

Report No. 2017-009-HRMS
October 2020

DEKALB COUNTY GOVERNMENT
Human Resources & Merit System Department

FINAL REPORT



John L. Greene, CIA, CIG, CGAP, CGFM
Chief Audit Executive

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John Greene
Chief Audit Executive

SAFETY-SENSITIVE EMPLOYEE (DOT AND NON-DOT) COMPLIANCE AUDIT AUDIT REPORT NO. 2017-009-HRMS FINAL REPORT

What We Did

In accordance with the Office of Independent Internal Audit (OIIA) Annual Audit Plan, we conducted an audit of DeKalb County's (County) safety-sensitive employee process. The objectives of the audit were to assess the County's compliance with key requirements of the United States Department of Transportation Title 49 Code of Federal Regulations (DOT regulations) and compliance with relevant County policies and procedures.

The audit began with a client kickoff meeting on July 3, 2017, and the engagement letter was issued on October 26, 2017, once the planning was completed. The initial audit period focused on transactions from January 1, 2016, through July 31, 2017. However, to accommodate process changes implemented by management in the evaluation, the audit period was expanded to December 31, 2018.

To achieve the audit objectives, we interviewed personnel from the Human Resources Department (HR) and various other user departments (UDs). We also reviewed available supporting documentation.

What We Found

We found that the County has a program in place to help ensure compliance with DOT regulations and County policies and procedures. However, we found some areas that require improvement:

- Positions were not classified consistently with the criteria provided.
- Annual drug and alcohol testing documentation was not maintained.
- Drug and alcohol testing was not completed for some safety-sensitive employees.
- Key requirements were not completed for safety-sensitive employees who tested positive for drugs or alcohol.
- Medical certifications were not renewed timely.
- Applicants who did not pass the pre-employment drug and alcohol testing were hired for safety-sensitive positions.

What We Recommend

We recommend that HR management:

- Work with the UD's to review the classifications for all positions with the duties performed by the positions to ensure that they have appropriately applied the criteria for safety-sensitive classification. In addition, HR

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management should update its procedures for classifying safety-sensitive positions to include the following:

- Benchmarking of County positions with other government organizations.
- A second review of the consultant's and the UD's assessment and recommendations.
- Implement procedures for maintaining, for at least two years, documentation to demonstrate that their random testing and selection process is compliant with DOT regulations.
- Work with the UD's to develop and implement procedures to help ensure notified employees' complete drug and alcohol testing timely.
- Implement procedures to help ensure compliance with the key requirements for employees who test positive on random drug and alcohol testing.
- Implement procedures to help ensure documentation for employees with positive drug and alcohol testing results is maintained for at least five years to facilitate compliance with DOT regulations part 40.333 and 382.401.
- Work with the UD's to review the current procedures to help ensure DOT safety-sensitive employees complete their Medical Certification (MC) renewal before it expires.
- Work with the UD's to help ensure compliance with DOT regulations and County policies and procedures to help ensure applicants are not employed in safety-sensitive positions until the County verifies that they pass pre-employment drug and alcohol testing.

Human Resources and Merit System Department Response

The Human Resources and Merit System Department provided a timely response on September 11, 2020. The Human Resources and Merit System Department Response to the Office of Independent Internal Audit 2018 Safety-Sensitive Employee Compliance Audit Report No.: 2017-009-HRMS, Audit Period: January 1, 2016 – December 31, 2018, **is attached at the back of the report.**

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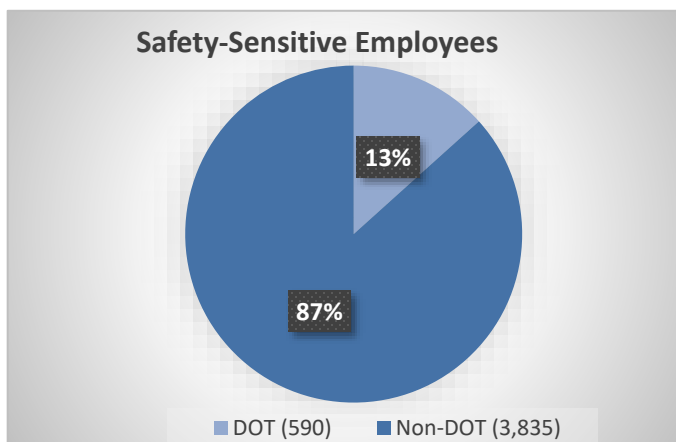
BACKGROUND AND INTRODUCTION

Employees in safety-sensitive positions typically perform duties that involve a potential for significant risk of harm to the employee, other employees, or the public.

The County's safety-sensitive positions include those that require a DOT issued commercial driver's license (CDL) and other employees who perform safety-sensitive duties.

