



DrugFree@WorkPlace

Increase in Cheating on Drug Tests

Over the past three years, there has been a substantial increase in cheating on workplace drug tests.

According to Quest Diagnostics, the percentage of employees in the U.S. workforce whose drug tests showed signs of tampering increased by more than six times from 2022 to 2023. This is the highest rate of drug test cheating in more than 30 years.

One of the reasons for this increase in cheating on drug tests is that America's general workforce has experienced an increase in drug test positive rates in nearly all 17 industries (including office-based industries). More people are using drugs than ever before, and many employees are attempting to hide their drug use by tampering with the test.

How Employees Cheat on a Drug Test

Employees typically use one of two methods to cheat on a drug

test. They either substitute their urine specimens with synthetic or animal urine, or they submit invalid specimens that have been tampered with in some way. Dilution is a common method of tampering that involves adding water or other substances to urine in an attempt to lower the drug concentration in the sample making it more difficult to detect. Adulteration refers to adding chemicals to the urine to mask the presence of drugs.

But these cheating methods rarely work. Drug testing procedures have become more advanced, with measures in place to detect cheating attempts.

Preventing Drug Test Cheating

Employers have a vested interest in preventing drug test cheating, because drug testing is an important tool that employers use to help keep everyone in the workplace safe. Cheating on a drug test endangers coworkers, customers, and clients. When employees violate the company substance abuse policy by making a decision to alter their test for whatever reason, it puts everyone at risk.

Here are some ways that employers and drug testing labs are working to prevent drug test cheating:

- **Implementing Random Testing.** Random testing does not give people time to prepare false samples and helps prevent the various techniques used to hide drug use.
- **Using Alternative Testing Methods.** Oral fluid (saliva) tests are extremely difficult to cheat, and blood tests are virtually impossible to cheat.
- **Onsite Collections.** Collecting the sample onsite in a controlled environment reduces the chances of tampering.
- **Monitoring the check-in Time Onsite.** This helps ensure that employees do not have time to tamper with the specimen.
- **Collecting the Sample Early in the Morning.** This can help to ensure the sample is fresh and has not been tampered with.
- **Specimen Validity Testing (SVT).** Drug testing laboratories use SVT to ensure the integrity of the urine by measuring pH, creatinine, and specific gravity, and by testing for common adulterants.
- **Prohibiting Unauthorized Personnel.** Employers and labs are making sure that employees show a proper photo ID and are prohibiting unauthorized personnel from entering the collection site during screening.

These are just some of the methods used by employers and laboratories to prevent drug test cheating. Labs are very good at staying on the cutting edge of technology to identify specimen samples that have been tampered with.

Consequences of Cheating on a Drug Test

Cheating on a workplace drug test can have serious outcomes, including disciplinary actions, the creation of a criminal record, potential penalties, and employment termination. It is a criminal act (in several states) and demonstrates an intent to commit deception. Cheating can result in significant consequences, such as failing the drug test and facing the associated repercussions.

Company substance abuse policies prohibit any attempt to adulterate or substitute a drug test specimen and spell out the consequences for cheating. At most companies, cheating on a drug test is grounds for immediate dismissal.

Cheating on a drug test is not worth the risk of being charged with a crime and/or losing one's job and having that negative entry on a work history report. The best way to never have to cheat on a drug test of course, is to never use illegal drugs!



Supervisor Newsletter

Impairment at Work

Being impaired at work, whether caused by legal or illegal drugs, is a serious issue. Impairment can be the result of many different substances: alcohol, prescription medication, illegal street drugs, or even over-the-counter products purchased at a gas station, grocery store, or convenience store.

Impairment can never be acceptable at work, but it's important for supervisors to realize that under the Americans with Disabilities Act (ADA), addiction must be treated as a disability. If an employee is showing signs of impairment, supervisors must act immediately to ensure the health and safety of everyone in the workplace. But if evidence is obtained that an employee is protected by the ADA, supervisors must be careful to not discriminate against the employee in any way because of the disability.

Signs of Workplace Impairment

Impairment can present in several different ways:

- Dangerous or erratic behavior
- Lack of motivation
- Reduced productivity
- Frequent absenteeism/tardiness

- Leaving the worksite without permission
- Irritability
- Poor attitude with coworkers
- Increased secrecy or privacy
- Lethargy
- Workplace accidents

These are just a few of the many unacceptable work performance issues that could indicate impairment.

If a supervisor in a state-certified drug free workplace company suspects an employee is impaired at work, that supervisor is under legal obligation to investigate.

Policy and Procedures

If concerning behaviors in an employee are observed, the behaviors should be discussed with the employee and the employee should be asked for an explanation of their declining performance or erratic behavior. Because of the sensitive nature of this conversation, supervisors may want to have another manager or witness present to observe and support the supervisor in this meeting.

If evidence exists to warrant it, a reasonable suspicion drug test must be conducted. The supervisor must document this evidence in writing and give the written reasons for the test to the employee upon request.

When an employee is confronted with a reasonable suspicion drug test, one of two outcomes may occur:

1. The employee might deny drug or alcohol use and/or refuse to take the test. In this case, after the supervisor has expressed concerns about the observed behavior, the supervisor may be able to discipline and/or follow through with termination depending on the company substance abuse policy. Prior to taking any disciplinary or termination action against an employee, in this situation it is recommended to speak to a lawyer for advice.
2. The employee might admit to substance abuse and reveal that he or she is a recovering addict or alcoholic. In this case, supervisors must remember that the ADA does not cover *current* drug/alcohol use and being impaired at work is never okay. While addiction is a protected disability under the ADA, (meaning an employee cannot be terminated for being a recovered addict or alcoholic), if a person in recovery has relapsed and is currently using, the ADA does not apply.

If an employee reveals that he or she has an addiction and the company

wishes to provide help and support but the employee refuses that help, supervisors should be able to proceed with a termination due to work performance and behavior, but only following consultation with a lawyer.

Supervisors should be aware that it is important to treat addiction with care and compassion, but that can be difficult if a supervisor is feeling frustrated with the employee.

Supervisors and HR managers can always discuss potential treatment options and what the company is willing to do to help with the issue. The company is not required to pay for treatment, but time off to attend appointments and meetings can and should be offered. Supervisors should always reassure employees that their job is protected if they are required to go into full time rehab.

If the company has one, the supervisor should make a referral to the EAP. If not, the employee should be provided with a list of local treatment and counseling resources and professionals. Supervisors can also discuss any concerns with an employee's addiction as it pertains to work (for example, access to narcotics if they work in a vet office) and ask if they share any concerns. From there, an action plan that includes accountability and checkpoints to protect both the company and the employee can be developed.