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Recreational drug use is
incredibly common around the
world and it very often leads
to disaster and crime.
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Supervisor Newsletter

Types of Drug Testing

If even one employee suffers from a substance abuse problem, it could have a negative effect on the company and threaten employees and clients. Drug abuse is contagious; it spreads through the workplace. Therefore, it is important for supervisors to do everything possible to ensure that workers do not put the company, coworkers, customers, or the general public at risk.

Screening employees for drugs utilizing a range of drug testing protects the workforce and the public. (However, a fair-minded supervisor should keep in mind that it is possible to misidentify employees as being under the influence of controlled substances. Certain indicators of substance abuse—such as slurred speech, disorientation, bloodshot eyes, or dilated pupils—may result from a variety of causes.)

In today's legal environment, almost any decision to discharge an employee carries with it the potential for costly disputes before state and federal administrative agencies and, ultimately, in the courts. Thus, reliable *documentation* of the legitimate reasons for any discharge decision is always necessary. This is one of the reasons why your company substance abuse policy includes a "reasonable-suspicion" testing procedure and requires documentation. This process is a sound response to these concerns.

Your company substance abuse policy specifically identifies the types of testing your employer will use. Make sure that you are thoroughly familiar with *all* types of testing required.

Certified drug free workplaces in most states are required to conduct (at a minimum) post-offer (or pre-employment) testing for all new hires, reasonable-suspicion testing for employees who appear to be under the influence, post-accident testing for any employee involved in an incident requiring more than first-aid medical treatment or resulting in significant property damage, and post-rehabilitation testing for employees who have completed a substance abuse treatment program and have returned to work. Some company policies include periodic "routine-fitness-for-duty" testing, or random and unannounced testing, either for employees in safety-sensitive positions or for the workforce as a whole.

Your company policy also provides that employees who refuse to submit specimen samples for testing will be subject to discipline, either as if they had tested positive for controlled substances, or by immediate discharge for insubordination.

Adulterated Drug Tests

Supervisors should be aware that some individuals will constantly look for a means to defeat drug testing. Attempts by drug users to avoid detection have always been a problem, but with the normalization, legalization, and commercialization of marijuana across the country, many drug abusers have become highly competent at cheating a drug test. A Google search reveals 11,900,000 websites that offer advice on beating a drug screen.

Internet based companies market a variety of substances intended to mask the presence of drugs or alcohol in tested samples, or to adulterate the sample to such a degree that testing is impossible. Some products contain oxidizing adulterants that chemically alter or destroy drug metabolites. Others contain non-oxidizing agents that change the pH of urine or the ionic strength of the sample. Surfactant adulterants when added to urine form microscopic droplets with fatty interiors that trap marijuana metabolites, making them invisible in a drug screen.

Adulterants are products designed to be easily concealable in clothing so that they can be added to the collection cup before, during, or after urination without the collector's knowledge.

The federal government defines an adulterated specimen as "a specimen that contains a substance that is not expected to be present in human urine, or contains a substance expected to be present but is at a concentration so high that it is not consistent with human urine." Guidelines from the Substance Abuse and Mental Health Services Administration require additional tests for urine specimens with abnormal physical characteristics or ones that show characteristics of an adulterated specimen during initial screening or confirmatory tests.

The most common ways of trying to beat a drug test are: substituting urine with synthetic urine or drug free urine purchased from a clandestine source, drinking a commercially available product

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to flush out drugs, or adding an adulterant into the urine specimen after collection.

Dealing With Adulterated Tests

In response to the increasing number of companies formed to help individuals beat a drug test, and the large amount of internet ads touting ways to “cheat” a test, many states have passed laws making it a crime to commit drug test fraud. These laws target both the test taker and the companies that sell adulterant products. Most of these laws prohibit: selling, distributing, or marketing urine intended to defraud a drug test; attempting to defeat a test by spiking or substituting a sample; adulterating a sample; and/or possessing or selling adulterants. Some states bar individuals from unemployment benefits if they submit an adulterated urine sample.

While states work to pass laws to deter cheating on drug tests, drug testing labs fight back by conducting tests to identify what is being used to mask drugs. Lab employees search the internet for the products being marketed, buy the chemicals and analyze them, conduct the research, and post their results online and in scientific publications.

Employer Response to Adulterated Tests

Employers are combatting adulterated tests in a number of ways. A good substance abuse policy is one tool for dealing with an employee who has submitted an adulterated specimen. Employers reserve the right to discipline or discharge employees based on conduct or other evidence of working under the influence, even if a particular sample is untestable or tests negative. It may also be prudent to require that any employee who submits two untestable samples will be discharged for presumed tampering.

The U.S. Department of Transportation (DOT) mandates that DOT-covered employees whose sample is determined to be tampered with must be automatically reported as “positive” on their drug test and be immediately removed from their positions by their employer. Non-DOT employees are not subject to the same federal regulation; however, they may still be released from their duties, depending on the employer’s company drug policy.

Onsite and Oral Fluid Testing

One method employers are using to prevent adulteration of drug tests is to conduct onsite testing. Many companies have a trained onsite collector visit the place of business and have the specimen collections performed there while employees are on the job. Trained onsite collectors take the special precautions necessary to make sure that the donor is not attempting to substitute or adulterate the specimen. Among other things, they minimize donor access to water sources, request removal of outer clothing (coats, hats, backpacks), have donors empty their pockets and wash their hands prior to collection, check sample temperature, and perform creatinine testing to identify diluted samples.

With an onsite test, the employee is required to report immediately and directly for specimen collection. The employee is not allowed to go to the locker room first, or to “get something [an adulterant] from the car,” or to delay in any way reporting immediately for the test.

Another way to prevent tampering with a drug test specimen is to conduct oral fluid (saliva) testing. With the advanced analytical technology available today, oral fluid drug testing represents a new tool that is as accurate as urine tests and helps to overcome the problems associated with drug test cheaters.

Oral fluid tests are ideal for onsite collecting. They are completely observable with no donor privacy or dual gender concerns. There is less setup time and no “shy bladder” issues to deal with. Oral fluid tests also remove the possibility of adulteration and substitution. However, the window of detection with oral fluid screening (12 to 24 hours) is less than with a urine based test.

Because of the increase in drug test tampering, oral fluid testing is growing in popularity among employers. In 2009, oral fluid tests accounted for only 5% of all collected samples in the U.S. By 2016, more than 20 million tests, or 20% of all collected specimens, will be oral fluid samples.

For more information on oral fluid testing, contact a testing specialist at drugtesting@livedrugfree.org.

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