



OFFICE OF INSPECTOR GENERAL

U.S. Department of Energy

AUDIT REPORT

DOE-OIG-20-46

July 2020

**THE DEPARTMENT OF ENERGY'S
FEDERAL EMPLOYEE SUBSTANCE
ABUSE TESTING PROGRAM**



Department of Energy
Washington, DC 20585

July 6, 2020

MEMORANDUM FOR THE CHIEF HUMAN CAPITAL OFFICER, OFFICE OF THE CHIEF
HUMAN CAPITAL OFFICER

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

FROM: Jennifer L. Quinones
Assistant Inspector General
for Audits
Office of Inspector General

SUBJECT: INFORMATION: Audit Report on "The Department of Energy's
Federal Substance Abuse Testing Program"

RESULTS IN BRIEF

We found that the Department of Energy had not always administered the Federal Substance Abuse Testing Program (Program), as required by the Department of Energy Order 343.1, *Federal Substance Abuse Testing Program*. We identified deficiencies in the Program but were unable to determine their severity due to a lack of adequate recordkeeping by the Department. For example, we discovered that records of employees selected for testing were not maintained which limited the Department's oversight. Our review found that inadequate recordkeeping contributed to Department officials not ensuring random drug testing occurred at two Department sites. Additionally, we found that the Department's fiscal year (FY) 2016 annual report to the U.S. Department of Health and Human Services contained potential discrepancies because the Department estimated drug test numbers. We also noted that the Department's database for Federal employees in Testing Designated Positions (TDP) was not always complete or updated; therefore, personnel who potentially should be part of the random drug testing database were not included. Finally, based on our analysis, we determined that the Department did not meet the annual random drug testing rate for Federal employees in TDPs in FY 2018. Without effectively and consistently implementing a robust substance abuse testing program, the Department cannot be assured that it is providing a drug-free workplace.

BACKGROUND

Department of Energy Order 343.1, *Federal Substance Abuse Testing Program*, establishes the requirements and responsibilities for the Department's Program, which covers drug testing. The Director, Office of Human Capital Management implements and administers the Program. The Departmental Substance Abuse Program Manager (Program Manager) provides advice and guidance on policies, standards, and procedures, and maintains the substance abuse testing

databases. Local Substance Abuse Program Coordinators (Local Coordinators) coordinate the scheduling of all testing for their offices; report positive drug test results to the Program Manager; provide or secure training to managers and supervisors; and maintain local databases of employees who require testing. Managers and supervisors ensure that employees are available and direct them to report for scheduled testing. The Department has an interagency agreement with the Department of the Interior to provide for the collection, testing, and medical review of drug testing by private contractors.

The Order states that all Federal employees who are in TDPs (i.e., hold security clearances or hold position categories such as Public Health and Safety, Presidential Appointees, and Law Enforcement) are subject to an annual 30 percent random drug testing rate. The Department is comprised of approximately 13,000 Federal employees, including approximately 6,400 positions that meet the 30 percent annual random drug testing rate criteria for TDP. We initiated this audit to determine whether the Department is administering the Federal Substance Abuse Testing Program, as required.

RESULTS OF AUDIT

We found that the Department had not always administered the Federal Substance Abuse Testing Program, as required by the Order. Based on our analysis, we determined that the Department did not meet the annual random drug testing rate for TDP Federal employees. In addition, we found that Local Coordinators did not always ensure that random drug testing was conducted. Finally, we identified issues related to TDP documentation, annual reporting, and training.

These conditions occurred, in part, because of internal control weaknesses within the Program. Specifically, we noted that the Program Manager did not verify that employees selected for testing were actually tested, did not maintain records of employees selected for testing, and did not ensure that Local Coordinators were fully aware of their responsibilities. As a result, the Department cannot ensure that it can effectively and consistently implement a Program aimed at achieving a drug-free workplace. We made recommendations to help improve the Department's management of its Program.

