A Bibliography on Drug Testing in the Workplace

Stephen E. Young
The Catholic University of America, Columbus School of Law

Elizabeth Armitage

Follow this and additional works at: http://scholarship.law.edu/scholar

Part of the Labor and Employment Law Commons

Recommended Citation
A BIBLIOGRAPHY ON DRUG TESTING IN THE WORKPLACE

Stephen Young* and Elizabeth Armitage**

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. 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

* M.L.S., Public Services Librarian, Cleveland-Marshall College of Law
** M.A., Public Services Librarian, Cleveland-Marshall College of Law

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).

The authors would like to extend their gratitude to Professor Robert J. Nissenbaum and the staff of the Journal of Law and Health for their assistance in the compilation of this bibliography.
BIBLIOGRAPHY ON DRUG TESTING IN THE WORKPLACE

Legal Perspective


CONGRESSIONAL RESEARCH SERVICE. DRUG TESTING FOR ILLEGAL SUBSTANCES (1987).


Drug Testing in the Workplace: A Legislative Proposal to Protect Privacy, 13 J. Legis. 269 (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).


Medical/Diagnostic Perspective


NATIONAL INSTITUTE ON DRUG ABUSE, EMPLOYEE DRUG SCREENING-DETECTION OF DRUG USE BY URINALYSIS (1986).


Smith, Assessing Drug Tests, COLO. BUS., June 1986, at 32.


Wilkinson, Drug Screening for Employment Purposes: The Importance of Telling It Like It Is, 22 CLIN. CHEM. 393 (1976).
Managerial & Social Perspectives


Bompey, Drugs in the Workplace: From the Batters Box to the Boardroom, 28 J. OCC. MED. 825 (1986).


Brown, To Test or Not To Test: Eight Questions to Answer Before Leaping into a Drug Screening Program, PERSONNEL ADMIN., Mar. 1987, at 67.


Castro, Battling the Enemy Within: Companies Fight to Drive Illegal Drugs Out of the Workplace, TIME, Mar. 17, 1986, at 52.


CONFERENCE BOARD, INC., REPORT No. 883, CORPORATE STRATEGIES FOR CONTROLLING SUBSTANCE ABUSE (1986).


Dees, Testing for Drugs and Alcohol: Proceed with Caution, PERSONNEL, Sept. 1986, at 53.


Drug Screening on the Job (BNA Communications 1986). [Film]


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.


Greenberg, To Test or Not To Test: Drugs and the Workplace, MGMT REV., Jan. 1987, at 18.


Hoffer, Business' War on Drugs, NATION'S BUS., Oct. 1986, at 18.


Lie-Detector Tests: Two Schools of Thought [Polygraph Bill and Drug Tests of Employees], OFFICE, May
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.


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.


R. RAO, AN ANNOTATED BIBLIOGRAPHY ON SOCIAL AND PSYCHOLOGICAL ASPECTS OF DRUG ABUSE (1986).


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).


Steiner & Dabrow, The Employer's Right to Test Employees for Drugs and Alcohol in the Workplace, FED. MANAGERS Q., July 1986, at 14.


Whose Problem Is It? Drugs and Alcohol in the Workplace (MTI Teleprograms 1983). [video]
