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A BIBLIOGRAPHY ON DRUG TESTING IN THE WORKPLACE

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and
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The following bibliography on mandatory drug testing has been compiled to accompany the Symposium on Drug Testing in the Workplace presented by the *Journal of Law and Health* on November 21, 1986, at the Cleveland-Marshall College of Law.¹ It is hoped that this bibliography will benefit not only legal educators and law students, but also the practicing attorney, librarians, employers and employees in the private and public sector, and those whose research and interests require an understanding of the issues raised by this subject.

In compiling this bibliography it was intended that the scope of the bibliography be as clearly defined as possible. Much has been written both in recent months and over the years on the subject of drug abuse and the various rehabilitation programs offered by employers to employees. However, it was felt that these aspects lay outside of the scope of this bibliography, for it was hoped to cover the issues (legal, economic and social) raised by the introduction of compulsory drug testing into the workplace (for our purposes we did not distinguish between the workplace, the schoolyard and the sports field for it was felt that, by and large, similar issues were raised in these three locations). This bibliography is an attempt to provide a comprehensive listing of those publications which offer at least some treatment of the issues, concerns, and procedures involved in mandatory drug testing.

The majority of the publications listed have been released since 1984, and most are journal articles dealing with the legal implications of urinalysis and other forms of drug and alcohol testing. However, despite the proliferation of publications on the subject in recent years, it would be wrong to think that little or no research had been done on this subject prior to the 1980's. Mandatory drug testing has long been regarded as a sensitive issue in the armed forces, and has been recognized, at least since the early 1970's, by employers in certain sectors of the economy as a possible "remedy" to the problems of alcohol and drug abuse in the workplace. Furthermore, the issues raised by

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¹ The bibliography has been updated so as to include material through July 1987.

drug testing are of an interdisciplinary nature, and extend beyond the boundaries of the legal profession into a wide range of fields including personnel management and sociology.

The publications included in this bibliography are those which address the legal implications, the diagnostic and medical implications, and the managerial implications of mandatory drug testing in a scholarly manner. In an attempt to provide the reader with some form of subject division within the bibliography the authors have adopted this tripartite structure, however, the interdisciplinary nature of the literature does not allow for the easy division of the publications listed, and it is quite possible that the reader may disagree with the way certain material has been categorized. Those publications which were felt to be either too technical or too journalistic were excluded from the bibliography.

It is perhaps worth highlighting some of the publications which it is felt are extremely useful in their treatment of mandatory drug testing. A series of articles by Professor Stanley Grupp in the early 1970's on the now outdated method of the nalline test can be seen as a classic study on the various aspects of drug screening. However, Grupp's articles focus upon the law enforcement aspects of anti-narcotic tests outside of the workplace, furthermore, the methods of testing have now been greatly improved upon. More recently, articles by Professor Michael Susser and by Professor Robert Angarola, have brought the legal implications of testing to the fore while also recognizing the personnel management aspects of this issue. Congress and the Administration have also contributed to the body of literature available on drug testing through the passage of legislation and the issuance of an Executive Order announcing the government's intent to test public employees. A strong overview of the procedures, implications, and problems involved in the screening of workers may be found in a study issued by the Bureau of National Affairs, entitled *Alcohol and Drugs in the Workplace: Costs, Controls, and Controversies* (1986).

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BIBLIOGRAPHY ON DRUG TESTING IN THE WORKPLACE*Legal Perspective*

