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## SURVEYS ON DRUGS

Tab		Year
A	Gallup, Youth and Marijuana	1983
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Findings from  
The Gallup Youth Survey  
1983

Changes in use:

- o Those teenagers who have tried marijuana have also decreased. As early as 1980, 40% had reported trying marijuana. In 1983 only 19% had tried.
- o In 1978 teenagers reporting use in the preceding month was 27%. This figure has also declined to only 8% in 1983.
- o In the late 1970's over half on the older teenagers reported having tried marijuana, and 26% of the 13-15 yr olds had tried. Now the younger teens are the 16-18 yr olds and they report only 26% have tried. If this trend continues, further reductions may be anticipated as only 10% of the young teenagers report having tried.
- o The midwest reports the fewest number of teenagers who have tried marijuana, as does non-metropolitan area, and blue-collar background teenagers.

Shifts in attitudes:

- o Increasing proportions of youth believe that possession of marijuana should be a criminal offense. In 1978 46% agreed increasing to 70% in 1983.
- o Legalizing marijuana has also decreased in favor. Only 17% support legalization in 1983, whereas 32% supported it in 1978.

Findings from  
The Gallup Youth Survey  
July-September 1984

- o Only 4% of teenage boys report that they like girls who smoke marijuana. Only 9% like girls who drink alcoholic beverages.
- o Teenage girls disapprove of marijuana smoking boys even more so. Only 1% say that they like marijuana smokers and only 5% of the girls report that they like boys who drink alcoholic beverages.

Findings from  
The Gallup Poll  
October 1984

*Howard Jensen*

In survey #244-G:

Teenagers reported that the biggest problem facing teenagers today:

- o Drug Abuse is number one with 42%, followed by alcohol abuse with 14%. Thus, 56% of teenagers believe drug and alcohol abuse is the major concern.
- o This is up from 35% in 1983 and 27% in 1977.

Findings from  
Who's Who Among American High School Students  
The Fifteenth Annual Survey of High Achievers  
1984

When is 85 DATA or 86

Use patterns:

- o The majority of high achievers have never used illicit drugs. 86% have never tried marijuana, 98% have never tried cocaine.
- o 93% of the students believe the schools should have some type of penalty for drug offenders on the high school campus. 71% believe offenders should attend special classes, 70% believe their parents should be notified.
- o 55% believe drug offenders should be suspended and 37% believe they should be expelled.
- o Only 2% of the students believe that information about drugs and alcohol should not be provided in school classes.

Findings from  
NIDA High School, College and Other Young Adults  
Trends Through 1985

Changes in use:

- o Cocaine use has remained virtually unchanged among college students since 1980, rising from 16.9% in 1980 to 17.3% in 1985.
- o All other drug use is down. This includes marijuana, alcohol and stimulants.
- o Nearly 40% of all high school graduates have tried cocaine by age 26 or 27.
- o Declines in drug usage is typical for all high school graduates of the same age, not just those that are college bound.
- o College students are more likely than their age peers to report heavy drinking.
- o Marijuana use among college students fell from 51% trying marijuana within the previous year in 1980 to 41% in 1984. The 1985 figure remains the same. *one in 10 or 11*
- o Daily use dropped from 7.2% in 1980 to 3.1% in 1985.
- o College students are less likely than their age peers to use LSD or prescription drugs without medical supervision. They are also less likely to be smoking marijuana daily.

Shifts in attitudes:

- o Only about one third of college students see much risk with trying cocaine.
- o 3/4 of college students disapprove of even trying cocaine.



Findings from  
The Gallup Youth Survey  
January - February 1985

Shifts in attitudes:

- o Teenagers would like to see stricter state laws, especially in the area of drugs and child abuse.
- o Three teens in four believe that their state laws should be more strict against drug selling, the use of "hard" drugs and the use of marijuana.
- o A majority of teens would like to see tougher state laws against alcohol abuse, drunk driving and sales of alcohol to minors.
- o The pressure to drink alcohol is high at 34%; however, this has declined 39% in 1982. *Down from or Declined 39%*
- o An even greater drop in pressure is noted for marijuana smoking. In 1985 24% report feeling pressured, while 32% reported pressure in 1982. *+ 34%  
73%*
- o The declines parallel recent Gallup Youth Survey reports that marijuana use has declined among teenagers.
- o Teens in the midwest report feeling the most pressure whereas easterners feel the least need to conform.

Findings from  
The Gallup Poll  
May 1985

Shifts in attitudes:

- o Fewer people today than any time since 1977 favor legalization of the use of marijuana or removing criminal sanctions on possession.
- o 73% oppose legalization as compared to 66% in 1977. On the same lines, 50% feel the possession of small amounts of marijuana should be treated as a criminal offense. In 1980 and 1977 small majorities backed the removal of criminal penalties for possession.
- o The young adults still take the most liberal view to legalization. However, the percentage who oppose legalization has increased 20 points from 46% in 1977 to 66% in 1985. That is the largest increase in any category.
- o The greatest swings towards regulation appear among westerners, young adults, and college-educated.

Findings from  
NIDA High School Senior Survey  
1985  
(16,000 students in 132 schools)

Change in use patterns:

- o A 5 year decline in drug use among high school students seems to have stalled.
- o Daily marijuana use is less than half of what it was in 1978 (5% vs 11%).
- o Cocaine has been tried by 17% of the seniors -- the highest rate observed in the continuing study.
- o Cocaine use is up among virtually all of the subgroups: males and females, college-bound and non-college-bound, rural and urban areas.
- o Cocaine use has decreased in the South.
- o 61% of the seniors report using an illicit drug at some time in their lives.

Shifts in attitudes:

- o Nearly 80% of the high school seniors acknowledge the harmful effects of cocaine. (This is up ~~from~~ 10% in 1979.)
- o Only 34% see harm in experimenting with cocaine. UP ~~from~~ 3% in 1979.

Findings from  
USA Today College Poll  
Reported May 1986  
(999 students responded from 104 schools)

Use patterns:

- o 51% of the students report that their friends drink hard liquor once a week.
- o 18% report that their friends smoke marijuana once a week and 5% report that their friends do cocaine at least weekly.
- o There is pressure to use drugs to use drugs as reported by 18% of the students.
- o 49% report that there is pressure to drink alcohol and 49% report that there is no pressure to do alcohol.

# The message: 'We're fed up, tired of drugs'

Would you object to being tested?  
Yes . . . 21%  
No . . . 77%  
Not sure 2%

By Sam Meddis  
USA TODAY

Drug testing in the work place — a hot new front in the drug war — has broad support across the nation, a new USA TODAY poll shows.

In a week that a presidential commission called for drug tests on federal workers and asked private firms to consider the same, the poll

## finds:

■ 62 percent of us support mandatory drug testing for federal workers and employees of government contractors; 29 percent oppose.

■ 43 percent are for drug testing in private firms, and 48 percent are against it.

■ But the overwhelming majority of us — 77 percent — would not object to being tested in the workplace.

"What you're seeing overall is that the American public is saying, 'We're fed up. We're tired of drugs. And whatever it takes to do it, let's do it,'" says Carlton Turner, director of the White House Drug Abuse Policy Office.

The survey of 762 adults randomly selected across the USA was conducted Tuesday and Wednesday nights by the Gordon S. Black Corp. of Rochester, N.Y. It has a margin of error of plus or minus 4 percent.

Drug-testing support comes from people like Gretchen Brenner, 40, of Kansas City, Mo., a Veterans Administration dental assistant — one of the people who could be screened if the commission's recommendation is adopted.

"If people feel their jobs are in jeopardy, they wouldn't be so willing to take drugs," she says.

Brenner and her co-workers have discussed the possibility that screening could violate constitutional rights.

"But I don't care," says Brenner. "I didn't want to be forced to put a smoke detector in my home, but I felt it was for my own good."

The survey findings come at a time when many sectors are feeling a big drug-testing push:

■ The National Collegiate Athletic Association introduces drug testing next school term in all sports championships. In the poll, 69 percent favor testing college athletes; 28 percent oppose.

■ The Federal Aviation Administration tests 24,000 air controllers and safety inspectors this fall.

■ By early summer, the Customs Service starts testing up to 14,000 employees.

■ The Drug Enforcement Administration plans to randomly test 2,400 staffers.

■ About 28 percent of Fortune 500 companies already screen applicants and employees.

Just March 1, Du Pont Co. — which employs 110,000 — began drug testing for new job applicants.

The number of companies testing will double within a year, says J. Michael Walsh of the National Institute of Drug Abuse.

Today, his panel of industry and drug abuse experts will issue a report on drugs in the workplace. It is expected to call for more research on tests and for policies that treat drug abuse as health and safety issues, not law enforcement ones.

"Technology has just reached the stage where testing has real utility," says National Institute of Justice head James Stewart.

For the past 18 months, the justice institute has sponsored testing of 24,000 people arrested in New York City and Washington, D.C. Accuracy of the test: 95-98 percent.

In general, most testing involves urine samples. If a drug is present, a chemical reaction occurs, and then a computer analyzes the result. Most commonly tested drugs: cocaine, barbiturates, amphetamines, marijuana, Quaaludes, opiates and PCP.

Proponents call testing a powerful weapon in the drug war. The demand for illegal drugs is vast. The \$110 billion industry feeds more than 20 million regular marijuana users, 6 million regular cocaine users and about 500,000 heroin users, among others.

Some experts say testing could backfire.

Barbara Cooper-Gordon, who runs the drug treatment program at New York's Beth Israel Medical Center, daily sees such drug abusers as teachers, nurses, doctors, Wall Street lawyers and stockbrokers.

Cooper-Gordon calls mass screenings a "witch hunt."

Employers could better spend money educating managers on how to spot drug problems, she says, such as watching for declining job performance, increased absenteeism and mood swings.

John Hardgraves, 25, a tutor at Jersey City (N.J.) State College, disagrees. He is against "drugs for anybody." He believes workers should be tested "every two weeks."

Widespread testing could be expensive — between \$4 and \$10 per sample for the most common urine exams and about \$30 for a more sophisticated test.

Allan Adler of the American Civil Liberties Union says many of us — frustrated by the government's stalemated drug battle — are getting caught in an anti-drug frenzy.

"People are not aware of the fallibility of the test or the scope of the invasion of personal privacy," he says.

Medications for physical and psychological disorders can throw off results, and tests can't distinguish between a chronic user and an occasional off-the-job user, he says. A bad test could ruin someone's reputation.

But Arthur Brill of the President's Commission on Organized Crime — which proposed testing this week — says screening is "no different in concept than all of us taking vision tests before getting a driver's license."

The poll also found:

■ 55 percent agree testing would be a violation of privacy rights; 37 percent do not. "I think I would only object if I were guilty," says Marie McCawley, 67, a Dunedin, Fla. homemaker. "I'm in favor of anything that will get rid of drugs."

■ Most of us — 91 percent — would let first-time offenders off with a warning. Only 27 percent favored work suspension.

■ Most concern focused on jobs involving public safety — "things directly relating to life and death," says Lisa Quiambo, 24, a Wheaton, Ill., nurse.

And 64 percent favor testing for professional athletes. Baseball commissioner Peter Ueberroth, who recently disciplined 21 players for drug use, has vowed baseball will be drug-free this season.

Amateur sports ranked as high: 65 percent favor testing for high school players.

But National Federation of State High School Associations, which represents interscholastic sports programs across the USA, supports drug education rather than testing.

Forrest Varlin, a maintenance supervisor in Los Angeles, backs testing but thinks "people are picking on athletes a little more than other people. They are in the limelight a little more."

While everyone wants to end drug abuse, many wonder if the risks of drug testing outweigh the benefits.

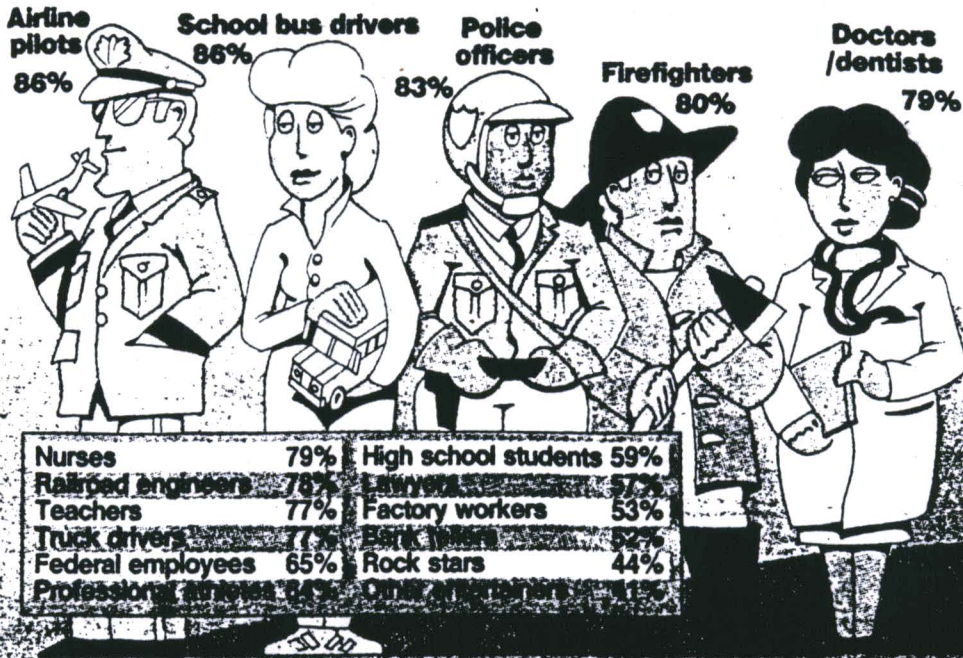
Former Justice Department official Jeff Harris worries that "wholesale" screenings could open the door to other personal intrusions — perhaps into workers' sex lives or finances.

"My concern," he says, "is where does it stop."

Contributing: Patrick O'Driscoll, Darcy Trick, Susan Allen, Wayne Beissert

# Poll: We back drug tests

## Who should be tested?



Source: Gordon S. Black Corp.- USA TODAY poll

By Bob Laird, USA TODAY

**TODAY'S DEBATE: Fight drug pushers, don't test everybody, 104**



By Bob Riha Jr., USA TODAY  
**FORREST VARLIN:** L.A. man favors testing but 'people are picking on athletes.'



By Daniel M. White  
**GRETCHEN BRENNER:** Federal worker in Kansas City strongly backs tests.



By Robert Deutsch, USA TODAY  
**JOHN HARDGRAVES:** New Jersey college tutor is against 'drugs for anybody.'

ATTITUDES

*Review*

Gallup Youth Survey

- o Biggest concern is drug abuse

<u>1984</u>	<u>1983</u>	<u>1977</u>
42%	35%	27%

*77 83 84*

- o increased opposition to legalization of marijuana

<u>1983</u>	<u>1978</u>
80%	62%

*we need left to right*

- o increased opposition to decriminalization of marijuana

<u>1983</u>	<u>1978</u>
70%	40%

GALLUP 1985 (National Survey)

- o Against legalization of marijuana

<u>1985</u>	<u>1977</u>
73%	66%

- o 50% believe marijuana should be treated as a criminal offense

High School Poll -- New Jersey (1986)

- o Is regular use of marijuana a problem?

30% Sometimes  
59% Almost Always

- o Is regular use of marijuana a smart thing to do?

90% No

Los Angeles Times 4/30/86

- o more than 1/2 California high school juniors have experimented with drugs and 85% have tried alcohol

- o more whites than blacks, asians, or ethnics have tried alcohol and marijuana

- o marijuana is the most common drug followed by coke, speed, inhalants

USA Today March 1986

- o Would you object to being tested?

