

VA Office of Inspector General

OFFICE OF AUDITS AND EVALUATIONS



Department of Veterans Affairs

*Audit of
The Drug-Free
Workplace Program*

March 30, 2015
14-02383-175

ACRONYMS

DPC	Drug Program Coordinator
DT	Drug Testing
EAP	Employee Assistance Program
FY	Fiscal Year
OHRM	Office of Human Resources Management
OIG	Office of Inspector General
PAID	Personnel and Accounting Integrated Data
TDP	Testing Designated Position
VA	Department of Veterans Affairs
VHA	Veterans Health Administration

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Report Highlights: Audit of VA's Drug-Free Workplace Program

Why We Did This Audit

We conducted this audit to assess how effectively VA's Drug-Free Workplace Program identifies and addresses illegal drug use among VA employees.

What We Found

VA needs to improve management of its Drug-Free Workplace Program. VA selected about 3 of every 10 applicants for pre-employment drug testing before hiring these individuals into Testing Designated Positions (TDPs) in fiscal year (FY) 2013. We estimate that of the nearly 22,600 individuals VA reported hiring into TDPs in FY 2013, about 15,800 were hired without a pre-employment drug test.

VA facilities tested about 68 percent of the 3,420 employees selected for random drug testing in FY 2013. We identified at least 19,100 employees in TDPs who were not subject to the possibility of monthly random drug testing. In addition, VA erroneously designated as many as 13,200 employees in non-TDPs for drug testing in FY 2014.

Further, 17 (33 percent) of the 51 employees who tested positive for drugs as a result of reasonable suspicion of on-the-job drug use or after a workplace accident or injury were referred to VA's Employee Assistance Program.

These issues occurred because VA does not support that all tentative selectees for TDPs need to be drug tested before being hired. VA also does not effectively monitor local facility compliance with random employee drug testing requirements. Furthermore, VA lacks adequate oversight to ensure the accuracy of

drug testing data and that consistent personnel actions are taken when employees test positive for drugs.

As a result, VA has little assurance that this program is performing as intended to identify and eliminate illegal drug use in its workforce. Since VA's workforce is expected to grow significantly with the passage of the Veterans Access, Choice, and Accountability Act of 2014, VA needs to take actions to address weaknesses in its Drug-Free Workplace Program immediately.

What We Recommended

We recommended the Deputy Assistant Secretary for Human Resources Management implement processes to ensure full compliance with VA's pre-employment applicant drug testing and random employee drug testing requirements, and improve program integrity by ensuring the accurate coding of employees in TDPs.

Agency Comments

The Acting Deputy Assistant Secretary for Human Resources Management concurred with our recommendations and provided an acceptable action plan. We will follow up on the implementation of the corrective actions.

A handwritten signature in black ink that reads "Linda A. Halliday".

LINDA A. HALLIDAY
Assistant Inspector General
for Audits and Evaluations

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INTRODUCTION

Objective

We conducted this audit to assess how effectively VA's Drug-Free Workplace Program identifies and addresses illegal drug use among VA employees.

VA's Drug-Free Workplace Program

The Drug-Free Workplace Program was established in 1988 with the purpose of achieving a drug-free workplace. The Deputy Assistant Secretary for Human Resources Management is responsible for overseeing VA's Drug-Free Workplace Program. A Drug Program Coordinator (DPC) at each Veterans Health Administration (VHA) facility is responsible for scheduling drug tests each month for randomly selected employees. VA randomly selects 285 employees each month for drug testing—for an annual total of 3,420 employees.

VA Directive and Handbook 5383, *VA Drug-Free Workplace Program*, establishes policies and procedures for VA's Drug-Free Workplace Program. Handbook 5383 designates safety-sensitive occupational series as Testing Designated Positions (TDPs), such as physicians, nurses, police officers, motor vehicle operators, and all Senior Executive Service employees.

There are several components to the Drug-Free Workplace Program.

- Pre-employment applicant testing of final selectees for TDPs.
- Random monthly drug testing of employees in TDPs. Human Resources officials are responsible for coding employees in TDPs with the Drug Test (DT) code in VA's personnel information system, Personnel and Accounting Integrated Data (PAID).
- Drug testing of employees when there is reasonable suspicion of on-the-job drug use or where drug use is suspected following a workplace accident or injury.

Annual Reporting Requirements

VA is required to submit an annual report to the Department of Health and Human Services detailing its Drug-Free Workplace Program statistics. This Annual Survey Report includes information on program costs and drug testing rates and outcomes. VA reported spending about \$1.4 million in fiscal year (FY) 2013 on its drug testing program.