- Abney, *Drug Abuse, Court-Martial, and Random Urinalysis - An Unworkable Combination*, 27 ARIZ. L. REV. 1 (1985).
- Adams, *At Work While "Under the Influence": The Employer's Response to a Hazardous Condition*, 70 MARQ. L. REV. 88 (1986).
- Alderman, *Dragnet Drug-Testing in Public Schools and the Fourth Amendment*, 86 COLUM. L. REV. 852 (1986).
- Allred, *Constitutional Concerns in Drug Testing of Public Employees*, SCH. L. BULL., Winter 1987, at 20.
- Angarola, *Drug Testing in the Workplace: Is it Legal?*, PERSONNEL ADMIN., Sept. 1985, at 79.
- Angarola, *Legal Issues in Substance Abuse Testing Programs*, ABSTRACTS OF PAPERS OF AM. CHEM. SOC., Apr. 1986, at 23.
- Angarola, *Protect Safety, Not Drug Abuse*, A.B.A. J., Aug. 1986, at 35.
- Aron, *Drug Testing: The Employer's Dilemma*, 38 LAB. L.J. 157 (1987).
- Ayers, *Random Urinalysis: Violating the Athletes Individual Rights?*, 30 HOW. L. J. 93 (1987).
- Bible, *Screening Workers for Drugs: The Constitutional Implications of Urine Testing in Public Employment*, 24 AM. BUS. L.J. 309 (1986).
- Chineson, *Mandatory Drug Testing: An Invasion of Privacy?*, TRIAL, Sept. 1986, at 91.
- Clash Between Drug, Alcohol Tests and Privacy Rights Debated at American Bar Association Meeting*, 24 Gov't Empl. Rel. Rep. (BNA) 1156 (1986).
- CONGRESSIONAL RESEARCH SERVICE, *DRUG TESTING AND URINALYSIS IN THE WORKPLACE: LEGAL ASPECTS* (1986).
- CONGRESSIONAL RESEARCH SERVICE, *DRUG TESTING FOR ILLEGAL SUBSTANCES* (1987).
- Court Finds No Fourth Amendment Bar to Drug Testing for Police Officers*, 23 Gov't Empl. Rel. Rep. (BNA) 1726 (1986).
- Cowan, *Workers, Drinks, and Drugs: Can Employers Test?*, 55 U. CIN. L. REV. 127 (1986).
- Curran, *Compulsory Drug Testing: The Legal Barriers*, 316 NEW ENG. J. MED. 318 (1987).
- Denis, *Privacy Rights and Drug Testing: Is There a Conflict?*, 13 EMPL. REL. TODAY 253, 347 (1986).
- L. DOGOLOFF & R. ANGAROLA, *URINE TESTING IN THE WORKPLACE* (1985).
- Donegan & Angarola, *Drug Testing in the Workplace: A Clash of Rights*, 9 Legal Times 27 (1986).
- Drug Abuse in the Workplace: Hearings Before the House Select Comm. on Narcotics Abuse and Control*, 99th Cong., 2d Sess. (1986).
- Drug Testing Federal Employees: Hearings Before the Subcomm. on Human Resources of the House Comm. on Post Office and Civil Service*, 99th Cong., 2d Sess. (1986).
- Drug Testing in the Workplace: A Legislative Proposal to Protect Privacy*, 13 J. LEGIS. 269 (1986).
- Edwards, *Mandatory Drug Testing in the Workplace; Drug Testing Violates Privacy*, A.B.A. J., Aug. 1986, at 34.
- Edwards, *Mandatory Workplace Drug Testing: Liberties Lost by Increments*, 9 Legal Times 11 (1986).
- Exec. Order No. 12,564, 51 Fed. Reg. 32,889 (1986).
- Gardner, *Sniffing for Drugs in the Classroom — Perspectives on Fourth Amendment Scope*, 74 NW. U.L. REV. 803 (1980).
- Geraghty, *Are Your Constitutional Rights Protected Under Mandatory Drug Testing Programs?*, 15 STUDENT LAW. 7 (1986).
- Hartsfield, *Medical Examination as a Method of Investigating Employee Wrongdoing*, 37 LAB. L.J. 692, 767, (1986).
- Helsby, *Drug Testing in the Workplace, City of Palm Beach v. Bauman*, FLA. B.J., June 1986, at 73.

