,766,695
San Francisco	\$ 8,836,656	\$ 606,693	\$ 9,443,349
Seattle	\$ 15,322,704	\$ 1,286,487	\$ 16,609,191
Tampa	\$ 2,888,860	\$ 360,057	\$ 3,248,917
Tucson	\$ 14,262,048	\$ 2,413,943	\$ 16,675,991
Virgin Islands	\$ 2,234,780	\$ 112,811	\$ 2,347,591
	\$ 254,704,173	\$ 37,174,707	\$ 291,878,880
Reserve	\$ 5,595,831		
TOTAL	\$ 260,300,004	\$ 37,174,707	\$ 291,878,880

Table 2

FY 2016 Overtime Plans			
OFFICE	BASE PLAN	ADD. FUNDS PROVIDED	TOTAL ANNUAL PLAN
OFO-HQ	\$ 2,545,876	\$ 2,220,672	\$ 4,766,548
Atlanta	\$ 3,940,059	\$ 320,268	\$ 4,260,327
Baltimore	\$ 5,258,667	\$ 542,196	\$ 5,800,863
Boston	\$ 6,097,740	\$ 3,095,101	\$ 9,192,841
Buffalo	\$ 9,108,558	\$ 800,000	\$ 9,908,558
Chicago	\$ 7,466,562	\$ 1,504,402	\$ 8,970,964
Detroit	\$ 7,123,175	\$ 1,115,536	\$ 8,238,711
El Paso	\$ 17,823,032	\$ 3,000,056	\$ 20,823,088
Houston	\$ 6,700,384	\$ 1,385,670	\$ 8,086,054
Laredo	\$ 31,328,800	\$ 7,932,388	\$ 39,261,188
Los Angeles	\$ 17,252,446	\$ 3,854,816	\$ 21,107,262
Miami	\$ 22,132,978	\$ 3,016,277	\$ 25,149,255
New Orleans	\$ 1,299,127	\$ 100,982	\$ 1,400,109
New York	\$ 31,930,117	\$ 2,640,637	\$ 34,570,754
Portland	\$ 2,043,688	\$ 466,612	\$ 2,510,300
Preclearance	\$ 6,722,322	\$ 2,105,700	\$ 8,828,022
Puerto Rico	\$ 3,894,749	\$ 800,000	\$ 4,694,749
San Diego	\$ 36,131,249	\$ 1,312,049	\$ 37,443,298
San Francisco	\$ 8,836,656	\$ 1,055,295	\$ 9,891,951
Seattle	\$ 15,322,704	\$ 965,408	\$ 16,288,112
Tampa	\$ 2,888,860	\$ 995,700	\$ 3,884,560
Tucson	\$ 14,671,630	\$ 2,630,000	\$ 17,301,630
Virgin Islands	<u>\$ 2,346,780</u>	<u>\$ 115</u>	<u>\$ 2,346,895</u>
	\$ 262,866,159	\$ 41,859,880	\$ 304,726,039
Reserve	<u>\$ 5,595,831</u>		
TOTAL	\$ 268,461,990	\$ 41,859,880	\$ 304,726,039