Other Information

- Appendix A provides background information.
- Appendix B details our scope and methodology.
- Appendix C details our statistical sampling methodology.
- Appendix D provides comments from the Acting Deputy Assistant Secretary for Human Resources Management.

Finding VA Needs To Improve Management of Its Drug-Free Workplace Program

VA needs to improve the management of its Drug-Free Workplace Program to ensure the program is effective in maintaining a workplace that is free from the illegal use of drugs. We found the following issues with VA's Drug-Free Workplace Program.

Pre-Employment Applicant Drug Testing

- VA selected about 3 of every 10 applicants for pre-employment drug testing before hiring these individuals into TDPs in FY 2013. As a result, we estimate that of the nearly 22,600 individuals VA reported hiring into TDPs in FY 2013, approximately 15,800 were hired without undergoing a required pre-employment drug test.

Employee Random Drug Testing

- VA facilities tested about 68 percent of the 3,420 employees selected for random drug testing in FY 2013. Of the estimated 32 percent of employees who were selected for random drug testing but were not tested, facility DPCs reported they did not know why the majority of these employees were not tested.
- At least 19,100 employees in TDPs were not subject to the possibility of selection for monthly random drug testing in FY 2014.
- As many as 13,200 employees in positions that do not usually require drug testing were designated as eligible for selection for monthly random drug testing in FY 2014.
- Of the 22 facilities we randomly surveyed, we found that half committed a minimum of one error on at least one Custody and Control form. Based on these results, we estimate that at least 31 percent of the facilities selected to conduct random employee drug testing committed an error on a Custody and Control form in FY 2013.

Employee Drug Testing for Reasonable Suspicion of Drug Abuse or After a Workplace Accident or Injury

- VA refers only a third of its employees who tested positive for drugs as a result of reasonable suspicion or after a workplace accident or injury to VA's Employee Assistance Program (EAP) for assessment, counseling, or referral for treatment or rehabilitation.

VA's Drug-Free Workplace Program is not accomplishing its primary goal of ensuring that illegal drug use is eliminated and that the VA workplace is safe because of the following reasons.

- Ineffective oversight processes to ensure program integrity in areas of pre-employment drug testing of TDP selectees, ensuring referrals of drug-test-positive employees to facilities' EAP, and the accuracy of Custody and Control forms.
- Inadequate oversight of how local facilities designate positions for random drug testing, allowing errors to go undetected.
- Lack of processes to monitor facility level compliance with program requirements. VA does not collect data that would allow it to determine why not all employees selected for random drug testing were tested.

As a result, VA has little assurance that its Drug-Free Workplace Program is performing as intended to identify and eliminate illegal drug use in its workforce. With the expectation that VA's workforce will grow significantly with the passage of the Veterans Access, Choice, and Accountability Act of 2014, VA needs to take actions to address weaknesses in its management of the Drug-Free Workplace Program immediately.

**Pre-Employment
Applicant Drug
Testing
Procedures
Need
Strengthening**

The Office of Human Resources Management (OHRM) did not ensure facility Human Resource Management Officers complied with VA's policy to drug test all applicants selected for a TDP prior to appointment. VA only selected about 3 of every 10 applicants selected for a TDP for pre-employment drug testing in FY 2013.* VA's Drug-Free Workplace Handbook states that every individual tentatively selected for employment in a TDP is subject to a drug test before appointment. Facility Human Resource Management Officers are responsible for scheduling pre-employment drug testing of these applicants. VA should decline extending a final offer of employment to any applicant with a verified positive test result, and the applicant may not reapply to VA for a period of 6 months.

OHRM officials reported that they interpreted language in VA's Drug-Free Workplace Handbook to require that only some job finalists for TDPs need to be drug tested before being appointed. We disagree with OHRM's interpretation. VA's policy states that every individual tentatively selected for employment in a TDP is subject to a drug test before appointment. Because facilities are not in full compliance with VA's requirement to drug test all individuals tentatively selected for employment in a TDP, we estimate that of the nearly 22,600 individuals VA reported appointing into TDPs in FY 2013, approximately 15,800 were not drug tested before being hired.

* Excerpted from VA's pre-employment drug testing requirement are medical residents; some medical interns; and affiliated health professions' trainees and students, such as student nurses, psychology trainees, and pharmacy residents.

**Employee
Random Drug
Testing
Procedures
Need
Strengthening**

Based on our survey of 22 randomly selected facilities, we estimated that VA achieved a national employee random drug testing rate of about 68 percent of the 3,420 selected employees in FY 2013. We found that four surveyed facilities did not test any of their randomly selected employees in FY 2013. Ten facilities had random drug testing compliance rates that ranged from 31 percent to 89 percent and 8 facilities tested at least 90 percent of their randomly selected employees.