The County currently employs approximately 4,000 employees in safety-sensitive positions across various County departments, such as Sanitation, Watershed Management,

Roads and Drainage, Police, Sheriff, Fleet Maintenance, and Fire.



source: HR provided total safety-sensitive employees for 2017.

Data

DOT regulations outline the key requirements for DOT safety-sensitive employees, such as the annual random drug and alcohol testing, pre-employment testing, and medical certification. DOT regulations section 521 provides civil and criminal penalties for non-compliance. Penalties for some offenses upon conviction could include fines as high as \$25,000 or imprisonment for a term not to exceed one year, or both.

Non-DOT safety-sensitive employees are only subject to the County policy dated 2007, which mirrored federal regulations, and was further revised/updated in 2017. The policy applies to both DOT and non-DOT safety sensitive employees. In 2017 HR also began updating and documenting its standard operating procedures for administrating safety-sensitive employee compliance. Violation of the County policies and procedures may result in disciplinary actions, including termination.

The HR Occupational Compliance Division, in conjunction with UD's, has responsibility for ensuring compliance with DOT regulations and the County policy. In 2017, HR hired an Occupational Compliance Administrator to help oversee the safety-sensitive employee compliance program. Prior to 2017, this function was performed by a Nurse Manager. HR also hosts the HR Policy Council meetings with the UD representatives. During these meetings, HR discusses with UD representatives, various policy and regulatory requirements and planned changes.

The County outsources to the Caduceus USA Medical Group (medical provider) for drug and alcohol testing, CDL medical certification services, and pre-employment screening.

AUDIT RESULTS

Our audit procedures used a sample of transactions to test management's compliance with Federal regulations and other criteria related to this program. Exceptions noted from the sample were evaluated on the basis that potential exists for additional exceptions within the population. Therefore, we found that some processes should be strengthened to help ensure compliance with key requirements for the safety-sensitive employee

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testing program. Further, our assessment noted that some processes present significant risks to the County even when one exception is allowed. While management may choose to accept such risks, the audit standards require the audit's evaluation of the process be based on the specific criteria of the program. The detailed findings and corresponding recommendations outlined in the report may help HR management in its compliance efforts.

FINDING 1 - Positions Were Not Classified Consistently with Criteria Provided

Objective: To determine if County positions were accurately classified.

Criteria:

- DOT regulations part 383 outlines the criteria for individuals that require a CDL.
- County procedures dated October 2017 outlines the criteria for the safety-sensitive classification of County positions.
- County position descriptions dated May 2019.
- Other government organization's safety-sensitive position classifications.

Condition: We evaluated a sample of 41 County positions using the County's criteria for determining the safety-sensitive classification of positions. In addition, the audit verified the duties performed by employees in these positions with the UD's.

Two positions had duties consistent with County's criteria for safety-sensitive classified positions. However, the positions were not classified as safety-sensitive by HR. The table below outlines the results:

Job Code	Position Title	HR's Classification	OIIA's Assessment	The basis for OIIA's Assessment
57140	Assistant Traffic Signal Installer	Non-Safety-Sensitive	Safety-Sensitive (DOT)	<ul style="list-style-type: none">• Since the Traffic Signal Installer position and the Assistant Traffic Signal Installer performs similar duties, both positions should be equally classified as safety-sensitive.
12105	Superintendent, Fleet Maintenance	Non-Safety-Sensitive	Safety-Sensitive (non-DOT)	<ul style="list-style-type: none">• The County position description outlines duties classified in the HR criteria as safety-sensitive: "Repair of Fleet equipment."

Cause: HR management stated that they used an external consultant and discussions with UD's to determine the accurate classification of positions.

Consequence:

- If a position is not accurately classified as safety-sensitive, it will not be included in the testing performed for safety-sensitive positions as well as the County may

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not be applying other safety-sensitive requirements to these positions.

- If a position is not accurately classified as safety-sensitive, the County could be at risk of fines and penalties for non-compliance with testing requirements.

Recommendation: We recommend that HR management work with the UD's to review the classifications for all positions with the duties performed by the positions to ensure that they have appropriately applied the criteria for safety-sensitive classification. In addition, HR management should update its procedures for classifying safety-sensitive positions to include the following:

- 1) Benchmarking of County positions with other government organizations.
- 2) A second review of the consultant's and the UD's' assessment and recommendations.

FINDING 2 - Annual Drug and Alcohol Testing Documentation Was Not Maintained

Objective: Determine if annual tests performed complied with DOT regulations.