- Higginbotham, *Urinalysis Drug Testing Programs for Law Enforcement*, 55 LAW ENFORCEMENT BULL. 25 (1986).
- Hunter, *Your Urine or Your Job: Is Private Employee Drug Urinalysis Constitutional in California*, 19 LOY. L.A.L. REV 1451 (1986).
- Husband, *Drug and Alcohol Abuse in the Workplace*, 15 COLO. LAW. 31 (1986).
- Kaufman, *The Battle Over Drug Testing*, N.Y. Times, Oct. 19, 1986 (Magazine), at 52.
- Lahey, *Whose Rights Are Violated? Testing for Drug Abuse*, NAT'L SAFETY & HEALTH NEWS, June 1986, at 26.
- Law, *Cases of Cannabis Abuse Detected by Analysis of Body Fluids*, 21 J. FORENSIC SCIENCES SOC'Y 31 (1981).
- Leal, *Admissibility of Biochemical Urinalysis Testing Results for the Purpose of Detecting Marijuana Use*, 20 WAKE FOREST L. REV. 391 (1984).
- Lombardi, *Constitutional Law: Urinalysis and the Public Employer - Another Well-Delineated Exception to the Warrant Requirement?*, 39 OKLA. L. REV. 257 (1986).
- Maizel, *Urinalysis: Search and Seizure Aspects*, 14 ADVOC. 402 (1982).
- Marcotte, *Drug Testing: Reasonable Suspicion Required*, A.B.A. J., Feb. 1986, at 20.
- Marcotte, *Drugs at Work: Employee Testing Challenged*, A.B.A. J., March 1986, at 34.
- Meloch, *An Analysis of Public College Athlete Drug Testing Programs Through the Unconstitutional Condition Doctrine and the Fourth Amendment*, 60 S. CAL. L. REV. 815 (1987).
- Miller, *Mandatory Urinalysis Testing and the Privacy Rights of Subject Employees: Toward a General Rule of Legality Under the Fourth Amendment*, 48 U. PITT. L. REV. 201 (1986).
- Okay, *Soldiers - Excrete*, 15 ADVOC. 190 (1983).
- President Issues Executive Order on Drug Testing of Federal Workers*, 24 Gov't Empl. Rel. Rep. (BNA) 1269 (1986).
- Provost, *Alcohol or Drug Use on the Job: A Study of Arbitration Cases*, 5 EMPL. REL. L. J. 245 (1979).
- Random Drug Testing Tramples Rights*, NEA TODAY, Dec. 1986, at 21.
- Reagan Administration Drug Testing Program*, 66 CONG. DIG. 131 (1987).
- Rector, *Use and Abuse of Urinalysis Testing in the Workplace: A Proposal for Federal Legislation Limiting Drug Screening*, 35 EMORY L.J. 1011 (1986).
- Renovitch, *New Developments in the Public Sector*, 37 LAB. L.J. 469 (1986).
- Rothstein, *Screening Workers for Drugs: A Legal and Ethical Framework*, 11 EMPL. REL. L.J. 422 (Winter 1985-86).
- Rust, *Drug Testing: The Legal Dilemma*, A.B.A. J., Nov. 1986, at 50.
- School's Urine Test for Drugs Found to be Unconstitutional*, 24 Gov't Empl. Rel. Rep. (BNA) 1255 (1986).
- Shoemaker v. Handel: Alcohol and Drug Testing and the Pervasive Regulation Exception Administrative Search Warrant Requirements*, 14 HASTINGS CONST. L.Q. 173 (1986).
- Silas, *School Drug Tests: Arkansas Policy Challenged*, A.B.A. J., Apr. 1984, at 36.
- Stern, *Government Drug Testing and Individual Privacy Rights: Crying Wolf in the Workplace*, 5 YALE L. & POL'Y REV. 235 (1986).
- Susser, *Legal Issues Raised by Drugs in the Workplace*, 36 LAB. L.J. 42 (1984).
- Testing for Drug Use in the American Workplace*, NOVA L.J. (Winter 1987).
- U.S. PRESIDENT'S COMM'N ON ORGANIZED CRIME, AMERICA'S HABIT: DRUG ABUSE, DRUG TRAFFICKING, AND ORGANIZED CRIME (1986).
- Weisner, *Urinalysis: Defense Approaches*, 15 ADVOC. 114 (1983).
- Wood, *Employee Drug Testing: Practical and Legal Considerations*, 66 MICH. B. J. 158 (1987).
- Zeese, *Marijuana Urinalysis Tests*, DRUG L. REP., Mar. 1983, at 25.

