

United States General Accounting Office

Report to the Criminal Justice Committee of
Governmental Affairs and Services

EMPLOYER DRUG
TESTING

United States
General Accounting Office



132320

U.S. Department of Justice
National Institute of Justice

This document has been reproduced exactly as received from the person or organization originating it. Points of view or opinions stated in this document are those of the authors and do not necessarily represent the official position or policies of the National Institute of Justice.

Permission to reproduce this ~~document~~ material has been granted by

Public Domain

U.S. General Accounting Office

to the National Criminal Justice Reference Service (NCJRS).

Further reproduction outside of the NCJRS system requires permission of the ~~document~~ owner.

132320

United States
General Accounting Office
Washington, D.C. 20548

National Security and
International Affairs Division

B-242712

May 6, 1991

The Honorable John Glenn
Chairman, Committee on Governmental Affairs
United States Senate

Dear Mr. Chairman:

This report, prepared in response to your request, discusses the status of federal agencies' drug testing programs. As agreed with your office, we are providing information on the approval and implementation of program plans, personnel subject to testing, the drugs that agencies are testing for, program costs, and testing results.

Background

On September 15, 1986, President Reagan signed Executive Order 12564, which established the goal of a drug-free federal workplace. The order requires all federal employees to refrain from using illegal drugs both on and off duty. It also requires each agency to develop a plan that includes provisions for conducting drug testing on a controlled and carefully monitored basis to identify illegal drug users.

Several federal agencies had a role in helping executive agencies design their drug testing programs. For example,

- the Office of Personnel Management (OPM) was required by the executive order to issue governmentwide guidance for agencies to use in preparing their plan;
- the Department of Health and Human Services (HHS) was required to promulgate scientific and technical guidance to be used by all executive agencies in carrying out their drug testing operations; and
- the Department of Justice provides legal advice.

The executive order required the head of each executive agency to establish a program for testing employees in sensitive positions and for voluntary employee drug testing. In addition, the order authorizes testing (1) when there is reasonable suspicion that an employee uses illegal drugs, (2) in an examination authorized by the agency regarding an accident or unsafe practice, (3) as part of or as a follow-up to counseling or rehabilitation for illegal drug use, and (4) when an individual applies for employment with the agency.

As a result of concerns about the implementation of drug testing programs established pursuant to the executive order, section 503 of the Supplemental Appropriations Act of 1987 (Public Law 100-71), was enacted on July 11, 1987, to prohibit the use of appropriated funds for the operation of drug testing programs until certain conditions were met. The act's requirements differ somewhat according to the type of agency. For example, most of the larger federal agencies—called tier I agencies—could not begin drug testing until the following requirements were satisfied for all tier I agencies:

- HHS had to certify that each tier I agency had a plan for achieving a drug-free workplace in accordance with the executive order, HHS guidelines, and applicable provisions of law.
- HHS submitted to Congress an analysis of each agency's drug testing plan.
- The Office of Management and Budget (OMB) submitted to the House and Senate Committees on Appropriations an agency-by-agency analysis of anticipated annual costs for carrying out the order.

Tier II agencies—11 agencies that had been authorized to implement drug testing programs before the executive order was issued—were permitted to continue testing but were required to have their programs in compliance with the order within 6 months and with HHS guidelines not later than 90 days after their effective date. Tier III agencies—all other, mostly small, executive agencies and commissions—were not to begin testing until they had individually complied with the act's requirements as listed above.

The act also requires HHS to specify the drugs for which individuals are to be tested. On the basis of HHS mandatory guidelines, agencies conducting applicant and random testing are required to test for marijuana and cocaine but are also authorized to test for opiates, amphetamines, and phencyclidine (PCP). The guidelines authorize agencies conducting reasonable suspicion, accident, or unsafe practice testing to test for certain additional drugs.

During the duration of the federal employee drug testing program, numerous court challenges have been and continue to be filed that further refine the limits of the federal government's authority to impose drug testing on its employees. Because of the decentralized nature of the program, these court challenges have been filed against individual federal agencies and cover virtually all of the types of drug testing identified in the executive order.

Results in Brief

Of the 122 agencies authorized to implement drug testing programs as of September 30, 1990, 40 reported that they were doing tests. Appendix I contains an overview of all agencies' programs.

The head of each executive agency is required to determine the number of sensitive positions subject to testing—testing designated positions (TDP)—and the frequency of such tests. OPM's guidelines pointed out that these tests could be administered randomly. Sixty-eight of the agencies designated 10 percent or fewer of their employees as being subject to random testing because they were in TDPs. In all federal agencies, 463,974 employees were in positions that had been designated as TDPs.

The extent to which these TDP employees are to be tested also varies. Some agencies planned to test as few as 4 percent of their TDPs annually, and others planned to test as many as 200 percent. On the basis of agencies' data, the number of annual tests would be 162,778, or 35 percent of TDPs. The majority of the agencies were planning to test for marijuana, cocaine, opiates, amphetamines, and PCP, but some were not planning to test for all of these drugs.

Budget estimates of program costs that had been prepared for agencies in tiers I and III totaled \$11.3 million for fiscal year 1991. However, actual costs incurred may differ.

The 40 agencies that reported they were testing had performed 31,259 tests for the 6-month period ending September 30, 1990, and found illegal drugs present in 169 of these tests—about 0.5 percent. Appendix II shows results for all agencies' tests.

Objective, Scope and Methodology

The objective of our work was to obtain information on the approval and implementation of federal agencies' employee drug testing plans, the personnel and drugs subject to testing, program costs, and testing results. To this end, we examined agency plans, HHS' analyses of those plans, and OMB's budget estimates. This work was done at HHS' National Institute on Drug Abuse (NIDA) in Rockville, Md.

We analyzed information available at NIDA as of September 30, 1990, for all the agencies subject to Executive Order 12564. This information included HHS' analysis of agency plans as submitted to Congress, estimates of program costs prepared by the agencies for OMB, and the testing results that had been reported to HHS for the 6-month period ending September 30, 1990. At the time of our fieldwork (December

1990), 80 agencies had submitted such reports to HHS. We also examined the executive order, Public Law 100-71, and guidelines prepared by HHS and OPM¹ for selecting positions for random testing.

We also visited nine agencies that were judgmentally selected using program characteristics such as the number of designated TDPS, testing percentages, and the drugs for which random testing was performed. Our review included three tier I agencies—the Defense Contract Audit Agency, the Department of Energy, and the Department of the Navy; two tier II agencies—the U.S. Customs Service and the Immigration and Naturalization Service; and four tier III agencies—the Consumer Product Safety Commission, the Federal Reserve Board, the Securities and Exchange Commission, and the Tennessee Valley Authority. At these agencies, we held discussions with drug program officials and examined documents and reports regarding their drug testing programs.

We did our work from May through December 1990 in accordance with generally accepted government auditing standards.

Approval and Implementation of Plans

Pursuant to Section 503 of Public Law 100-71, agencies in tiers I and III were required to submit their plans to HHS for approval before they could begin drug testing. Tier II agencies which were already authorized to test when the order was issued were not required to have a plan approved before testing. At the time of our work, 111 tier I and tier III agencies had had their plans approved by HHS and were authorized to begin drug testing.

Table 1: Dates Agencies in Tiers I and III Could Begin Drug Testing

Date	Tier I	Tier III
4/27/88	41	•
7/26/88	•	1
7/21/89	•	13
4/25/90	•	21
9/14/90	•	35
Total	41	70

For the 122 agencies authorized to test (41 tier I, 11 tier II, 70 tier III), 40 reported as of mid-December 1990 that they were testing from the

¹The guidelines we examined were HHS' April 1988 "Mandatory Guidelines for Federal Workplace Drug Testing Programs" and OPM's "Optional Decision Guide for Selecting Testing Designated Positions," as revised in March 1987.

period April 1, 1990, through September 30, 1990, and 29 of those testing reported they were doing random testing.