Facility DPCs reported they did not know why 21 percent of employees we identified as selected for random drug testing were not tested. The reasons the remaining 11 percent of employees were not tested included the following.

- About 7 percent of employees selected for random drug testing were not tested because their facility DPC reported the facility was not conducting random drug testing at the time of the employee's selection.
- About 2 percent of randomly selected employees were not drug tested for reasons that included the local facilities' failure to provide employees with the required advance notice that their position required random drug testing, and employees being on extended leave at the time of their selection.
- About 2 percent of employees were not tested because they were no longer employed by VA at the time of their selection for random drug testing.

The U.S. Government Accountability Office's *Standards for Internal Control in the Federal Government* states agencies should design internal controls to assure that ongoing monitoring occurs in the course of normal program operations. Agencies should establish and review performance measures and indicators. OHRM officials told us that the implementation of VA's Drug-Free Workplace program is largely left to local facilities. VA needs to improve program oversight by implementing processes to adequately monitor local compliance with VA's Drug-Free Workplace Program requirements. VA also needs to collect data that would allow it to determine and demand local accountability that all employees selected for random drug testing are tested.

**Some
Employees in
TDPs Are Not
Subject to
Random Drug
Testing**

We identified at least 19,100 employees of an estimated 206,000 employees in TDPs who were not subject to the possibility of being selected for monthly random drug testing in FY 2014. VA's Drug Free Workplace Handbook lists positions which are subject to drug testing because they involve law enforcement, national security, the protection of life and property, public health or safety. All positions in Appendix A of VA's Drug Free Workplace Handbook are covered by the random drug testing program. Employees in TDPs should be coded with a DT code in the PAID system. OHRM randomly selects employees with the DT code each month for drug

testing. Those not subject to testing because of a missing DT code included physicians, nurses, and addiction therapists.

In addition, we found VA may have incorrectly identified as many as 13,200 employees with the DT code in FY 2014. These were employees in positions that do not usually require random drug testing, such as housekeeping and inventory management positions. We found that facilities tested non-TDP employees who were selected for random drug testing in FY 2013. By including employees whose jobs are not of the nature to require random drug testing in its pool of drug-test eligible employees, VA reduced the probability that employees in high-risk safety sensitive TDPs would be randomly selected for monthly drug testing.

*Local Errors
Affect Accuracy
of Random
Employee Drug
Testing Data*

In our random sample of 22 facilities that had employees selected for random drug testing in FY 2013, we found that half committed a minimum of one error on at least one Custody and Control form. Based on these results, we estimate that at least 31 percent of facilities committed an error on a Custody and Control form for a random drug test in FY 2013. We also found that an additional 10 of the 69 facilities we surveyed that drug tested employees for reasonable suspicion made errors on Custody and Control forms that affected the accuracy of data extracted by VA's Forensic Toxicology Drug Testing Laboratory on the number of tests conducted for a specific reason, such as pre-employment applicant testing, random employee testing, or because of reasonable suspicion or following a workplace accident or injury. We found facilities made errors in designating the reason for drug tests, such as marking reasonable suspicion drug tests as random. These types of errors can skew data on the number of randomly selected employees that were tested.

OHRM annually collects information from DPCs on the number of employees drug tested and the number of drug tests with positive results that were verified by a Medical Review Officer. However, OHRM officials reported they did not use these data to monitor individual facility compliance. For example, DPCs from two of the four facilities that failed to drug test any of their randomly selected employees told us that OHRM did not contact them to ask about missing data on their facility's FY 2013 annual drug testing report. Using locally collected data could position OHRM to monitor facilities' annual random drug testing performance.

OHRM officials reported that they used aggregate data extracted from VA's Forensic Toxicology Drug Testing Laboratory to compile their FY 2013 Annual Survey Report to the Department of Health and Human Services on testing rates and outcomes. These data were not verified nor were these data corrected for any errors that facilities may have made on employees' Custody and Control forms. As a result, VA's reported testing rates and outcomes for FY 2013 were inaccurate.

**Reasonable
Suspicion
Employee
Drug Testing**

When selected employees are drug tested and their results are positive, OHRM lacks oversight processes to monitor whether facilities are referring all employees with a positive drug test result to its EAP. VA's Drug-Free Workplace Handbook requires facilities to refer all employees with a positive drug test result to its EAP for assessment, counseling, and referral for treatment or rehabilitation.

Facilities took different actions depending on how employee drug use was discovered. DPCs reported that 17 (33 percent) of the 51 employees who tested positive for drugs as a result of reasonable suspicion or after a workplace accident or injury were referred to their facility's EAP. In comparison, 8 of the 10 employees we identified in our survey with positive random drug tests were referred to the EAP.

