

**16th Annual FTA Drug and Alcohol Program
National Conference**

March 14-16, 2023

**Ask the Auditors:
The Audit Process**

**Lori DeCoste
Felicity Shanahan
USDOT/Volpe Center**

**Joseph Lofgren
John Spelman
Cahill Swift**


 U.S. Department of Transportation
Federal Transit Administration

 **FTA**
FEDERAL TRANSIT ADMINISTRATION

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Session Goals

- Discuss the FTA audit process
- Give employers a better understanding of what to expect
- Answer questions

 FEDERAL TRANSIT ADMINISTRATION

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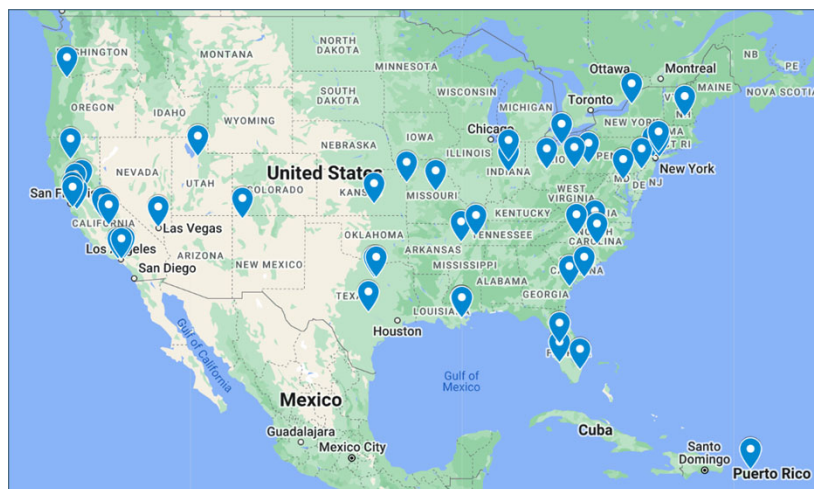
Background

- FTA audits approximately 60 grantees and states each year
 - to assess grantees' compliance with Part 655 and Part 40
 - to provide technical assistance
- Selection of grantees is based on a variety of factors, e.g.:
 - Time since last audit
 - Proximity to other selected grantees
 - “Red Flags”

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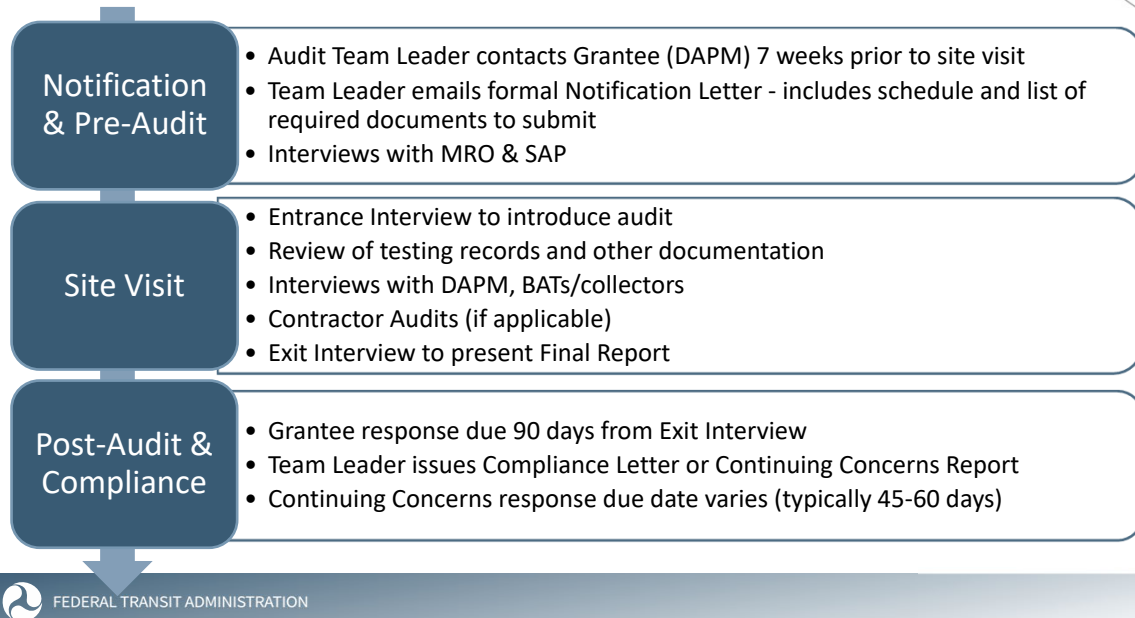
Background

2022-2023 Audits



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Phases of the Audit Process



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Pre-Audit

- As soon as possible after notification, DAPM should:
 - Notify key individuals
 - Notify contractors (if applicable)
 - Notify vendors
 - Begin gathering the pre-audit information package
- Before the audit, the following materials are due:
 - Drug and Alcohol Policy
 - Spreadsheets with testing data
 - Vendors' contact information
 - Completed schedule