Zeese, *Urine Testing and the Fourth Amendment*, 14 Search & Seizure L. Rep. 97 (1987).

Medical/Diagnostic Perspective

- Allen & Stiles, *Specificity of the EMIT Drug Abuse Urine Assay Methods*, 18 CLIN. TOXIC. 1043 (1981).
- Andersen, *Collecting a Reliable Urine Specimen for Drug Analysis*, J. NURSING ADMIN, Jan. 1987, at 25.
- Black, *Enzyme Immuno-Assay Method for Comprehensive Drug Screening in Micro-Samples of Urine*, 33 CLIN. CHEM. 367 (1987).
- Centers for Disease Control, *Urine Testing for Detection of Marijuana: An Advisory*, 32 MORBID. & MORTAL. WEEKLY REP. 469 (1983).
- Clark & Hajar, *Detection and Confirmation of Cocaine Use by Chromatographic Analysis for Methylecgonine in Urine*, 33 CLIN. CHEM. 118 (1987).
- Divoll, *The Admissibility of Positive EMIT Results As Scientific Evidence: Counting Facts Not Heads*, 5 J. CLIN. PSYCHOPHARMACOLOGY 114 (1985).
- Gold, *Role of the Laboratory in the Evaluation of Suspected Drug Abuse*, 47 J. CLIN. PSYCHIATRY 17 (1986).
- Gresch, *Drug Screening in Industry*, 28 J. OCC. MED. 1239 (1986).
- Grupp, *The Nalline Test - Development and Implementation*, 61 J. CRIM. L. & Criminology 296 (1970).
- Hansen, Caudill & Boone, *Crisis in Drug Testing: Results of CDC Blind Study*, 253 J. A.M.A. 2382 (1985).
- Harris, *Status of Drug Testing: Large-Scale Reliability*, U.S. J. DRUG & ALCOHOL DEPEN., Sept. 1986, at 8.
- R. HAWKS & C. CHIANG, URINE TESTING FOR DRUGS OF ABUSE (1986).
- Kelner, *Positive Diphenhydramine Interference in the EMIT - d.a.u. Assay*, 30 CLIN. CHEM. 1430 (1984).
- Lewy, *Preemployment Qualitative Urine Toxicology Screening*, 25 J. OCC. MED. 579 (1983).
- Lundberg, *Mandatory Unindicated Urine Drug Screening: Still Chemical McCarthyism*, 256 J. A.M.A. 3003 (1986).
- Kulberg, *Substance Abuse: Clinical Identification and Management*, PEDIATRIC CLINICS OF N. AM., Apr. 1986, at 325.
- McBay, Dubowski & Finkle, *Urine Testing for Marijuana Use*, 249 J. A.M.A. 881 (1983).
- McBay & Hudson, *Cost Effective Drug Testing*, 32 J. FORENSIC SCI. 575 (1987).
- McBay, *Problems in Testing for Abused Drugs*, 255 J. A.M.A. 39 (1986).
- Morgan, *Problems of Mass Urine Screening for Misused Drugs*, 16 J. PSYCHOACTIVE DRUGS 305 (1984).
- Murray, *Drug Testing and Moral Responsibility*, PHYSICIAN & SPORTSMEDICINE, Nov. 1986, at 47.
- NATIONAL INSTITUTE ON DRUG ABUSE, *EMPLOYEE DRUG SCREENING-DETECTION OF DRUG USE BY URINALYSIS* (1986).
- Panner & Christakis, *The Limits of Science in On-the-Job Drug Screening: Mass Drug Screening Offers a Deceptively Simple Solution to the Problem of Drug Use Among Workers*, HASTINGS CENTER REP., Dec. 1986, at 7.
- Schwartz & Hawks, *Laboratory Detection of Marijuana Use*, 256 J. A.M.A. 788 (1985).
- Screening for Drugs of Abuse*, LANCET, Feb. 14, 1987, at 365.
- Smith, *Assessing Drug Tests*, COLO. BUS., June 1986, at 32.
- Stein, Laessig & Idrikso, *Evaluation of Drug Testing Procedures Used by Forensic Laboratories and Qualifications of Their Analysts*, 1973 WIS. L. REV. 727.
- Wilkinson, *Drug Screening for Employment Purposes: The Importance of Telling It Like It Is*, 22 CLIN. CHEM. 393 (1976).