Local processes to ensure drug test positive employees are referred to the EAP by their supervisors need to be improved. We found the level of local coordination between DPCs, supervisors, and EAP representatives varied. If VA does not ensure employees who test positive for illegal drugs are provided EAP services, these employees may not be provided the opportunity for assistance in discontinuing their drug use. Without appropriate assistance, these employees may pose risks to the safety and well-being of veterans and other VA employees.

Conclusion

VA needs to take action to improve the management and oversight of its Drug-Free Workplace Program to ensure facility compliance with program requirements. While VA's data indicates that few employees selected for random drug testing are illegal drug users, VA should be concerned that its facilities either did not test or could not account for an estimated 32 percent of employees selected for random drug testing in FY 2013. Without improved processes to increase the rate of random drug testing, VA employees with drug abuse problems can circumvent ineffective or absent local random drug testing processes. Without actions to improve the accuracy and completeness of its program data, VA lacks reasonable assurance that it is achieving a drug-free workplace.

Recommendations

1. We recommended the Deputy Assistant Secretary for Human Resources Management ensure that all final selectees for Testing Designated Positions complete pre-employment drug testing prior to appointment.
2. We recommended the Deputy Assistant Secretary for Human Resources Management collect data that would ensure accountability that all employees selected for random drug testing are tested.

3. We recommended the Deputy Assistant Secretary for Human Resources Management develop procedures to ensure the Drug Testing coding of employees in Testing Designated Positions is accurate and complete in the Personnel and Accounting Integrated Data system.
4. We recommended the Deputy Assistant Secretary for Human Resources Management coordinate with the Under Secretary for Health to implement procedures to ensure Custody and Control forms are accurately completed.
5. We recommended the Deputy Assistant Secretary for Human Resources Management implement processes to adequately monitor local compliance with VA's Drug-Free Workplace Program requirements.

**Management
Comments**

The Acting Deputy Assistant Secretary for Human Resources Management concurred with our recommendations. Specifically, the Acting Deputy Assistant Secretary will issue guidance to VA Administrations and staff offices regarding mandatory pre-employment drug testing of all candidates selected for a TDP. Furthermore, OHRM's Human Resources Information Service will modify VA's Drug Testing Notification Site or establish other electronic methods to enable DPCs to certify the pre-employment drug testing status of candidates for a TDP, as well as the testing status of randomly selected employees.

This information will be monitored on a recurring basis, and OHRM will notify VA Administrations and staff offices when DPCs are not compliant with drug testing requirements. The Acting Deputy Assistant Secretary for Human Resources Management reported that the Human Resources Information Service will conduct quarterly reviews of drug testing codes in PAID to ensure codes are accurately assigned to occupations and titles in accordance with VA Handbook 5383. The Acting Deputy Assistant Secretary for Human Resources Management also reported that the VHA Minneapolis Laboratory will conduct monthly monitoring of Custody and Control forms for discrepancies and report any discrepancies requiring retraining of personnel to the local facility.

OIG Response

OHRM's planned corrective actions are responsive. We will monitor OHRM's progress and follow up on the implementation of our recommendations until all proposed actions are completed. Appendix D provides the full text of the Acting Deputy Assistant Secretary for Human Resources Management's comments.

Appendix A Background

Pre-Employment Applicant Drug Testing

According to VA Directive and Handbook 5383, individuals tentatively selected for employment in a TDP are subject to pre-employment drug testing. VA's policy also states vacancy announcements for TDPs will include a statement that all applicants tentatively selected are subject to testing prior to appointment. Facility Human Resources personnel will be responsible for scheduling applicant testing. The drug test must be no later than 48 hours after notice to the applicant.

Employee Random Drug Testing

Random monthly drug testing of employees in TDPs is conducted locally. Local facilities are required to issue an individual notice to all employees in TDPs explaining that their position will be subject to random testing.

Reasonable Suspicion Employee Drug Testing

Reasonable suspicion testing may be required of an employee in a position that is designated for random testing when there is a reasonable suspicion that the employee uses illegal drugs on or off duty. Reasonable suspicion testing may also be required of an employee in a non-TDP when there is a reasonable suspicion of on-duty use or impairment. The employee's supervisor is responsible for initiating a reasonable suspicion test, after first obtaining approval from a higher level supervisor. Testing should be ordered and conducted as soon as possible after the event giving rise to the suspicion.

Testing Process

Urine samples are sent to VA's Forensic Toxicology Drug Testing Laboratory in Minneapolis, MN. Test results are reported to local-level Medical Review Officers. The Medical Review Officers are required to review all tests that are reported as positive, adulterated, substituted, invalid, or rejected for testing, and report verified results to appropriate personnel, such as the facility Chief of Human Resources.