<u>Yes</u>	<u>No</u>	<u>Not Sure</u>
21%	77%	2%

L.A. Times Poll (October 1981)

- o 76% disapproved of legalization of marijuana and 62% thought the media disapproved of legalization

Mood of American Youth Survey (1983)

- o 47% of students identified drugs as single worst influence on young people. Alcohol was second

Who's Who Survey

- o Teens who have never tried marijuana  

<u>1984</u>	<u>1975</u>	<u>1971</u>
86%	73%	76%

Glamour Magazine (December 1985)

- o 76% support national minimum drinking age of 21

California Opinion Index (August 1983)

- o 65% believe marijuana is a dangerous drug
- o 64% oppose legalization of marijuana
- o the "ex-user" population is at 31% - highest ever recorded
- o shifts in attitudes:
  - o support for legalization has declined since the late 70's
  - o half again as many support strict enforcement of existing laws or passage of even tougher laws as did in 1979
  - o over half who no longer smoke marijuana cite health concerns and four in ten say the drug no longer interests them

Gallup - Opinion of State Laws (Teen response) 1985

- o drug selling - 79% not strict enough
- o hard drug use - 78% not strict enough
- o marijuana use - 77% not strict enough
- o drunken driving - 58% not strict enough
- o alcohol sales to minors - 57% not strict enough



University of Michigan Institute for Social Research (as reported  
in Newsday July 7, 1986)

- o majority of college student disapprove of using or trying  
cocaine

TeenAge Magazine (poll of 59 countries)

- o drug abuse largest problem (85%)

- o alcoholism (71%)

## Lifestyles

### After 9 to 5

Two-thirds of those who work get home between 3 P.M. and 8 P.M. Nearly 9 Americans in 10 have their evening meal between 5 and 8 P.M.—most before 7. Bedtime is between 10 P.M. and midnight for two-thirds of those whose dinner hour is 5-9 P.M. 4 in 10 are in bed by 11 P.M.

What do people who live on this "normal" schedule do between the time they get home from work and their evening meal (or in the couple of hours before the evening meal if they they don't work)? On a usual weeknight most of all we watch TV, socialize with the family, have a drink (mostly soft), read our mail, and change our clothes. Most working women prepare the meal, and many houseclean. A few men help.

Usual Pre-Dinner Activities On Weeknights

	Employed people			Not employed
	Total	Men	Women	
<b>Time with media (Total)</b>	79%	81%	77%	86%
Watch TV news	47	53	40	54
Watch other TV	33	34	31	37
Read newspaper	33	38	26	32
Listen to radio	26	22	32	25
Read book/magazine	18	16	19	21
<b>Time with family</b>				
Talk with family	58	56	61	46
Time with children	34	31	38	24
<b>Have beverage (Total)</b>	56	57	54	38
Soft drink	25	25	25	15
Coffee	14	12	17	13
Beer	14	22	5	7
Tea	11	9	13	9
Mixed drink/highball	5	6	5	4
Wine	5	5	5	3
<b>Change, Bathe</b>				
Change clothes	52	52	52	12
Take shower/bath	28	35	21	12
<b>Household chores</b>				
Prepare meal	42	17	72	60
Help prepare meal	22	23	22	19
Houseclean	29	19	41	21
<b>Other activities</b>				
Read mail	54	52	55	12
Play records/tapes	15	17	14	11
Work on hobby	14	18	10	14
Exercise, sports	13	15	12	5



After dinner TV dominates. Nearly 3 in 4 "usually" watch something (beyond the news); over 6 in 10 watch news. There is almost as much beverage drink-

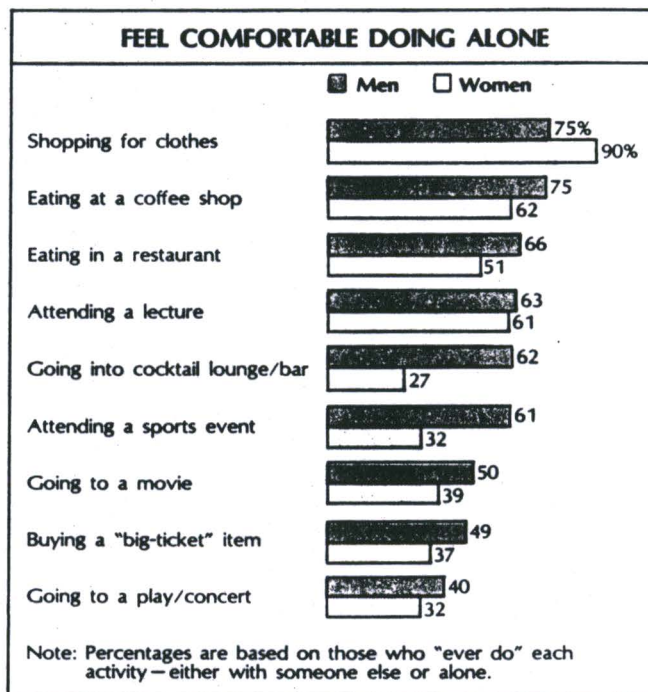
ing as before dinner—mainly non-alcoholic. And, 4 in 10 eat a snack (more men than women). Nearly half take a shower or bath. As much housecleaning is done (especially by working women) as before dinner.

Many go out "at least once a week" during the evening. 6 in 10 go grocery shopping (more women than men), almost as many visit friends, and over 4 in 10 go shopping. 2 in 10 go to a meeting. 1 in 7 go to a movie. Having friends in and working on a hobby are also popular (each cited by over 3 in 10). (Pages 2 - 7)

### Men More Comfortable Than Women About Going Out Alone

Of nine activities that involve going out in public places, men are more comfortable than women about doing all but one—shopping for clothes. Further, a majority of men are comfortable doing seven alone, whereas a majority of women are comfortable doing only four alone—clothes shopping, eating in a coffee shop, or in a restaurant, and attending a lecture.

(Pages 8,9)



### Me And The Kids: A Mid-'84 Assessment America: Happy And Middle Class

Perhaps because of the balmy economic climate, Americans describe themselves as happier than in euphoric 1977, but just as solidly middle class. Then 43% claimed to be "very happy" rather than "somewhat happy" or "somewhat" or "very unhappy," while now 51% have achieved this remarkable condition. People continue to perceive themselves overwhelmingly as middle class (57%), even more so than their parents (51%). Parents tend to be seen both higher and lower class than respondents. (Pages 10, 11)

athletes, along with the feeling that \$95,000 is enough salary for anyone, it is not surprising that six of thirteen occupations are seen overpaid. Most overpaid, in order, are: major league athletes, lawyers, presidents of major corporations, doctors, U.S. Senators and Congressmen, and TV news commentators. The underpaid are: non-professional hospital attendants, public school teachers, policemen, and nurses. About right: long-haul truck drivers, skilled factory workers, and sanitation workers. (Pages 22,23)

### Economy No Longer #1 Priority

For the first time since 1975 a non-economic problem ranks first in priority for government effort—solving the problem of crime and drugs—displacing the long-running leaders “slowing inflation” and “reducing unemployment.” And, a new item this year, “containing health care costs,” rivals slowing inflation.

PRIORITIES FOR MAJOR GOVERNMENT EFFORT		POINT CHANGE FROM		
		1983	1982	1978
Crime and drugs	84%	+4	+5	+6
Reducing unemployment	75	-9	-7	XX
Slowing inflation	73	-4	-8	-15
Containing health care costs	73	XX	XX	XX
Nuclear arms limitation pacts	71	+3	+1	+12
Solving child abuse problems	70	XX	XX	XX
New energy sources/ conserving fuel	68	+2	-2	-12
Reducing deficit	66	XX	XX	XX
Improving U.S./U.S.S.R. relations	61	+5	+11	+19
Reform income tax system	60	XX	XX	XX
Ghetto, race, poverty problems	57	+2	+7	+2
Combating terrorism	54	XX	XX	XX
National health insurance system	53	+3	+9	XX
Bringing U.S. exports/ imports closer	49	XX	XX	XX
American business becoming more competitive overseas	47	XX	XX	XX
Protection of individual privacy	46	+3	+8	+2
More consumer protection controls	45	+3	+8	-2
Rebuild infrastructure	40	XX	XX	XX
Israel/Arab peace settlement	39	+2	+2	+10
Settlements of Central American fighting	34	XX	XX	XX
More controls on advertising	29	+1	+3	-1

XX-Not Asked

The lowered demand for action on the economy should help President Reagan's bid for re-election. (Pages 24-27)

### The Political Scene

In late May readings, Reagan led Mondale by 10 points, and led Hart by 2 points. Less than half were “very interested” in the upcoming election. (Pages 28 - 33)

### I'll Never Forget...What's His Name

Americans tend to know people in the sports and entertainment worlds, but not corporate leaders. In descending order of correctly paired names and occupations, starting with the leader of them all, Michael Jackson at 93%, they are: Chris Evert Lloyd, Margaret Thatcher, Lee Iacocca (61%), Herschel Walker, Luciano Pavarotti, and Warren Burger (at 51%). Less than half correctly identify George Shultz. Thereafter awareness is low. Harold Washington is correctly identified by 35%, Jesse Helms by 29%, Mario Cuomo by 22% (before the Democratic Convention), and Charles Brown, chairman of AT&T, by 2%. Roger Smith has a double identity: more correctly identify the name with the entertainment world (12%) than with a corporate executive (4%). (Pages 34,35)

### Our Allies Vs. Our Enemies

Of eighteen countries, only Britain is considered a close ally by a majority (as opposed to “friend,” “neutral,” “unfriendly,” or “enemy”). Looking at “ally” and “friend” combined, Japan ranks second to Britain, with West Germany, France, Mexico, and Israel next. None of the other countries is seen by a majority as on our side, though Taiwan comes close. Viewed more on our side than “neutral” by large minorities are South Korea, Egypt, and Saudi Arabia. Viewed mainly as “neutral”: Sweden, South Africa, and Mainland China. The vote on Honduras is widely split, with more calling it “neutral” than anything else. Nicaragua is mainly seen as “unfriendly”. Majorities see three countries as “unfriendly” or “enemies,” and more as “enemies”: the Soviet Union, Cuba, and Libya. (Pages 36,37)

### Sentiment Rises For Restrictions On Some TV Advertising

Asked about each of twelve products as to whether advertising on television should be permitted anytime, or only after 9 P.M., or should not be permitted at all, majorities would permit TV advertising “anytime” for only five of them: toys, aspirin, headache remedies, hemorrhoid remedies, bras and girdles. 4 in 10 would permit beer and wine advertising anytime, 3 in 10 would permit them only after 9 P.M., and over 1 in 4 would ban them from TV. Liquor advertising splits almost evenly with “ban” at 36%, “after 9 P.M.” at 30%, and “anytime” at 32%. As to feminine hygiene advertising, the largest group would ban it (44%), 26% would permit it only after 9 P.M. Majorities favor a ban on ads for x-rated movies, contraceptives, and cigarettes, although 26% would allow cigarette advertising “anytime,” and 22% would permit it after 9 P.M. Sentiment for most products “anytime” is down from eight years ago. (Pages 38,39)



# NIDA Capsules

Issued by the Press Office of the National Institute on Drug Abuse  
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## COLLEGE STUDENTS SURVEY ON DRUG USE: 1980-1985

The following tables are part of the annual nationwide surveys conducted for the National Institute on Drug Abuse by the University of Michigan Institute for Social Research. It is a followup survey of drug use among college students who participated in previous high school surveys.

### Trends in Annual Prevalence of Twelve Types of Drugs Among College Students 1-4 Years Beyond High School

	Percent who used in past 12 months						'84-'85 change
	1980	1981	1982	1983	1984	1985	
Approx. Wtd. N =	(1040)	(1130)	(1150)	(1170)	(1110)	(1080)	
Marijuana	51.2	51.3	44.7	45.2	40.7	41.7	+1.0
LSD	6.1	4.6	6.3	4.2	3.7	2.2	-1.5s
Cocaine	16.9	15.9	17.2	17.2	16.4	17.3	+0.9
Heroin	0.4	0.2	0.1	0.0	0.1	0.2	+0.1
Other Opiates <sup>a</sup>	5.1	4.4	3.8	3.8	3.8	2.4	-1.4
Stimulants <sup>a</sup>	22.4	22.2	NA	NA	NA	NA	NA
Stimulants, Adjusted <sup>a,b</sup>	NA	NA	21.1	17.3	15.8	11.9	-3.9ss
Sedatives <sup>a</sup>	8.3	7.9	8.0	4.5	3.4	2.5	-0.9
Barbiturates <sup>a</sup>	2.9	2.8	3.2	2.2	1.9	1.3	-0.6
Methaqualone <sup>a</sup>	7.2	6.5	6.6	3.1	2.5	1.4	-1.1
Tranquilizers <sup>a</sup>	6.9	4.8	4.7	4.6	3.5	3.5	0.0
Alcohol	90.5	92.5	92.2	91.6	90.0	92.0	+2.0
Cigarettes	NA	NA	NA	NA	NA	NA	NA

NOTES: Level of significance of difference between the two most recent years:

s = .05, ss = .01, sss = .001.

NA indicates data not available.

<sup>a</sup>Only drug use which was not under a doctor's orders is included here.

<sup>b</sup>Adjusted for the inappropriate reporting of non-prescription stimulants.

(More)

**Trends in Thirty-Day Prevalence of Twelve Types of Drugs  
Among College Students 1-4 Years Beyond High School**

	Percent who used in last 30 days						'84-'85 change
	1980	1981	1982	1983	1984	1985	
Approx. Wtd. N =	(1040)	(1130)	(1150)	(1170)	(1110)	(1080)	
Marijuana	34.0	33.2	26.8	26.2	23.0	23.6	+0.6
LSD	1.3	1.4	1.7	0.9	0.8	0.7	-0.1
Cocaine	6.9	7.3	7.9	6.4	7.6	6.9	-0.7
Heroin	0.3	0.0	0.0	0.0	0.0	0.0	0.0
Other Opiates <sup>a</sup>	1.8	1.1	1.0	1.1	1.4	0.7	-0.7
Stimulants <sup>a</sup>	13.4	12.3	NA	NA	NA	NA	NA
Stimulants, Adjusted <sup>a,b</sup>	NA	NA	9.9	7.0	5.5	4.2	-1.3
Sedatives <sup>a</sup>	3.7	3.4	2.5	1.1	1.0	0.7	-0.3
Barbiturates <sup>a</sup>	0.9	0.8	0.9	0.5	0.7	0.4	-0.3
Methaqualone <sup>a</sup>	3.1	3.0	1.9	0.7	0.5	0.2	-0.3
Tranquilizers <sup>a</sup>	2.0	1.4	1.4	1.1	1.2	1.4	+0.2
Alcohol	81.8	81.9	82.8	80.3	79.1	80.3	+1.2
Cigarettes	25.8	25.9	24.4	24.7	21.5	22.4	+0.9

NOTES: Level of significance of difference between the two most recent years:  
s = .05, ss = .01, sss = .001.  
NA indicates data not available.

<sup>a</sup> Only drug use which was not under a doctor's orders is included here.

<sup>b</sup> Adjusted for the inappropriate reporting of non-prescription stimulants.

(More)

**Trends in Thirty-Day Prevalence of Daily Use of Twelve Types of Drugs  
Among College Students 1-4 Years Beyond High School**

	Percent who used daily in last 30 days						'84-'85 change
	1980	1981	1982	1983	1984	1985	
Approx. Wtd. N =	(1040)	(1130)	(1150)	(1170)	(1110)	(1080)	
Marijuana	7.2	5.6	4.2	3.8	3.6	3.1	-0.5
LSD	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Cocaine	0.2	0.0	0.3	0.1	0.4	0.1	-0.3
Heroin	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Other Opiates <sup>a</sup>	0.0	0.1	0.0	0.1	0.1	0.0	-0.1
Stimulants <sup>a</sup>	0.5	0.4	NA	NA	NA	NA	NA
Stimulants, Adjusted <sup>a,b</sup>	NA	NA	0.3	0.2	0.2	0.0	-0.2
Sedatives <sup>a</sup>	0.0	0.0	0.1	0.0	0.1	0.0	-0.1
Barbiturates <sup>a</sup>	0.0	0.0	0.1	0.0	0.1	0.0	-0.1
Methaqualone <sup>a</sup>	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Tranquilizers <sup>a</sup>	0.0	0.0	0.1	0.0	0.1	0.0	-0.1
Alcohol	6.5	5.4	6.1	6.1	6.6	5.0	-1.6
Five or more drinks in a row in last two weeks	43.9	43.6	44.0	43.1	45.5	44.6	-0.9
Cigarettes	18.3	17.1	16.2	15.3	14.8	14.3	-0.5
Half pack or more per day in past 30 days	12.7	11.9	10.5	9.6	10.2	9.4	-0.8

NOTES: Level of significance of difference between the two most recent years:  
s = .05, ss = .01, sss = .001.