Many agencies had not begun testing because their programs had just been approved. Also, agencies we visited said they had not begun testing, or had begun only partial testing, for such reasons as the need to contract for services, resolve court injunctions, or negotiate union agreements. Some examples of agencies that had not begun testing or had begun only partial testing follow:

- Officials at the Department of the Navy, a tier I agency, told us the Navy is testing at only some of its activities. Also, Navy was enjoined from testing about 50,000 of its 81,000 TDPs and from implementing the post-accident provisions of its program pursuant to a court order arising from a lawsuit filed by the American Federation of Government Employees (AFGE). Further, testing for most of the remaining TDPs had not begun because the Navy did not award a contract for collecting urine samples until July 1990 and had not completed bargaining with the unions.
- The drug program coordinator at the Customs Service, a tier II agency, said that Customs began testing applicants in 1986. Other types of testing have not started because agreements have not been reached with unions.
- The Consumer Product Safety Commission, a tier III agency, had its plan approved in July 1989 but did not obtain contracts for collection, testing, and a medical review officer until July 1990. HHS guidelines require a medical review officer, a physician authorized to examine and rule on test results, to be in place before testing can begin.

Personnel Subject to Random Testing

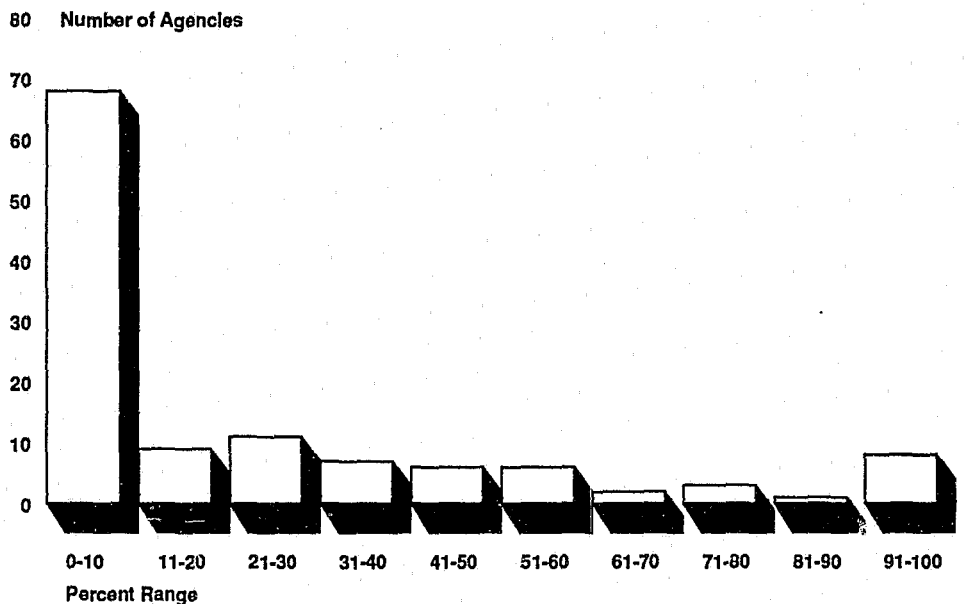
Number of TDPs

All nine of the agencies we visited said they had used criteria specified in Executive Order 12564 and in OPM's guidelines to determine which positions should be classified as TDPs, but agencies differed in the way the criteria were applied. For instance, the Defense Contract Audit Agency chose all personnel who might have access to classified or proprietary information. However, the Department of Energy said that it limited its TDPs to those that have access to classified information or

nuclear facilities and a direct effect on public health and national security.

In over half of the agencies authorized to implement testing programs, 10 percent or less of the staff were occupying TDPs. In the remainder, up to 100 percent were in TDPs. (See fig. 1.)

Figure 1: Estimated Percentage of Total Agency Staff Occupying TDPs



Source: GAO analysis of data provided in appendix I.

According to information provided to the House and Senate Committees on Appropriations by HHS on agency plans through September 30, 1990, some 463,974 personnel occupied TDPs. We estimated that about 18 percent of the staff of the agencies with approved plans occupied such positions. The TDPs represented varying percentages of the agencies' employees. For example, they represented 2.8 percent of the employees at the Department of Agriculture, 52.5 percent of those at the Department of Veterans Affairs, and 100 percent of those at the Federal Bureau of Investigation.

The actual number of TDPs at the agencies we visited sometimes differed from the number stated in the plans. Though each agency lists the number of its TDPs subject to random testing, it reserves the right to

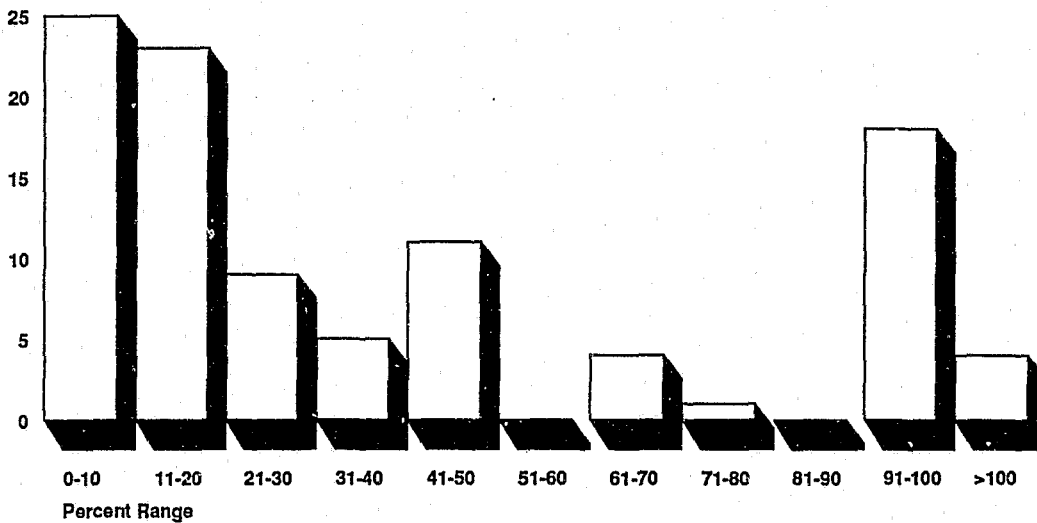
reevaluate those subject to testing at any time and change their status without notifying HHS.

Percentage of TDPs to Be Tested Annually

Each agency plan lists the number or percentage of TDPs to be randomly tested annually. Although each agency reserves the right to change this frequency without notifying HHS, most agencies we visited had not materially changed this number. The number of TDPs to be tested annually at all agencies ranged from 4 percent to 200 percent. The 200-percent figure is used at three small agencies. Based on each agency's TDPs and percentage of random testing, the number of tests done annually would approximate 162,778, or 35 percent of the TDPs.² Forty-eight agencies planned to test 20 percent or fewer of their TDPs, and 73 agencies would test 50 percent or fewer. (See fig. 2.)

Figure 2: Estimated Percentage of TDPs to Be Tested Annually

30 Number of Agencies



Source: GAO analysis of data provided in appendix I.

²Some agencies' plans show they would test some of their TDPs at different rates, so we averaged them.

Drugs to Be Tested for During Random Testing

HHS guidelines require that for random testing, agencies must test for marijuana and cocaine. They also authorize testing for opiates, amphetamines, and PCP. Any agency wishing to test for additional drugs must request a waiver from HHS.

We found that over 80 percent of the agencies with approved programs plan to test for all five types of drugs designated by HHS. (See table 2.)

Table 2: Number and Percentage of Agencies Planning to Test for HHS-Designated Drugs

Drugs	Number of Agencies	Percent
Marijuana, cocaine, opiates, amphetamines, and PCP	98	80.33
Marijuana, cocaine, opiates, and PCP	2	1.64
Marijuana, cocaine, and PCP	1	0.82
Marijuana and cocaine	20	16.39
Not available—information was classified	1	0.82
Total	122	100.00

HHS officials said that although several agencies had expressed an interest in testing for additional drugs, no waivers had been granted.

Estimated Program Costs

Under Section 503 of Public Law 100-71, OMB was required to provide congressional appropriations committees an analysis of the anticipated costs at each agency in tiers I and III for the first 5 years of the program. To implement this requirement, OMB provided the agencies guidelines for estimating costs over the 5-year period.³ As the agencies submitted the costs, OMB forwarded them to the committees through HHS.

As we reported in 1989,⁴ estimated program costs submitted to the Congress may differ from the actual costs incurred when testing programs are fully implemented. However, the estimates submitted to the committees show that the annual costs for all tier I and III agencies were expected to total \$11.3 million for fiscal year 1991.⁵ (See table 3 for the estimated costs for fiscal years 1987 through 1992.)