OHRM Drug Testing Notification Site

OHRM maintains VA's Drug Testing Notification Site for facility DPCs. This secure Web site is used to post information on employees selected for random monthly testing. Information is also posted related to pre-employment testing for final selectees for TDPs.

Personnel Actions Facilities Can Take

Personnel actions taken as a result of a verified positive drug test, or when an employee does not show up for a drug test or refuses to take a drug test are handled by facility personnel, and can include referral to the EAP, suspension, or removal from Federal service. It is the policy of VA to afford reasonable accommodation, as appropriate, to employees suffering from the disabling conditions of alcohol or other drug abuse by an offer of rehabilitative assistance.

Appendix B Scope and Methodology

Scope

We conducted our audit work from April 2014 through January 2015. The scope of our audit included VA employee test outcomes related to random, reasonable suspicion, and workplace accident or injury testing in FY 2013 and related VA personnel actions. Additionally, we examined testing procedures for final selectees for TDPs in the scope of the audit.

Methodology

We examined criteria relevant to VA's Drug-Free Workplace Program. We analyzed VA's FY 2013 data for random, reasonable suspicion, and workplace accident or injury drug testing to determine test outcomes and related personnel actions. We interviewed VHA officials and OHRM program managers involved with VA's Drug-Free Workplace Program to understand how OHRM compiled VA's Annual Survey Report to the Department of Health and Human Services for FY 2013.

OHRM Random Employee Selection Model

We examined how OHRM selects employees for random monthly drug testing to determine if its sampling strategy was adequate. We reviewed available information on the model, as well as an extract of PAID employee records as of September 30, 2014, to evaluate the accuracy and completeness of DT coding against the listing of occupational series in Handbook 5383, Appendix A. Our analysis of PAID could not identify employees whose positions are not specifically referenced in Handbook 5383, but are required to carry firearms on a daily basis, have a top secret or secret security clearance, or have direct patient contact. As a result, our analysis is a conservative estimate of the number of high-risk positions not currently coded in PAID or coded in error.

Site Visits

We conducted site visits to nine VHA facilities and interviewed officials involved with VA's Drug-Free Workplace Program, including senior administrators, DPCs, Medical Review Officers, and EAP officials. Table 1 lists our site visit locations.

Table 1. OIG Site Visit Locations

Facility	Location
VA Connecticut Healthcare System	West Haven, CT
VA North Texas Health Care System	Dallas, TX
Central Texas Veterans Health Care System	Temple, TX
Washington, DC VA Medical Center	Washington, DC
Philadelphia VA Medical Center	Philadelphia, PA
Edward Hines, Jr. VA Hospital	Hines, IL
Captain James A. Lovell Federal Health Care Center	North Chicago, IL
G.V. (Sonny) Montgomery VA Medical Center	Jackson, MS
Tuscaloosa VA Medical Center	Tuscaloosa, AL

Source: VA OIG

Drug Testing Surveys

To determine the random, reasonable suspicion, and workplace accident or injury testing outcomes and related personnel actions for employees in FY 2013, we conducted two electronic surveys of DPCs. We obtained a 100 percent response rate for both surveys.

Random Employee Drug Testing Survey

We surveyed DPCs from 22 randomly selected facilities about the random drug test outcomes of 517 employees selected for testing in FY 2013. For each employee, we reviewed facility level documentation, including Custody and Control forms, test results, and documentation on actions taken in response to positive test results. Appendix C provides details on our statistical sampling methodology and projections.

Reasonable Suspicion Survey

Additionally, we surveyed DPCs from 69 facilities to capture information on 139 employees who were tested at least once in FY 2013 when there was reasonable suspicion of on-the-job drug use or where drug-use was suspected of causing a workplace accident or injury. We identified these employees from a data extract provided by VA's Forensic Toxicology Drug Testing Laboratory.

Fraud Assessment

We assessed the risk that fraud, violations of legal and regulatory requirements, and abuse could occur during this audit. Alert to fraud indicators, we exercised due diligence by taking the following actions:

- Coordinating with the OIG's Office of Investigations to determine if there were any ongoing or previous cases involving the Drug-Free Workplace Program

- Assessing the extent to which VA employees arrested by the OIG for drug-related charges were drug tested by VA through its monthly random drug testing program or because of reasonable suspicion of on-the-job drug use or following a workplace accident or injury
- Conducting steps to review program operations for potential fraud

We did not identify fraud during this audit.

Data Reliability

We assessed the accuracy of data on employees in TDPs from the PAID system. We examined these data for missing and duplicate records. Based on our reliability assessment, we concluded these data were appropriate and sufficient for purposes of our audit.