NA indicated data not available.

<sup>a</sup> Only drug use which was not under a doctor's orders is included here.

<sup>b</sup> Adjusted for the inappropriate reporting of non-prescription stimulants.

####



# NIDA Capsules

Issued by the Press Office of the National Institute on Drug Abuse  
5600 Fishers Lane, Rockville, Maryland 20857  
301/443-6245

## HIGH SCHOOL SENIOR DRUG USE: 1975-1985

The following tables show the percentage of high school seniors from the classes of 1975 through 1985 who have used drugs of abuse. These numbers were gathered in annual nationwide surveys conducted for the National Institute on Drug Abuse by the University of Michigan Institute for Social Research. The 1985 survey involved more than 16,000 high school seniors from public and private schools.

	Ever Used										
	'75	'76	'77	'78	Class of		'81	'82	'83	'84	'85
					'79	'80					
Marijuana/Hashish	47%	53%	56%	59%	60%	60%	60%	59%	57%	55%	54%
Inhalants <sup>a</sup>	NA	NA	NA	NA	19	18	17	18	19	19	18
Amyl & Butyl Nitrites	NA	NA	NA	NA	11	11	10	10	8	8	8
Hallucinogens <sup>b</sup>	NA	NA	NA	NA	19	16	16	15	15	13	12
LSD	11	11	10	10	10	9	10	10	9	8	8
PCP	NA	NA	NA	NA	13	10	8	6	6	5	5
Cocaine	9	10	11	13	15	16	17	16	16	16	17
Heroin	2	2	2	2	1	1	1	1	1	1	1
Other Opiates	9	10	10	10	10	10	10	10	9	10	10
Stimulants <sup>c</sup>	NA	NA	NA	NA	NA	NA	NA	28	27	28	26
Sedatives	18	18	17	16	15	15	16	15	14	13	12
Barbiturates	17	16	16	14	12	11	11	10	10	10	9
Methaqualone	8	8	9	8	8	10	11	11	10	8	7
Tranquilizers	17	17	18	17	16	15	15	14	13	12	12
Alcohol	90	92	93	93	93	93	93	93	93	93	92
Cigarettes	74	75	76	75	74	71	71	70	71	70	69

	Used in Last Year										
	'75	'76	'77	'78	Class of		'81	'82	'83	'84	'85
					'79	'80					
Marijuana/Hashish	40%	45%	48%	50%	51%	49%	46%	44%	42%	40%	41%
Inhalants <sup>a</sup>	NA	NA	NA	NA	9	8	6	7	7	8	7
Amyl & Butyl Nitrites	NA	NA	NA	NA	7	6	4	4	4	4	4
Hallucinogens <sup>b</sup>	NA	NA	NA	NA	13	11	10	9	9	8	8
LSD	7	6	6	6	7	7	7	6	5	5	4
PCP	NA	NA	NA	NA	7	4	3	2	3	2	3
Cocaine	6	6	7	9	12	12	12	12	11	12	13
Heroin	1	1	1	1	1	1	1	1	1	1	1
Other Opiates	6	6	6	6	6	6	6	5	5	5	6
Stimulants <sup>c</sup>	NA	NA	NA	NA	NA	NA	NA	20	18	18	16
Sedatives	12	11	11	10	10	10	11	9	8	7	6
Barbiturates	11	10	9	8	8	7	7	6	5	5	5
Methaqualone	5	5	5	5	6	7	8	7	5	4	3
Tranquilizers	11	10	11	10	10	9	8	7	7	6	6
Alcohol	85	86	87	88	88	88	87	87	87	86	86
Cigarettes	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA

NA indicates data not available

\* Indicates less than .5%

### Footnotes:

a Inhalants - adjusted for underreporting of amyl and butyl nitrites.

b Hallucinogens - adjusted for underreporting of PCP.

c Stimulants - adjusted for overreporting of nonprescription stimulants.

### Terms:

Ever Used: Used at least one time.

Used in Last Year: Used at least once in the 12 months prior to survey.

Used in Past Month: Used at least once in the 30 days prior to survey.

Daily Users: Used 20 or more times in the month before survey.

Source: National Institute on Drug Abuse, Monitoring the Future Study, 1985

Used in Past Month											
	Class of										
	'75	'76	'77	'78	'79	'80	'81	'82	'83	'84	'85
Marijuana/Hashish	27%	32%	35%	37%	37%	34%	32%	29%	27%	25%	26%
Inhalants <sup>a</sup>	NA	NA	NA	NA	3	3	2	3	3	3	3
Amyl & Butyl Nitrites	NA	NA	NA	NA	2	2	1	1	1	1	2
Hallucinogens <sup>b</sup>	NA	NA	NA	NA	6	4	4	4	4	4	4
LSD	2	2	2	2	2	2	3	2	2	2	2
PCP	NA	NA	NA	NA	2	1	1	1	1	1	2
Cocaine	2	2	3	4	6	5	6	5	5	6	7
Heroin	*	*	*	*	*	*	*	*	*	*	*
Other Opiates	2	2	3	2	2	2	2	2	2	2	2
Stimulants <sup>c</sup>	NA	NA	NA	NA	NA	NA	NA	11	9	8	7
Sedatives	5	5	5	4	4	5	5	3	3	2	2
Barbiturates	5	4	4	3	3	3	3	2	2	2	2
Methaqualone	2	2	2	2	2	3	3	2	2	1	1
Tranquilizers	4	4	5	3	4	3	3	2	3	2	2
Alcohol	68	68	71	72	72	72	71	70	69	67	66
Cigarettes	37	39	38	37	34	31	29	30	30	29	30

Daily Users											
	Class of										
	'75	'76	'77	'78	'79	'80	'81	'82	'83	'84	'85
Marijuana/Hashish	6.0%	8.0%	9.1%	10.7%	10.3%	9.1%	7.0%	6.3%	5.5%	5.0%	4.9%
Inhalants <sup>a</sup>	NA	NA	NA	NA	0.1	0.2	0.2	0.2	0.2	0.2	0.4
Amyl & Butyl Nitrites	NA	NA	NA	NA	0.0	0.1	0.1	0.0	0.2	0.1	0.3
Hallucinogens <sup>b</sup>	NA	NA	NA	NA	0.2	0.2	0.1	0.2	0.2	0.2	0.3
LSD	0.0	0.0	0.0	0.0	0.0	0.0	0.1	0.0	0.1	0.1	0.1
PCP	NA	NA	NA	NA	0.1	0.1	0.1	0.1	0.1	0.1	0.3
Cocaine	0.1	0.1	0.1	0.1	0.2	0.2	0.3	0.2	0.2	0.2	0.4
Heroin	0.1	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.1	0.0	0.0
Other Opiates	0.1	0.1	0.2	0.1	0.0	0.1	0.1	0.1	0.1	0.1	0.1
Stimulants <sup>c</sup>	NA	NA	NA	NA	NA	NA	NA	0.7	0.8	0.6	0.4
Sedatives	0.3	0.2	0.2	0.2	0.1	0.2	0.2	0.2	0.2	0.1	0.1
Barbiturates	0.1	0.1	0.2	0.1	0.0	0.1	0.1	0.1	0.1	0.0	0.1
Methaqualone	0.0	0.0	0.0	0.0	0.0	0.1	0.1	0.1	0.0	0.0	0.0
Tranquilizers	0.1	0.2	0.3	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.0
Alcohol	5.7	5.6	6.1	5.7	6.9	6.0	6.0	5.7	5.5	4.8	5.0
Cigarettes	26.9	28.8	28.8	27.5	25.4	21.3	20.3	21.1	21.2	18.7	19.5

NA indicates data not available

\* Indicates less than .5%

Footnotes:

a Inhalants - adjusted for underreporting of amyl and butyl nitrites.

b Hallucinogens - adjusted for underreporting of PCP.

c Stimulants - adjusted for overreporting of nonprescription stimulants.

Terms:

Ever Used: Used at least one time.

Used in Last Year: Used at least once in the 12 months prior to survey.

Used in Past Month: Used at least once in the 30 days prior to survey.

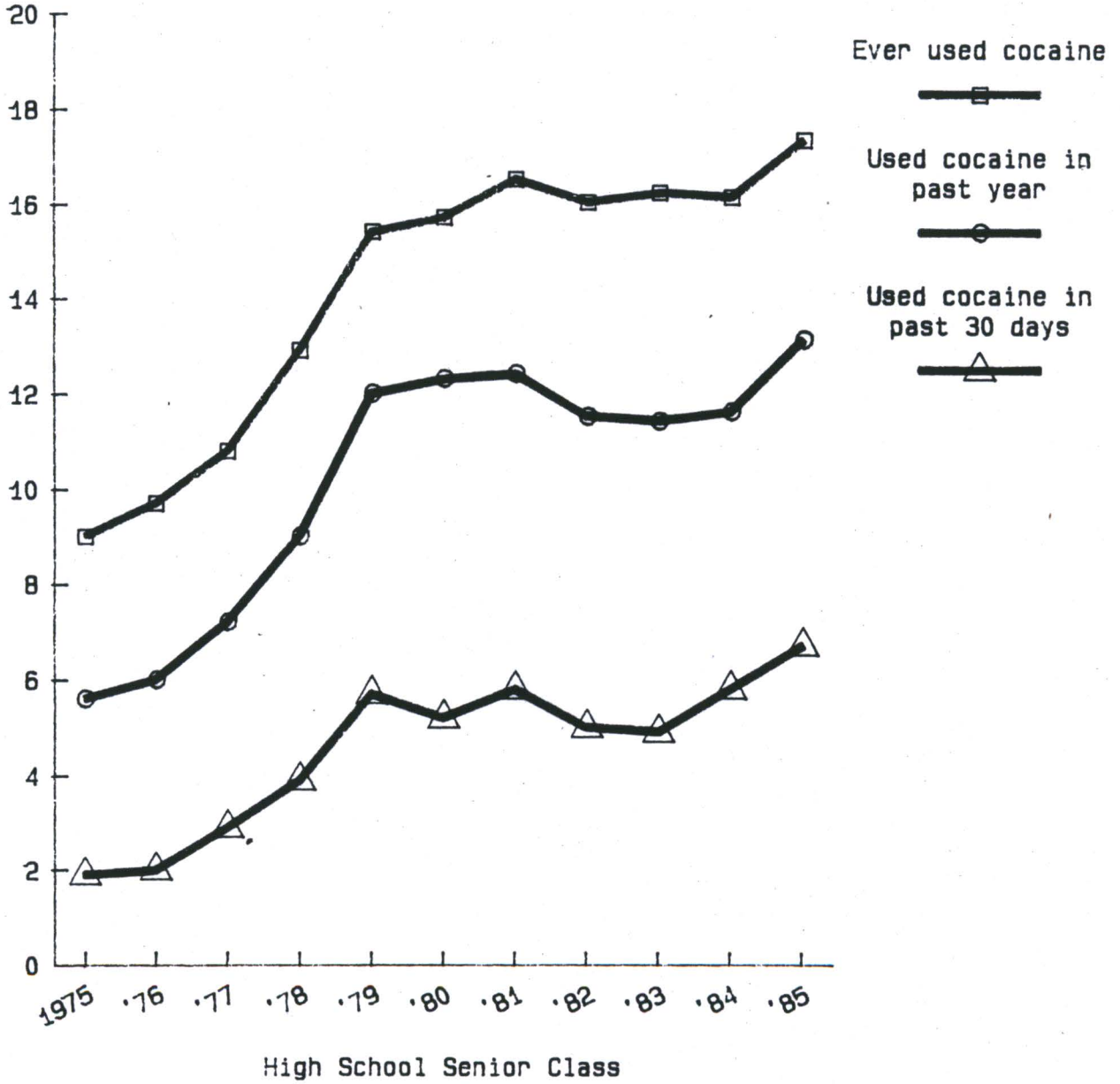
Daily Users: Used 20 or more times in the month before survey.

Source: National Institute on Drug Abuse, Monitoring the Future Study, 1985



## Percentage of High School Seniors Who Have Used Cocaine

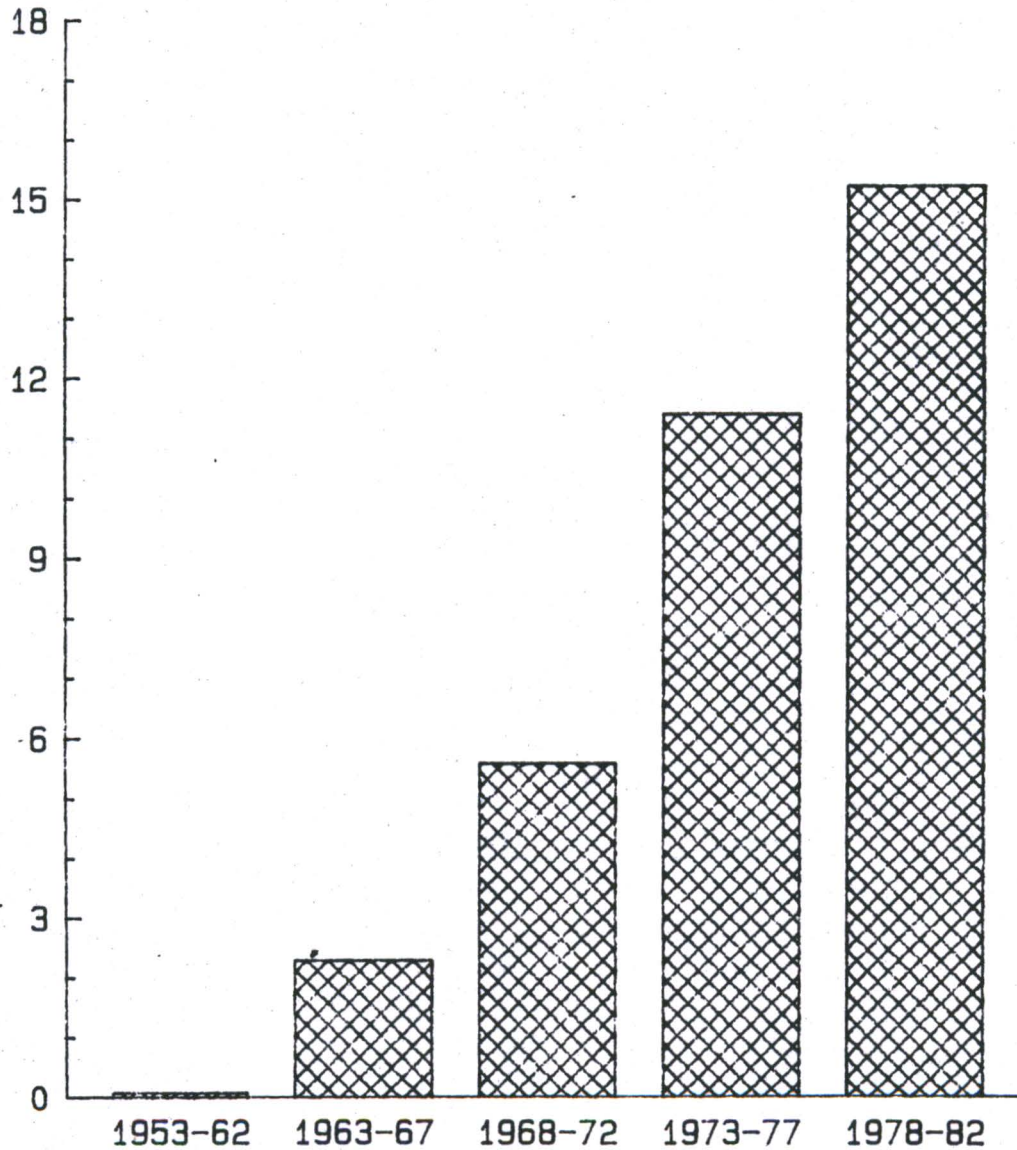
Percentage of Seniors



Source: Institute for Social Research, 1986.

# Percentage of 13-Year-Olds Who Have Used Marijuana, 1953 - 1982

Percentage of 13-Year-Olds



Source: National Institute on Drug Abuse, Household Survey, 1982.