³According to initial OMB guidance, each agency was to supply cost estimates for six categories—specimen collection, drug testing, medical review, supervisory training, employee education, and program administration. An additional category—quality control—was later added to the list.

⁴Employee Drug Testing: Agency Costs May Vary From Earlier Estimates (GAO/GGD-89-75, May 30, 1989).

⁵The 11 tier II agencies were not subject to OMB estimates, and no other information for them was readily available.

Table 3: Cost Estimates for Tiers I and III Agencies, Fiscal Years 1987-1992

Dollars in thousands						
Tier	1987	1988	1989	1990	1991	1992
I	\$516	\$7,519	\$14,947	\$10,304	\$10,710	\$10,998
III	0	29	190	364	584	369
Total	\$516	\$7,548	\$15,137	\$10,668	\$11,294	\$11,367

Testing Results

We analyzed the testing results available at HHS in mid-December 1990 for the 6-month period that ended September 30, 1990. Of the 80 agencies that submitted reports for the period, 40 reported that they had done tests. These 40 had conducted 31,259 tests—169 of them had positive results (see table 4). Appendix II contains a detailed list of the test results.

Table 4: Drug Tests Performed From April 1990 Through September 1990

Type of test	Number of tests	Number positive	Percent positive
Reasonable suspicion	73	23	31.51
Accident or unsafe practice	50	8	16.00
Random	14,597	39	0.27
Volunteer	393	0	0.00
Follow-up	498	4	0.80
Applicant ^a	15,648	95	0.61
Total	31,259	169	0.54

^aMay include agency staff applying for a TDP position.

We further categorized the positive results by types of drug identified. (See table 5.)

Table 5: Drugs Identified From April 1990 Through September 1990

	Positive results from employee tests	Positive results from applicant tests	Number of drugs identified ^a	Percent of total
Marijuana	37	42	79	41.58
Cocaine	44	51	95	50.00
Opiates	1	3	4	2.11
Amphetamines	3	5	8	4.21
PCP	1	3	4	2.11
Total	86	104	190	100.00^b

^aThe number of drugs found (190) exceeds the number of positive results (169) because in some cases more than one drug was present.

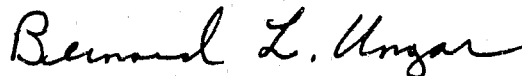
^bDoes not total 100 percent due to rounding.

We discussed a draft of this report with NIDA, and we discussed pertinent parts of the draft with the other agencies we visited. We have incorporated their suggestions regarding technical accuracy and clarity where appropriate.

As arranged with the Committee, unless you publicly announce the contents of this report earlier, we plan no further distribution until 30 days after the issue date. At that time, we will send copies to the agencies involved in this assignment and to other interested parties upon request.

Please contact me at (202) 275-5074 if you or your staff have questions concerning this report. Major contributors are listed in appendix IV.

Sincerely yours,

A handwritten signature in cursive script that reads "Bernard L. Ungar".

Bernard L. Ungar
Director, Federal Human Resource
Management Issues

Contents

Letter	1
--------	---

Appendix I	14
Overview of Federal Agencies' Drug Testing Programs	

Appendix II	20
Drug Testing Results for the 6 Months Ended September 30, 1990	

Appendix III	23
Detailed Information on the Nine Agencies GAO Visited	
Defense Contract Audit Agency	23
Department of Energy	24
Department of the Navy	26
U.S. Customs Service	28
Immigration and Naturalization Service	29
Consumer Product Safety Commission	31
Federal Reserve Board	32
Securities and Exchange Commission	33
Tennessee Valley Authority	35

Appendix IV	37
Major Contributors to This Report	

Tables	
Table 1: Dates Agencies in Tiers I and III Could Begin Drug Testing	4
Table 2: Number and Percentage of Agencies Planning to Test for HHS-Designated Drugs	8
Table 3: Cost Estimates for Tiers I and III Agencies, Fiscal Years 1987-1992	9
Table 4: Drug Tests Performed From April 1990 Through September 1990	9

Table 5: Drugs Identified From April 1990 Through September 1990	9
Table III.1: Costs for DCAA's Drug Testing Program	24
Table III.2: Costs for DOE's Drug Testing Program	25
Table III.3: Results of DOE's Drug Testing Program for the 6 Months Ended September 30, 1990	25
Table III.4: Costs for the Navy's Civilian Drug Testing Program	27
Table III.5: Results of the Navy's Civilian Drug Testing Program for the 6 Months Ended September 30, 1990	27
Table III.6: Costs for Customs' Drug Testing Program	29
Table III.7: Costs for INS' Drug Testing Program	30
Table III.8: Results of INS' Drug Testing Program for the 6 Months Ended September 30, 1990	31
Table III.9: Costs for CPSC's Drug Testing Program	32
Table III.10: Costs for FRB's Drug Testing Program	33
Table III.11: Costs for SEC's Drug Testing Program	34
Table III.12: Costs for TVA's Drug Testing Program	36

Figures

Figure 1: Estimated Percentage of Total Agency Staff Occupying TDPs	6
Figure 2: Estimated Percentage of TDPs to Be Tested Annually	7

Abbreviations

AFGE	American Federation of Government Employees
CPSC	Consumer Product Safety Commission
DCAA	Defense Contract Audit Agency
DOE	Department of Energy
FRB	Federal Reserve Board
HHS	Department of Health and Human Services
INS	Immigration and Naturalization Service
NIDA	National Institute on Drug Abuse
NTEU	National Treasury Employees Union
OMB	Office of Management and Budget
OPM	Office of Personnel Management
PCP	phencyclidine
SEC	Securities and Exchange Commission
TDP	testing designated position
TVA	Tennessee Valley Authority

Overview of Federal Agencies' Drug Testing Programs

Agency	Tier	Date program approved	Drugs to test for ^a	Estimated agency staff ^b	Number of TDPs ^c	Random testing percent ^c	Testing as of 09-30-90 ^d	Fiscal 1991 cost estimate
Department of Defense								\$2,507,000
Department of the Navy	I	04-27-88	M,C,O,A,P	338,790	80,862	100	Yes	
Defense Contract Audit Agency	I	04-27-88	M,C	7,000	5,329	4	Yes	
Department of the Air Force	I	04-27-88	M,C,O,A,P	247,124	24,000	25	Yes	
Defense Communications Agency	I	04-27-88	M,C,O,A,P	2,591	428	20	No	
Defense Intelligence Agency ^e	I	04-27-88	M,C,O,A,P	N/A	N/A	N/A	Yes	
Defense Investigative Service	I	04-27-88	M,C,O,A,P	4,131	4,012	5	Yes	
Defense Logistics Agency	I	04-27-88	M,C	51,480	1,074	20	N/A	
Defense Mapping Agency	I	04-27-88	M,C,O,A,P	8,160	7,410	15	Yes	
Defense Nuclear Agency	I	04-27-88	M,C,O,A,P	844	425	25	Yes	
Office of Dependent Schools	I	04-27-88	M,C,O,A,P	12,600	12,600	10	N/A	
Office of Inspector General ^f	I	04-27-88	M,C,O,A,P	1,572	1,300	25-50	No	
Central Security Service ^g	I	04-27-88	M,C,O,A,P	N/A	N/A	N/A	Yes	
Joint Chiefs of Staff	I	04-27-88	M,C,O,A,P	4,079	3,957	10	Yes	
Uniformed Services University of Health Sciences	I	04-27-88	M,C,O,A,P	772	35	10	Yes	
Department of the Army	II	N/A	M,C,O,A,P	374,930	10,000	70	N/A	
Department of Energy ^m	I	04-27-88	M,C,O,A,P	17,473	976	50-100	Yes	148,000
Department of Agriculture	I	04-27-88	M,C,O,A,P	118,959	3,354	38	Yes	502,000
Department of Commerce	I	04-27-88	M,C,O,A,P	421,153	7,280	5	Yes	495,000
Department of Education	I	04-27-88	M,C,O,A,P	4,831	212	100	Yes	39,000
Department of Health and Human Services	I	04-27-88	M,C	122,514	8,661	10	Yes	878,000
Department of Housing and Urban Development	I	04-27-88	M,C,O,A,P	13,313	540	50	Yes	173,000
Department of the Interior	I	04-27-88	M,C,O,A,P	76,301	17,000	15	Yes	602,000
Department of Justice	I	04-27-88	M,C,O,A,P	81,690	7,613	7	Yes	947,000
Department of Labor	I	04-27-88	M,C,O,A,P	17,782	3,000	15	Yes	157,000
Department of State	I	04-27-88	M,C,O,A,P	25,222	12,400	15	Yes	510,000
Department of the Treasury								771,000
Comptroller of the Currency	I	04-27-88	M,C,O,A,P	3,730	130	17	Yes	