Table 3

FY 2017 Overtime Plans

OFFICE	BASE PLAN	ADD. FUNDS PROVIDED	TOTAL ANNUAL PLAN
OFO-HQ	\$ 3,225,876	\$ 3,874,780	\$ 7,100,656
Atlanta	\$ 3,940,059	\$ 555,998	\$ 4,496,057
Baltimore	\$ 5,258,667	\$ 740,000	\$ 5,998,667
Boston	\$ 6,097,740	\$ 3,245,000	\$ 9,342,740
Buffalo	\$ 9,108,558	\$ 1,604,737	\$ 10,713,295
Chicago	\$ 7,466,562	\$ 1,255,000	\$ 8,721,562
Detroit	\$ 7,123,175	\$ 315,000	\$ 7,438,175
El Paso	\$ 17,823,032	\$ 2,000,000	\$ 19,823,032
Houston	\$ 6,700,384	\$ 3,124,133	\$ 9,824,517
Laredo	\$ 31,328,800	\$ 3,775,000	\$ 35,103,800
Los Angeles	\$ 17,252,446	\$ 3,555,000	\$ 20,807,446
Miami	\$ 22,132,978	\$ 4,442,350	\$ 26,575,328
New Orleans	\$ 1,299,127	\$ 208,000	\$ 1,507,127
New York	\$ 31,930,117	\$ 5,000,000	\$ 36,930,117
Portland	\$ 2,043,688	\$ 220,000	\$ 2,263,688
Preclearance	\$ 6,722,322	\$ 2,054,680	\$ 8,777,002
Puerto Rico	\$ 3,894,749	\$ 550,000	\$ 4,444,749
San Diego	\$ 36,131,249	\$ 3,151,400	\$ 39,282,649
San Francisco	\$ 8,836,656	\$ 1,137,000	\$ 9,973,656
Seattle	\$ 15,322,704	\$ 735,100	\$ 16,057,804
Tampa	\$ 2,888,860	\$ 531,200	\$ 3,420,060
Tucson	\$ 14,671,630	\$ 1,700,000	\$ 16,371,630
Virgin Islands	\$ 2,346,780	\$ 0	\$ 2,346,780
	\$ 263,546,159	\$ 43,774,378	\$ 307,320,537
Reserve	\$ 5,595,831		
TOTAL	\$ 269,141,990	\$ 43,774,378	\$ 307,320,537

C. Officers Who Received Overtime Pay; Number that Reached Overtime Caps in Those Years¹

Fiscal Year	Total Number of CBP Officers	CBP Officers who Earned Overtime/ Premium Pay²	Total Number of Employees who Reached the Cap^{3*}
2015	22,927	22,423	1,241
2016	22,900	22,401	1,381
2017	23,079	22,182	20

*Note: The overtime earnings limitation increase in FY 2017, from \$35,000 to \$45,000, has affected directly the significant reduction of cap waivers that were requested in FY 2017. This increase allows our officers and agriculture specialists to remain operational to respond to natural disasters and maintain national security without the fear of exceeding the pay cap.

Field Office	FY 2015	FY 2016	FY 2017
Headquarters to include National Targeting Center	2	5	2
Boston	20	40	-
New York	407	228	3
San Francisco/Portland	-	5	-
Preclearance	50	62	-
Miami	-	-	5
Laredo	48	43	-
El Paso	171	136	-
Tucson	40	175	-
Houston	-	10	8
San Diego	503	508	2
Los Angeles	-	169	-
Totals	1,241	1,381	20

¹ The overtime cap for CBP officers and agricultural specialists was \$35,000 during FY 2015 and 2016, and \$45,000 during FY 2017.

² Premium pay is the pay earned while CBP officers or agriculture specialists work a shift that occurs outside of normal hours, e.g., shift work, weekend, or holiday pay. This is still within their normal hours and not in excess of 8 hours per day, which is overtime.

³ Includes agriculture specialists who are “customs officers” for COPRA purposes.

D. Process for Determining Official Hours of Operation at a POE, and Any Process for Changing the Allocation of Overtime Hours to Accommodate Airport and Airline Schedules

CBP tries to accommodate changes in hours where possible, but because of bank scheduling⁴ by airlines, the majority of needs fall within peak periods during the day, which makes it difficult to meet outlier requests. CBP works with the airlines to accommodate as many requests as possible through the landing rights process. For those areas where CBP may not be able to accommodate an airline's request, CBP directs them to explore the Reimbursable Services Programs and Preclearance as options to consider; these options potentially can help airlines to meet their demands where it is possible. DFOs will use the following criteria as the basis for preparing requests to change hours of service at port facilities:

- Workload to include:
 - The unavoidability of weather, mechanical, and other delays;
 - The necessity for prompt and efficient passenger and baggage clearance;
 - The perishability of cargo;
 - The desirability or unavoidability of late night and early morning arrivals from various time zones;
 - The availability of personnel and resources; and
 - The need for specific enforcement checks.
- Operational costs;
- Landing rights requests;
- Traffic patterns;
- Anticipating needs of passengers and cargo;
- Proximity of other crossings; and
- Stakeholder requests.

Permanent Reductions: Field offices and area POEs will base reductions on empirical workload analyses of the operational day and the proposed hours of reduction. Analyses will determine, for the 2 previous fiscal years, the hours of proposed reductions, the percentage of vehicles for the year, the average number of vehicles entering per hour, the inspection cost per vehicle, and how many times more inspection costs are than the average for the entire operational day.

