



At a Glance

Why We Did This Project

The U.S. Environmental Protection Agency (EPA), Office of Inspector General (OIG), conducted this audit to determine whether criminal investigators in the EPA's Office of Criminal Enforcement, Forensics and Training (OCEFT) properly record Law Enforcement Availability Pay (LEAP) hours in compliance with federal requirements and EPA policies and procedures.

Criminal investigators are provided premium pay or LEAP for being available for unscheduled duty beyond their regular 40-hour workweek based on the needs of the employing agency. To earn LEAP, criminal investigators must average, on an annual basis, 2 hours of unscheduled duty per regular workday.

This report addresses the following:

- *Compliance with the law.*
- *Operating efficiently and effectively.*

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EPA Law Enforcement Availability Pay Properly Certified but Controls over Process Could Be Improved

What We Found

We found that EPA criminal investigators complied with federal requirements for LEAP annual certification. Our sample results showed that the criminal investigators worked an average of 2 hours of unscheduled duty per regular workday as required. With one exception, annual certifications were completed and approved for fiscal year 2017. The one exception occurred because the system used to capture monthly LEAP activities did not allow for an electronic certification for a criminal investigator who worked a partial year. Additionally, a hard-copy certification was not submitted for approval.

Criminal investigators worked an average of 2 hours of unscheduled duty per regular workday to meet annual certification requirements for 2017.

We identified controls over the reporting of LEAP hours and the annual certification process that could be improved. We found that:

- Monthly activity reports were not always submitted and approved as required by the Monthly Activity Reporting System procedures manual.
- Supervisors did not approve most annual certifications by October 10, 2017, as required by OCEFT's premium pay policy.
- Five of 12 criminal investigators selected from our sample incorrectly excluded workdays from their substantial hours calculation.

We could not determine why criminal investigators and supervisors were not following the submission and approval requirements for the monthly activity reports. The untimely approval of certifications resulted from delays in the update of approval officials and submission of untimely and incomplete monthly activity reports by the criminal investigators. Continued late submissions and approvals can lead to delays in the quarterly assessment and annual certification process.

While the criminal investigators met annual certification requirements for 2017, untimely submittals and approvals, as well as incorrectly excluded workdays, put criminal investigators at risk of not meeting future certification requirements; put supervisors at risk of making erroneous approvals; and increase the risk for fraud, waste and abuse.

Recommendations and Planned Agency Corrective Actions

We recommend that the agency (1) enforce compliance with required time frames for monthly activity reports, (2) implement controls to improve the timeliness of the annual certification process, and (3) enforce compliance with the substantial hours requirement. The agency agreed with Recommendations 1 and 2 and provided sufficient corrective actions and completion dates. The OIG revised Recommendation 3, and the agency agreed with the revised recommendation and provided a sufficient corrective action and completion date.