

ADMINISTRATIVELY UNCONTROLLABLE OVERTIME

I. Purpose

This Directive establishes the Department of Homeland Security (DHS) policy governing the payment of premium pay on an annual basis for administratively uncontrollable overtime (AUO) work and assigns responsibilities for implementing the AUO premium pay program within DHS.

II. Scope

This Directive applies throughout DHS, unless exempted by statutory or federal regulatory authority.

III. Authorities

- A. Title 5, United States Code (U.S.C.), Chapter 55, Subchapter V, Premium Pay
- B. Title 5, Code of Federal Regulations (CFR), Part 550, Subpart A, Premium Pay
- C. DHS Delegation 00002, Delegation to the Under Secretary for Management, May 29, 2012

IV. Responsibilities

- A. **DHS Chief Human Capital Officer:**
 - 1. Establishes Departmental policy and guidance on the implementation of annual premium pay for AUO work, consistent with statute, regulation, and OPM guidelines;
 - 2. Provides program oversight and evaluates Component compliance with statute, regulation, and DHS policy; and

3. Administers the Department's overtime training program. Develops mandatory training on AUO and overtime management. Approves or disapproves Component requests to substitute Component-developed training on AUO and overtime in place of OCHCO-developed training.

B. **Component Heads:**

1. Establish and disseminate Component AUO policies consistent with this Directive, Instruction 253-04-001, statutory and federal regulatory authority, and OPM guidelines. Submit Component-specific AUO policies to the DHS Chief Human Capital Officer for review and concurrence within 30 days of the publication of this Directive and then prior to implementing any new or revised AUO policy;

2. Assure that Component employees, supervisors, and managers adhere to DHS and Component policy and procedures as well as statutory and regulatory requirements for payment of AUO premium pay;

3. Approve Component positions for AUO premium pay in accordance with 5 CFR §§ 550.151-153 and this Directive and only after considering fully other administrative solutions to control the hours of duty (e.g., changing an employee's tour of duty, reassigning personnel, hiring additional personnel, etc.). This initial position approval responsibility may be exercised only by the Component Head;

4. Certify annually that all Component AUO-authorized positions meet the statutory, regulatory, and DHS policy requirements for payment of AUO premium pay. This annual position certification responsibility may be exercised only by the Component Head;

5. No later than 18 months after the date of this Directive and annually thereafter, submit to the Office of the Chief Human Capital Officer (OCHCO) the results of an independent, third-party audit measuring and describing the degree of compliance with applicable law and Department- and Component-level policies;

C. **Executive Director, Headquarters Human Resources Management and Services (HRMS)** assumes the responsibilities listed under section IV.B.1 for all Support Components with the exception of the National Protection and Programs Directorate (NPPD), the Office of Inspector General (OIG), and the Federal Law Enforcement Training Center (FLETC).

D. **Heads of NPPD and FLETC** assume the responsibilities listed under section IV.B for their respective Support Component.

V. Policy and Requirements

A. **Policy:** It is DHS policy to comply with all laws and regulations with regard to payment of annual premium pay for AUO. The Department does not tolerate the abuse or misuse of AUO.

B. **Requirements:**

1. Components have Component-level implementing policies that comply with 5 CFR §§ 550.151-154 and DHS policy in order to pay premium pay on an annual basis to any employee in a position in which the hours of duty cannot be controlled administratively and which require substantial amounts of irregular or occasional overtime work, with the employee generally being responsible for recognizing circumstances which require the employee to remain on duty. The DHS Chief Human Capital Officer reviews and concurs with all Component policies before implementation.
2. Components undergo annual, independent, third-party audits of AUO by an entity from outside the Component and report the findings of annual audits to the DHS Chief Human Capital Officer.
3. Managers and supervisors complete required AUO training within 30 days of assuming the role of manager, supervisor or certifying official of eligible employees and annually thereafter. Employees complete required AUO training within 30 days of entering an AUO covered position and annually thereafter.

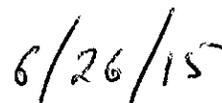
VI. Questions

Address any questions or concerns regarding this Directive to the Office of the Chief Human Capital Officer.



Russell C. Deyo

Under Secretary for Management



Date