Criteria:

- State of Georgia's LG16-010A and LG-16-0108 requires maintaining documents and records relating to the administration of alcohol and controlled substance testing program for at least two years.
- DOT regulations part 382.401 - Retention of records requires that each employer shall maintain records of its alcohol misuse and controlled substances use prevention programs. Documents relating to the random selection process should be kept for at least two years.
- DOT regulations part 382.305, states that "to calculate the total number of covered DOT drivers (baseline) eligible for random testing throughout the year, employers must add the total number of covered drivers eligible for testing during each random testing period for the year and divide that total by the number of random testing periods." A minimum annual 10% of the baseline population of eligible employees should be randomly tested for alcohol, and 25% of the baseline population of eligible employees should be tested for drug use.

Condition: HR management did not provide documentation to demonstrate that its method of determining the total number of covered DOT drivers eligible for random testing throughout the year resulted in more employees completing the random drug and alcohol tests than the minimum number required using the method outlined in the DOT regulations. Specifically, we were unable to obtain the following documents:

- The weekly static reports of safety-sensitive employees eligible for random testing during the 2016 and 2017 testing periods.
- The details of employees who were randomly selected and completed DOT alcohol and drug testing during 2016 and 2017.

Cause: HR management did not have processes in place to help ensure documentation is maintained to demonstrate that its processes are compliant with DOT regulations.

Consequence: If the County does not maintain documentation to demonstrate compliance with the DOT regulations, the County may be subjected to fines and penalties.

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Recommendation: We recommend that HR management implement procedures for maintaining, for at least two years, documentation to demonstrate that their random testing and selection process is compliant with DOT regulations.

FINDING 3 - Drug and Alcohol Testing Was Not Completed for Some Safety-Sensitive Employees

Objective: To determine if randomly selected safety-sensitive employees completed the required drug and alcohol testing.

Criteria:

- DOT regulations part 382.305 states employers shall require that notified drivers for random alcohol or controlled substances testing must proceed to the test site immediately upon notification.
- County policies and procedures require that (non-DOT) employees should report for alcohol or drug testing within 2 hours of notification.

Condition: We selected a sample of 66 DOT and non-DOT safety-sensitive employee files from the period of October 2016 through September 2018. Specifically, we reviewed the medical provider's records and correspondences between the UDs and HR management. As a result of the review, we determined that 8 of 66 (12%) employees did not complete random drug and alcohol testing timely.

Cause: Current procedures did not include a process for ensuring that the employees are tested in the timeframe outlined by the federal regulations and County policies and procedures.

Consequence: Not completing drug and alcohol testing violates the DOT regulations and County policies and procedures. Employees with drug or alcohol problems may not be detected timely. In addition, the risk of accidents increases, which could increase the risk of death, injury, and significant financial liabilities.

Recommendation: We recommend that HR management work with the UDs to develop and implement procedures to help ensure notified employees' complete drug and alcohol testing timely.

FINDING 4 - Key Requirements Were Not Completed for Safety-Sensitive Employees Who Tested Positive for Drugs or Alcohol

Objective: Verify compliance with DOT regulations and County policies and procedures for employees who have not passed drug and alcohol testing.

Criteria:

Key Requirement	Criteria
Suspension	<ul style="list-style-type: none">• Employees in positions designated as safety-sensitive and "zero-tolerance," such as most employees in Fire Rescue, Recreation Parks and Cultural Affairs, Police Services, and Sheriff departments, are terminated from employment for a first offense - County policy.

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Key Requirement	Criteria
Rehabilitation Program	<ul style="list-style-type: none"> Employees not in a department designated as safety-sensitive - zero-tolerance, for a first offense, should be suspended for a period of 40 hours and required to successfully complete an approved drug treatment program, for a second offense, terminated from employment - County policy. Employees are (required to) complete an appropriate education and/or treatment program - DOT regulations part 40.291.
Medical Retest	<ul style="list-style-type: none"> The Substance Abuse Professional (SAP) determines if the employee has successfully complied with the prescribed education and/or treatment.
After Care	<ul style="list-style-type: none"> The employee must have a negative drug test result before resuming the performance of Safety-Sensitive duties. - DOT regulations 40.305. The employee must participate in the County approved aftercare program for a period of one (1) year - County Policy. The employee must provide proof of attendance in the aftercare program on a monthly basis to HR - County Policy. Employers may monitor and document the employee's participation in the recommended services DOT regulations 40.303.
Follow-up	<ul style="list-style-type: none"> Employees who have returned to work following a positive drug or alcohol test will be subjected to follow-up testing. - County Policy. The employer must carry out the SAP's follow-up testing requirements. The employer cannot substitute any other tests (e.g., Those carried out under the random testing program) conducted on the employee for the follow-up testing requirement. - DOT regulations 40.309.