Managerial & Social Perspectives

- Bensinger, *Drugs in the Workplace*, HARV. BUS. REV., Nov.-Dec. 1982, at 48.
- ALCOHOL AND DRUGS IN THE WORKPLACE: COSTS, CONTROLS, AND CONTROVERSIES (BNA Special Report 1986).
- Bompey, *Drugs in the Workplace: From the Batters Box to the Boardroom*, 28 J. OCC. MED. 825 (1986).
- Bornstein, *Drug and Alcohol Issues in the Workplace: An Arbitrator's Perspective*, ARB. J., Sept. 1984, at 19.
- Brown, *Employment Tests: Issues Without Clear Answers*, PERSONNEL ADMIN., Sept. 1985, at 43.
- Brown, *To Test or Not To Test: Eight Questions to Answer Before Leaping into a Drug Screening Program*, PERSONNEL ADMIN., Mar. 1987, at 67.
- Burmater, *Employee Drug Use Creates Losses but Proper Policies Can Control It*, OCC. HEALTH & SAFETY, Dec. 1985, at 39.
- Castro, *Battling the Enemy Within: Companies Fight to Drive Illegal Drugs Out of the Workplace*, TIME, Mar. 17, 1986, at 52.
- Chapman, *The Ruckus Over Medical Testing*, FORTUNE, Aug. 1985, at 57.
- CONFERENCE BOARD, INC., REPORT NO. 883, CORPORATE STRATEGIES FOR CONTROLLING SUBSTANCE ABUSE (1986).
- Dees, *An Employer 'Quick Fix': Employee Testing for Drugs*, MGMT SOLUTIONS, Nov. 1986, at 12.
- Dees, *Testing for Drugs and Alcohol: Proceed with Caution*, PERSONNEL, Sept. 1986, at 53.
- T. DENENBERG, ALCOHOL AND DRUGS: ISSUES IN THE WORKPLACE (1983).
- Drug Screening on the Job* (BNA Communications 1986). [Film]
- Drug Testing: Who's Doing It and How?*, TRAINING, Mar. 1987, at 30.
- Englade, *Who's Hired and Who's Fired: That Decision May Rest on Laboratory Tests First - Are Genetic Screenings Next?*, STUDENT LAW., Apr. 1986, at 20.
- Ford, *Drugs, Athletes and the NCAA: A Proposed Rule for Mandatory Drug Testing in College Athletics*, 18 J. MARSHALL L. REV. 205 (1984).
- Fortune 500 Firms Use Urinalysis to Stem Employee Drug Abuse*, ADMIN. MGMT, Jan. 1986, at 12.
- Gampel & Zeese, *Are Employers Overdosing on Drug Testing? Are Drug Tests Accurate or Fair?*, BUS. & SOC. R., Fall 1985, at 34.
- Geight, *Drug and Alcohol Abuse in the Workplace: Balancing Employer and Employee Rights*, 11 EMPL. REL. L.J. 1818 (1985).
- Glasser & Weihemayer, *Drug Testing in the Workplace*, MARKETING & MEDIA DECISIONS, Feb. 1987, at 126.
- Greenberg, *To Test or Not To Test: Drugs and the Workplace*, MGMT REV., Jan. 1987, at 18.
- Hartsfield, *Legal Clouds Hover Over Drug Testing at Workplace*, EMPL. BEN. PLAN REV., Feb. 1986, at 52.
- Hartstein, *Drug Testing in the Workplace: A Primer for Employers*, 12 EMPL. REL. L.J. 577 (1987).
- Hoffer, *Business' War on Drugs*, NATION'S BUS., Oct. 1986, at 18.
- How's and Whys of Testing for Alcohol and Drugs*, EMPL. BEN. PLAN REV., June 1986, at 106.
- Kaplan, *Pre-Employment Drug Screening: Does It Pass the Test?*, J. CAREER PLANNING & EMPL., Fall 1986, at 28.
- Kendall, *Drug Testing: Societal Safeguard or Invasion of Privacy?*, OCC. HAZARDS, Aug. 1986, at 43.
- Klein, *Employees Under the Influence-Outside the Law?*, PERSONNEL J., Sept. 1986, at 57.
- Lake, *Unrestricted Private Employee Drug Testing Programs: An Invasion of the Workers Right to Privacy*, 23 CAL. W.L. REV. 72 (1986).
- Lehr & Middlebrooks, *Workplace Privacy Issues and Employer Screening Policies*, 11 EMPL. REL. L.J. 407 (1985).
- Lie-Detector Tests: Two Schools of Thought [Polygraph Bill and Drug Tests of Employees]*, OFFICE, May

