



## UNITED STATES CAPITOL POLICE


WASHINGTON, DC 20003

November 19, 2007

INSPECTOR GENERAL

### MEMORANDUM

**TO:** Phillip D. Morse, Sr.  
Chief of Police

**FROM:** Carl W. Hoecker  
Inspector General 

**SUBJECT:** *Night Differential Pay for Civilian Employees*  
(Report No. OIG-2008-02)

During our audit of the FY 2007 financial statements, we found that the Department paid night differential pay to civilian employees that were normally assigned day schedules. This occurred because the Office of Human Resources did not have controls to ensure that employees assigned to day shift did not receive night differential pay for which they are not entitled.

According to the *Capitol Police Board Regulations Implementing Sunday Premium Pay, Holiday Pay and Night Differential Pay for Employees of the United States Capitol Police*, night pay is a 10 percent differential paid to an employee for regularly scheduled work performed at night. Night pay is paid in addition to overtime, Sunday, or holiday premium pay. For the purposes of eligibility for Night Differential Pay, night work is defined as any regularly scheduled nonovertime work performed by an employee between the hours of 6 p.m. and 6 a.m. A "regularly scheduled workday" is 8.5 consecutive hours of duty as determined by the Chief of Police or designee, which includes a thirty minute non-compensable meal period, and is nonovertime or additional duty work.

For FY 2007, we sampled 6 civilian employees (Attachment A) for night differential. We found 4 of 6 received night differential pay although their regularly scheduled workday did not include night work. For example, two of the employees' work schedule was 0930 to 1800 hours. Another employee had discretion in work start times, which varied from 0800 to 1200 hours. When an employee clocks out using [REDACTED] a night differential is applied automatically to time worked after 6 p.m. as long as the time worked was within the 8.5-hour tour of duty. According to the OHR Director, civilians may receive premium pay, which includes night differential pay as long as their salary does not exceed the maximum annual payable rate on a bi-weekly basis (\$159,828 for FY 2007). However, an employee is not entitled to night differential pay if their regularly scheduled workday does not include night work.

We tested *T&A Certification Reports* for supervisor approval for all four employees. We noted that supervisors approved all of the T&A reports after the fact and did not make any adjustments for the

night differential paid, which was not approved in advance. According to the OHR Director, 3 of the 4 cases had verbal supervisory approval prior to the start of the shift. However, we found no written evidence of this approval. We also found no requirement that night differential pay be approved in advance. In addition, the regulation is silent as to whether an employee should receive night differential pay when the employees' schedule is adjusted for the employee's convenience instead of the government's convenience.

There are circumstances when a civilian employee may need to work outside their normal duty hours. In these instances, however, the employee's supervisor should approve this exception in advance similar to the advance approval required for overtime. Night differential pay could be a potential area for abuse and mismanagement. As the Department is working to manage its limited resources, we suggest that the Department develop procedures to guide supervisors responsible for reviewing and approving certification reports in identifying under what circumstances civilian personnel would be entitled to night differential pay—employee or government convenience. As an interim alternative, [REDACTED] could be programmed to incorporate the rule.

Attachment: As Stated.

cc: Asst. Chief Daniel R. Nichols, Chief of Operations  
Mr. Richard L. Braddock, Acting Chief Administrative Officer