Condition: During the audit, we selected and reviewed files for 83 DOT and non-DOT safety-sensitive employees who had positive drug and alcohol for the period 2016 through 2018. The review indicated that **no** record was on file to document that:

- 28 of 83 (34%) employees were suspended.
- 2 of 83 (2%) employees attended a rehabilitation program¹.
- 4 of 83 (5%) employees performed medical retests¹.
- 21 of 83 (25%) employees attended an aftercare program where required¹.
- 5 of 83 (6%) completed follow up testing where required.

Cause: HR management does not have a formal process for tracking and documenting the progress of compliance activities for safety-sensitive employees who tested positive for drug or alcohol.

Consequence:

- Employees that are noncompliant with County policies and procedures and DOT regulations may create an unsafe work environment.
- Without documentation, the County may be unable to demonstrate compliance with DOT regulations and may be subjected to penalties for a recordkeeping violation.

Recommendation: We recommend that HR management:

¹ A constitutional agency decided not to implement HR's recommendation to terminate one of its employees for noncompliance with the key requirements.

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- Implement procedures to help ensure compliance with the key requirements for employees who test positive on random drug and alcohol testing.
- Implement procedures to help ensure documentation for employees with positive drug and alcohol testing results is maintained for at least five years to facilitate compliance with DOT regulations part 40.333 and 382.401.

FINDING 5 - Medical Certifications Were Not Renewed Timely

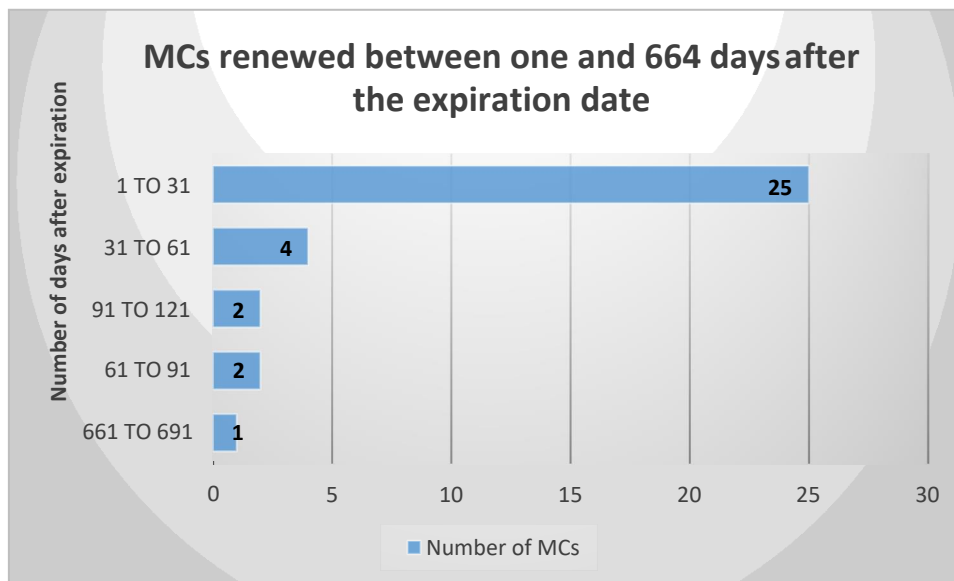
Objective: Determine if DOT medical certificates were renewed timely.

Criteria: DOT regulations 49 CFR part 391.41 - Physical qualifications for drivers, requires that a holder of a CDL must not operate a commercial motor vehicle unless he or she is medically certified as physically qualified to do so.

The Federal Motor Carrier Safety Administration (FMCSA) Medical Examiner Handbook outlines that there is no grace period on the expiration of MCs.

Condition: During the audit, we selected and reviewed 126 employees' MCs that expired from 2016 through 2019. We reviewed the medical provider's records and the County's records.

As a result of the review, we identified 34 of 126 (27%) that were renewed between one and 664 days after the expiration date. No record was on file to document that these employees did not perform safety-sensitive duties after the expiration of their MCs. The chart below shows the number of days after expiration before the MCs were renewed.



Cause: HR management stated that they were aware of the delays in renewing MCs, and in 2017, they implemented new procedures to help ensure that MCs for DOT safety-sensitive employees are kept current.

Consequence:

- Not renewing MCs before expiration may result in medically unfit individuals performing safety-sensitive duties, increasing the risk of harm to employees and the public.

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- Non-compliance with DOT regulations may result in fines and penalties for the County or legal liabilities if the employees with expired MCs are involved in an incident while performing safety-sensitive duties.

Recommendation: We recommend that HR management work with the UD's to review the current procedures to help ensure DOT safety-sensitive employees complete their MC renewal before it expires.