1986, at 31.

- Lyles, *Should the Next Drug Bust Be In Your Company?*, PERSONNEL J., Oct. 1984, at 46.
- Madonia, *Managerial Responses to Alcohol and Drug Abuse Among Employees*, PERSONNEL ADMIN., June 1984, at 134.
- Masi, *Dealing with Drug Abuse in the Workplace*, 3 BUS. & HEALTH 29 (1985).
- Muczyk & Heshizer, *Managing in an Era of Substance Abuse*, PERSONNEL ADMIN., Aug. 1986, at 91.
- Murphy, *How To Protect Employees Who Are Tested for Drug and Alcohol Abuse*, PRAC. LAW., Apr. 1987, at 27.
- National Institute on Drug Abuse, *The Workplace as a Setting for Drug Abuse Prevention*, PREVENTION RESOURCES, Winter 1981, at 1.
- R. RAO, AN ANNOTATED BIBLIOGRAPHY ON SOCIAL AND PSYCHOLOGICAL ASPECTS OF DRUG ABUSE (1986).
- Reaves, *Cleaning Up Sports: Tough New Rules Draw Cheers Most of the Time*, A.B.A. J., Jan. 1984, at 32.
- Redeker & Segal, *How To Protect Employers Who Test for Drug and Alcohol Abuse*, PRAC. LAW., Apr. 1987, at 13.
- Reskin, *Drug Test Limits: Employee Ordered Reinstated*, A.B.A. J., June 1986, at 87.
- Rose, *What Managers Must Know About Drug Testing*, WORKING WOMAN, Apr. 1987, at 20.
- M. ROTHSTEIN, MEDICAL SCREENING OF WORKERS (1984).
- Rothstein, *Medical Screening: Protection for Workers or a Discriminatory Tool*, PERSONNEL ADMIN., Oct. 1985, at 48.
- W. SCANLON, ALCOHOLISM AND DRUG ABUSE IN THE WORKPLACE (1986).
- Schreier, *A Survey of Drug Abuse in Organizations*, PERSONNEL J., June 1983, at 478.
- Shahandeh, *Drug and Alcohol Abuse in the Workplace: Consequences and Counter Measures*, 124 INT'L LAB. R. 207 (1985).
- Shaw & Craddock, *Drug Testing and the Federal Worker*, FED. CAREER INSIGHTS, Nov. 1986, at 7.
- Steiner & Dabrow, *The Employer's Right to Test Employees for Drugs and Alcohol in the Workplace*, FED. MANAGERS Q., July 1986, at 14.
- Turner & Steger, *The Role of Drug Testing in Achieving a Drug-Free Workplace*, GOV'T EXEC., Apr. 1987, at 26.
- Tyson & Vaughn, *Drug Testing in the Workplace*, OCC. HEALTH & SAFETY, Apr. 1987, at 24.
- Wagner, *The Drug Dependency Dilemma: Managers Weigh Privacy vs. Productivity in the Quest for a Drug-Free Workplace*, 21 CAL. BUS. 30 (1986).
- Whose Problem Is It? Drugs and Alcohol in the Workplace* (MTI Teleprograms 1983). [video]
- Wright, *How Managers Should Approach Alcoholism and Drug Abuse in the Workplace*, 48 BUS. Q. 53 (1983).