D

# adamma update

FACTS AND FIGURES FROM THE ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH ADMINISTRATION

## ESTIMATED COSTS TO U.S. SOCIETY IN 1983 OF ALCOHOL ABUSE, DRUG ABUSE, AND MENTAL ILLNESS (In millions)

<u>Core Costs</u>	<u>Alcohol Abuse</u>	<u>Drug Abuse</u>	<u>Mental Illness</u>	<u>Total</u>
<b>Direct</b>				
Treatment and Support	\$14,685	\$ 2,049	\$33,445	\$50,359
<b>Indirect</b>				
Mortality	18,151	2,486	9,036	29,673
Reduced Productivity	65,582	33,346	4,048	102,976
Lost Employment	5,323	405	24,044	29,772
<b>Related Costs</b>				
<b>Direct</b>				
Motor Vehicle Crashes	2,667	(1)	-	2,667
Crime	2,607	6,565	966	10,139
Social welfare	49	3	259	311
Other	3,673	677	831	5,181
<b>Indirect</b>				
Victims of Crime	192	945	-	1,137
Crime Careers	0	10,846	-	10,846
Incarceration	2,979	2,425	146	5,549
Motor Vehicle Crash (time loss)	583	(1)	-	583
<b>Total(2)</b>	<b>\$116,674</b>	<b>\$59,747</b>	<b>\$72,775</b>	<b>\$249,196</b>

Source: "Economic Costs to Society of Alcohol and Drug Abuse, and Mental Illness," study for the Alcohol, Drug Abuse, and Mental Health Administration by Research Triangle Institute, Chapel Hill, North Carolina, 1984

For Further Information: Alcohol, Drug Abuse,  
and Mental Health Administration, (301) 443-3783

Footnotes on reverse.

No. 3, April 1986



FOR RELEASE ONLY UPON DELIVERY

STATEMENT OF  
CHARLES R. SCHUSTER, PH.D.  
DIRECTOR  
NATIONAL INSTITUTE ON DRUG ABUSE  
BEFORE THE  
SELECT COMMITTEE ON NARCOTICS  
ABUSE AND CONTROL  
U.S. HOUSE OF REPRESENTATIVES  
ON  
DRUG ABUSE IN THE WORKPLACE

MAY 7, 1986

Mr. Chairman and members of the Committee: Thank you for inviting me here today to testify on the overall problem of drug abuse in the workplace as well as the issue of drug testing in the workplace. I appreciate your focusing national attention on a subject of such importance to our efforts in combating drug abuse among our citizens.

Drug testing or screening has surfaced as a current issue because the procedure is becoming widely used by employers who recognize the serious health and safety problems posed by drug abuse among their workers and are determined to take some action. Substance abuse is a very common health hazard in the American workplace today. In addition, although it is difficult to obtain precise figures from business and industry on the cost of alcohol and other drug abuse, we know that substance abuse related to accidents, loss of productivity, loss of trained personnel, theft, treatment, insurance claims, and security has made a significant enough negative financial impact to force many employers to address the issue.

Data from our National Household Survey and our High School Senior Survey reflect the magnitude of the drug abuse problem in the United States today. The latest household survey data indicate that a variety of drugs are currently being widely used (current use is defined as use in the last 30 days). Twenty million Americans are currently using marijuana/hashish; 4 million Americans are currently using cocaine; more than 2 million Americans are currently using other stimulants nonmedically; more than 1 million Americans are using sedatives without a prescription; and 100 million Americans are currently using alcohol.

Among America's young adults (ages 18-25), which is the segment of the population generally thought to use drugs most extensively, 65 percent have experience with some illicit substance: 64 percent have tried marijuana; roughly 20 percent used marijuana daily for at least 1 month during their adolescence; 28 percent have tried cocaine, and 95 percent have used alcohol. This is the population now entering the workforce. Clearly, these statistics are cause for serious concern.

For several reasons, it is difficult to obtain data on drug use from surveys conducted in the workplace. Businesses are reluctant to share with the public any data they might have collected for fear that they might reflect poorly on the quality of their work products and consequently affect sales, while industries such as transportation fear that releasing such surveys could result in a lack of public confidence in their employees. Finally, employees are reluctant to report drug use to their employers or at their place of work for fear of threats to their job security.

We do have data, however, from several NIDA-sponsored studies which have examined the relationship between drug use and work-related variables. These recently completed studies have shown that current marijuana users have high rates of job turnover, especially when they are currently drinking and using other drugs. For example, the time between job entry and termination for workers with current drug use was 10 months shorter for men and 16 months shorter for women than for non-drug users. Preliminary data from one study, which looked at young men aged 19-27, indicate that rates of young adult drug use in general and of being high on the job differed by occupation. Marijuana use in the past year ranged from 30 percent among farm laborers and foremen to 49 percent among service workers such as food

and beverage and cleaning and building maintenance employees. Past year use of cocaine ranged from 10 percent among farm laborers and foremen to 17 percent among craftsmen and among workers in personal services such as cosmetologists and hotel workers. Rates of being high on the job during the past year for alcohol, marijuana, and cocaine were determined for men employed in the past year. Overall, 5 percent of the men reported being high on the job on alcohol, 8 percent on marijuana, and 2 percent on cocaine. Salesworkers (8 percent) were more likely than any other occupational group to report being high on alcohol while on the job. One to 3 percent of the salesworkers reported being high on cocaine while on the job. Rates of being high on marijuana while on the job were greatest for craftsmen, operatives (construction and manufacturing machine operators), and personal service workers.

Rates of marijuana use by young adult men in the past year ranged from 30 percent for mining to 55 percent for personal services industries. Rates of being high on marijuana on the job were greatest in the following industries: manufacturing durable goods (10 percent); personal services (11 percent); construction (13 percent); and entertainment/recreation (17 percent). Rates of cocaine use in the past year were high in construction (19 percent), transportation (24 percent), personal services (27 percent), and entertainment/recreation (27 percent). It should be noted that rates for workers of all ages in an industry or occupation may be higher or lower than those presented here depending on the proportion of their work force which include young adults.



Although employed men were as likely as the unemployed to have ever used marijuana and cocaine, employed men were less likely to report current use of marijuana than those unemployed (25 percent vs. 35 percent). However, employed men were only slightly less likely to report current use of cocaine (6 percent vs. 7 percent). In addition, men with high rates of job turnover (three or more periods of unemployment in the past year) were also more likely to report current use of marijuana and cocaine.

A national NIDA survey of adults aged 18 and older examined the relationship between drug use and absenteeism from work. More current marijuana users missed one or more days of work in the past month because of illness or injury than did nonusers (22 percent vs. 14 percent); this was also true for cocaine users (21 percent vs. 16 percent). The more striking difference in drug use groups, however, was in the number of days "cut" or skipped from work: 17 percent of the current marijuana users skipped vs. 6 percent of the nonusers and 17 percent of the cocaine users vs. 7 percent of the nonusers.

In summary, data from these studies clearly indicate that marijuana and cocaine use are associated with great job instability and increased job absenteeism. The effects of drug use are not restricted to off-job time; there are, however, substantial differences among occupations and industries in the proportion of young adult workers reporting being high on the job.

Because of the high rate of drug use in our society and its presence in the workplace, as reflected in the data I have just cited, the general public are beginning to join us in recognizing the critical need for effective ways of reducing the demand for drugs. As we search together for a solution, we

face several complicating problems. One is the insidious contagious nature of drug abuse as an illness. The person who seems to be doing well and enjoying drug use is the individual most apt to influence others to use drugs. A second factor which we must take into account is that relatively mild job site use has a tendency to escalate to more severe forms of use. This is why early intervention is so important. Another key fact is that if drug use in the workplace is ignored, a message of acceptance is implied which may itself lead to increased use.

As you know, some workplaces are more visible to the public than others because of safety (the transportation industry), national security (DOD), or media exposure (the sports world). It was widely publicized recently that the Federal Railroad Administration implemented tough new alcohol and drug use regulations. In the baseball community, Commissioner Uberroth has publically taken a hard line against drug use in baseball. The reality is however, that drugs affect work in all segments of our national economy.

In the past, private industry has been somewhat reluctant to discuss drug programs or policies, as well as data on drug use by their employees. Many companies may have felt that having a drug policy and/or discussing drug issues was an open admission that their businesses had a problem and would result in a loss of public confidence. Clearly, this attitude is changing. Within the last year a major transition has taken place in the business world. Progressive companies have begun to adopt the position that society has a drug abuse problem. It is becoming evident that drug abuse is not unique to a particular business, but rather a phenomenon of society-at-large, and since you must draw your workforce from society, you must develop policies and programs to deal with this problem.

NIDA's Research Technology program has been instrumental in the evolvement of technological advances in clinical diagnostic techniques. These advances have made possible assays suitable for the detection of drugs in body fluids, and these new technologies have made drug testing a valuable demand reduction tool. Since the Department of Defense (DOD) and other Federal agencies have implemented testing in an effort to detect and reduce the incidence of drug use by members of the armed forces and agency staff, it appears the demand for drugs has significantly decreased among these groups. In addition, we have learned from private industry that drug testing has been an effective tool in reducing drug use when it has been incorporated into their overall substance abuse policies.

Since its inception, NIDA has taken a lead in assisting business and industry with drug abuse education, prevention programs, early detection, and treatment efforts in the workplace. Several initiatives are under way that will further the Institute's collaboration with industry and labor. In an effort to be of assistance and respond to the numerous complex questions associated with employee drug screening, NIDA has developed an informational question and answer booklet which has been well received by labor and industry and is being widely distributed. We believe the integration of drug screening into programs of treatment, prevention, and drug education will prove to be a highly effective way to manage substance abuse problems in industry. I do not believe that drug testing by itself is the solution to controlling the problem of drug abuse, but it can be an extremely useful tool within the context of an overall program or policy that stresses treatment, prevention, and education.

Another way in which we have tried to be helpful to business and industry leaders was by convening a conference to share information and develop consensus on the best policies, procedures and strategies for reducing drug abuse in the workforce. As a result of this meeting, NIDA expects to produce a consensus document within the next 60 days which will give further guidance to business and industry on these important issues.

The conference, which was held in early March, brought to light a number of concerns surrounding drug testing which I would like to address at this time. The critical issue is one of individual rights versus the rights of the public. There is a need to balance an individual's reasonable expectation of privacy and confidentiality with the principles of public safety, efficient performance, and optimal productivity. Job situations where there is a substantial risk to the public safety will surely justify greater permissible intrusions than would be acceptable where risks to the employee or community are perceived as minimal. Although an employee has reasonable rights to privacy and confidentiality, an employer has the right to demand a drug-free workplace.

Another concern is with the accuracy of the testing, specifically the reliability of urinalysis methods. NIDA advises that the accuracy and reliability of these methods must be assessed in the context of the total laboratory system. The need to use assay systems which are based on state-of-the-art methods and rigorously controlled procedures is inherent in situations where the consequences of a positive result to the individual are great. A positive result of a urine screen cannot be used to prove intoxication or impaired performance, but it does provide evidence of prior drug use. If the laboratory uses well-trained and certified personnel who

follow acceptable procedures, then the accuracy of the results should be very high. Laboratories should maintain good quality control procedures, follow manufacturer's protocols, and perform a confirmation assay on all positives by a more specific chemical method than that used for the initial screening. There are quality assurance procedures presently required of clinical chemistry labs that urinalysis laboratories can follow and which could be required by industrial clients prior to contracting with the laboratories for services.

With the growing use of urinalysis, some type of guidelines for proper use are essential, imposed either by the urinalysis industry itself or by State or Federal regulation. For example, a first step in this direction is now under discussion in the California State Assembly, which has pending the Substance Abuse Testing Act of 1986. This bill requires that all toxicology laboratories testing employees and job applicants in California be licensed by the State. Also, NIDA plans to issue a research monograph in the Fall on Guidelines to Technical Aspects of Urinalysis. This document will consist of chapters written by experts in the field, addressing the many technical issues associated with urinalysis.

Although we have made progress in addressing the problem of drugs in the workplace, we need more information in certain areas in order to continue advancing in this arena. For example:

- o We need evaluation studies to better assess the impact of drug abuse on business as well as to determine the efficacy of employee drug testing programs. Therefore, we are working with some of the Nation's largest businesses to design and carry out such studies.

- o We need better data on the use and abuse of alcohol and drugs among employees in different occupational groups and work roles. We are considering developing a survey to examine the use of alcohol, marijuana, cocaine, and other drugs at the workplace. Data would be gather on the respondents' own use, their knowledge of others using drugs on the job, and the effects on safety and performance of drug use by the respondent and his/her coworkers. We also will soon be analyzing the new household survey which will include information on drug use in business and industry with regard to health consequences and the rate of job absenteeism.
  
- o We need to understand the impact of the work environment itself on the drinking or drug taking behavior of employees. To determine this we need to examine data currently being collected as well as focus more epidemiology research for this purpose.
  
- o We need to further assist private industry by providing support and technical assistance for the development of certification procedures and quality assurance guidelines for urinalysis laboratories.

In summary, the workplace provides an excellent forum for dealing with drug abuse through education, prevention, early intervention, and referral for treatment. If deemed necessary by an employer, drug testing should be considered as one component of a work substance abuse policy. We are trying

to encourage the development of workforce policies that will be powerful and effective enough to make an impact on this country's drug-taking behavior and contribute significantly to our overall demand reduction strategy.

This concludes my formal statement. I will be happy to answer any questions you may have.

## Commentary

### Pro and con: Would drug testing dollars be better spent fighting criminals?

**Patricia Schroeder**

#### No drug tests

**T**HE PRESIDENT'S Commission on Organized Crime — or should I say the one or two members of the commission who saw the final report before it was issued — lost sight of its charge when it recommended that all federal employees be subject to drug tests.

The commission had no evidence that the mob had infiltrated the bureaucracy.

Rather, the commission used Rube Goldberg logic to get from its job of dealing with organized crime to drug testing. Here is its logic:

**Step One.** Organized crime is a serious problem.

**Step Two.** Organized crime makes a lot of money by importing and selling illegal drugs. Never mind that the mob also makes money by loan sharking, shake-downs, tax evasion, and labor racketeering.

**Step Three.** Traditional law enforcement, which involves tracking down criminals and proving criminal conduct, has been notoriously ineffective in dealing with drugs.

**Step Four.** An alternate means of stopping the flow of drugs is needed to end the demand for drugs.

**Step Five.** Traditional law enforcement has been notoriously ineffective at stopping drug use.

**Step Six.** Depriving drug users of employment will presumably dry up demand for drugs.

**Step Seven.** It would be too much to impose employment re-

**Carlton Turner**

#### We need tests

**A** WALL of denial is being torn down, the wall of denial about the seriousness of the drug abuse situation in this country.

Simply put, drug abuse affects every U.S. citizen. If we are to solve our drug problem, every individual must take a firm stand against drug abuse.

This month, following the release of the final report by the President's Commission on Organized Crime, much of the media attention focused on the fact that the commission dared to recommend a strong and consistent policy against drugs in the workplace, including "suitable" and "appropriate" drug testing.

Urinalysis is a diagnostic tool to identify drug users, to assist the drug users in getting help and to keep drug users from contaminating the workplace.

There is nothing particularly new about urine testing for drugs. And as long as heroin was the target of the tests, few objected. But when similar testing is proposed for marijuana and cocaine users, the outcry is deafening. The question is why?

The answer is that drug testing makes it difficult for a drug user to deny that he or she uses drugs and forces them to be held responsible for their actions. When used with a few common sense rules, drug testing adds an important element — honesty.



strictions on all of society. But we can make federal employees an example by subjecting them to drug tests.

Conclusion. Testing federal employees for drugs will stop organized crime.

Frankly, I think anyone who finds this logic persuasive ought to be a prime candidate for drug testing.

Maybe I am being too hard on the commission. Perhaps the commission got bored with organized crime and decided to try to improve the efficiency of the federal work force.

But, if that is the reason for the proposal, why did the commission not recommend testing for off-duty use of the two most addictive and destructive drugs known to society — alcohol and tobacco.

Alcoholism has ruined the careers and families of hundreds of thousands of Americans.

As for smoking, the surgeon general has documented that cigarette smoking results in greater illness and use of sick leave.

The government already is finding it difficult to recruit for key positions because federal pay and benefits have fallen far behind those of the private sector. It is hard to imagine anything more intrusive, offensive, and discouraging than being required to urinate in a bottle every few months to test for drugs.