FINDING 6 - Applicants Who Did Not Pass the Pre-employment Drug and Alcohol Testing were Hired for Safety-Sensitive Positions

Objective: Verify that applicants for safety-sensitive positions are not hired within two years of not passing their pre-employment drug and alcohol testing.

Criteria: The County's policies and procedures require that the County:

- Withdraw any offer of employment if a safety-sensitive applicant did not pass pre-employment testing. In addition, the applicant is not eligible for County employment for two years after failing the pre-employment tests.
- Verify that current employees who were offered employment in safety-sensitive positions (DOT and non-DOT) completed drug & alcohol tests before reporting for duty.

The DOT regulations 49 CFR part 382.301 states that "Prior to the first time a driver performs safety-sensitive functions for an employer, the driver shall undergo testing for controlled substances as a condition prior to being used. No employer shall allow a driver, who the employer intends to hire or use, to perform safety-sensitive functions unless the employer has received a controlled substances test result from the Medical Review Officer (MRO) or a Consortia/Third Party Administrator (C/TPA) indicating a verified negative test result for that driver."

Condition: During the audit, we selected a sample of files for 65 applicants and reviewed the medical provider's records and County personnel records to verify that the selected applicants were not hired in safety-sensitive positions within two years of not passing their pre-employment testing. As a result of the review, we identified 3 of 65 (5%) instances where applicants who did not pass pre-employment tests were hired for safety-sensitive positions.

Cause: HR management and UD's did not comply with the requirements due to UD operational needs.

Consequence: Hiring applicants who do not pass their pre-employment testing for DOT safety-sensitive positions may:

- Result in hiring applicants who are not fit to perform safety-sensitive duties, increasing the risk of injury to other employees and the public.
- Expose the County to significant financial and legal liabilities.

Recommendation: We recommend that HR management work with the UD's to help ensure compliance with DOT regulations and County policies and procedures to help ensure applicants are not employed in safety-sensitive positions until the County verifies that they pass pre-employment drug and alcohol testing.

APPENDIX

Appendix I – Purpose, Scope, and Methodology

Purpose

The purpose of the engagement was to:

- Assess County compliance with United States Department of Transportation (USDOT) regulations:
 - 49 CFR Part 382 related to drug and alcohol testing for safety-sensitive classified employees with a CDL.
 - 49 CFR Part 391.41 on physical qualifications (Medical certification) for employees with a CDL.
- Determine compliance with the DeKalb County's Drug and Alcohol Testing Policy and Procedures dated January 25, 2007, relating to positions classified as non-DOT safety-sensitive (high risk).

Scope and Methodology:

The scope of the audit focused on, but was not limited to, the period January 1, 2016, through December 31, 2018.

The methodology included, but was not limited to, the following:

- Reviewing USDOT regulations, 49 CFR: Part 381 and Part 391.41.
- Reviewing DeKalb County's Drug and Alcohol Testing Policy and Procedures.
- Reviewing DeKalb County Fitness for Duty (Refrain from Duty) policy dated October 19, 2015.
- Selecting a sample of Safety Sensitive classified employees (Including employees with CDLs) and review supporting documentation.
- Interviewing County personnel and external third parties.
- Reviewing any other applicable documentation and information.

Appendix II – Definitions

Alcohol Test: A test conducted by a certified Breath Alcohol Technician, or any other person approved by the Department of Transportation in the use an Evidential Breath Testing Device (EBT) to measure the amount of alcohol concentration in a volume of breath or any other test used to detect the presence of alcohol that is approved by the FMCSA.

Commercial Driver's License (CDL) Operator: An individual who holds a valid CDL and operates a county commercial motor vehicle. All CDL operators are subject to alcohol and drugs/controlled substances testing as prescribed in these procedures.

Controlled Substance (Drug) Test: A test conducted to detect cocaine, marijuana, opiates, amphetamines, phencyclidine, barbiturates, benzodiazepines, methadone, methaqualone, propoxyphene, and any other substance designated to be a drug/controlled substance.

Consortia/Third Party Administrator (C/TPA): is an organization that provides administrative services to employers to facilitate their drug and alcohol testing programs. The C/TPA may manage a portion of an employer's drug and alcohol testing policy or the entire program.

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PROJECT TEAM

This report submitted by:

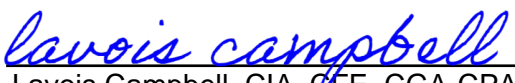


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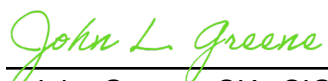


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Office of Independent Internal Audit

10/08/2020

Date

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John Greene, CIA, CIG, CGAP, CGFM
Chief Audit Executive
Office of Independent Internal Audit

10/08/2020

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STATEMENT OF ACCORDANCE

Statement of Accordance

The mission of DeKalb County is to make the priorities of the citizens of DeKalb County; the priorities of County government - by achieving a safer DeKalb, building stronger neighborhoods, creating a fiscally accountable and more efficient county government and uniting the citizens of DeKalb County.