Government Standards

Our assessment of internal controls focused on those controls relating to our audit objective. We conducted this performance audit in accordance with generally accepted government auditing standards. These 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 based on our audit objective.

Appendix C Statistical Sampling Methodology

Sampling Methodology

To determine the outcomes for employees selected for random drug testing in FY 2013, we obtained a listing from OHRM of employees selected for this type of testing and their duty station numbers. From this list, we randomly selected 22 facilities that had at least one employee selected for random drug testing. We disseminated an electronic survey to each facility's DPC to obtain information on whether each of the 517 employees in our statistical sample were drug tested and what, if any, were the outcomes of the drug test and related personnel actions. Because our results are based on a statistical sample of 517 employees and 152 facilities, we projected our findings from this sample onto the 3,420 employees that VA selected for random drug testing in FY 2013.

We identified 10 employees in our statistical sample who had positive drug test results. We determined that we could not reliably project our findings from these 10 drug test positive employees onto the entire population of employees randomly selected for drug testing in FY 2013. In other words, we cannot be confident that the actions that facilities took in response to these 10 employees and their outcomes represent facilities' actions and employee outcomes for the entire population of drug test positive employees in FY 2013.

Population

Data requested from OHRM identified 152 VA facilities with at least one employee selected for random drug testing in FY 2013. The universe of facilities included VHA facilities, VHA Consolidated Mail Outpatient Pharmacies, and Veterans Benefits Administration Regional Offices.

Weights

We calculated estimates in this report using weighted sampling data. We computed the sampling weights as a product of the inverse of the probability of selection at each stage of sampling. We used these weights to compute universe estimates from the sample findings.

Projections and Margins of Error

We employed WesVar software to calculate the weighted population estimates and associated sampling errors. WesVar uses replication methodology to calculate margins of error and confidence intervals that correctly account for the complexity of the sample design.

Margins of error and confidence intervals are indicators of the estimates' precision. If we repeated this audit with multiple samples, the confidence intervals would differ for each sample, but would include the true universe value 90 percent of the time. For example, we are 90 percent confident the true universe of whether employees were tested is between about 65 percent and about 71 percent. Table 2 details the audit projections of employees selected for random drug testing.

Table 2. Projections of Random Drug Testing Outcomes in FY 2013

Category	Estimate	Margin of Error	90% Confidence Interval Lower Limit	90% Confidence Interval Upper Limit
Yes	67.7%	2.9%	64.8%	70.6%
No Show	0.2%	0.3%	0	0.5%
No Longer Employed When Selected	1.6%	0.8%	0.7%	2.4%
Facility Not Conducting Random Testing	7.0%	1.1%	5.8%	8.1%
Employee Deployed*	0.2%	0.3%	0	0.5%
DPC Doesn't Know	21.3%	3.2%	18.0%	24.5%
Other	2.1%	1.0%	1.1%	3.1%

Source: OIG analysis of VA random drug test results

Note: Some results adjusted to reflect sample findings.

*This category refers to employees who were on military deployment at the time of their random drug testing selection.

Table 3 details the audit projections of facilities selected to conduct random drug testing and that committed Custody and Control Form errors.

Table 3. Projections of Facilities Selected To Conduct Random Drug Testing and Committed Custody and Control Form Errors in FY 2013

Category	Estimate	Margin of Error	90% Confidence Interval Lower Limit	90% Confidence Interval Upper Limit
No Errors	50.0%	18.8%	31.2%	68.8%
At Least One Error	50.0%	18.8%	31.2%	68.8%

Source: OIG analysis of VA random drug test results

Appendix D Acting Deputy Assistant Secretary for Human Resources Management Comments

Department of Veterans Affairs

Memorandum

Date: March 9, 2015
From: Acting Deputy Assistant Secretary for Human Resources Management (05)
Subj: Response to Recommendations to the Audit of the Drug-Free Workplace Program
To: Assistant Inspector General for Audits and Evaluations (52)

- We recommended the Deputy Assistant Secretary for Human Resources Management ensure that all final selectees for Testing Designated Positions complete pre-employment drug testing prior to appointment.**

Concur: In accordance with Executive Order 12564, dated September 15, 1986, Section 3(a), the Secretary established a process to drug test a percentage of applicants in Drug Testing Designated Positions. VA's current practice is to randomly test 30% of selectees as part of the pre-employment process. HR&A concurs 100% of individuals selected for testing designated positions should be tested prior to appointment as a condition of employment. Changing the current practice will have a large financial and workload impact on the field activities and the testing laboratory. HR&A will collaborate with the other VA Administrations to implement a change to current practice. OHRM will execute the following mitigating actions:

Recommendation	Action Owner	Start Date	End Date
1.1 Issue guidance instructing Administrations and Staff Offices of mandatory pre-employment Drug Testing (DT) for 100% of candidates.	OHRM	In progress	3/30/2015
1.2 Union notification and Impact and Implementation bargaining.	Labor Management Relations (LMR)	3/30/2015	*TBD
1.3 Full Implementation.	OHRM/ Administrations/ Staff Offices	Internal Candidates: 4/30/2015 External Candidates: NLT 9/30/2015	On-going
* Dependent on negotiation outcomes.			