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Pre-Audit

- After receiving the pre-audit package, the Team Leader:
 - Reviews policy
 - Analyzes testing data
 - Conducts SAP and MRO phone interviews
- During the week preceding the audit, the Team Leader provides DAPM with final audit schedule and lists of records selected for onsite review
 - DAPM distributes schedule
 - DAPM must “pull” all required records prior to the audit team’s arrival
 - Contractors also must pull records in advance



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Site Visit

- Audit team arrives for Entrance Interview
 - Introductions
 - Overview of audit process/schedule
 - Questions/answers about process
 - “Open process”
- Records Review begins
 - Part 655 compliance
 - Part 40 compliance



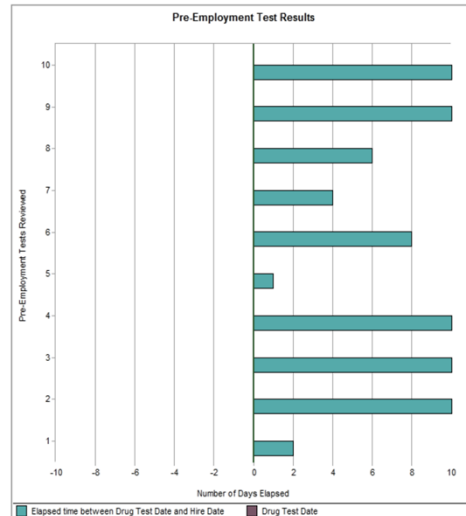
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Site Visit

Records Review: Pre-Employment

What we look for:

- Verified negative result prior to placement into SS duty
- No more than 90 days between negative result and first performance of SS duty
- Previous employer records requests (40.25)

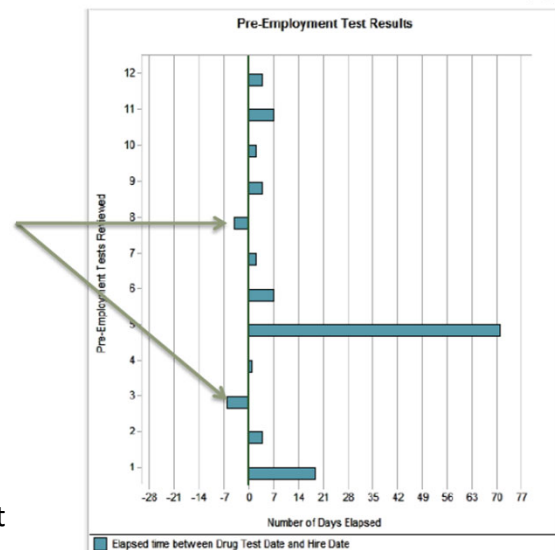


Site Visit

Records Review: Pre-Employment

Typical Findings:

- Employees placed in SS duty before a negative result is received
- No test result at all
- Missing elements of 40.25
- Test conducted after 90+ day absence, but no removal from testing pool

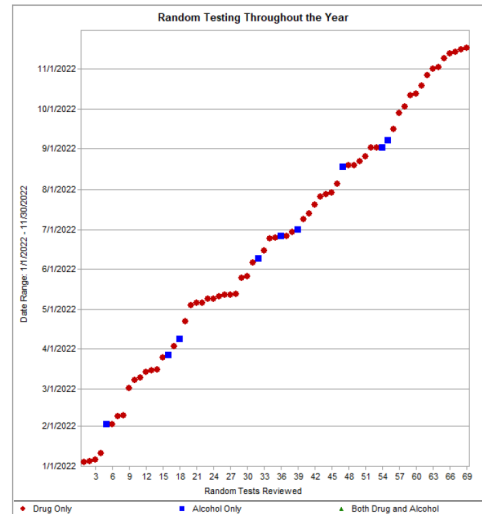


Site Visit

Records Review: Random

What we look for:

- Unpredictable spread of random testing
 - throughout the year
 - days of the week
 - hours of the day
- Valid and recorded excuses



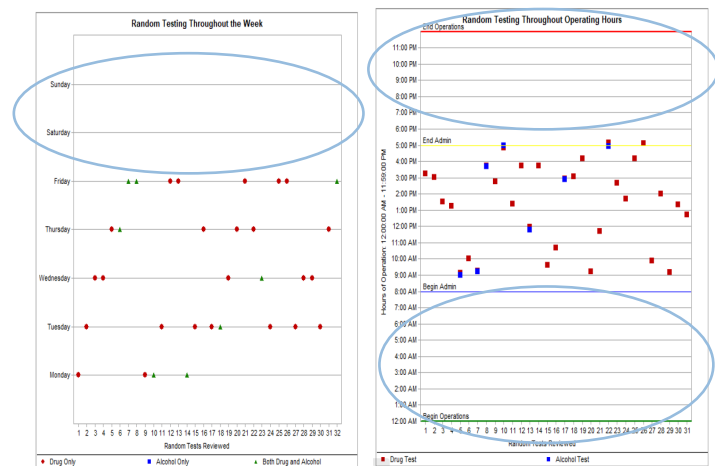
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Site Visit