Annual Random Drug Testing Rate

We determined that the Department did not meet the 30 percent annual random drug testing rate for TDP Federal employees in FY 2018, as required by the Order. We conducted an analysis of FY 2018 drug test invoices; the number of drug tests processed by the laboratory, according to the Schedule, Test, and Track system; and the number of personnel in the TDP database. According to the drug test invoices, the drug testing rate was approximately 21 percent, and according to the number of drug tests processed by the laboratory, the rate was approximately 24 percent. While we did not determine why there was a discrepancy between the invoices and the tests performed, the Department's drug testing rate for FY 2018 was, at most, 24 percent instead of the required 30 percent.

Site-Specific Drug Testing

We found that Local Coordinators did not always ensure that random testing was conducted. Specifically, we noted that Federal employees in TDPs at the Los Alamos Field Office had not been tested for a period of over 4 years. National Nuclear Security Administration officials stated the Los Alamos Field Office no longer had a testing facility available. However, we noted that a facility is not required to collect a drug test specimen (i.e., collection can occur in a restroom). In September 2018, the Program Manager traveled from Washington, DC to the Los Alamos Field Site and conducted collections for random drug testing; however, between October 2018 and December 2019, 34 people were selected for testing but did not complete testing. In January 2020, a representative of the collection contractor conducted onsite collections for 14 of the 34 people that were previously selected but not tested.

Similarly, we found that during a 1-year period, randomly selected National Nuclear Security Administration employees at the Savannah River Site also had not been tested. In this case, National Nuclear Security Administration officials stated that random selection lists were sent to the wrong email address, and thus, were not received by the Savannah River Site representative who coordinated the tests. Although the email problem was resolved, the testing was hindered because documentation required for testing had not been received by the Savannah River Office. As a result of our audit, the Local Coordinator at the Savannah River Site stated that additional processes were put in place, coordination with onsite medical facility personnel was conducted, and testing was completed during the last quarter of calendar year 2018. Although we were able to identify the examples above, we were unable to determine whether other Department sites had similar issues due to the inadequate program controls noted below.

Testing Designated Position Documentation

We found that Local Coordinator rosters and the TDP database were not always complete or updated, as required by the Order. The Order requires Local Coordinators to maintain a list of TDPs for their organization and provide periodic updates to the Program Manager who maintains the TDP database. We found that Local Coordinators had not always provided the Program Manager with updates or changes in order to ensure that the TDP database remained accurate. For example, we identified three employees at one Power Marketing Administration who had retired in approximately August and September 2017 but were still listed in the TDP database provided to us by the Program Manager in May 2018. Similarly, we found personnel who were listed in the Program Manager's TDP database but were not included in Power Marketing Administrations' lists. In addition, we reviewed the TDP database maintained by the Program Manager and found over 150 employees that were listed in the database more than once.

Annual Reporting

We found that the Department's FY 2016 annual report information reported by the Program Manager and subsequently provided to the U.S. Department of Health and Human Services, Substance Abuse and Mental Health Services Administration had a number of potential discrepancies. For example, the Department reported that approximately 1,500 more random drug tests were completed than were billed by the collection contractor. Specifically, the

Department reported that approximately 2,750 random drug tests were performed. However, based on our review of contractor invoices, we determined that approximately 1,250 tests were billed by the collection contractor. The Program Manager stated that the number of tests in the annual report is estimated based on the number of tests that the Department is required to complete in that fiscal year.

Training

We found that supervisors and managers were not always adequately trained, as required. Per the Order, Local Coordinators are to provide or secure training for supervisors and managers about the Program to include post accident or post incident, unsafe practice, and reasonable suspicion testing. According to a survey we conducted, some Local Coordinators stated that they provided guidance and feedback upon request; however, we noted that the Department does not have a standardized process or course to ensure training has been completed. We also noted that while the Department's *Supervisory Essentials: Strategies for Success* course provides instruction on how to administer workplace discipline when an employee has a positive drug test, it does not provide the specific training required by the Order.