- We recommended the Deputy Assistant Secretary for Human Resources Management collect data that would ensure accountability that all employees selected for random drug testing are tested.**

Concur: The Office of Human Resources Management will work with the appropriate administrations and staff offices to ensure data is collected in regards to those employees who are randomly selected for drug testing. Procedures and methods for monitoring will be established to ensure facilities are implementing random drug procedures in accordance with VA policy. Identified deficiencies will be brought to the attention of the appropriate administrations and staff offices for correction. OHRM will execute the following mitigating actions:

Recommendation	Action Owner	Start Date	End Date
2.1 HRIS will modify the DFWP Testing Notification Site or establish another electronic method to enable the Drug Program Coordinators to certify that the employees selected for random drug testing were tested, when they were tested, or why they were not tested.	OHRM HRIS	In progress	9/1/2015
2.2 Drug Program Coordinators will be notified of certification requirements.	OHRM Employee Relations and Performance Management Service (ER&PMS)	9/15/2015	On-going
2.3 HRIS will provide a regular, recurring status report to OHRM ER&PMS regarding those who have/have not certified random testing.	OHRM HRIS	10/1/2015	On-going
2.4 OHRM ER&PMS will notify Administrations/Staff Office POCs when Drug Program Coordinators are not compliant with random drug testing requirements.	OHRM ER&PMS	10/1/2015	On-going
2.5 Administrations/Staff Office POCs will address issues of non-compliance.	Administrations/Staff Office POCs	10/1/2015	On-going

3. We recommended the Deputy Assistant Secretary for Human Resources Management develop procedures to ensure the Drug Testing coding of employees in Testing Designated Positions is accurate and complete in the Personnel and Accounting Integrated Data system.

Concur: The Office of Human Resources Management will review the occupation and title codes of those subject to drug testing in accordance with VA Handbook 5383 to ensure the Personnel and Accounting Integrated Data system (PAID) is assigning the drug testing code appropriately. A quality check will also be performed to ensure those employees in PAID with the drug testing code are supposed to be assigned the code. This quality record check will continue to be performed on a yearly basis to ensure that PAID is still appropriately assigning the drug testing in accordance with VA Handbook 5383. A quality check will also be performed on position and employee records as HR Smart is implemented. OHRM will execute the following mitigating actions:

Recommendation	Action Owner	Start Date	End Date
3.1 On a quarterly basis, Human Resources Information Service (HRIS) will request confirmation from ER & PMS on the list of VA positions identified as positions subject to mandatory drug testing.	OHRM/HRIS/ER&PMS	3/16/2015	On-going

Recommendation	Action Owner	Start Date	End Date
3.2 On a quarterly basis, review the PAID/HR SMART system and remove DT follow-up code for any employee whose position has not been identified as a DT position.	OHRM/HRIS	3/23/2015	On-going
3.3 On a quarterly basis, review the PAID/HR SMART system and add DT follow-up code for any employee whose position is targeted for Drug Testing but does not have the DT follow-up code.	OHRM/HRIS	3/23/2015	On-going

4. We recommended the Deputy Assistant Secretary for Human Resources Management coordinate with the Under Secretary for Health to implement procedures to ensure Custody and Control forms are accurately completed.

Concur: VHA Minneapolis Laboratory, which receives the Custody and Control forms and conducts all drug testing for VA, will conduct a review of required documentation of current training and certification for Medical Review Officers (MROs), Urine Drug Collectors (UDC) and trainers. Additionally, it will monitor the UDC discrepancies on a monthly basis and report identified issues that require retraining to the local facility. OHRM will execute the following mitigating actions:

Recommendation	Action Owner	Start Date	End Date
4.1 VHA Minneapolis Laboratory was contacted regarding these errors and has agreed to implement corrective action (Training and Quality Review).	VHA Minneapolis Laboratory	3/2/2015	On-going

5. We recommended the Deputy Assistant Secretary for Human Resources Management implement process to adequately monitor local compliance with VA's Drug-Free Workplace Program requirements.