The mission of the Office of Independent Internal Audit is to provide independent, objective, insightful, nonpartisan assessment of the stewardship or performance of policies, programs and operations in promoting efficiency, effectiveness and integrity in DeKalb County.

This performance audit was prepared pursuant to DeKalb County, Georgia – Code ordinances/Organizational Act Section 10A- Independent Internal Audit. We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

This report is intended for the use of the agency to which it was disseminated and may contain information that is exempt from disclosure under applicable law. Do not release without prior coordination with the Office of Independent Internal Audit.

Please address inquiries regarding this report to the Office of Independent Internal Audit at 404-371-2765.



DeKalb County
GEORGIA



Human Resources & Merit System Response to

Office of Independent Internal Audit

Safety-Sensitive Employee Compliance Audit
Report No.: 2017-009-HR

Review Period: January 1, 2016 – December 31, 2018

September 11, 2020

Management Response

Executive Summary

HR Overview

HR has oversight responsibility for organization and employee development; employee and management relations; policy development and administration; employee information systems and data management; occupational compliance; and operational department support to include talent acquisition, and classification and compensation. These efforts are executed with a staff of 35 and a budget of approximately \$4 million. All managers hold national certifications recognized by both the private and public sectors.

The Occupational Compliance Division, in conjunction with user departments, administers the safety-sensitive function for all applicants and employees. In addition, the division is responsible for coordinating generalized health screenings/services, providing administrative guidance, developing operational procedures and policies, and collaborating with other service providers. Specific services include:

- ✓ Pre-Employment Physicals
- ✓ Substance Abuse Testing
- ✓ Rehabilitation and Aftercare Program
- ✓ Physical/Psychological Fitness-for-Duty Evaluations
- ✓ ADA Reasonable Accommodations
- ✓ Employee Assistance Program

In fall 2017, new talent was hired for the Occupational Compliance division. This staff provides management oversight, recommends process enhancements that support a more collaborative approach with user departments, and ensures safety-sensitive and CDL programs are compliant with DOT regulations and County policy.

Audits in HR

Since 2016, OIIA has initiated four audits in HR. The four audits are CDL/Safety-Sensitive (2017), Temporary Personnel Contracts (2017), File Maintenance Process (2018), and Personally Identifiable Information (2018). With each audit, HR management and support staff gathered documents and responded to requested information, often extending the use of limited resources. Additional time also has been spent explaining HR processes in response to these audits. The CDL/Safety-Sensitive audit has been ongoing for four years. HR has been as thorough as possible to assist OIIA by providing a clear understanding of the rationale behind internal processes and procedures, to obtain an evaluation focusing on value-added, data-driven recommendations.

The executive summary of OIIA's report lists six issues with the CDL/Safety-Sensitive process. The issues are presented as broad statements which do not capture the full spectrum of HR processes. HR will offer a balanced explanation of the six issues based on situational specifics and nuances.

Finding 1: Positions Were Not Classified Consistently with Criteria Provided

OIIA's Recommendation:

We recommend that HR management work with the UDs to review the classifications for all positions with the duties performed by the positions to ensure that they have appropriately applied the criteria for safety-sensitive classification. In addition, HR management should update its procedures for classifying safety-sensitive positions to include the following:

- 1) Benchmarking of County positions with other government organizations.
- 2) A second review

Management Response

Executive Summary

HR Response to Audit Finding 1 & Recommendation

There were only two classifications that warranted further examination. HR reassessed positions with user departments and the consultant, concluding 39 of 41 (95%) classifications reviewed by OIIA were correctly classified as safety-sensitive. *Attachments were previously provided to OIIA and are available upon request.*

HR Current-Improvements

The safety-sensitive list of classifications is a living document and is updated and maintained as requirements dictate. These classifications are benchmarked against other governments and private-sector agencies by an external consultant during a pay and class study process.

Additionally, HR will follow its modified SOP for assessing the appropriate safety-sensitive designation of new and existing classifications. This updated document will semi-annually request departments to confirm the safety-sensitive status of existing classifications and whether adjustments are required.