(continued)

**Appendix I
Overview of Federal Agencies' Drug
Testing Programs**

Agency	Tier	Date program approved	Drugs to test for ^a	Estimated agency staff ^b	Number of TDPs ^c	Random testing percent ^c	Testing as of 09-30-90 ^d	Fiscal 1991 cost estimate
Departmental Offices	I	04-27-88	M,C,O,A,P	1,444	378	10	Yes	
Bureau of Engraving and Printing	I	04-27-88	M,C,O,A,P	2,152	600	33	Yes	
Federal Law Enforcement Training Center	I	04-27-88	M,C,O,A,P	450	160	30	Yes	
Financial Management Service	I	04-27-88	M,C,O,A,P	2,216	8	50	No	
Internal Revenue Service	I	04-27-88	M,C,O,A,P	105,920	233	50	Yes	
Bureau of the Public Debt	I	04-27-88	M,C,O,P	2,305	11	100	No	
U.S. Mint	I	04-27-88	M,C,O,A,P	955	285	4	Yes	
U.S. Savings Bonds Division	I	04-27-88	M,C,O,A,P	270	3	50	N/A	
Bureau of Alcohol, Tobacco & Firearms	II	N/A	M,C,O,A,P	3,981	2,300	10	Yes	
Customs Service	II	N/A	M,C,O,A,P	17,683	13,000	10	Yes	
Environmental Protection Agency	I	04-27-88	M,C,O,A,P	16,625	1,200	15	No	149,000
Executive Office of the President	I	04-27-88	M,C,O,A,P	1,682	1,229	12	N/A	122,000
General Services Administration	I	04-27-88	M,C,O,A,P	20,258	2,462	100	Yes	367,000
National Aeronautics and Space Administration	I	04-27-88	M,C,O,A,P	24,561	2,106	10	Yes	801,000
Office Of Personnel Management	I	04-27-88	M,C,O,A,P	6,705	650	15	Yes	51,000
Small Business Administration	I	04-27-88	M,C	5,376	611	50	No	34,000
U.S. Information Agency	I	04-27-88	M,C,O,A,P	8,635	2,600	15	No	330,000
Department of Veterans Affairs ^f	I	04-27-88	M,C,O,A,P	247,645	130,000	6-24	No	1,127,000
Immigration and Naturalization Service	II	N/A	M,C,O,A,P	15,293	10,000	5	Yes	N/Av
Federal Bureau of Prisons	II	N/A	M,C,O,A,P	15,578	1,070	5	N/A	N/Av
Federal Bureau of Investigation	II	N/A	M,C,O,A,P	23,942	23,942	5	Yes	N/Av
Drug Enforcement Administration	II	N/A	M,C,O,A,P	5,902	5,902	30	Yes	N/Av
Department of Transportation	II	N/A	M,C,O,A,P	66,617	33,279	50	Yes	N/Av
U.S. Secret Service ^f	II	N/Av	M,C,O,A,P	4,452	4,452	25-30	Yes	N/Av
Central Intelligence Agency ^g	II	N/Av	N/Av	N/Av	N/Av	N/Av	N/Av	N/Av
Panama Canal Commission	II	N/A	M,C,O,A,P	8,289	2,655	10	Yes	N/Av

(continued)

**Appendix I
Overview of Federal Agencies' Drug
Testing Programs**

Agency	Tier	Date program approved	Drugs to test for ^a	Estimated agency staff ^b	Number of TDPs ^c	Random testing percent ^c	Testing as of 09-30-90 ^d	Fiscal 1991 cost estimate
Consumer Product Safety Commission	III	07-21-89	M,C	521	41	25	Yes	1,849
Securities and Exchange Commission	III	04-25-90	M,C,O,A,P	2,225	53	50	N/Av	N/Av
Tennessee Valley Authority ^h	III	Pending	M,C,O,A,P	26,769	7,000	100	N/A	N/Av
Federal Reserve Board ⁱ	III	Pending	M,C,O,A,P	1,514	61	15	N/A	N/Av
Nuclear Regulatory Commission	III	07-26-88	M,C,O,A,P	3,318	1,200	100	Yes	119,000
Advisory Committee on Federal Pay	III	07-21-89	M,C,P	5	0	N/A	N/Av	177
Committee for the Purchase from the Blind and Other Severely Handicapped	III	07-21-89	M,C,O,A,P	15	0	N/A	No	107
Commodity Futures Trading Commission	III	07-21-89	M,C	540	7	100	No	18,722
Federal Communications Commission	III	07-21-89	M,C,O,A,P	1,762	56	25	Yes	6,100
Foreign Claims Settlement Commission	III	07-21-89	M,C	7	4	25	N/Av	61
International Trade Commission	III	07-21-89	M,C,O,A,P	510	75	10	N/Av	5,013
Japan-U.S. Friendship Commission	III	07-21-89	M,C	5	0	N/A	No	43
National Capital Planning Commission	III	07-21-89	M,C,O,A,P	44	22	96	N/Av	2,890
Navajo and Hopi Indian Relocation Commission	III	07-21-89	M,C,O,A,P	92	39	20	N/Av	2,305
Overseas Private Investment Corporation	III	07-21-89	M,C	135	32	15	N/Av	1,713
Peace Corps ^j	III	07-21-89	M,C,O,A,P	1,158	47	120	N/Av	17,030
Pension Benefit Guaranty Corporation	III	07-21-89	M,C	589	1	200	N/Av	1,087
Advisory Commission On Intergovernmental Relations	III	04-25-90	M,C,O,A,P	19	0	N/A	No	732
Advisory Council on Historic Preservation	III	04-25-90	M,C,O,A,P	32	19	20	No	1,014
Alaska Land Use Council ^k	III	04-25-90	M,C,O,A,P	2	1	N/A	No	50
Alaska Natural Gas Transportation System ^l	III	04-25-90	M,C,O,A,P	3	1	N/A	N/Av	0
American Battle Monuments Commission	III	04-25-90	M,C	398	1	100	No	0
Christopher Columbus Quincentenary Jubilee Commission	III	04-25-90	M,C	8	0	N/A	No	85
Commission of Fine Arts	III	04-25-90	M,C,O,A,P	7	0	N/A	No	0

(continued)

**Appendix I
Overview of Federal Agencies' Drug
Testing Programs**

Agency	Tier	Date program approved	Drugs to test for^a	Estimated agency staff^b	Number of TDPs^c	Random testing percent^c	Testing as of 09-30-90^d	Fiscal 1991 cost estimate
Farm Credit System Assistance Board ^f	III	04-25-90	M,C,O,A,P	21	11	25-100	N/Av	0
Federal Mine Safety and Health Review Commission	III	04-25-90	M,C,O,A,P	48	5	25-100	N/Av	950
Federal Trade Commission	III	04-25-90	M,C,O,A,P	1,011	71	10	N/Av	4,440
Indian Arts and Crafts Board	III	04-25-90	M,C,O,A,P	15	0	N/A	N/Av	0
Institute of Museum Services	III	04-25-90	M,C,O,A,P	32	1	200	No	98
National Commission for Employment Policy ^j	III	04-25-90	M,C,O,A,P	13	1	N/A	No	189
National Endowment for the Arts	III	04-25-90	M,C,O,A,P	293	14	100	N/Av	5,832
National Endowment for the Humanities	III	04-25-90	M,C,O,A,P	293	11	200	N/Av	1,935
National Mediation Board	III	04-25-90	M,C	54	3	100	No	824
National Occupational Information Coordinating Committee	III	04-25-90	M,C,O,A,P	13	1	N/A	No	392
National Science Foundation	III	04-25-90	M,C	1,288	70	10	No	14,443
President's Commission on Executive Exchange	III	04-25-90	M,C,O,A,P	11	0	N/A	N/Av	0
President's Committee on Employment of People with Disabilities ^m	III	04-25-90	M,C,O,A,P	36	1	N/A	No	50
ACTION	III	09-14-90	M,C,O,A,P	427	1	100	No	822
African Development Foundation	III	09-14-90	M,C,O,A,P	38	2	50	N/Av	0
Agency for International Development	III	09-14-90	M,C	4,707	1,900	5	N/Av	117,317
Architectural and Transportation Barrier's Compliance Board	III	09-14-90	M,C,O,A,P	30	19	100	N/Av	532
Arms Control and Disarmament Agency	III	09-14-90	M,C	216	200	15	No	18,118
Board for International Broadcasting	III	09-14-90	M,C,O,A,P	19	5	100	N/Av	652
Commission on Civil Rights	III	09-14-90	M,C,O,A,P	71	8	50	N/Av	1,000
Delaware River Basin Commission	III	09-14-90	M,C,O,A,P	2	0	N/A	No	0
Equal Employment Opportunity Commission	III	09-14-90	M,C,O,A,P	2,795	0	N/A	N/Av	0
Farm Credit Administration ^d	III	09-14-90	M,C,O,A,P	534	54	5-10	No	1,350