Concur: The Office of Human Resources Management will work with the appropriate administrations and staff offices to ensure data is collected to monitor local compliance with VA's Drug-Free Workplace Program requirements. This will include collecting data regarding applicant testing, initial notification of placement into a drug testing designated position and random testing pool, and referrals to the Employee Assistance Program. OHRM will execute the following mitigating actions:

Recommendation	Action Owner	Start Date	End Date
5.1 – Applicant Testing			
5.1.a OHRM HRIS will modify the DFWP Testing Notification Site or establish another electronic method to enable the Drug Program Coordinators to certify all applicants in testing designated positions have been tested prior to appointment or upon assignment to a testing designated position.	OHRM HRIS	In progress	9/1/2015
5.1.b. Drug Program Coordinators will be notified of certification requirements.	OHRM ER&PMS	9/15/2015	9/15/2015

Recommendation (cont'd)	Action Owner	Start Date	End Date
5.1.c. HRIS will provide a regular, recurring status report to OHRM ER&PMS regarding those who have/have not certified that applicant testing has been completed prior to appointment to position.	OHRM HRIS	10/1/2015	On-going
5.1.d OHRM ER&PMS will notify Administrations/Staff Office POCs (VHA, VBA, NCA, etc.) when Drug Program Coordinators are not compliant with applicant testing requirements.	OHRM ER&PMS	10/1/2015	On-going
5.1.e Administrations/Staff Office POCs will address issues of non-compliance.	Administrations/Staff Office POCs	10/1/2015	On-going

Recommendation	Action Owner	Start Date	End Date
5.2 – Initial notification of appointment to TDP			
5.2.a All Administrations/Staff Offices will be notified of the requirement to confirm that all employees in testing designated positions have a notification letter on file.	OHRM ER&PMS	5/1/2015	5/1/2015
5.2.b. Employees who do not have notice of drug testing notices on file will be issued a letter by servicing HR office.	Servicing HR Office	5/1/2015	9/1/2015
5.2.c. Administrations/Staff Offices will certify completion of 5.2.a and 5.2.b.	Administrations/Staff Offices	5/1/2015	9/1/2015
5.2.d. OHRM HRIS will modify DFWP Testing Notification Site or establish another electronic method to enable Drug Program Coordinators to certify issuance of notification letter to those appointed each month to a drug testing designated position.	OHRM HRIS	In progress	9/1/2015
5.2.e. Drug Program Coordinators will be notified of monthly certification requirements.	OHRM ER&PMS	9/15/2015	9/15/2015
5.2.f. Drug Program Coordinators will certify on a monthly basis that all applicants and internal candidates going from a non-TDP to a TDP have received a notice.	Drug Program Coordinator	9/1/2015	On-going
5.2.g. HRIS will provide a regular, recurring status report to OHRM ER&PMS regarding those who have/have not certified that all applicants have been tested. OHRM ER&PMS will notify appropriate Administrations/Staff Offices.	OHRM HRIS	9/1/2015	On-going

Recommendation (cont'd)	Action Owner	Start Date	End Date
5.2.h. OHRM ER&PMS will notify Administrations/Staff Office POCs when Drug Program Coordinators are not compliant issuing notices regarding appointment to a testing designated position.	OHRM ER&PMS	9/1/2015	On-going
5.2.i. Administrations/Staff Office POCs will address issues of non-compliance.	Administrations/Staff Office POCs	9/1/2015	On-going
5.2.j. During site visits, OHRM Oversight & Effectiveness (O&E) will review a representative sample of eOPFs for employees in testing designated positions to ensure notices have been issued.	OHRM O&E	10/1/2015	On-going

Recommendation	Action Owner	Start Date	End Date
5.3 – Positive Test Result and Notification of EAP			
5.3.a OHRM HRIS to modify DFWP Testing Notification Site or establish another electronic method to enable the Drug Program Coordinators to certify that an employee who tests positive for drug testing was issued a referral to EAP.	OHRM HRIS	In progress	9/1/2015
5.3.b. Drug Program Coordinators will be notified of certification requirements.	OHRM ER&PMS	9/15/2015	9/15/2015
5.3.c. Data from Annual Drug Free Workplace Report will be compared to data provided during review cycle.	OHRM ER&PMS	10/1/2015	On-going
5.3.d. OHRM (No Suggestions) will notify Administrations/Staff Office POCs when deficiencies are noted after review of the Annual Drug Free Workplace Report.	OHRM ER&PMS	10/1/2015	On-going
5.3.e Administrations/Staff Office POCs will address issues of non-compliance.	Administrations/Staff Office POCs	10/1/2015	On-going


 Patricia Rice

Appendix E Office of Inspector General Contact and Staff Acknowledgments

OIG Contact	For more information about this report, please contact the Office of Inspector General at (202) 461-4720.
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