There is a strong public policy, recognized by law, that no worker can be punished for off duty conduct unless there is a clear connection between that conduct and on-the-job performance. Such a connection surely exists between off-duty drug use and carrying a firearm or controlling air traffic, and several agencies already require urinalysis of their employees engaged in functions involving life and death.

It's much more difficult to presume a connection between weekend marijuana use and a government job as a stenographer.

Urinalysis is not cheap. The relatively cheap drug store urinalysis kits are as likely to find recent use of a cold remedy as recent use of marijuana. Even a standard radio-immunoassay test, which costs more than \$20 a sample, produces 20 to 30 percent false negatives.

To eliminate false positives requires a special gas chromatography/mass spectrometry analysis, which can cost up to \$80 a test. Wouldn't these dollars be better spent fighting organized crime? For the same money, we can test the work force or we can hire another 2,500 FBI agents.

Even the best urinalysis tests are not very accurate in identifying use of the most dangerous drugs, such as hallucinogens, cocaine, or designer drugs. Urinalysis tests are much more accurate for drugs such as marijuana, which leave high concentrations of residue in the body. So, urinalysis testing of federal employees poorly serves the policy of ridding society of its most dangerous drugs.

The recommendation of the National Commission on Organized Crime that all federal workers be subject to drug testing is an embarrassment to all who are concerned about an efficient and effective federal work force. It reflects a basic ignorance of government management, civil liberties, and drug testing technology.

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Patricia Schroeder is a Democratic congresswoman from Colorado and head of the subcommittee on civil service.

Drug abuse reached a crisis level in the U.S. military in the early 1980s, although the military had used urinalysis to test for heroin abuse for years. In 1981, the military began to focus on the marijuana user. At that time, over half of the personnel in some units of the Navy were using drugs. Today, the Navy reports this to be less than 3 percent. The success of the program has overcome any initial objections.

Just as the military set the example, I believe that those people paid by the taxpayer to fight drug abuse should be among the first tested. I and members of my staff have already undergone testing. The Drug Enforcement Administration, U.S. Customs Service, the National Institute on Drug Abuse, and others are planning appropriate testing programs.

Private sector employers are well aware of the results of drug abuse in the workplace. They know that the drug user is only about two-thirds as productive as other employees.

They have learned by hard experience that the drug-user is over three times as likely to be involved in an on-the-job accident; absent from work more than twice as often; and incurs three times the average level of sickness costs. You and I are paying the costs for sloppy workmanship, accidents and sickness.

We must also be concerned about public safety. Each of us has the right to feel safe. Drug use and its obvious dangers are unacceptable among air traffic controllers, pilots, bus drivers, train operators, doctors, security guards, and others responsible for our safety and well-being.

Employers, quite simply, are fed up with the problems and fears that drug abuse brings. They are doing something about it. Small businesses and large corporations alike are instituting strong "no drug use" policies, which include urinalysis testing.

The recent debate has largely revolved around drug testing as a threat to the privacy and individual

rights of the drug user. There is a more fundamental aspect of individual rights which is at the heart of the commission's recommendations.

The Constitution grants no citizen the right to break the law, to jeopardize the safety of co-workers and the public, or to force other individuals, including employers, co-workers, consumers and taxpayers, to pay the exorbitant social and economic "price tag" for another's drug abuse.

Few Americans recognize that when a user buys marijuana or cocaine, they are financing our nation's suicide. Drug dollars go to criminals who are determined to destroy our country — criminals who have publicly stated that their weapons are drugs. They have killed one of our agents in Mexico and vowed to kill our ambassadors. This is not a rights issue, this is a survival issue.

The American worker, by supporting strong anti-drug programs, can improve the productivity of co-workers, decrease accidents, cut health-care costs, improve our security, and reduce on-the-job crime. It is a simple way for each American to make a significant contribution to his or her own quality of life, as well as to a stronger future for our children and the nation.

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LEGAL ISSUES OF A DRUG-FREE ENVIRONMENT:  
TESTING FOR SUBSTANCE ABUSE IN THE WORKPLACE

Robert T. Angarola, Esq. \*/

I. THE CONFLICT BETWEEN SOCIAL ATTITUDES AND LAW

In 1982, less than 5 percent of the Fortune 500 companies were screening employees for drug abuse. Today, about 25 percent of those companies are doing it in one form or another. A recent article in the Philadelphia Inquirer reported that last January, IBM, which employs almost a quarter of a million workers in the United States, began screening every job applicant for drug use. That article also stated that Ford Motor Co., Alcoa, Boise-Cascade, American Airlines and the New York Times were using urinalysis for drug detection.<sup>1/</sup>

Private industry is not alone in using this technique to reduce drug abuse in the workplace. Drug screening of government employees also continues to increase. The military began testing for drugs using urinalysis 14 years ago. The services have been joined by such federal agencies as the United States Postal Service and the Federal Railroad Administration. Local fire fighters and police officers are being screened. Operators of

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city and school buses, trains, and subways are being tested. Prison facilities all over the country are screening prisoners as well as correctional officers.

Perhaps Baseball Commissioner Peter Ueberroth's proposal to screen everyone connected with baseball -- except the players -- has done the most to bring drug testing into the public spotlight. Of course, Ueberroth had a positive experience with testing athletes when he was in charge of staging the 1984 Olympics.

"This may be the ultimate prevention device," according to Dr. Michael Walsh, Chief of Clinical and Behavioral Pharmacology at the National Institute of Drug Abuse. He predicts that "[w]ithin a year or two, in order to get a good job, you are going to have to be drug-free."<sup>2/</sup>

This paper will discuss the kinds of legal challenges being brought against employers using urine testing for substance abuse, and the possible motives behind those challenges. It will also suggest ways for a private employer to defend these legal challenges or, better yet, to avoid them altogether. While most of the cases discussed concern urine testing, the issues they address extend beyond the tests themselves into all aspects of an employee substance abuse program. Any company with a drug abuse prevention program -- and that should be every company -- needs to follow the principles that these cases put forward for dealing with employees having drug and alcohol problems.

As the statistics show, drug screening is becoming a fact of employment. And employers using the tests in a reasonable manner

are not having serious difficulties in overcoming the legal challenges being brought against them. But why are employees filing these legal challenges?

The controversy surrounding drug screening results in large measure from a clash between changing social attitudes and law. The public is uneasy about drug screening. People are concerned that the testing will somehow be used against them and that, in a broader sense, it will be a starting point for increasing intrusions into their private lives.

Many workers themselves are aware of the serious problem of employee drug abuse afflicting this country. The more informed recognize that employers have limited alternatives to urine testing and that in many situations it is the most effective technique for detecting and preventing drug abuse. Nevertheless, a sizeable segment of the public does not want to accept the use of the tests in the employment context. People often argue that the tests are an unwarranted intrusion into their private lives, that they are "unconstitutional."

Are these people correct? The courts have usually said no. Judicial opinions tend to side with the employer on constitutionality issues. This is because the parties claiming that drug screening encroaches upon the boundaries of right to privacy, fairness, or due process are reflecting more their social attitudes than an understanding of the law as courts have interpreted it.

Why is this? Use of marijuana and so-called "soft" drugs is widespread in this country. Several states have decriminalized

possession of small amounts of marijuana for solely personal use. Users at one extreme believe that these legislative acts justify protecting such drug taking as a personal decision approaching a civil right. They are convinced that employer interference in this decision infringes upon their liberty and their right to privacy. A larger number of Americans are less tolerant of drug use but cannot justify the analysis of an individual's urine, breath or blood, or searches of his person or possessions by fellow humans or trained dogs, to identify the problem of drug use in the workplace for specific action. Drug use is somehow their own business and nobody else's. Everyone can identify with this feeling to some degree -- but can employers accept it as valid?

## II. THE LEGAL ISSUES

The clash between changing social attitudes and law as it affects employee drug testing has led to several legal attacks on the tests. These challenges have centered in five areas: the right to privacy, the right to be free from unreasonable searches, the right to due process, negligence law, and contract law.

### A. Right to Privacy

There are two common notions of "right to privacy." One encompasses each individual's personal belief concerning those aspects of his life that are private and that should not be subjected, involuntarily, to intrusion by others. Social attitudes are reflected in the lines we draw around our private lives; when we think these lines are crossed, there will be an outcry. "Don't tell me I have to wear seatbelts!"

But the constitutional "right to privacy" -- the right to privacy that is legally enforceable -- protects far fewer activities.

Surprisingly, there is no specific constitutional provision guaranteeing a right to privacy. The United States Supreme Court has held, however, that such a right is implied in the Constitution by reading several of its provisions together.<sup>3/</sup> This constitutional right to privacy has been held to protect individual decisions on matters such as marriage, family and childrearing. While the use of marijuana, cocaine, and other abusable drugs has unfortunately become commonplace -- and even socially accepted in some circles -- it has never been held to come within that zone of activities protected by the constitutional right to privacy.<sup>4/</sup> Moreover, this constitutional right to privacy protects people only against governmental intrusion. Individuals acting as private citizens are not bound by these constitutional restraints. And this applies to private employers.

This dichotomy between private and government actions explains why Norma Rollins, acting director of the New York Civil Liberties Union, when commenting on Baseball Commissioner Ueberroth's proposal to institute mandatory drug screening, is quoted as saying, "You're forcing, coercing people to accept an intrusive act. It's not justifiable. But it's not illegal because it's being done by a private employer -- not the government. I'm not saying [Ueberroth] has the right; I'm saying there's no law to prevent it."<sup>5/</sup> The testing may violate

Ms. Rollins' personal attitudes of privacy, but it does not violate an employee's legally protected privacy zone.

B. Freedom from Unreasonable Searches

The words "right to privacy" often appear in lawsuits challenging employee drug screening, but in fact, most court claims of invasion of privacy have been based on the fourth amendment prohibition against unreasonable searches and seizures.<sup>6/</sup> Plaintiffs are asserting that urine testing intrudes so far into an employee's sense of privacy that it constitutes an unreasonable search in violation of the fourth amendment. Workers raise this argument not only against government employers, but also against private employers. Once again, however, the fourth amendment's protection against unreasonable searches protects only against unreasonable governmental interference. When a private business is screening for drugs, there is no government involvement, and therefore no violation of this constitutional guarantee against unreasonable searches.

Indeed, urine testing by government employers also has withstood recent challenges that it violates the fourth amendment. In a case decided in a federal court in Georgia this year, city employees working around high voltage electric wires argued that urine testing violated their fourth amendment rights.<sup>7/</sup> The court agreed with the terminated employees that the testing was a search, but said that because "the government has the same right as any private employer to oversee its employees and investigate potential misconduct relevant to the employee's performance of his



duties, ... the employee cannot really claim a legitimate expectation of privacy from searches of that nature."<sup>8/</sup> The court balanced the intrusion of an employment-context urinalysis against the employer's need to determine whether employees engaged in extremely hazardous work are using drugs. It found that the constitution was not violated because the search was a reasonable one.

Because the fourth amendment does not constrain the private employer, he or she has more freedom to conduct searches in an effort to detect and deal with substance abuse in the company. For example, when investigations linked several tragic Burlington Northern train accidents to employee alcohol or drug abuse last year, the railroad unilaterally implemented a surveillance and search program, using dogs trained to detect drugs, in order to stop on-the-job alcohol and drug use. The union protested this action and argued that the dog surveillance program was an unconstitutional search.

A federal court specifically held that the search was not unconstitutional, since the railroad, a private entity, was not bound by the fourth amendment.<sup>9/</sup> The court stated that there was "nothing prohibiting a private entity from requiring any person, including an employee, to submit to a 'search' by such a dog as a condition of entering that entity's premises, or refusing entry to any person believed to be in possession of an illicit substance."<sup>10/</sup>

Arbitrators similarly recognize that the private employer's right to search is broad. A recent decision approved a company

search of employees' lunch boxes, trousers, shoes, socks, lockers and vehicles after reports that employees were bringing drugs and handguns onto company property.<sup>11/</sup> The arbitrator explained:

Arbitrators have consistently held that the employer has a right to conduct a search of lunch boxes, lockers and persons and that [penalties for] refusal to permit a search may include discharge. These arbitrators have been attentive to the motivation for the search and the circumstances under which it was conducted, attempting to balance the legitimate interest of the employer and the personal dignity of the employee.<sup>12/</sup>

The arbitrator found that the search was motivated by the company's justifiable alarm at reports that employees were carrying drugs and handguns onto company premises. The company hired a professional security consultant, who conducted the search with as much regard for personal privacy as the legitimate ends of the search permitted. This may have been reflected in the fact that only two employees had objected to the search. Although the timing of the search was unannounced, advance notice of the company's policy was posted on the company bulletin board, the production office, the change room and the gates to the plant.

The arbitrator upheld this search because the employer was justifiably concerned about the health and safety of all his employees and conducted the search with reasonable regard to the personal privacy and dignity of the worker. The arbitrator recognized that informing employees of the search immediately before it was conducted would destroy the effectiveness of the search. He acknowledged, however, that the employer could accommodate both his own and his workers' needs by notifying them that he would conduct such searches in the future.

This case illustrates an important concept. An employer often can implement many needed drug abuse prevention, identification and intervention programs without undue employee resistance if he clearly communicates what he intends to do, explains why a search program is necessary, and consistently enforces the policy that he has adopted.

C. Due Process

The fifth and fourteenth amendments of the Constitution require the government to provide a person with due process before depriving him "of life, liberty, or property."<sup>13/</sup> This is a requirement that the government engage in a fair decision-making process before taking measures that affect an individual's basic rights.

The courts therefore have held that the actions a government employer takes toward its employees must be reasonably related to their jobs. When the government plans to penalize employees, it generally must notify them in advance and provide them with an opportunity to defend themselves. The requirements of due process will, of course, vary depending upon the situation.

Due process arguments made against government employers using drug testing generally claim that the tests are inaccurate, that the results are insufficiently related to work performance, or that the employee was punished as a result of a urinalysis without being afforded an adequate opportunity to contest the test results. Again, while private employers are not bound by the constitutional guarantee of due process, wise employers take into consideration workers' notions of what is fair and allow an

opportunity to discuss alleged drug use. Therefore, although the next few cases will deal with government workers, they have relevance to private industry.

1. Accuracy and Reliability

Courts that have passed on government employees' challenges of urine testing have consistently confirmed the accuracy and reliability of the tests. In a case decided in a Georgia federal court in 1984,<sup>14/</sup> municipal fire fighters and police officers argued that both urine testing and polygraph examinations were so unreliable that their use violated protected constitutional rights. The court examined the polygraph issue in detail and agreed that, in spite of the city's need to maintain safe police and fire services, the tests were impermissibly unreliable. The urinalysis challenge, however, was presented, discussed, and dismissed in a brief footnote, with the explanation that "the court is not persuaded that use of such testing procedures will violate plaintiffs' constitutional rights."<sup>15/</sup>

The court did not find the lack of perfect accuracy in urine testing to be significant enough to serve as the basis for a constitutional challenge. Indeed, in an analogous situation, the U.S. Supreme Court has accepted the reliability and accuracy of breath testing equipment.<sup>16/</sup> The Court held last year that due process does not require state police to retain the breath samples of suspected drunk drivers tested on a medical device called an Intoxilyzer. The Intoxilyzer measures the alcohol level of the breath of the person tested. Although, like urine testing, it may not be perfectly accurate, the Court found that the possibility of

a false positive (registering the presence of alcohol when none was there) was so slim that the preserved sample would have virtually no exculpatory value to the drunk-driving defendant. Therefore, the California police, though technically capable of preserving breath samples, were not required to do so because of the accuracy of the testing equipment.

"The materiality of breath samples," the Court reasoned, "is directly related to the reliability of the Intoxilyzer itself." The Court continued, "... if the Intoxilyzer were truly prone to erroneous readings, then Intoxilyzer results without more might be insufficient to establish guilt beyond a reasonable doubt."<sup>17/</sup> However, the justices believed that the testing device results were sufficient to establish guilt beyond a reasonable doubt because they found that the test was not prone to erroneous results.

A Supreme Court decision on urine testing would probably support the accuracy and reliability of that test as well. Like the Intoxilyzer, the accuracy of the urine tests themselves is nearly perfect. Inaccuracies in test results are also almost exclusively due to operator error.