(continued)

**Appendix I
Overview of Federal Agencies' Drug
Testing Programs**

Agency	Tier	Date program approved	Drugs to test for^a	Estimated agency staff^b	Number of TDPs^c	Random testing percent^c	Testing as of 09-30-90^d	Fiscal 1991 cost estimate
Federal Election Commission	III	09-14-90	M,C,O,A,P	240	0	N/A	N/Av	5,107
Federal Energy Regulatory Commission	III	09-14-90	M,C	1,428	5	40	No	30,022
Federal Labor Relations Authority ^f	III	09-14-90	M,C,O,A,P	245	4	50	N/Av	609
Federal Maritime Commission	III	09-14-90	M,C,O,P	230	9	100	N/Av	865
Federal Mediation and Conciliation Services	III	09-14-90	M,C	316	1	100	No	450
Harry S. Truman Scholarship Foundation	III	09-14-90	M,C,O,A,P	4	0	N/A	N/Av	0
Holocaust Memorial Council ^f	III	09-14-90	M,C,O,A,P	160	55	25	N/Av	135
Inter-American Foundation	III	09-14-90	M,C,O,A,P	72	16	15	N/Av	2,000
International Boundary and Water Commission	III	09-14-90	M,C,O,A,P	258	96	15	N/Av	2,981
International Joint Commission (U.S. and Canada)	III	09-14-90	M,C,O,A,P	22	3	15	N/Av	0
Interstate Commerce Commission	III	09-14-90	M,C,O,A,P	657	155	20	No	20,238
Marine Mammal Commission	III	09-14-90	M,C,O,A,P	15	2	50	No	410
Merit Systems Protection Board	III	09-14-90	M,C,O,A,P	301	0	N/A	N/Av	3,000
National Archives and Records Administration	III	09-14-90	M,C	3,032	70	10	N/Av	46,000
National Commission on Libraries and Information Sciences	III	09-14-90	M,C,O,A,P	15	0	N/A	No	0
National Credit Union Administration ^m	III	09-14-90	M,C	898	33	20	No	20,047
National Labor Relations Board	III	09-14-90	M,C,O,A,P	2,266	103	5	No	13,000
Occupational Safety and Health Review Commission	III	09-14-90	M,C,O,A,P	77	3	33	No	0
Office of Special Counsel	III	09-14-90	M,C,O,A,P	84	1	100	N/Av	2,000
Office of Thrift Supervision	III	09-14-90	M,C,O,A,P	3,687	0	N/A	N/Av	62,725
Pennsylvania Avenue Development Corporation	III	09-14-90	M,C,O,A,P	32	4	100	No	0
Railroad Retirement Board	III	09-14-90	M,C,O,A,P	1,703	21	10	No	5,280
Selective Service System ^f	III	09-14-90	M,C,O,A,P	277	18	28-100	No	1,550
Soldiers' and Airmen's Home ^f	III	09-14-90	M,C,O,A,P	1,009	603	10-20	No	20,406

(continued)

Appendix I
Overview of Federal Agencies' Drug
Testing Programs

Agency	Tier	Date program approved	Drugs to test for ^a	Estimated agency staff ^b	Number of TDPs ^c	Random testing percent ^c	Testing as of 09-30-90 ^d	Fiscal 1991 cost estimate
Susquehanna River Basin Commission	III	09-14-90	M,C,O,A,P	2	0	N/A	No	0
Total				2,634,652	463,974			\$11,293,747

Note: "N/A" is used for not applicable. "N/Av" is used for not available at the time of our review.

^aIncludes marijuana (M), cocaine (C), opiates (O), amphetamines (A), and phencyclidine (P).

^bWas determined from OPM Workforce Statistics as of May 1990, the Fiscal 1991 U. S. Budget, or from officials at the individual agencies.

^cInformation on TDPs and random testing percent was determined either from agency plans or from agency officials.

^dAs indicated by reports submitted by agencies for the 6-month period ended September 30, 1990.

^eTDPs and testing frequency are classified.

^fThe agency tests portions of its TDPs at differing rates or indicated the testing percent would vary by year.

^gAll information is classified according to an HHS official.

^hNo plan has been submitted to HHS.

ⁱPlan undergoing HHS review according to an FRB official.

^jThirty percent tested each quarter.

^kEmployees are included in Interior's pool at 15 percent annually.

^lEmployees are included in Energy's pool at 10 percent annually.

^mEmployees are included in Labor's pool at 15 percent annually.

Drug Testing Results for the 6 Months Ended September 30, 1990

Agency	Employee testing					Total	Applicant testing	Overall total
	Suspicion	Accident	Random	Volunteer	Follow-up			
Department of Defense								
Department of the Navy								
Tests administered	15	0	81	0	0	96	650	746
Positives	1	0	1	0	0	2	20	22
Department of the Air Force								
Tests administered	6	3	1,480	9	0	1,498	32	1,530
Positives	1	0	7	0	0	8	3	8
Defense Contract Audit Agency								
Tests administered	0	0	0	16	0	16	0	16
Positives	0	0	0	0	0	0	0	0
Defense Intelligence Agency								
Tests administered	0	0	0	0	0	0	155	155
Positives	0	0	0	0	0	0	0	0
Defense Investigative Service								
Tests administered	0	0	6	0	0	6	0	6
Positives	0	0	0	0	0	0	0	0
Defense Mapping Agency								
Tests administered	0	0	97	49	1	147	33	180
Positives	0	0	1	0	0	1	0	1
Defense Nuclear Agency								
Tests administered	0	0	3	4	0	7	0	7
Positives	0	0	0	0	0	0	0	0
Central Security Service								
Tests administered	0	0	0	49	0	49	0	49
Positives	0	0	0	0	0	0	0	0
Joint Chiefs of Staff								
Tests administered	1	0	110	0	0	111	397	508
Positives	1	0	2	0	0	3	0	3
Uniformed Services								
University of Health Sciences								
Tests administered	0	0	9	0	0	9	0	9
Positives	0	0	0	0	0	0	0	0
Department of Energy								
Tests administered	0	1	292	10	1	304	99	403
Positives	0	0	0	0	0	0	0	0
Department of Agriculture								
Tests administered	0	0	402	20	0	422	23	445
Positives	0	0	1	0	0	1	0	1
Department of Commerce								
Tests administered	1	0	0	143	0	144	198	342
Positives	0	0	0	0	0	0	6	6
Department of Education								
Tests administered	0	0	0	0	0	0	8	8
Positives	0	0	0	0	0	0	0	0
Department of Health and Human Services								
Tests administered	0	0	27	8	0	35	18	53
Positives	0	0	1	0	0	1	0	1

(continued)