Records Review: Random

Typical Findings:

- Lack of weekend testing
- Lack of early morning/late night testing
- Excusals for invalid reasons, or not fully documented
- Poor selection list management



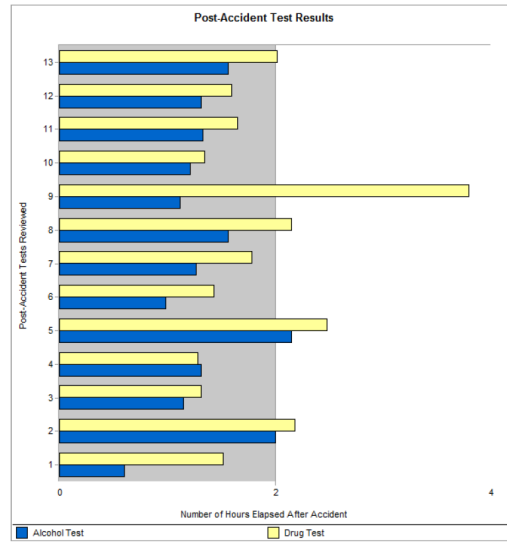
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Site Visit

Records Review: Post-Accident

What we look for:

- Accident meets FTA criteria
- Decision-making process documented
- Time limits: 2hr/8hr/32hr rules



Site Visit

Records Review: Post-Accident

Typical Findings:

- FTA tests after incidents that do not meet testing criteria
- FTA tests conducted after employee is clearly discounted as a contributing factor
- Decision not to perform FTA test insufficiently documented
- Delays in alcohol testing not documented

Site Visit

Records Review: Reasonable Suspicion

What we look for:

- Determination based on specific, contemporaneous, articulable observations
- Ordered by trained supervisor (2 hr training)
- Time limits: 2hr/8hr rule

Typical Findings:

- Testing based on observations that do not meet FTA criteria
- Delays in alcohol testing not documented

Site Visit

Records Review: Return-to-Duty & Follow-Up

What we look for:

- Written evaluations and follow-up testing plan from SAP that meet Part 40 requirements
- Negative return-to-duty test prior to returning to SS duty
- Follow-up tests according to the SAP's testing plan
- All tests under direct observation

Typical Findings:

- Testing does not follow SAP's testing plan
- Testing days and time are predictable

Site Visit

Records Review: *Miscellaneous*

What we look for:

- CCFs/ATFs reviewed for errors and corrected if necessary
- Required drug training for all covered employees
- SAP referral provided to anyone who fails or refuses a DOT test (applicants too)

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Site Visit

DAPM Interview:

- To assess DAPM's knowledge of the regulations and D&A testing procedures
 - Sometimes more than one person is interviewed (e.g., assistant/backup)

Typical Findings:

- DAPM unaware of certain regulatory requirements
- Inadequate training
- Missing inquiries into employee's testing history

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Site Visit

Collection Site Visit:

- Mock drug and alcohol test with the primary BAT/collector
- Follow-up questions assess BAT/collector knowledge
- Review calibration records, Quality Assurance Plan (QAP), training certificates
- Address any issues found during auditors' record review

Site Visit

Collection Site Visit

Typical Findings - BAT:

- Failure to conduct alcohol test first
- Unaware of issues that result in cancelled test
- Unaware of how to handle employee conduct during 15-minute wait period

Typical Findings - Collector:

- Steps completed out of order
- Unaware of how to deal with non-routine collections (e.g., employee is uncooperative)
- Inadequate shy bladder procedures

Site Visit

- Wrap-Up/Debriefing
 - Auditors provide a verbal debriefing of any deficiencies
 - “No surprises” in the audit report



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Site Visit

- Contractor Site Visits (if applicable)
 - Grantee is fully responsible for compliance of its contractors
 - Same auditing process
 - May include another collection site visit
 - Verbal debriefing of any deficiencies



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Site Visit

- Exit Interview
 - Present final audit report
 - “Exceptions” report
 - Discuss format of the report and some key findings
 - Describe 90-day response process



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Post-Audit

- Audit Response Period
 - Employer describes and documents corrective action taken
 - Policy modifications
 - Statements of regulatory understanding
 - Changes in testing procedures
- Review of Audit Response
 - Reviewed by Team Leader and Federal Representative
 - If complete, Team Leader issues Compliance Letter
 - If inadequate, Team Leader issues Continuing Concerns letter
 - Compliance Letter formally closes out the audit



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Post-Audit

- Ongoing Support
 - Auditors are a resource to which DAPMs and stakeholders have ongoing access, even after compliance
 - Do not hesitate to contact with questions as they arise



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Questions?

Ask the Auditors!



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