Crossings selected for reduced hours must have received, during both preceding fiscal years, no more than 4.0 vehicles per hour and have inspection costs of at least \$100 per vehicle, and the shift either must account for less than 10 percent of total vehicles for the year for the port or have a per-vehicle inspection cost that is at least five times greater than the average per-vehicle inspection cost for the operational day. These criteria may be adjusted if the area port and/or field office has at least 5 percent fewer staff than authorized for the previous 2 fiscal years and is projected to remain understrength for at least 2 additional years.

⁴ Bank scheduling is when the airlines bring all of their flights in at relatively the same time and then they depart at relatively the same time. This is opposed to a steady stream of incoming flights throughout the day. Banking means that a lot of people arrive at the same time in a couple of blocks throughout the day.

Permanent Expansions: Field offices and area POEs will base expansion on empirical workload analyses of the operational day for the two previous fiscal years. Analyses will determine whether operational hours at the beginning and/or end of the operational day have experienced significant workload growth.

For each hour of proposed expansion, the crossing must have 1 hour at the immediate beginning or end of the operational day whose vehicle workload has increased by 20 percent (i.e., to add 2 hours at the end of the operational day, the last 2 hours of the current operational day must have experienced 20-percent growth), the increase must be at least 30 vehicles per hour, and additional staff or overtime must be available to support expanded operating hours.

IV. Conclusion

Maximizing employee resources provides the agency with greater flexibility to ensure that sufficient frontline personnel are assigned to address peak travel times and increased workloads, and to maintain the appropriate number of personnel to achieve CBP's core mission of antiterrorism and border security.

V. Appendices

Appendix A. List of Acronyms

Acronym	Definition
CBP	U.S. Customs and Border Protection
COPRA	Customs Officer Pay Reform Act
DFO	Director, Field Operations
FY	Fiscal Year
OFO	CBP Office of Field Operations
POE	Port of Entry

Appendix B. Sample Local Overtime Roster

MSC		ETA:	0600	LAST PORT:	TERMINAL:		
TOTAL PAX:		USC:	NON-US:		D1:		
DUTY FUNCTION	START	NAME	M4	OT CODE	CBC	ORDERED OUT	PM OVERTIME
SUPERVISOR	0530						
LEAD	0600						
CHS/SECONDARY	0600						
BC/PPC	0600						
BC/PPC	0600						
BC/PPC	0600						
BC/PPC	0600						
BC/PPC	0600						
BC/PPC	0600						
MSC		ETA:		LAST PORT:	TERMINAL:		
TOTAL PAX:		USC:	NON-US:		D1:		
DUTY FUNCTION	START	NAME	M4	OT CODE	CBC	ORDERED OUT	PM OVERTIME
SUPERVISOR	0530						
LEAD	0600						
CHS/SECONDARY	0600						
SECONDARY	0600						
BC/PPC	0600						
BC/PPC	0600						
BC/PPC	0600						
BC/PPC	0600						
BC/PPC	0600						
BC/PPC	0600						
BC/PPC	0600						
BC/PPC	0600						
DUTY FUNCTION	START	NAME	M4	OT CODE	CBC	ORDERED OUT	PM OVERTIME
START PAGE	0600						
PAU/ENF	0600						
K-9	0600						
LEAD CASHIER	0600						
DUTY OFFICER	0600						
RADIO OFFICER	0600						
SVRS	0600						
SVRS	0800						
SVRS	0800						
SVRS	0800						
SVRS	0800						
CARGO BOARDING	0600						
CARGO BOARDING	0600						
ASSIGNMENTS	0600						
	0600		X				
SUPERVISOR							
OFFICE	0530						Emergency Roster
	0530						PAX/Management
	0530						Mission Support
	0530						OIT
	0530						Marine Desk
	0530						List
DUTY CHIEF							
WATCH COMMANDER							
TBD							
NIGHT SHIFT							
DUTY FUNCTION	START	NAME	M4	OT CODE	CBC	ORDERED OUT	PM OVERTIME
SUPERVISOR	1300						
	1400						
VOLUNTEERS WITH CBC							
						0630 START ONLY	