**Appendix II
Drug Testing Results for the 6 Months Ended
September 30, 1990**

Agency	Employee testing						Applicant testing	Overall total
	Suspicion	Accident	Random	Volunteer	Follow-up	Total		
Department of Housing and Urban Development								
Tests administered	0	0	234	1	0	235	6	241
Positives	0	0	0	0	0	0	0	0
Department of the Interior								
Tests administered	0	0	0	0	2	2	3,166	3,168
Positives	0	0	0	0	0	0	23	23
Department of Justice								
Tests administered	0	0	0	0	0	0	738	738
Positives	0	0	0	0	0	0	3	3
Department of Labor								
Tests administered	0	0	71	0	0	71	56	127
Positives	0	0	0	0	0	0	1	1
Department of State								
Tests administered	0	0	0	0	0	0	919	919
Positives	0	0	0	0	0	0	1	1
Department of the Treasury								
Comptroller of the Currency								
Tests administered	0	0	9	0	0	9	2	11
Positives	0	0	0	0	0	0	0	0
Departmental Offices								
Tests administered	0	0	4	0	0	4	0	4
Positives	0	0	0	0	0	0	0	0
Bureau of Engraving and Printing								
Tests administered	0	0	21	3	0	24	126	150
Positives	0	0	0	0	0	0	2	2
Federal Law Enforcement Training Center								
Tests administered	0	0	19	11	0	30	0	30
Positives	0	0	0	0	0	0	0	0
Internal Revenue Service								
Tests administered	4	0	1	33	1	39	183	222
Positives	1	0	0	0	0	1	0	1
U. S. Mint								
Tests administered	0	0	6	0	0	6	20	26
Positives	0	0	0	0	0	0	0	0
Bureau of Alcohol, Tobacco and Firearms								
Tests administered	2	0	103	1	0	106	333	439
Positives	0	0	0	0	0	0	1	1
U. S. Customs Service								
Tests administered	0	0	0	0	0	0	1,139	1,139
Positives	0	0	0	0	0	0	1	1
General Services Administration								
Tests administered	0	0	43	0	2	45	218	263
Positives	0	0	1	0	0	1	1	2
National Aeronautics and Space Administration								
Tests administered	7	0	162	0	0	169	0	169
Positives	1	0	3	0	0	4	0	4

(continued)

Appendix II
Drug Testing Results for the 6 Months Ended
September 30, 1990

Agency	Employee testing					Follow-up	Total	Applicant testing	Overall total
	Suspicion	Accident	Random	Volunteer					
Office of Personnel Management									
Tests administered	0	0	0	0		1	1	251	252
Positives	0	0	0	0		1	1	0	1
Immigration and Naturalization Service									
Tests administered	4	0	323	0		0	327	516	843
Positives	1	0	0	0		0	1	1	2
Federal Bureau of Investigation									
Tests administered	7	0	256	5		3	271	3,079	3,350
Positives	2	0	1	0		0	3	11	14
Drug Enforcement Administration									
Tests administered	0	0	813	1		0	814	188	1,002
Positives	0	0	0	0		0	0	0	0
Department of Transportation									
Tests administered	7	4	9,191	25		448	9,675	2,274	11,949
Positives	2	0	19	0		3	24	1	25
U. S. Secret Service									
Tests administered	1	0	519	1		0	521	314	835
Positives	0	0	0	0		0	0	1	1
Panama Canal Commission									
Tests administered	18	42	10	0		0	70	433	503
Positives	13	8	2	0		0	23	22	45
Consumer Product Safety Commission									
Tests administered	0	0	0	0		0	0	2	2
Positives	0	0	0	0		0	0	0	0
Nuclear Regulatory Commission									
Tests administered	0	0	302	0		39	341	72	413
Positives	0	0	0	0		0	0	0	0
Federal Communications Commission									
Tests administered	0	0	3	4		0	7	0	7
Positives	0	0	0	0		0	0	0	0
Total									
Tests administered	73	50	14,597	393		498	15,611	15,648	31,259
Positives	23	8	39	0		4	74	95	169

Detailed Information on the Nine Agencies GAO Visited

This appendix includes information on approval and implementation of plans; personnel subject to random testing; drugs to be tested for during random testing; estimated program costs; and program results for nine judgmentally selected agencies as of September 30, 1990.

Defense Contract Audit Agency

Approval and Implementation of Drug Testing Plans

A tier I agency, the Defense Contract Audit Agency's (DCAA) drug-free workplace plan was certified by the Department of Health and Human Services (HHS) on April 27, 1988. DCAA officials said that the agency plans to begin testing applicants for employment when its hiring freeze has been lifted. DCAA officials told us that testing of other groups has been delayed by DCAA's inability to reach agreement with the American Federation of Government Employees (AFGE), which represents 700 testing designated positions (TDP) in DCAA's central region. It decided not to begin random, post-accident, or reasonable suspicion testing of any employees until it has reached agreement with AFGE.

Personnel Subject to Random Testing

All DCAA personnel with access to classified and proprietary information are subject to random testing. These personnel account for 5,329 of the agency's 7,000 employees. Such testing is to occur twice each year at an annual frequency of 4 percent, or 2 percent on each testing occasion. DCAA chose 2 percent because it believes that this frequency will allow it to achieve a 95-percent sampling confidence level.

Drugs to Be Tested for During Random Testing

DCAA had planned to test for marijuana and cocaine. After our fieldwork was completed, DCAA advised us that it is considering expanding its testing to include opiates, amphetamines, and phencyclidine (PCP).

Estimated Program Costs

The unit costs for fiscal year 1990 in table III.1 are based on contracts entered into by DCAA and administered by the Department of the Interior. These contracts are with John Short and Associates for collecting and transporting samples and with Environmental Health Research and Testing for laboratory analysis. The Public Health Service is to provide a medical review officer.

Table III.1: Costs for DCAA's Drug Testing Program

Function	Costs
Collection	\$29.18 per sample
Laboratory analysis	8.90 per sample
Medical review officer	65.00 per hour, plus a \$500 one-time retainer fee
Quality control samples	31.66 per sample

Program Results

DCAA conducted 16 tests of volunteers. None tested positive.

Department of Energy

Approval and Implementation of Drug Testing Plans

The Department of Energy (DOE), a tier I agency, received HHS certification of its drug-free workplace plan on April 27, 1988, and began drug testing in March 1989.

Drug testing program officials said that, pursuant to a court order,¹ DOE is enjoined from randomly testing 25 headquarters employees who hold positions as motor vehicle operators or computer and communications specialists or assistants.

Personnel Subject to Random Testing

DOE had a formal process for selecting positions for the testing pool. Initially, all field offices were to nominate positions; these positions were then to be reviewed by a panel. Additional nominations could also be made annually. Drug program officials said that DOE based its selection for random testing on the nature of the employees' actual duties, rather than on their position descriptions. Examples of duties performed by personnel designated as TDPS include transportation of nuclear weapons, power transmission, and law enforcement.

Of DOE's 17,473 personnel, 976 were in the random testing pool. According to drug program officials, all of DOE's Human Reliability Program personnel (about 350 people) were to be tested annually; the remaining positions in the testing pool were to be tested at an annual rate of 50 percent. Officials said these rates were based on DOE's desire to ensure that its employees were not impaired by drugs.

¹National Treasury Employees Union v. Watkins, 722 F. Supp. 766 (D.D.C. 1989)

Drugs to Be Tested for During Random Testing

DOE decided to test for marijuana, cocaine, opiates, amphetamines, and PCP. DOE officials told us that DOE intends to make its testing program as broad as HHS guidelines allow.

Estimated Program Costs

The unit costs for fiscal year 1990 in table III.2 are based on contracts administered by the Department of Transportation. According to drug program personnel, the contracts are with Upjohn, Inc., for sample collection and with Compuchem, Inc., for laboratory analysis. Medical review officer services were to be provided by the Medical Services Division of Oak Ridge Associated Universities, Inc.

Table III.2: Costs for DOE's Drug Testing Program

Function	Costs
Collection and analysis	\$124.50 per sample
Medical review officer	30,000.00 per year
Quality control samples	17.50 per sample

Program Results

Table III.3 contains the results of DOE's drug testing program for the 6 months ended September 30, 1990.