HR Improvements in Process

- Conduct semi-annual review of safety-sensitive classifications with user departments and nearby municipalities. [Ongoing](#)

Finding 2: Annual Drug and Alcohol Testing Documentation Was Not Maintained

OIIA's Recommendation:

[We recommend that HR management implement procedures for maintaining, for at least two years, documentation to demonstrate that their random testing and selection process is compliant with DOT regulations.](#)

HR Response to Audit Finding 2 & Recommendation

For the period identified (2016-17), documentation was provided indicating the total eligibility pool, and the methodology used for the random selection process. HR met DOT's annual testing requirements of 25% drug and 10% alcohol which can be substantiated by vendor reports. However, documentation of the random selections generated weekly were not all available due to transitions in staff, discontinued use of the Occupational Health Management (OHM) system, and outsourcing of some of the functions. *Attachments were previously provided to OIIA and are available upon request.*

HR Current-Improvements

When HR acquired talent proficient in compliance, technology, and program management, improved controls and accountability measures were implemented. Since 2017, weekly selections, notifications sent to departments, and monthly summaries of those who completed testing are readily available. These files are maintained in OCD for at least two years as required by the State of Georgia and DOT.

Random test pools will continue to be generated in accordance with accepted DOT practice of setting the overall target number each January and refreshing the actual employees each week.

For positive drug and alcohol tests, those records are maintained in the Occupational Compliance office for five years.

HR Improvements in Process

- Perform annual close-out summarizing random selections, notifications, and positive drug/alcohol test results to be included in historical binder/electronic file. [To be performed annually at year end](#)

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Finding 3: Drug and Alcohol Testing Was Not Completed for Some Safety-Sensitive Employees

OIIA's Recommendation:

We recommend that HR management work with the UD's to develop and implement procedures to help ensure notified employees' complete drug and alcohol testing timely.

HR Response to Audit Finding 3 & Recommendation

Only eight (8) in the sample of 66 identified by OIIA had issues. There was one safety-sensitive employee that was a "no show" after HR notified UD. The remaining seven were tested, although not immediately as delays were due to scheduling issues i.e., not at work, going to wrong facility, and other nuances which OIIA did not document in the finding. *A chart regarding the 8 employees was previously provided to OIIA and is available upon request.*

HR Current-Improvements

Since 2017, HR has provided departments with same day written notification of employees selected for random tests. At the end of the business day, HR provides a second list of employees who were "no shows". Departments must provide written explanation for employee failure to complete test. HR documents department explanations and if it does not meet exemption criteria it is considered a positive result.

The DOT exemption criteria states an employee who is on an extended leave of absence or will be off duty for the duration of the selection period may be excused and rescheduled. An employee without a legitimate excuse is required to serve a 40-hour suspension and must enroll in an approved drug/alcohol program, or be terminated.

HR Improvements in Process

- Facilitate training for UD's to support HR compliance with random testing procedure and required written explanation for no-shows. [To be conducted semi-annually](#)
- Update Drug and Alcohol Policy to incorporate list of acceptable work-related reasons for no-shows. [To be completed November 2020](#)

Finding 4: Key Requirements Were Not Completed for Safety-Sensitive Employees Who Tested Positive for Drugs or Alcohol

OIIA's Recommendation:

- Implement procedures to help ensure compliance with the key requirements for employees who test positive on random drug and alcohol testing.
- Implement procedures to help ensure documentation for employees with positive drug and alcohol testing results is maintained for at least five years to facilitate compliance with DOT regulations part 40.333 and 382.401.

HR Response to Audit Finding 4 & Recommendation

Some UD's did not ensure that all safety-sensitive employees completed requirements outlined in the Drug and Alcohol Policy. There were instances where user departments failed to impose the 40-hour suspension for positive drug test, allowed employees to utilize leave in lieu of actual suspension, neglected to submit PA2 form to HR noting a suspension, or entered leave without pay in Kronos without supporting documentation. Consequently, there appeared to be no record on file documenting the required action for the drug and alcohol infraction committed by the sample of 83 safety-sensitive employees. It is the responsibility of the user department head to effectuate adverse actions (suspensions) for drug-related offenses.

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The issues identified with the sample of 83 can also be expressed as follows:

- 98% attended a rehabilitation program
- 95% completed a medical retest before resuming safety-sensitive duties
- 94% completed follow-up testing where required
- Of 21 employees identified by OIIA not having proof of aftercare, HR has documentation for four, therefore, actual was 17:
 - 9 Subsequently passed random/follow-up testing
 - 5 Terminated as result of positive follow-up/random
 - 2 Resigned (unrelated)
 - 1 Refused testing (positive result), retained at discretion of Constitutional Officer
- Of 28 OIIA identified with no record of suspension, HR found instead:
 - 1 duplicate
 - 2 documented suspensions
 - 11 coded by department as leave without pay (suspension) for at least 40 hours in Kronos
 - 11 placed on leave of absence by department but allowed to use accrued paid leave
 - 1 resigned
 - 1 retired
 - 1 not terminated, at discretion of Constitutional Officer

Attachments were previously provided to OIIA and are available upon request.