In contrast to breath-alcohol testing and urine testing, courts and legislatures have found polygraph examinations -- lie detector tests -- too unreliable to use even to support employment-related decisions. Recall the fire fighters' and police officers' challenge of lie detectors and urine tests. The court ruled that the city could not use lie detector tests to combat drug use among

its police officers and fire fighters -- but it could use urine testing. One-third of the states have laws prohibiting private employers from requiring employees to take lie detector tests.<sup>18/</sup> Results of lie detector tests are generally inadmissible in court.<sup>19/</sup> Arbitrators also refuse to consider results of lie detector tests as proof of the truth of the tested person's response.<sup>20/</sup>

## 2. Relationship to Work Performance

The relationship between test results and work performance presents a more difficult legal question than does the accuracy of the test itself. At present, urine screening detects the presence of substances in the body. Test results will be positive when a recently ingested substance is detected in the sample, even though the person tested may not presently be "impaired" or "intoxicated." Current technology cannot yet measure impairment. The courts are not, however, dismissing urine testing in its present state simply because it is not able to measure physical impairment perfectly. They recognize that it is probably the best tool we have today to spot drug abuse.

Opponents of the test have argued that ingestion of the tested substances does not necessarily cause impairment at the workplace or long-term intoxication. Employers, on the other hand, know that theft and drug dealing in the workplace, absenteeism due to substance abuse, accidents, worker's compensation claims, health care costs and employee morale are connected with employees who use drugs on and off the job. Nevertheless, the

relationship between test results and work performance at times presents difficult legal questions, both because of the oftentimes intangible, immeasurable nature of adequate performance and the inability of the tests to measure impairment.

Consider, for example, a recent Louisiana state court case involving a city van driver's disqualification for unemployment benefits due to misconduct on the job.<sup>21/</sup> A co-worker had admitted leaving the company building to smoke marijuana in the company van, and was fired. The van driver, however, denied smoking marijuana on the job. When his urine test came up positive for marijuana, the city fired the driver for being under the influence of marijuana during working hours. The driver had testified that while he had not smoked marijuana on the job, he had smoked marijuana at 1:00 a.m. the day he was tested. He successfully argued at the administrative and trial court levels that the city had failed to prove that he was "intoxicated" on the job or that he was unable to perform his work in a safe manner because of his off-the-job behavior.

The state court of appeal reversed, ruling that it was an error to require the agency to prove intoxication or inability to work. "Merely smoking marijuana, or drinking alcohol or taking any other 'recreational' drug that may impair one's driving, while one is supposed to be working as a driver," the court explained, "is misconduct connected with the employment."<sup>22/</sup>

The appellate court balanced the public interest against the employee's rights and found the test to present an acceptable

answer to a serious employment issue. Nevertheless, the two lower tribunals did hold against the city. An employer should therefore attempt to show that any drug use will affect job performance.

### 3. Opportunity to Contest Results

The due process guarantee of fair decision-making also means a government employer must provide an employee with a reasonable opportunity to contest charges against him before he is punished.

While an employer can rely upon statistics proving the accuracy of urine testing and its validity as a measure of job performance, this third area is one where an employee can prevail against an employer who has not been careful to weigh employee rights before taking action.

In a 1982 federal court case, the Federal Aviation Administration had fired several air traffic controllers based solely upon positive urine test results.<sup>23/</sup> The agency had allowed the laboratory to throw away the urine samples before the controllers could independently inspect and test them. The court held that the agency had violated due process, by destroying the samples before the controllers could conduct an analysis of them, and ordered the controllers' reinstatement.

In contrast, in a 1984 case a Chicago bus driver argued that the Transit Authority denied him due process by failing to give him a hearing to contest the results of a positive urine test before removing him from behind the wheel.<sup>24/</sup> The court determined that a hearing after the bus driver was removed from driving would satisfy due process.



The principle behind these decisions is that the due process to be afforded the government employee must be a reasonable one -- reasonable based on all of the circumstances. Considering the ease in preserving a urine sample, the court found that the FAA had a duty to allow the controllers to defend themselves. Even the most rudimentary standards of due process required that the controllers be permitted to rebut the sole piece of evidence against them. On the other hand, the Chicago bus driver's due process rights had to be balanced against the public safety.

The same considerations of reasonableness and a balancing of factors should enter into any disciplinary decision based on drug testing. Private employers are not bound by the constitutional requirement of due process, but, as in other areas, they should act reasonably when they have evidence that an employee is abusing alcohol or drugs.

Good personnel practices, good public relations and most labor contracts require that an employee be given some notice of the reason for any disciplinary action and some opportunity to discuss that action with a superior. The private employer's best insurance against charges of unfairness in disciplinary actions is to advise employees in advance what will happen if they test positive for drug use or are otherwise identified as substance abusers. Supervisory personnel should offer to meet with an employee to discuss his work-related problems before discipline is instituted. (Caution: Supervisors should not discuss an individual's personal drug problems or accuse anyone of drug use -- this should be handled by trained personnel.) Employers should

consider re-testing any worker who presents plausible objections to the results of a single positive urine test.

D. Negligence Law

Unlike the constitutional claims just discussed, negligence claims can be brought against the private employer as well as government entities. Employee negligence actions against employers are generally of three types. First, an employer may be liable for negligence in hiring a substance abuser who harms another of his employees. Second, an employer may be liable for negligence if he fails to conduct the drug screening procedure with due care. Third, while an employer has a qualified privilege to communicate test results to those in the company who need to know about them, an employer who maliciously spreads untrue reports of positive test results will not be protected from his employees' charges of libel and slander.

1. Negligent Hiring

A 1984 New Mexico case involved a boy who was sexually assaulted by an intoxicated hotel employee.<sup>25/</sup> The boy's parents sued the hotel, claiming that the hotel was negligent in hiring and retaining the employee. The employee had previously been fired from his job as a dishwasher because of drinking. The hotel later rehired him, even though other hotel employees knew that he regularly drank on the job.

The appellate court found that there was enough evidence for a jury to decide whether the hotel should have foreseen, and

therefore should be held responsible for, the employee's behavior. It sent the case back for a new trial so that a jury could decide on the hotel's liability and the amount of damages.

This case illustrates the importance of controlling substance abuse in the workplace. An employer has a duty to foresee the dangers presented by an impaired employee, and he can be held liable for substantial damages if he fails to do so.

This duty does not extend only to visitors or guests of the company, however. Every employer has an obligation to maintain a safe workplace for his employees.<sup>26/</sup> This obligation is not met when an employer hires an individual who injures co-workers as a result of a substance abuse problem an employer carelessly failed to detect.

An established company policy and program against employee substance abuse, consistently enforced, could serve as an effective defense to a negligent hiring claim. An employer who has made clear that substance abuse on the job will not be tolerated, who has followed through with testing and other means of detection, and who has imposed sanctions and/or offered rehabilitative assistance to substance abusers will have a better chance of identifying and dealing with the impaired employee before he causes harm. Furthermore, the employer who has instituted and consistently enforced such a policy is also less likely to be held responsible for injuries caused by an employee who, without detection, violates the company's rules on substance abuse.

## 2. Negligent Testing

In 1982, two Michigan job applicants were refused employment after positive urine tests. They filed suit against the laboratory that performed the tests.<sup>27/</sup> To support their claim that the laboratory was liable for negligent testing, they introduced into evidence the device manufacturer's instructions which suggested that results be confirmed by alternate testing methods. Because of its failure to follow the manufacturer's labeling, the laboratory agreed to a settlement with the two job applicants.

Also in Michigan, two applicants for fire fighting positions sued the City of Detroit and the laboratory that had returned positive test results for marijuana.<sup>28/</sup> Based on these results, the city had revoked the applicants' certifications of eligibility for fire fighting positions. The city had confirmed the test results as suggested by the manufacturer. The federal court dismissed the negligent testing claims before the case reached trial.

These cases show the importance of following manufacturer's instructions in testing. But an employer's duty to test with care encompasses more than simply adhering to the instructions provided by a test manufacturer. It also includes proper training of employees who will administer the tests, assuring that the tests will be performed fairly and correctly and taking adequate care to protect the chain of custody over the urine samples.

## 3. Libel and Slander

A bus driver for a major private transportation company was suspended from work after a drug test given as part of the

required company physical was reported as positive for marijuana. News of his suspension and the test results spread to the bus driver's family, co-workers and acquaintances. Two weeks after the first urinalysis, the bus driver was tested again. The results were negative and the company reinstated him.

A state trial court awarded the bus driver \$5,000 damages for libel and slander.<sup>29/</sup> The court held that the laboratory and the company physician, knowing the purpose of the test and the consequences of an erroneous report, showed reckless disregard for the truth by communicating the test results without having ensured that they were correct. The Tennessee court of appeals, however, reversed this decision, holding that there was no libel or slander because the plaintiff could not prove actual malice.<sup>30/</sup>

On the other hand, in a Texas case, a railroad switchman sued his employer for libel and slander after urine test results falsely indicated the presence of methadone.<sup>31/</sup> The company physician who administered the urine test had explained to the company that further investigation would be required before he could draw any conclusions on drug use. Without further investigation, however, the company instituted disciplinary proceedings. A second urinalysis, performed at the employee's request, indicated that a compound was present in the urine sample which had characteristics of methadone but was not in fact methadone or any other commonly abused drug. The company nonetheless issued a statement that the switchman had been using methadone, and that this justified his dismissal. This statement was circulated

throughout the company. The switchman collected \$150,000 for damage to his reputation and an additional \$50,000 in punitive damages from the railroad.

These cases demonstrate that employers should confirm test results and should not publicize results beyond those people who absolutely need to know. As the Texas decision proves, errors in this area can cost many thousands of dollars.

E. Contract Law

An employer who plans to institute a drug screening program or other means of detecting illegal drug use should determine whether the plan complies with employment or union contracts, and first renegotiate those contracts if it does not.

This paper earlier discussed, in the context of a private employer's right to conduct searches, a union's suit against the Burlington Northern Railroad. That case also raised a second issue of contract law. The union argued that the detector-dog program, unilaterally implemented by the railroad, was in violation of the Railway Labor Act because it was a major change in employment conditions, made without required union consultation.

The railroad had a safety rule prohibiting on-the-job use or possession of drugs or alcohol; employees were well aware of that rule. The railroad argued that use of a detector-dog search program was within its managerial discretion to enforce the no-alcohol, no-drugs rule.

The court halted the program, agreeing with the union that the employer had changed the employment contract without the

legally required union consultation. Even though there was already a rule banning drugs and alcohol on the job, a program to enforce that rule could be instituted only through collective bargaining between the railroad and the union.

The language in an employment or union contract binds an employer and must be carefully drafted. One arbitrator held that a clause in a union contract prohibiting the "sales or use of intoxicants or drugs" did not prohibit a union member's possession of marijuana.<sup>32/</sup> Obviously that employer did not condone employees bringing drugs into the company as long as they did not sell or use them. He simply lacked the foresight to consider that the phrase he was using could technically be interpreted to exclude drug activity involving possession alone.

Whether judge or jury, a judicial decisionmaker is required to be objective. Labor arbitration cases often differ from court cases in this respect: the arbitrator's decisions may reflect conscious or unconscious bias in favor of allowing an employee to keep his job.<sup>33/</sup> Companies should therefore be alert to the existence of any careless terminology in the employment contract that might permit an arbitrator to find a way to excuse instances of substance abuse.

### III. PRIVATE EMPLOYERS CAN MEET -- OR, BETTER, AVOID -- THESE LEGAL CHALLENGES

The private employer is not bound by all of the legal restraints imposed upon the government employer. Nevertheless, private companies will be held accountable for failing to act

reasonably in conducting employee urine testing or other drug detecting programs. This paper began by pointing out the clash between changing social attitudes and law concerning drug testing. The private employer is legally entitled to do a great deal more than what may be socially accepted. Because social attitudes, however, can and do shape law -- and employee-employer relations -- a wise employer will be sensitive to these attitudes in structuring a testing program. A drug testing program, if carried out with reasonableness and discretion, can satisfy both social and legal standards.

There are two key threshold questions that a company considering a drug testing program should address. If a company can do so persuasively, its workers will in all probability accept the company's testing program and policy, and the company will be able to avoid most legal challenges.

The first question an employer must answer is "Why do I want to test?" A company should be able to justify the decision to test by clearly showing employees why drug use cannot be tolerated. Would drug use cause an employee to be unfit for his job? Would drug use endanger either the safety of co-workers or the safety of the public which depends on the company's product? Does an employee hold a position of public trust? Private companies are successfully testing across-the-board. But keep in mind that some employees -- the night janitor, the boy bagging groceries -- may be able to prove that they can perform their jobs, and perform them without endangering anyone's safety, after smoking



marijuana or taking so-called "soft" drugs. Both the courts and arbitrators will be more supportive of testing if employees concerned are working around high-voltage wires than if they are bagging groceries.

The second question an employer must answer is "What do I do when I find that someone is using drugs?" Before beginning testing, a company must develop clear procedures, based upon a fully articulated, written policy, for dealing with employees who test positive. These procedures must be clearly communicated, consistently enforced and fairly applied.

The principles of reasonableness that an employer should follow in establishing an employee substance abuse program have remained consistent over the past several years, and they have generally been sustained in court.

1. Demonstrate the need for drug testing in the company; document a relationship between job performance and substance abuse.

2. Develop a specific substance abuse policy and program in consultation with all parts of the company that may be affected. Union representatives, occupational health and safety personnel, security staff, personnel managers, legal advisors and, most importantly, top management all must be involved. Often companies have found it useful to bring in outside consultants to help identify problems and adopt a workable policy.

3. If necessary, modify private employment contracts and union contracts to reflect the company's substance abuse policy.

4. Notify employees of the policy. Tell them in advance the penalties that will be imposed for specified violations.

5. Follow through. Do not let a substance abuse program become a "paper" policy.

6. Test for substance abuse carefully. Follow the manufacturer's instructions. Make sure that persons who administer the tests and perform laboratory analyses are qualified to do so.

7. Notify employees of positive test results and provide them an opportunity to contest disciplinary actions taken on the basis of those results.

8. Keep test results confidential. Do not release positive test results until their accuracy has been verified by a confirmatory test and, if possible, by corroborating evidence of substance abuse. Do not let anyone who does not need to know have the results.

9. Consider setting up an employee assistance program or improving an existing one.

Statistics abound on what employee substance abuse is costing companies in decreased productivity, increased absenteeism, accidents at work, theft, higher health care premiums, and more union grievances. There are also costs that cannot be measured in dollars: the negative publicity suffered by affected companies; the damage to positions of public trust when a police officer or a corrections guard is using, or even rumored to be using, drugs; the lowered morale of nonabusers forced to work beside co-workers

who are not pulling their own weight, who are endangering others' safety, and who are committing crimes right in front of them -- stealing from the company, stealing from co-workers, dealing drugs. These realities make it relatively easy for most companies to answer the question, "Why do I need to test for drugs?" The more difficult question is the second one, "What do I do when I find out that someone is using drugs?"

Without a detection program, only the most obvious drug problems will be spotted -- and only if an alert supervisor is lucky to enough to be in the right place at the right time and has been trained to handle the situation properly. A drug screening program is just one of many ways of detecting drug problems. Undercover surveillance, use of drug-detector dogs, and searches of employees' lockers, lunch-pails, automobiles, and even their persons, can be used instead of -- or to supplement -- a drug screening program. But whatever the method or combination of methods a company decides to employ, the consequences remain the same. The company will be forced to adopt a program to deal with the abusing employee, either by firing him or by helping him to obtain treatment.

Helping the employee to obtain treatment is almost always a wiser course of action than firing him. The wise employer recognizes the need to provide health assistance to his impaired employees for morale, humane, and, perhaps most importantly, economic reasons. While private employers have no legal obligations to rehabilitate their employees, it is often better, and less expensive, to keep a worker working than to find

and train a replacement -- who may turn out to be a substance abuser himself.

There are several services available to industry today, including training programs, that can help companies handle drug and alcohol problems in a way that allows early intervention and effective treatment. This reduces absenteeism, prevents accidents and makes for a healthier and safer workplace. Working with trained counselors, employers can improve the health of their fellow employees -- and improve their job performance.