Table III.3: Results of DOE's Drug Testing Program for the 6 Months Ended September 30, 1990

Type of test	Number of tests	Number of positive results
Reasonable suspicion	0	0
Post-accident	1	0
Random	292	0
Volunteer	10	0
Follow-up	1	0
Applicant	99	0
Total	403	0

Department of the Navy

Approval and Implementation of Drug Testing Plans

The Navy, which is a tier I agency, received certification for its drug-free workplace plan on April 27, 1988. According to Navy drug program officials, it began testing applicants at the Military Sealift Command in November 1989 and employees at the Naval Security Group Headquarters in December 1989 and at the Secretariat Group in June 1990. Navy officials said the Navy did not award a urine sample collection contract for the remaining activities until July 1990 and, as a result, collection procedures have not been completely negotiated with employee unions. Also, pursuant to a court order,² the Navy is enjoined from conducting random drug testing of 50,000 of its TDPs and from implementing the post-accident provisions of its program.

Personnel Subject to Random Testing

Navy civilian personnel are to be subject to random testing if they (1) occupy positions requiring a top secret clearance; or (2) are in the Nuclear Weapon Personnel Reliability Program or the drug screening laboratories; or (3) are shipboard civilian mariners, law enforcement officers whose positions require them to carry firearms, or presidential appointees. In addition, those civilian employees whose typical duties commonly involve public safety, national security, or other functions requiring a high degree of trust and confidence are also subject to drug testing. In the Navy plan, 80,862 civilian employees comprised this random testing pool—about 24 percent of its 338,790 civilian employees. However, only about 31,000 of the employees in the pool were not subject to court injunction.

For budgetary and workload projection reasons, the Navy planned to conduct up to 45,000 tests during the program's first year. This equates to an annual rate of 100 percent of those positions not under injunction (31,000), plus about 14,000 tests conducted in all other categories (applicant, reasonable suspicion, etc.). The Navy said it chose to test on a 100-percent rate in order to keep its civilian programs parallel to its military ones.

²American Federation of Government Employees v. Cheney, No. 88-3823 DLJ (N.D. CA, 3/15/90)

Drugs to Be Tested for During Random Testing

The Navy tests for marijuana, cocaine, opiates, amphetamines, and PCP.

Estimated Program Costs

The information on unit costs and contracts in table III.4 was provided by Navy drug program officials and is based on contracts entered into by separate commands and activities, as indicated. Most of the Navy is using a TRACOR, Inc., collection contract. Medical review officer services are provided by the Public Health Service, and laboratory analysis is done by the Navy's drug screening laboratories.

Table III.4: Costs for the Navy's Civilian Drug Testing Program

Activity/function	Costs
Chief of Naval Operations-collection (contract with TRACOR)	\$27.00-35.00 (continental U.S.)
Chief of Naval Research-collection (TRACOR)	\$60-200 (outside U.S. continent)
Secretary of the Navy and Staff Offices-collection (TRACOR)	\$35.00 per sample
Military Sealift Command Mariners-collection (TRACOR)	(done by military, cost absorbed in regular salary expenditures)
Laboratory analysis	(done by a Navy drug screening laboratory)
Medical review officer	\$65.00 per hour
Quality control samples (Armed Forces Institute of Pathology)	\$22.50 per sample

Program Results

Table III.5 contains the results of the Navy's civilian drug testing program for the 6 months ended September 30, 1990.

Table III.5: Results of the Navy's Civilian Drug Testing Program for the 6 Months Ended September 30, 1990

Type of test	Number of tests	Number of positive results
Reasonable suspicion	15	1
Post-accident	0	0
Random	81	1
Volunteer	0	0
Follow-up	0	0
Applicant	650	20
Total	746	22^a

^aThese consist of 6 marijuana, 15 cocaine, and 1 cocaine/ opiates.

U.S. Customs Service

Approval and Implementation of Drug Testing Plans

Customs, as a tier II agency, is not required to obtain HHS certification of its drug-free workplace plan. Customs' drug program coordinator said that Customs has been testing applicants since August 1986 but had delayed other types of testing in order to negotiate with the National Treasury Employees Union (NTEU) and to avoid having different rules for union and nonunion personnel. Officials told us after we completed our fieldwork that issues with NTEU were resolved by an impasse panel in October 1990 and that Customs plans to begin random testing in May 1991.

Personnel Subject to Random Testing

Personnel subject to random testing are those with direct involvement in drug interdiction and enforcement of related laws, those whose positions require that they carry firearms, and those who handle classified material. An agency official said that these categories were determined by a task force that was composed of representatives from each unit and account for approximately 13,000 of the agency's 17,683 employees.

We were told by the drug program coordinator that random testing is to be conducted for 10 percent of the pool annually and that this rate was chosen because management judged it to be an adequate deterrent to the use of illegal drugs. Cost was also a factor in the decision.

Drugs to Be Tested for During Random Testing

Testing is to be conducted for marijuana, cocaine, opiates, amphetamines, and PCP.

Estimated Program Costs

The unit costs in table III.6 are based on Customs' contracts with Executive Health Group for sample collection, PharmChem Laboratories, Inc., for laboratory analysis, a licensed physician for medical review officer services, and Duo Research for quality control samples.

Table III.6: Costs for Customs' Drug Testing Program

Function	Costs
Collection	\$40.80 at Customs site
	39.60 at contractor sites
Laboratory analysis	11.75 per screening
	30.00 per confirmation
Medical review officer	50.00 per hour
Quality control samples	35.00 per sample

Program Results

Customs conducted 1,139 applicant tests during the 6-month period ending September 30, 1990. There was one positive test, which identified marijuana.

Immigration and Naturalization Service

Approval and Implementation of Drug Testing Plans

The Immigration and Naturalization Service (INS), a tier II agency, did not need HHS certification of its drug-free workplace plan. We were told by drug program officials that INS began applicant testing in 1985 for border patrol agent trainees and added random, post-accident, reasonable suspicion, follow-up, and volunteer testing for all employees in October 1988.

We were told by drug program officials that INS was enjoined from random and post-accident testing in January 1989 as a result of a lawsuit filed by AFGE. The officials also said that a court lifted the injunction in October 1989 and testing resumed in January 1990 for post-accident and random testing for most categories of employees. INS said it is still enjoined from randomly testing positions other than those that require the use of firearms, those with top secret clearances, and those involving drug interdiction or the employee assistance program.

Personnel Subject to Random Testing

According to INS officials, personnel subject to random testing include law enforcement personnel, people with top secret or higher security clearances, top level management, positions in intelligence and detention enforcement, and employee assistance program counselors. They also told us that positions in the random testing pool were selected by top

level managers and that of the 15,293 employees in the agency, approximately 10,000 are in the random testing pool.

Random testing is conducted once per year per location for 5 percent of the random testing pool. Officials said this testing rate is subject to change on the basis of the first year's experience. Officials said that, although there is no particular rationale for testing at the 5-percent level, cost was a factor.

Drugs to Be Tested for During Random Testing

Testing is to be conducted for marijuana, cocaine, opiates, amphetamines, and PCP. All five drugs were chosen because INS said it wanted to take the drug testing program as far as the HHS guidelines would allow.

Estimated Program Costs

At the time of our review, an INS internal memorandum showed that collection and analysis contracts totaled about \$131,000 per year. We were told that INS is proposing to switch to Department of the Interior contracts because they are less expensive and offer better service. The unit costs for fiscal year 1991 in table III.7 are based on Interior contracts that INS plans to enter with John Short and Associates for sample collection and with Environmental Health Research and Testing for laboratory analysis. Medical review officer services are obtained from the Public Health Service.

Table III.7: Costs for INS' Drug Testing Program

Function	Costs
Collection	\$29.18 per sample
Laboratory analysis	8.90 per sample
Medical review officer	65.00 per hour, plus \$500 start-up cost
Quality control samples	31.66 per sample

Program Results

Table III.8 contains the results of INS' drug testing program for the 6 months ended September 30, 1990.

Table III.8: Results of INS' Drug Testing Program for the 6 Months Ended September 30, 1990

Type of test	Number of tests	Number of positive results
Reasonable suspicion	4	1
Post-accident	0	0
Random	323	0
Volunteer	0	0
Follow-up	0	0
Applicant	516	1
Total	843	2^a

^aBoth identified cocaine.

Consumer Product Safety Commission

Approval and Implementation of Drug Testing Plans

HHS certified the drug-free workplace plan of the Consumer Product Safety Commission (CPSC), a tier III agency, on July 21, 1989. According to CPSC drug program officials, contracts for collection, testing, and medical review officer services were finalized on July 9, 1990. Applicant testing began in August 1990, and reasonable suspicion testing was available from that date. We were told that random testing was planned to begin around October 1990; however, CPSC later advised us that random testing has been rescheduled for the second quarter of fiscal year 1991.