Inadequate Program Controls

These conditions occurred, in part, because of internal control weaknesses within the Program. Specifically, we noted that the Department had not ensured that employees were actually tested, did not maintain records of employees selected for testing, and had not ensured that Local Coordinators were fully aware of their responsibilities.

Testing Verification, Followup, and Records

We noted that the Program Manager did not verify that employees selected for testing were actually tested and did not maintain a record of the employees selected. Local Coordinators are required to report the completion of the collection process by email, detailing the date, number of collections completed, and names and reasons for those employees who were not tested. However, the Local Coordinators we identified did not always provide this information, and the Program Manager did not appear to followup on the lack of responses. Proper oversight by the Program Manager potentially could have ensured that the issue at the Savannah River Site was identified and corrected earlier. In addition, maintaining records of the employees selected for testing and completion results aids in ensuring that annual random testing requirements are met and annual reports are accurate.

Local Coordinator Responsibilities

Local Coordinators stated that they only performed a portion of the required responsibilities stated in the Order. Further, we found, across the Department, that Local Coordinators were not sufficiently knowledgeable and not always aware of their responsibilities, such as the requirement to provide TDP updates to the Program Manager. Some Local Coordinators were also not aware that they were required to provide or secure drug testing program training for supervisors and managers at their sites. We noted that the Program Manager was not always

aware of who the Local Coordinators were at Department sites. We also found that the Program Manager did not have a list that identifies all of the Local Coordinators. To its credit, in January 2020, the Office of the Chief Human Capital Officer published a desk reference to establish procedures for administering the Program.

Impact

Without effectively and consistently implementing a robust substance abuse testing program, the Department cannot be assured that it is providing a drug-free workplace. The possible use of illegal drugs, on- or off-duty, by Federal employees in certain positions potentially prevents the complete reliability, stability, and good judgment that is consistent with access to sensitive information.

OTHER MATTERS

Due to the discrepancies noted above in annual reporting and not maintaining records of personnel selected for testing, we believe that the current process for reviewing testing records and associated laboratory charges is inadequate and increases the risk that the Department may incur inaccurate or ineligible costs.

RECOMMENDATIONS

To help improve the Department of Energy's Federal Substance Abuse Testing Program and address the issues identified, we recommend that the Chief Human Capital Officer, Office of the Chief Human Capital Officer ensure that:

1. Personnel selected for random drug testing are tested and feedback is provided to the Departmental Substance Abuse Program Manager;
2. The Departmental Substance Abuse Program Manager maintains appropriate records in order to guarantee the accuracy of annual reports and the completion of the annual random testing requirement;
3. Local Substance Abuse Program Coordinators are aware of and comply with their responsibilities, which include providing or securing supervisor training and periodically providing Testing Designated Position updates to the Departmental Substance Abuse Program Manager; and
4. An updated listing of Local Substance Abuse Program Coordinators is maintained.

MANAGEMENT RESPONSE

Management concurred with the report's recommendations. Management's corrective actions, taken and planned, are responsive to the recommendations. Specifically, the Office of the Chief Human Capital Officer published a Federal Substance Abuse Testing Program Desk Reference in January 2020 that provides instructions for random drug testing procedures and initiated

revisions to Department of Energy Order 343.1, *Federal Substance Abuse Testing Program*, to ensure that the appropriate requirements are in place. In addition, the Office of the Chief Human Capital Officer enhanced its record keeping protocols, including maintaining all records, reports, and requests for drug testing for a minimum of 3 years. Further, it implemented regular reviews of the database of employees in testing designated positions. Finally, the Office of the Chief Human Capital Officer is incorporating training on the Department's Federal Substance Abuse Program into the Supervisory Essentials Training for new supervisors.

Management comments are included in Attachment 2.

AUDITOR COMMENTS

Management's response and its corrective actions, taken and planned, are responsive to our recommendation.