A substance abuse policy carefully planned and implemented will help a company avoid both the problems of employee substance abuse and the employee dissatisfaction that results in legal action against the company.

## FOOTNOTES

1. Philadelphia Inquirer, April 7, 1985 (Fortune 500 statistics reported from interview with Peter B. Bensinger).
2. Id.
3. Griswold v. Connecticut, 381 U.S. 479, 483 (1965) ("the First Amendment has a penumbra where privacy is protected from governmental intrusion"); Roe v. Wade, 410 U.S. 113, 153 (1973) ("a right of personal privacy, or a guarantee of certain areas or zones of privacy, does exist under the Constitution. In varying contexts, the Court or individual Justices have, indeed, found at least the roots of that right in the First Amendment, in the Fourth and Fifth Amendments, in the penumbras of the Bill of Rights, in the Ninth Amendment, or in the concept of liberty guaranteed by the first section of the Fourteenth Amendment." (citations omitted)).
4. "The right to possess and use marijuana in one's home is not and cannot be classified as a fundamental right protected by a constitutional zone of privacy." Louisiana Affiliate of the Nat'l Org. For the Reform of Marijuana Laws v. Guste, 380 F.Supp. 404, 409 (E.D. La. 1974), aff'd. 511 F.2d 1400 (5th Cir. 1975), cert. denied, 423 U.S. 867 (1975).
5. Washington Post, May 9, 1985, p. D1.
6. "The right of the people to secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be searched. U.S. CONST. AM. IV.
7. Allen v. City of Marietta, No. C83-1878A, slip op. (N.D. Ga. 1985).
8. Id.
9. Engineers v. Burlington Northern R.R., 117 LLRM 2739 (D. Mont. 1984).
10. Id. at 2740.
11. Shell Oil Co. v. Oil, Chemical and Atomic Workers, 84-1 Lab. Arb. Awards (CCH) 3101 (1983) (Brisco, Arb.).

12. Id. at 3104.
13. The federal government is bound by the fifth amendment, which provides: "No person ... shall be deprived of life, liberty, or property, without due process of law." U.S. CONST. AM. V. "[N]or shall any State deprive any person of life, liberty, or property, without due process of law." U.S. CONST. AM. XIV § 1.
14. Hester v. City of Milledgeville, 598 F.Supp. 1456 (M.D. Ga. 1984).
15. Id. at 1457 n.2.
16. California v. Trombetta, \_\_\_\_\_ U.S. \_\_\_\_\_, 104 S.Ct. 2528 (1984).
17. Id. at 2534 n.10.
18. See Carr, Employer Use of the "Lie Detector": The Arbitration Experience, 1984 LAB. L.J. 701, 702-3.
19. See id.; see also 3 J. WEINSTEIN, EVIDENCE ¶ 607[04] for case survey.
20. See, e.g., Glen Manor Home for the Jewish Aged v. Union of Hosp. and Health Care Employees, 85-1 LAB. ARB. AWARDS (CCH) 3139, 3141-2 (1984).
21. New Orleans Public Service v. Masaracchia, 464 So. 2d 866 (La. Ct. App. 1985).
22. Id. at 868.
23. Banks v. Federal Aviation Admin., 687 F.2d 92 (5th Cir. 1982).
24. Harvey v. Chicago Transit Auth., No. 83-C-9074, slip op. (N.D. Ill. 1984).
25. Pittard v. Four Seasons Motor Inn, 688 P.2d 333 (N.M. Ct. App. 1984).
26. Breach of this duty may not only constitute negligence, but may also violate statutory law. For example, the Occupational Safety and Health Act requires that an employer "shall furnish to each of his employees employment and a place of employment which are free from recognized hazards that are causing or likely to cause death or serious physical harm to his employees." 29 U.S.C. § 654. A substance-impaired co-worker operating heavy and/or dangerous machinery could present such a hazard.

27. Triblo v. Quality Clinical Laboratories, No. 82-226166-CZ (Mich. Ct. App. filed July 15, 1982; plaintiffs Chase and Medina withdrew after settlement reached).
28. McLeod v. City of Detroit, No. 83/CV/2163/DT (E.D. Mich. jury verdict April 10, 1985).
29. Unreported decision.
30. Ivy v. Damon Clinical Laboratory, Shelby Law No. 41, slip op. (Tenn. Ct. App. 1984).
31. Houston Belt & Terminal Ry. Co. v. Wherry, 548 S.W. 2d 743 (Tex. Civ. App. 1976).
32. B. Green & Co. v. Warehouse Employers Union, 71 Lab. Arb. (BNA) 685 (1978) (Cushman, Arb.).
33. See, e.g., Dufek, Underhill, "Arbitration Can Thwart Employer No-Drug Policy," Legal Times, March 18, 1985, p. 21.

## DRUG ABUSE IN THE WORKPLACE

### How Prevalent Is It?

Pre-employment drug screening in increasing numbers of companies typically turn up evidence of illicit drugs in between 10 and 20 percent of all applicants, even when people are told well in advance that they would be tested. (Washington Post, 11/24/85)

Among the population (18-25 year old) now entering the workforce (NIDA Household Survey):

- o 65 percent have experience with some illicit substance.
- o Roughly 20 percent used marijuana daily for at least 1 month during their adolescence.
- o 27 percent are current marijuana users.
- o 28 percent have tried cocaine, and 7 percent are current users of cocaine.

Most current users of illicit drugs are 18 years old or older, including 91 percent of cocaine users and 86 percent of the marijuana users (NIDA Household Survey).

- o 54 percent of all current cocaine users and 45 percent of all marijuana users are 18-25 years.
- o 37 percent of all cocaine users and 41 percent of all marijuana users are over 25.

### All Industries Are Affected

A 1985 NIDA national survey of 19-27 year old males indicated:

- o 5% had been high on the job, <sup>on alcohol</sup> 8 percent on marijuana and 2 percent on cocaine.
- o Rates of being high on marijuana while on the job were greatest for craftsmen, construction and manufacturing machine operators, and personal service workers.
- o Rates of being high on marijuana on the job were greatest in the following industries:
  - Manufacturing durable goods - 10 percent
  - Personal Services - 11 percent
  - Construction - 13 percent
  - Entertainment/Recreation - 17 percent



- o Rates of marijuana use in the past year ranged from 30 percent for mining to 55 percent for personal services industries.
- o Rates of cocaine use in the past year were high in:
  - Construction - 19 percent
  - Transportation - 24 percent
  - Personal Services - 27 percent
  - Entertainment/recreation - 27 percent
- o Employed men were only slightly less likely to report current use of cocaine (6 percent vs. 7 percent).
- o Men with high rates of job turnover (three or more periods of unemployment in past year) were also more likely to report current use of marijuana and cocaine.

According to callers of the 800-COCAINE hotline,

- o 76 percent of the cocaine users seeking help are employed; 40 percent are earning in excess of \$25,000 a year and one out of seven earns more than \$50,000 a year. (DEA)
- o 75 percent reported that they sometimes took coke while on the job, and 69 percent said they regularly worked under the influence of cocaine. One-fourth said they used cocaine at work every day. (Time 3/17/86)
- o 42 percent had spent all of their money to support their cocaine habits; 39 percent had sold cocaine to support their habits; and 55 percent had stolen from their employers to support their cocaine habits. (DEA)

United Auto Workers and industry estimates gathered by NIDA show that roughly 30 percent of the people who apply for auto factory jobs use drugs and alcohol excessively and about 35 percent of the workers employed by auto companies take drugs and get high or drunk on the job. (House Education & Labor Subcommittee, rpt. Miami Herald, 12/85)

Ronald Blount of the Associated General Contractors of America said that one of five construction workers is believed to have a drug or alcohol problem. The result, according to Garry Flowers of the Associated Builders and Contractors, a trade group that represents more than 18,000 construction firms, is that illicit drug use by workers is costing the construction industry billions of dollars. (House Education & Labor Subcommittee, rpt. Miami Herald, 12/85)

According to Fortune Magazine (June 24, 1985), "the abuse of drugs by executives has become a serious problem nationwide. While there are no solid statistics on this illegal activity, those in the best position to gauge its extent -- doctors who treat executives, people who run rehabilitation centers for the, and executive addicts themselves -- are virtually unanimous in saying that executive drug abuse is widespread and increasing rapidly."

- o An advertising executive for months billed clients for work never done and diverted the proceeds to support a \$2,000-a-week habit that included heroin and other drugs.
- o One drug using executive lost a Wall Street firm \$2 million though a combination of bad decisions and embezzlement.
- o A securities trader at a leading firm admitted that he and the other traders had committed \$50 million of their firm's trading capital to buy large blocks of stock while their judgment was impaired by drug use.
- o The owner of a textile company gave special prices and trade secrets to buyers who gave him cocaine.

Other Anecdotes:

- o A Wall Street trader, user of cocaine, does not remember a \$18 million trade he did. (Newsweek, 8/83)
- o Users and dealers abound in the legal profession. (Newsweek, 8/83)
- o According to Evelyn Perkins, a clinical specialist in nursing drug abuse problems, nearly 4 percent of doctors and nurses are dependent on narcotics, a rate 30-50 percent higher than in the general population. (Newsweek, 8/83)
- o Six of the 14 sailors and marines killed in the crash aboard the Nimitz in 1981 had marijuana in his system. (Newsweek, 8/83)
- o A 1981 Congressional study reported that two-thirds of the sailors aboard the aircraft carrier Forrestal regularly used marijuana and amphetamines. (Newsweek, 8/83)
- o Half of the 750 people applying for jobs at Aluminum Company of America's Vancouver, Washington plant during the first three months of a testing program were rejected because they flunked. (Houston Chronicle, 1/84)

- o An oil company in San Francisco began testing employees for drug use and 25 percent tested positive, all under the age of 38. (Unknown)
- o A Pittsburgh-based ..... company tested applicants for rehire after a layoff and 75 percent tested positive. (Unknown)

The Impact of Employee Drug Users

The cost to industry of drug abuse by employees includes productivity (absenteeism, inefficiencies), accidents, health care costs, crime costs, and impact on fellow employees and supervisors.

Ed Johnson, manager of the EAP at Firestone Tire and Rubber Company, pointed out (Industry Week, 2/8/82) that, compared to the norm for an employee, the drug user:

- o Is 3.6 times as likely to be involved in an accident;
- o Has 2.5 times as many absences lasting eight days or longer;
- o Receives three times the average level of sick benefits;
- o Is five times as likely to file a workers compensation claim;
- o Is seven times as likely to be the target of garnishment proceedings;
- o Functions at about 67 percent of his or her work potential; and
- o Is repeatedly involved in grievance procedures.

A national NIDA survey of adults aged 18 and older indicated:

- o The time between job entry and termination for workers currently using drugs was 10 months shorter for men and 16 months shorter for women than for non-drug users.
- o 17 percent of current marijuana or cocaine users "skipped" work vs. 6-7 percent of non-users.

What Does it Cost?

According to studies by the Research Triangle Institute,

- o The economic cost of drug abuse to American society was at least \$60 billion in 1983, compared to about \$17 billion in 1977.

- o Over half of the cost was lost productivity, which increased from \$2.3 billion in 1977 to over \$33 billion in 1983.
- o These estimates are admittedly conservative -- they do not include hidden costs such as disability pay, workers' compensation and loss of co-workers' and supervisors' time." They also do not include the costs of drug-related accidents.

U.S. industry lost \$81 billion in 1984 due to accidents "and people using drugs and alcohol on the job have three to four times the number of accidents as those who don't." (BNA-3/86)

The growth of U.S. productivity has been lagging behind that of other major industrial nations, none of which has a drug problem as serious. Between 1967 and 1981, America's manufacturing output advanced 39 percent. In the same period, Japan's leaped 209 percent, France's climbed 98 percent, West Germany's 90 percent, and Britain's, 57 percent." (USN&WR-5/16/83)

On-the-job drug and alcohol use by auto workers is costing U.S. car companies an estimated \$175 per vehicle in lost productivity and increased injury claims, according to Dr. Michael Walsh, NIDA. (Miami Herald, 12/85)

- o The figure represents about 35-40 percent of a company's total health care costs.
- o The figure does not include the cost of factory theft and property damage related to drug use.
- o Japan's car cost advantage over the U.S. is \$2,000 per vehicle.

#### Public Safety

"Federal traffic safety officials say nearly 10,000 young people die in auto wrecks each year, primarily because of alcohol or drugs. One result: Teenagers are the only age group whose life expectancy is not increasing." (USN&WR-5/16/83)

#### Railroad accidents:

- o "A recent federal study of 18 train accidents involving drugs or alcohol put the toll at 25 rail workers killed, 13 injured and 25 million dollars' worth of property damaged." (USN&WR-5/16/86)
- o "Since 1975, about 50 train accidents have been attributed to drug- or alcohol-impaired workers. In those mishaps, 37 people were killed, 80 were injured, and more than \$34

million worth of property was destroyed. In 1979, for instance, a Conrail employee was high on marijuana at the controls of a locomotive when he missed a stop signal and crashed into the rear of another train at Royersford, Pa. The accident killed two people and caused damages amounting to \$467,500." (Time-3/17/86)

#### Nuclear industry:

- o "Even the nuclear industry has been affected. In California, a group of former workers disclosed two years ago that after smoking pot they and others did shoddy repairs on the steam generator of a San Onofre nuclear reactor. A Nuclear Regulatory Commission spokesman said their work was corrected and no permanent damage done. Even so, he admitted that 'no doubt there is a cost.'" (USN&WR-5/16/83)
- o Nuclear Regulatory Commission suspended 21 nuclear facility guards for suspected drug use. (Newsweek, 8/83)

#### Air Traffic Controllers:

- o Talks with controller-candidates who attended the FAA's controller course at its Oklahoma City academy indicate widespread drug use among students in the past year. Many graduates have since moved on to air-traffic-control facilities in New York, Chicago, Cleveland, Minneapolis, Los Angeles and elsewhere. (Wall Street Journal, 5/83)
- o A veteran controller in the East has been known to colleagues as a user of cocaine and speed. Recently, they say, several aircraft have come dangerously close to each other because the veteran controller was lax in keeping them separated. (Wall Street Journal, 5/83)
- o In Los Angeles, a former employee of the air-traffic-control center says marijuana smoking and cocaine snorting are favorite pastimes at controllers parties. (Wall Street Journal, 5/83)
- o One controller-trainee at a Midwest center, says that about 50 trainees and controllers at the center (about 15-20 percent of the total) use marijuana socially. A few use cocaine. (Wall Street Journal, 5/83)

#### Other anecdotes:

- o A petrochemical plant in Louisiana exploded killing four men and costing millions of dollars. Allegedly, the men were high on amphetamines and laughed when the emergency alarm went off. (Newsweek, 8/83)

### What Is Being Done?

Today, about 8,000 U.S. firms have EAPs, including more than half of the Fortune 500. (Date & source unknown)

The use of urine tests to spot employee drug abuse is accelerating.

- o A survey (Bureau of Business Practice) of a cross section of Fortune 500 companies reports that 26 percent of the companies have a unanalysis screening program and 11 percent were considering starting one. (Insight, 11/25/85)
- o According to a survey (Noel Dunivant et al.) of Fortune 500 industrial and service organizations, 18 percent use drug screening on prospective or current employees and another 18 percent plan to start testing programs within two years. Two-thirds of those with programs won't hire applicants who flunk, and 25 percent will fire employees who flunk. (USA Today, 11/6/85)

### The Benefits of Action

"Roger Smith, chairman of General Motors, has said that absenteeism, much of it due to drug and alcohol abuse, costs the corporation a billion dollars a year." (USN&WR-5/16/83)

- o Since establishing the GM EAP in 1972, absenteeism has been cut in half.
- o That firm's paid leave for sickness and accidents has been cut by 55-60 percent.
- o This firm says increased productivity, fewer absences and reduced use of medical benefits by workers in the EAP brings a return of \$3 for every \$1 invested in the EAP over a two-year period.

In 1976, Firestone Tire and Rubber reported annual savings of \$1.7 million or \$2,350 per employee as a result of their alcoholism program."