HR Current-Improvements

HR has developed two checklists, one internal and one departmental, to help ensure compliance with the key requirements for employees who test positive on random drug and alcohol testing. Both checklists chronicle and document the refrain-from-duty process.

HR will continue to maintain files on employees with positive drug and alcohol test results for five years. These files document employee participation and aftercare compliance requirements of the drug and alcohol program.

HR Improvements in Process

- Review of drug-related suspensions (at least quarterly). [Ongoing](#)
- Review of active aftercare documents (at least quarterly). [Ongoing](#)
- Implement department checklist. [To be completed November 2020](#)

Finding 5: Medical Certifications Were Not Renewed Timely

OIIA's Recommendation:

[We recommend that HR management work with the UDs to review the current procedures to help ensure DOT safety-sensitive employees complete their MC renewal before it expires.](#)

HR Response to Audit Finding 5 & Recommendation

The renewal of medical certifications is a collaboration between the department, affected employees, and HR. OIIA did not acknowledge nuances that delay completion of certifications i.e., employees on workers' compensation, FMLA, extended leave (sick, annual, donated) or cannot pass physical exam.

Of 126 employees sampled, OIIA noted that 34 employees took between 1 to 664 days to recertify. However, OIIA did not account for underlying reasons impacting employee recertification. Only 25 employees took up to 30 days to recertify, and four (4) up to 60 days. HR records show the following regarding the longest time periods:

- The longest employee (664 days) was performing duties that did not require a CDL during the

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identified time period.

- Recertified as Equipment Operator 1/25/2016 for 6 months (expired 7/19/2016)
- Assigned to Beautification as Crew Leader 5/7/2016 – 10/06/2018 (classification requires CDL; however, assigned to work detail that did not require CDL)
- Recertified 5/14/2018 prior to reclassification as Crew Supervisor (CDL job) 10/6/2018
- 2 employees with 91-121 days to certify were on Workers Comp or assigned duties that did not require a CDL.
- 2 employees with 61-91 days to certify were on Workers Comp or assigned duties that did not require a CDL.

Attachments were previously provided to OIIA and are available upon request.

HR Current-Improvements

HR has established an SOP and implemented a system to assist departments with the recertification process. When an employee no longer meets DOT certification requirements, HR informs the employee's department. The department is responsible for ensuring an employee does not perform CDL duties until recertified. HR also does the following:

- Notifies departments 30 days in advance of medical card expiration
- Schedules recertification physical exams
- Checks status of previous month's expired medical cards; if not renewed, HR issues notice to refrain employee from CDL duties
 - Refrained employee must recertify within 45 days after receiving notice; employee must provide requested medical documentation to County's occupational health provider
 - Employee utilizes accrued leave or leave without pay
 - HR notifies department if/when medically cleared to resume safety sensitive functions
 - HR performs follow-up with department prior to conclusion of 45-day period
 - After 45 days, department should demote or separate employee or request a medical extension from HR
- Recommends departments physically check driver's licenses and blue cards on at least a monthly basis.

HR Improvements in Process

- Conduct refresher training for UD's with CDL responsibilities. *To be conducted semi-annually*

Finding 6: Applicants Who Did Not Pass the Pre-Employment Drug and Alcohol Testing were Hired for Safety-Sensitive Positions

OIIA's Recommendation:

We recommend that HR management work with the UD's to help ensure compliance with DOT regulations and County policies and procedures to help ensure applicants are not employed in safety-sensitive positions until the County verifies that they pass pre-employment drug and alcohol testing.

HR Response to Audit Finding 6 & Recommendation

HR tested approximately 3,000 applicants during the 3-year audit period. Of the sample of 65 reviewed by OIIA, 3 were inadvertently hired. That represents .001% of the hired individuals. Since 2017, HR has acquired meaningful technology and eliminated a paper intensive pre-employment process. *A chart was previously provided to OIIA and is available upon request.*

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HR Current Improvements

HR has implemented new automated processes consisting of the following:

- Electronic notification from the County's external medical provider to OCD and appropriate HR Generalist with qualified/disqualified work status
- If disqualified, OCD verifies
 - Medical issue – applicant must provide medical documentation for clearance
 - Alcohol/drug-related – Generalist rescinds offer

In HR's role as a strategic business partner, contingent offers are extended based on the applicant's successful completion of pre-employment physical and background check. If a new hire is disqualified, the offer is withdrawn and employee is separated. In the case of safety-sensitive jobs, HR requires passing of pre-employment physical prior to start date.

HR Improvements in Process

HR is working with the external occupational health vendor to implement their new Electronic Medical Record (EMR) system. HR will use the new technology to improve internal workflows and minimize the likelihood of error.

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Human Resources & Merit System Department

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