Attachments

cc: Chief of Staff

OBJECTIVE, SCOPE, AND METHODOLOGY

OBJECTIVE

We conducted this audit to determine whether the Department of Energy is administering the Federal Substance Abuse Testing Program, as required.

SCOPE

The audit was conducted from June 2018 through March 2020 at the Office of the Chief Human Capital Officer in Washington, DC. Our scope included drug testing of Federal employees between fiscal year 2014 and fiscal year 2018. The audit was conducted under Office of Inspector General project number A18GT033.

METHODOLOGY

To accomplish our audit objective, we:

- Reviewed applicable laws, regulations, policies, and procedures;
- Reviewed the processes and procedures for applicant, random, and reasonable suspicion drug testing;
- Conducted an electronic survey of the 58 identified Local Substance Abuse Program Coordinators;
- Conducted interviews of the Departmental Substance Abuse Program Manager and a judgmental sampling of Local Substance Abuse Program Coordinators based on a review of the responses submitted in the electronic survey. Because the sample selected was judgmental, it cannot be projected to the universe;
- Conducted an analysis of information obtained from the Corporate Human Resource Information System, security clearance information, and lists provided by the Local Substance Abuse Program Coordinators in order to determine the accuracy of the Departmental Substance Abuse Program Manager's Testing Designated Position Database; and
- Reviewed annual reports submitted to the Substance Abuse and Mental Health Services Administration for accuracy.

We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objective. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions. Accordingly, we assessed significant internal controls and compliance with laws and regulations to the extent necessary to satisfy the audit objective. We

relied on a limited amount of computer-processed information to perform fieldwork to support findings and conclusions. To assess the reliability of the data, we reviewed source documents and found discrepancies. Despite the limitations in using the data for detailed analysis, we believe that the data is sufficiently reliable as an overall estimate. Because our review was limited, it would not necessarily have disclosed all internal control deficiencies that may have existed at the time of our audit.

An exit conference was held with Department officials on June 16, 2020.

MANAGEMENT COMMENTS




Department of Energy

Washington, DC 20585

May 27, 2020

MEMORANDUM FOR THE ASSISTANT INSPECTOR GENERAL FOR AUDITS

ATTN: IG-30 (A18GT033)

FROM: STEVE ERHART 
CHIEF HUMAN CAPITAL OFFICER

SUBJECT: Response to Draft Audit Report on “The Department of Energy’s Federal Substance Abuse Testing Program”

Thank you for providing a draft copy of the Office of Inspector General’s (OIG) report, “The Department of Energy’s Federal Substance Abuse Testing Program” (A18GT033). The Office of the Chief Human Capital Officer concurs with the OIG’s recommendations and has taken—or will take—steps to address them. Detailed responses to each of the four recommendations are attached.

If you have any questions, please contact Loretta Collier, Director, Office of Corporate Services, at (202) 586-9239 or loretta.collier@hq.doe.gov.

Attachment



Response to Draft Report A18GT033 Recommendations

Recommendation 1: *Personnel selected for random drug testing are tested and feedback is provided to the Departmental Substance Abuse Program Manager.*

Management Response: Concur

To ensure that personnel selected for random drug testing are tested and feedback is provided to the Departmental Substance Abuse Program Manager, the Office of the Chief Human Capital Officer (HC) published a Federal Substance Abuse Testing Program Desk Reference in January 2020 that provides instructions for random drug testing procedures. HC also established an end-to-end process, which is accompanied by a process map, for Local Substance Abuse Program Coordinator and Servicing Human Resource Office (SHRO) reference. In addition to the actions already taken to address this recommendation, HC will take the following steps:

- Initiate revisions to DOE Order 343.1, *Federal Substance Abuse Testing Program*, in order to ensure that the appropriate requirements are in place. Such revisions may include establishing a requirement that Local Substance Abuse Program Coordinators report testing completion dates to the Department's Program Manager no more than 15 business days after receiving notice of testing.
- Implement regular reviews of the database of employees in Testing Designated Positions (TDP) to identify duplicate entries and ensure that information is current.
- On a quarterly basis, send lists of employees in TDPs to Local Substance Abuse Program Coordinators in order to:
 - Confirm that lists are current and include all employees assigned to TDPs;
 - Provide the date of each employee's most recent random drug test;
 - Confirm the results of each employee's most recent random drug test;
 - Identify any duplicate entries; and
 - Ensure a more efficient process for making random selections.
- Expand random testing to new locations (including Espanola, NM) for National Nuclear Security Administration employees assigned to Los Alamos.
- Use an automated tool to assist with the random selections to ensure employees in TDPs are tested in accordance with the requirements in DOE O 343.1.

The estimated completion date for these actions is December 31, 2020.

Recommendation 2: *The Departmental Substance Abuse Program Manager maintains appropriate records in order to guarantee the accuracy of annual reports and the completion of the annual random testing requirement.*

Management Response: Concur

Attachment

Since the initiation of the OIG's audit of the Department's Federal Substance Abuse Program, HC has assigned additional personnel to ensure compliance with all requirements of the program and that the necessary support is in place. Furthermore, following the initiation of the audit, the current Program Manager attended training and was recertified according to Department of Health and Human Services standards. His certification expires in September 2023. The new Program Manager will be trained once COVID-19 related restrictions on in-person training are lifted, or virtual training alternatives are available.

Additionally, HC has enhanced its record keeping protocols, including creating a separate email box for the Federal Substance Abuse Program (DOEDrugTestingProgram@hq.doe.gov). All reports, tests results, bills, etc., will be sent to this email address for record keeping purposes. Further, the Federal Substance Abuse Program Managers have been instructed to maintain all records, reports, and requests for drug testing without deleting a recorded entry for a minimum of three years, in compliance with records retention requirements.

Lastly, HC has established an Excel spreadsheet that identifies current employees assigned to TDPs, which must be updated on a quarterly basis by the Local Substance Abuse Program Coordinators. The spreadsheet includes the dates and results of the most recent drug tests.

HC considers this recommendation closed.

Recommendation 3: *Local Substance Abuse Program Coordinators are aware of and comply with their responsibilities, which include providing or securing supervisor training and periodically providing Testing Designated Position updates to the Departmental Substance Abuse Program Manager.*

Management Response: Concur

The Federal Substance Abuse Testing Program Desk Reference that HC issued in January 2020 will help ensure that Local Substance Abuse Program Coordinators are aware of and comply with their responsibilities. Additionally, HC has initiated quarterly meetings with Local Substance Abuse Program Coordinators Department-wide to provide updates, remind them of requirements, and answer questions about the program and their responsibilities.

As outlined above, HC will initiate quarterly updates to the lists of employees in TDPs and will take steps to ensure that supervisors and managers are trained, including:

- Incorporating training on the Department's Federal Substance Abuse Program into the Supervisory Essentials Training for new supervisors.
- Initiating revisions to DOE Order 343.1 to require supervisory and Local Substance Abuse Coordinator training.

The estimated completion date for these actions is December 31, 2020.

Attachment

Recommendation 4: *An updated listing of Local Substance Abuse Program Coordinators is maintained.*

Management Response: Concur

The Department has established an updated list of Local Substance Abuse Program Coordinators that is maintained on HCnet and updated at least quarterly.

HC considers this recommendation closed.

FEEDBACK

The Office of Inspector General has a continuing interest in improving the usefulness of its products. We aim to make our reports as responsive as possible and ask you to consider sharing your thoughts with us.

Please send your comments, suggestions, and feedback to OIG.Reports@hq.doe.gov and include your name, contact information, and the report number. Comments may also be mailed to us:

Office of Inspector General (IG-12)
Department of Energy
Washington, DC 20585

If you want to discuss this report or your comments with a member of the Office of Inspector General staff, please contact our office at (202) 586-1818. For media-related inquiries, please call (202) 586-7406.