Southern Pacific Railroad formerly tested employees for alcohol and drug use only after major accidents, but a rash of train derailments and other "human factor" accidents prompted the railroad to institute a systematic, companywide drug and alcohol testing program in August 1984. Since then, accidents attributed to human error throughout the railroad's 14-state territory have dropped 71 percent. (Insight, 11/25/85)

Pacific Gas and Electric found that 10 percent of all applicants tested positive during the first year of their screening program. The rate of serious injuries among newly hired workers in the construction division dropped more than 40 percent since the testing started. (Washington Post, 11/24/85)

Di Salvo Trucking, which started abuse tests in mid-1985 as part of physicals for 550 drivers and mechanics, expects to save about \$700,000 during its first year of testing. (Washington Post, 11/24/86)

Another firm estimates its EAP success rate at between 70 and 80 percent. Since 1982, 60 percent of those entering that company's program have entered voluntarily. This company's review of participants' work records before and after entering the EAP revealed savings estimated at over \$100,000 because of one factor -- a reduction in on-the-job accidents. (Unknown)

"In Houston, a division of the National Supply Company was hit a year ago with a decline in output and a rise in absenteeism, stealing and discipline problems. Drugs were the cause. After a six-month probe, police and company officials raided a drug deal in progress on the company parking lot with sirens blaring and lights flashing. Twenty-one employees were fired. Drug use plummeted. Within a week, minor injuries were cut in half, and efficiency rates jumped 20 points. Pilferage and absenteeism also declined. (USN&WR-5/16/83)

Of 1,200 employees enrolled in the Lockheed Corporation's drug-and-alcohol program in Marietta, Georgia, 43 percent have markedly reduced their absenteeism, and the company's medical payments have dropped 21 percent." (USN&WR-5/16/83)

# adamba update

FACTS AND FIGURES FROM THE ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH ADMINISTRATION

## ESTIMATED COSTS TO U.S. SOCIETY IN 1983 OF ALCOHOL ABUSE, DRUG ABUSE, AND MENTAL ILLNESS (In millions)

<u>Core Costs</u>	<u>Alcohol Abuse</u>	<u>Drug Abuse</u>	<u>Mental Illness</u>	<u>Total</u>
<b>Direct</b>				
Treatment and Support	\$14,865	\$ 2,049	\$33,445	\$50,359
<b>Indirect</b>				
Mortality	18,151	2,486	9,036	29,673
Reduced Productivity	65,582	33,346	4,048	102,976
Lost Employment	5,323	405	24,044	29,772
<b>Related Costs</b>				
<b>Direct</b>				
Motor Vehicle Crashes	2,667	(1)	-	2,667
Crime	2,607	6,565	966	10,139
Social welfare	49	3	259	311
Other	3,673	677	831	5,181
<b>Indirect</b>				
Victims of Crime	192	945	-	1,137
Crime Careers	0	10,846	-	10,846
Incarceration	2,979	2,425	146	5,549
Motor Vehicle Crash (time loss)	583	(1)	-	583
<b>Total(2)</b>	<b>\$116,674</b>	<b>\$59,747</b>	<b>\$72,775</b>	<b>\$249,196</b>

Totals may not add due to rounding.

Source: "Economic Costs to Society of Alcohol and Drug Abuse, and Mental Illness," study for the Alcohol, Drug Abuse, and Mental Health Administration by Research Triangle Institute, Chapel Hill, North Carolina, 1984

For Further Information: Alcohol, Drug Abuse,  
and Mental Health Administration, (301) 443-3783

Footnotes on reverse.

No. 3, April 1986



TALKING PAPER

SUBJECT: **URINALYSIS - DRUG TESTING**

Drug abuse is a leading cause of lost productivity. Illicit drugs are widespread in the workplace. Compared to the normal employee, the drug-user employee:

- is only two-thirds as productive;
- is over three times as likely to be involved in an on-the-job accident;
- is absent from work more than twice as often; and
- incurs three times the average level of sickness costs.

Increased recognition of the problems caused by drugs in the workplace has led a growing number of corporations to institute "no drug use" policies, including the suitable use of urinalysis.

Drug testing is a diagnostic tool designed to create a healthier work environment, increase productivity, improve public safety, and protect national security. Proper testing will identify those individuals who need help and allow them to get help.

Urinalysis testing in our nation's workforce provides the opportunity for significant gains in fighting drug abuse. Testing has proven itself in our military forces and is essential in the workplace.

Testing may be done:

- as pre-employment screening (condition of employment);
- as part of a routine physical examination;
- as part of the investigation into the cause of an on-the-job accident; or
- for cause, when drug use may be the cause for a change in an employee's work pattern, (e.g. high absenteeism, low productivity, unexplained increased use of health benefits, or evidence supporting drug use/trafficking on-the-job).

THE DEPARTMENT OF DEFENSE DRUG TESTING PROGRAM:

Our military forces have benefited greatly from using drug testing as the principal tool in identifying drug users.

-Prior to instituting programs, some units of the Navy reported over half of the personnel in some units were drug users. Today, the Navy reports this to be less than 3%.

Civilian employees who serve in designated critical jobs in the Department of Defense are also subject to testing. For example, one military service includes the following classes of jobs in the urinalysis testing program:

- Employees involved in the identification and treatment process,
- All jobs pertaining to aviation or aviation safety, including air traffic controllers, pilots, and a range of aviation mechanics and servicing personnel.
- All jobs pertaining to law enforcement; to include police, guards, and security or administrative personnel whose jobs are directly related to law enforcement,
- Jobs which require special access certification, such as chemical and nuclear surety and includes supervisory personnel assigned to nuclear reactor operators, nuclear weapons technicians, chemical ammunition maintenance, quality assurance, material handlers, laboratory workers and intrusion detection system maintenance personnel

When handled properly, a firm policy of "no drug use" coupled with testing (urinalysis) has proved to be both an effective deterrent and a diagnostic tool. The Army has stated that drug testing is "one of the most valuable tools in the attack on illegal drug use."

EXISTING POLICY

The President's 1984 National Strategy for Prevention of Drug Abuse and Drug Trafficking addresses drugs in the workplace:

- o "Public safety considerations require prompt action to identify, remove and treat individuals who are in jobs where their drug abuse endangers the public safety."
- o "Employers must establish a clear policy, ensure that the policy is understood and applied, and include specific rules, procedures for identifying violators and uncompromising discipline consistent with the public trust."

- o "As the nation's largest single employer, the Federal government should serve as a model for dealing constructively with drug and alcohol abuse in the workplace."
- o "The Strategy sets a high priority for the establishment and operation of employee assistance programs in both the private and public sectors to save lives and reduce the health and economic costs of alcohol and drug-related problems."

#### THE PRESIDENT'S COMMISSION ON ORGANIZED CRIME

Allegations that the recommendations of the President's Commission on Organized Crime call for mandatory testing for all government employees have been used to sensationalize the issue. The publicity has helped create the perception that testing is a law enforcement initiative and involves punitive measures. However, the recommendations called for "suitable" and "appropriate" testing and are consistent with the 1984 National Drug Abuse Prevention Strategy. Specifically, the Commission's recommendations were:

- o "the President should direct the heads of all Federal agencies to formulate immediately clear policy statements, with implementing guidelines, including suitable drug testing programs, expressing the utter unacceptability of drug abuse by Federal employees.";
- o "State and local governments and government contractors should support a similar policy"; and
- o "Government and private sector employers who do not already require drug testing of job applicants and current employees should consider the appropriateness of such a testing program."

#### TESTING IN THE WORKPLACE

Since most of the U.S. drug-user population is also in the nation's workforce, the direct consequences of their behavior pose a threat to national security, safety, productivity, and economic recovery. Drug abuse programs, including pre-employment testing are already in action in many of the Fortune 500 corporations:

- o The objective of testing is to reduce drug use and recover the lost productivity -- by identifying those drug users and providing access to counselling/treatment to restore full productivity.

DRAFT/March 12, 1986

- o In the case of a critical position affecting public safety, a confirmed positive test should be the basis for non-selection in the case of a pre-employment test or for reassignment pending treatment if a current employee.
- o Testing can and should be done with full protection for individual rights, privacy, and confidentiality. It must be based on reasonable policies. Other safeguards include:
  - management, unions, and employees being fully informed regarding the established drug policies and the consequences of policy violations;
  - ensuring that employees are aware that being drug-free is condition of employment and drug testing is a part of their job requirements;
  - advance notice of intent to test when initiating a new program;
  - proper handling and rigorously accounted for samples and records;
  - testing performed by properly certified laboratories;
  - any screening test which results in a positive should be followed by a second (confirmation) test before any negative action is taken; and,
  - results of individual tests should be held confidential.

#### CONCLUSION:

Drug law enforcement initiatives are reducing the supply and availability of illegal drugs and providing an effective deterrent to drug use. Education and prevention efforts are causing young people to say "NO" to drugs. International cooperation is expanding and an awareness of the dangers of drug abuse is bring about action in many other nations.

Urinalysis testing in our nation's workforce provides the opportunity for significant gains in fighting drug abuse. Testing has proven itself in our military forces and is essential in the workplace. Identification of drug users provides immediate results in protecting individuals while cutting costs and improving productivity.

It is essential that both government and private employers take prompt action to identify, remove and treat individuals who are in jobs where their drug abuse endangers the public safety.

DRAFT/March 12, 1986

July 31, 1986

*Screening  
N. West  
Alcohol*

MEMORANDUM FOR CARLTON TURNER

FROM: DONNA KNIGHT

SUBJECT: Companies Presently Using Urinalysis

The following is a partial list of companies presently using urinalysis:

American Airlines  
AT&T  
Baltimore Gas & Electric  
Bendix Corporation  
Burlington Northern  
Capital Cities  
Chevron  
Consolidated Freightways, Inc.  
DuPont  
Eastern Airlines  
Electronic Data Systems  
Exxon  
Federal Express  
FMC Corporation's Defense Systems Group  
Ford  
General Motors  
Georgia Power  
Greyhound  
Hoffman-LaRouche  
IBM  
International Building Supplies  
Kansas City Power & Light  
Lockheed  
Los Angeles Times  
Marion Laboratories, Inc  
Miami Herald  
New Jersey Bell  
New Jersey Transit  
New United Motor Manufacturing, Inc.  
New York Times  
Pacific Gas & Electric  
Roadway Services, Inc.  
Rockwell  
Seattle Metro  
Shell Oil

Sherson Lehman  
Southern California Electric  
Southern Pacific Railroad  
TWA  
United Airlines

The number of Fortune 500 companies that have a drug testing program have been estimated to be between 18 - 40% depending on which article you read.

8-1-86

Federal Aviation Administration

The FAA expects to award a contract within the next two weeks to a firm that will do drug testing. Employees to be tested are in safety related positions who are required to have annual medical exams. The actual testing is expected to begin with physicals in January.

The interim period between contract award and testing is to allow FAA to finalize procedures with the contractor who will do the work.

The Administrator of FAA issued a policy on drug abuse in August 1985. (ATTACHED)

Received info from: Virginia Meadows  
FAA  
267-3536



U.S. Department of  
Transportation

# News:

Office of the Assistant Secretary for Public Affairs  
Washington, D.C. 20590

FOR RELEASE FRIDAY  
August 16, 1985

FAA 36-85  
Contact: JoAnn Sloane  
Tel.: (202) 426-8521

## FAA ANNOUNCES NEW POLICY ON DRUG/ALCOHOL ABUSE

A new policy for dealing with drug and alcohol abuse by Federal Aviation Administration (FAA) employees serving in safety-related positions was announced today by FAA Administrator Donald D. Engen.

Engen said that the FAA has no evidence of widespread drug or alcohol abuse by its employees. "Still, there have been occasional incidents that suggest that the agency is not totally immune from the drug and alcohol abuse problems that affect society as a whole. We are implementing this rule in furtherance of Secretary Elizabeth Hanford Dole's commitment to doing everything in our power to maintain the highest levels of aviation safety."

The new program, which will be implemented as soon as possible, covers FAA employees identified as pilots, safety inspectors, air traffic controllers, police officers and firefighters. Penalties for using illicit drugs or abusing alcohol either on or off the job range from reassignment to dismissal. At present, there is no routine testing for drug or alcohol abuse of FAA employees, but those who work in safety-related positions may face dismissal if found to be using illicit drugs or abusing alcohol.

The new policy involves the use of urinalysis tests of employees in those safety-related positions on their entry into the FAA and annually thereafter to identify employees who may have a problem. FAA's policy is designed to help those employees help themselves by providing them an opportunity to participate in a rehabilitation program. Employees in these safety-related positions currently receive an annual physical examination in which a urine sample is taken. The new policy will require that urinalysis tests for drugs or alcohol be run on those samples. If a test is positive, the employee would be subject to a verification test and additional testing, if required. Once it is determined that an employee has a drug or alcohol problem, he or she will be relieved immediately of all safety-related functions and assigned other duties pending determination of further action.

Employees who enter and successfully complete a drug or alcohol treatment program could be returned to their original positions but would be subject to random screening. A second offense would result in removal from the FAA.

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U.S. Department  
of Transportation  
Federal Aviation  
Administration

# Memorandum

Subject ACTION: Agency Policy on Substance Abuse

Date: August 14, 1985

From   
Donald D. Enger  
Administrator

To All FAA Employees

This is a follow-up to my GENOT of February 16, 1985, promising to let you know my decision after studying a new FAA approach to the matter of substance abuse by employees.

As an employer, the Federal Aviation Administration (FAA) is concerned with the private decision of any employee to use illicit drugs or abuse alcohol or other substances in a way that could affect the user's work performance. As an employer with responsibility for aviation safety, the FAA is especially concerned when this private decision can affect the safety of the flying public. The confidence of the flying public depends upon absolute trust in the integrity of the air transportation system. Employees directly involved in aviation safety who use illicit drugs or abuse alcohol or other substances place their jobs in jeopardy. No one known to do so will be permitted to perform any aviation safety-related duties until the FAA is satisfied that that person no longer poses any risk to public safety.

When there is credible evidence that any employee is involved in the growing, processing, manufacturing, selling, disposition, transportation, or importation of narcotic drugs, marijuana, or depressant or stimulant drugs or substances, that employee shall be separated from the federal service. ~~Use, possession, purchase, or being under the influence of drugs on duty by employees who have direct aviation safety related duties or by other employees whose duties could affect the safety of people or property, will also result in separation.~~

The following procedures will apply to the off-duty conduct of those employees who have direct aviation safety-related duties:

- o When there is credible evidence of off-duty illicit drug use or alcohol abuse or other substance abuse by an employee, the employee will be relieved immediately from his/her aviation safety-related duties and assigned other responsibilities.
- o Each employee will be offered an opportunity to enter into an appropriate drug use abatement program or alcohol abuse treatment program.
- o Refusal to enter into an appropriate program will result in removal.

- o Once enrolled in an appropriate program, return to safety duties will be contingent upon FAA medical clearance. After successful completion of the rehabilitation program, the employee will be subject to random screening tests for a 1-year period.
- o At the end of the 1-year period, if the employee has ceased the use of illicit drugs or the abuse of alcohol or other substance, no further random screening will be required.
- o Any recurrence of illicit drug use or the abuse of alcohol or other substance will result in immediate removal by the FAA.

The following procedures will apply to all other FAA employees:

- o When there is any credible evidence that an employee in another occupation is involved in the use of illicit drugs or the abuse of alcohol or other substance, he/she will be offered an opportunity to enter into a drug use abatement program or an alcohol abuse treatment program.
- o If the employee refuses to enter into an appropriate program, he/she will be subject to appropriate discipline.
- o Should there be subsequent instances of the use of illicit drugs or the abuse of alcohol or other substance abuse, no opportunity need be offered to enter into a program, and the employee will be subject to discipline or removal.

All applicable agency directives will be revised in the near future to reflect this policy decision.

In addition to this policy, I have directed the Federal Air Surgeon to establish a procedure to include screening for substance abuse as part of the annual physical examination required for some agency employees. This procedure will help identify those who may have a problem with alcohol or drugs so that our Employee Assistance Program may assist them in becoming more productive employees.

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Postal Service

At this time, the Postal Service is considering testing all potential applicants. Right now, they have sort of a hit or miss program. Now they are testing current employees if there is evidence of current drug abuse.

Received info: David Charters  
Postal Service  
268-3783