Personnel Subject to Random Testing

Personnel subject to random testing include presidential appointees and special assistants on their immediate staffs, noncareer Senior Executive Service employees in critical sensitive positions, laboratory personnel engaged in testing, and motor vehicle operators who transport people or samples that may be hazardous. Of the CPSC's 521 employees, 41 are in the random testing pool.

Random testing is to be conducted approximately four times annually, at an annual rate of 25 percent. This rate was chosen because agency officials considered it to be reasonable and representative.

Drugs to Be Tested for During Random Testing

Testing is to be conducted for marijuana and cocaine. CPSC drug program officials said they will consider adding the other three drugs allowed by HHS guidelines if results of testing governmentwide show significant indications of other drug use.

Estimated Program Costs

The unit costs for fiscal year 1990 in table III.9 are based on contracts entered into by CPSC and administered by the Department of the Interior with John Short and Associates for sample collection and with Environmental Health Research and Testing for laboratory analysis. Medical review officer services are obtained from the Public Health Service.

Table III.9: Costs for CPSC's Drug Testing Program

Function	Costs
Collection	\$29.18 per sample
Laboratory analysis	8.90 per sample
Medical review officer	65.00 per hour
Quality control samples	31.66 per sample

Program Results

CPSC conducted two applicant tests during the 6-month period that ended September 30, 1990. Results of both tests were negative.

Federal Reserve Board

Approval and Implementation of Drug Testing Plans

The Federal Reserve Board's (FRB) drug-free workplace plan was submitted to HHS for certification in mid-September 1990. FRB, a tier III agency, expected to begin the full range of drug testing during the first quarter of calendar year 1991.

Personnel Subject to Random Testing

We were told by drug program officials that personnel subject to random testing include presidential appointees and people who hold a top secret or higher security clearance. FRB said its selection process for the testing pool involved choosing those positions that represented the least risk of court challenge. Of FRB's 1,514 employees, 61 are in the random testing pool.

According to agency officials, random testing is to be conducted at least once each year for 15 percent of the pool. Officials considered this rate to be in line with other agencies.

Drugs to Be Tested for During Random Testing

Testing is to be conducted for marijuana, cocaine, amphetamines, opiates, and PCP. FRB said it chose all five HHS-designated drugs because it believed that they were all likely to be abused.

Estimated Program Costs

The unit costs in table III.10 are based on estimates provided by FRB officials. Lab analysis is to be performed by American Medical Laboratories, Inc. Collection is to be done by FRB's medical personnel at no additional cost. Medical review officer services are to be provided by Washington Occupational Health Associates. The contract for quality control samples had not been awarded at the time of our review.

Table III.10: Costs for FRB's Drug Testing Program

Function	Costs
Collection	no direct cost
Laboratory analysis	\$40.00 per screening
	30.00 per confirmation
Medical review officer	84.00 per hour

Program Results

There are no results to report because testing had not yet begun.

Securities and Exchange Commission

Approval and Implementation of Drug Testing Plans

The Securities and Exchange Committee (SEC), a tier III agency, received HHS certification of its drug-free workplace plan on April 26, 1990. It had not yet begun testing, but SEC advised us after completion of our fieldwork that it planned to begin in April or May 1991.

We were told by SEC officials that SEC does not plan to conduct applicant testing because it sees no benefit, due to its small pool of TDPS. SEC officials estimated that about eight people annually would be subject to applicant testing if SEC included such testing in its program.

Personnel Subject to Random Testing

SEC officials said that personnel subject to random testing include presidential appointees, employees in safety-related positions, and those in critical sensitive positions—such as those who have access to sensitive information and make independent decisions affecting SEC operations. The officials also said that the regional personnel were excluded from the TDP pool because they lack the authority to make independent decisions affecting SEC operations. In all, 53 of the agency's 2,225 employees are in the random testing pool.

Random testing is to be conducted twice each year at an annual rate of 50 percent. This rate was chosen, we were told, in order to send the message to employees that the chance of getting caught using illegal drugs is great.

Drugs to Be Tested for During Random Testing

Testing is to be conducted for marijuana, cocaine, opiates, amphetamines, and PCP. SEC officials said they will test for these drugs because they believe all of them are prevalent where SEC personnel are located.

Estimated Program Costs

The unit costs in table III.11 are for fiscal year 1990 and are based on contracts entered into by SEC and administered by the Department of the Interior with John Short and Associates for sample collection and with Environmental Health Research and Testing for laboratory analysis. After our fieldwork was completed, SEC advised us that a contract for a medical review officer was awarded to John Short and Associates. Under the contract each negative result was to cost \$3.15, each positive result was to cost \$65.00, and expert testimony time charges were to be \$45.00 per hour.

Table III.11: Costs for SEC's Drug Testing Program

Function	Costs
Collection	\$29.18 per sample
Laboratory analysis	8.90 per sample
Quality control samples	31.66 per sample

Program Results

There are no results to report because testing had not yet begun.

Tennessee Valley Authority

Approval and Implementation of Drug Testing Plans

According to agency officials, the Tennessee Valley Authority (TVA), a tier III agency, had been conducting random drug testing of certain employees and contractors in its nuclear power program since 1987 pursuant to a Nuclear Regulatory Commission policy statement and commission regulations. TVA had not submitted a drug-free workplace plan to HHS but plans to do so in fiscal year 1991. TVA had conducted reasonable suspicion testing since 1975.

Personnel Subject to Random Testing

TVA officials said that TVA currently requires random testing of the following employees, all of whom have duties in or related to TVA's nuclear power program:

- employees with unescorted access to controlled areas of nuclear reactors, those who must report to response centers in the event of an emergency, and those officially stationed at a nuclear plant or project;
- nuclear power managers and engineering employees assigned to nuclear power; and
- employees designated by the Senior Vice President, Nuclear Power, as potentially affecting the safe operation of TVA's nuclear plants.

According to TVA officials, these categories account for approximately 7,000 of TVA's 26,769 employees. Random testing of these employees is conducted at an annual frequency of 100 percent.

Drugs to Be Tested for During Random Testing

TVA officials said that testing is conducted for marijuana, cocaine, opiates, amphetamines, and PCP. Unlike other agencies, TVA also tests for alcohol; it is required to do so by Nuclear Regulatory Commission regulations.

Estimated Program Costs

TVA performs the initial drug screens and uses an HHS-certified laboratory for confirmatory tests. Table III.12 contains the unit costs for fiscal year 1990 for TVA's drug testing program.

Appendix III
Detailed Information on the Nine Agencies
GAO Visited

Table III.12: Costs for TVA's Drug Testing Program

Function	Costs
Collection	\$12.50 per sample
Laboratory analysis	12.00 per TVA screen test
	20.00 per contract screen test
	30.00 per contract confirmation test
Medical review officer	32.00 per hour
Quality control samples	100.00 per sample

Program Results

From April 1, 1989, to March 31, 1990, the most recent time frame for which data were available, TVA said it conducted 7,860 random drug and alcohol tests. Thirty of the tests were positive.

Major Contributors to This Report

**General Government
Division, Washington,
D.C.**

Norman A. Stubenhofer, Assistant Director
William Trancucci, Evaluator

**Norfolk Regional
Office**

James G. Bishop, Regional Management Representative
Lindsay B. Harwood, Evaluator-in-Charge
Susan J. Schildkret, Evaluator

Official Information

The following information is for the use of the public and is not to be used for any other purpose. It is the policy of the Department of the Interior to make this information available to the public in a timely and accurate manner. It is the responsibility of the public to use this information in a responsible and lawful manner. The Department of the Interior is not responsible for any errors or omissions in this information.

U.S. Department of the Interior
Bureau of Land Management
Washington, D.C. 20240

Official Information is available by calling 1-800-255-1131

United States
General Accounting Office
Washington, D. C. 20548

Office of the Inspector General
Department of Justice

First-Class Mail
Postage & Fees Paid
GAO
Permit No. G100

NATIONAL INST OF JUSTICE
ACC DEPT
BOX 6000
KNOXVILLE TN 37900