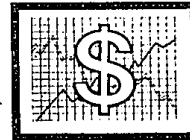


# Business

classifieds inside



Marilyn Fitchett editor/591-2300

(F1C)

## Bill aims to regulate employee drug tests

By Philip A. Sherman  
staff writer

Firefighters over drug abuse no longer are limited to the streets of Detroit and its suburbs. In many ways, an even hotter battle is raging 85 miles west of metro Detroit in the corridors of the state Capitol.

The issue is whether a law should be passed spelling out an employer's right to test a prospective or current employee for traces of drug abuse. Such a law does not exist, said Susan Schlaybaugh, aide to state Rep. Victor Krause, R-Rochester.

"At the moment, there's nothing, absolutely nothing, on the books that spells out how they do it, what types of tests they use. We feel that if we're going to do it, let's do it right," she said. Others, such as the American Civil Liberties Union, the United Auto Workers and a Troy attorney who wrote a book on employee drug testing, state that it should not be done at all.

Krause has introduced House Bill 5006, "a bill to regulate employee drug screening policies and drug detection tests." The bill is wedged in the House Labor Committee, and Schlaybaugh does not expect it to be reported out. "The Democrats will never support it," she said. "But eventually, a bill will make it through."

The question of whether employers have the right to test employees for drug abuse is volatile. Krause's bill, as Schlaybaugh said, is expected to die even though it has support.

"Almost the entire business community is behind Rep. Krause's bill, including Michigan Bell, Dow Chemical, IBM, Consumers Power and the Michigan State Chamber of Commerce," Schlaybaugh said.

Those employers believe they need such a bill to find out who's abusing legal controlled substances, illegal drugs or both, Schlaybaugh said. Safety on the job, rising insurance costs and substantial productivity are the three main reasons businesses would like to enforce drug testing.

Under Krause's bill, an employer presented with evidence of a positive drug test would be the sole judge of what action to take regarding the employee, Schlaybaugh said.

"He (Krause) feels employers should have the decision whether or not to hire that employee, but it isn't

**'To date employers use (of drug testing) still is limited and (they) are being very cautious as to how they use it.'**

— Attorney Gary Klotz

the intention to say: 'Sorry, Charlie, you've been our employee for the past 15 years but you can't work for me any more,'" she added.

THE ACLU, perhaps the most vocal opponent of any company rule or state law favoring drug testing, believes this rationale is nothing less than an abridgement of a person's Constitutional right to privacy.

"What an employee does off the job is none of the employer's business," said Mark Brewer, the ACLU's labor attorney.

Brewer said the bill goes too far when it grants employers complete authority over an employee with a positive drug test. "I think that's part of the problem. When somebody loses their job (for testing positive), we call it industrial capital punishment. They may never get another job again."

The UAW, in a policy statement adopted in September 1988, also is against drug testing and instead advocates treatment, emphasizing an individual's presumption of innocence.

Both organizations say drug tests are inaccurate enough of the time to

falsely accuse an innocent person by returning a "false positive" test result. "The tests are highly inaccurate and the technology is unreliable," Brewer said. "Even reputable labs that have been in business for years have very high error rates."

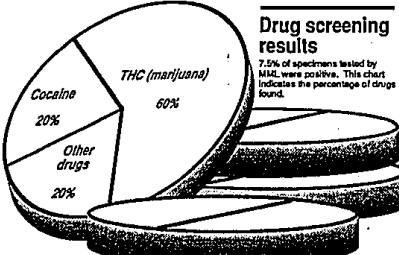
BUT KEN STOCKTON, a spokesman for Southfield's Metric Medical Labs, one of Michigan's largest independent companies that does employee drug abuse tests, disagreed. He said a preliminary test called EMIT, which can screen for up to 10 drugs, is 94 percent to 97 percent accurate (see related story).

Brewer also said there is no correlation between a test result and an individual's ability to do a job. Beyond that, it is the invasion of privacy and personal humiliation that Brewer said are offensive.

"Did you know somebody has to watch you urinate from less than six inches away? It's uncivilized and unnecessary," he said. Krause's bill also specifies that "certain" employees could be forced to take a drug test, which Brewer sees as a broad-based attempt to force all prospective current employees into a drug test.

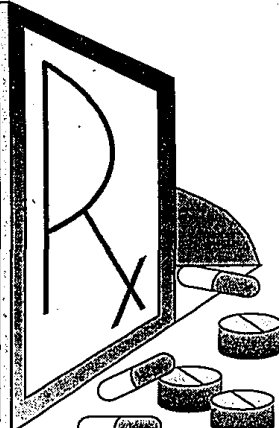
"It's like saying we can get away with violating everyone's rights by violating everyone's rights," Brewer said. "This is outrageous. You're forcing people to prove their innocence and then the employer can reject it (their argument). That's turning due process upside down."

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### Length of time drugs are detectable

DRUG CLASS	APPROXIMATE RETENTION TIME
Amphetamines	48 hours
Barbiturates	24 hours (short-acting) 2-3 weeks (long-acting)
Cocaine	2-4 days
Methadone	3 days
Opiates	2 days
Benzodiazepines	3 days (therapeutic dose) 4-6 weeks (extended use)
THC (Marijuana)	5 days (moderate smoker) 10 days (heavy smoker) 20 days (chronic, heavy smoker)
Alcohol (Ethanol)	2-14 hours
Phencyclidine (PCP)	8 days Up to 30 days (chronic user)
Propoxyphene (Darvon)	6-48 hours



## Lab test application is key

By Philip A. Sherman  
staff writer

Fears concerning inaccurate drug tests are unfounded, according to a representative of one of Michigan's largest independent labs that tests employee urine samples for traces of drugs.

Further, Ken Stockton said it isn't the job of Metric Medical Labs in Southfield to determine how those results are used.

"Our responsibility is to take a specimen, do the test as ordered and

provide a result. How that result is applied is in someone else's hands," he said. "All it says is that at such-and-such a time, this urine specimen from John Doe showed this."

He said the tests are highly accurate.

"On a first pass we do a test called EMIT (Enzyme Multiplied Immunoassay Technique). It can screen for 1-10 different drugs. The chemicals and equipment used are proven and provide a result of 94 percent to 97 percent accuracy," Stockton said.

He said Metric Medical Labs would not report a positive test without running the EMIT procedure twice. The test costs between \$20 and \$30, Stockton said.

If further testing is needed, Stockton said the second phase is a procedure called thin-layer chromatography, which is a "broad spectrum" test. "You're screening for hundreds" of drugs, he said. But Stockton said this test is "very subjective" and sometimes unreliable because "there is room for human error." Results can vary depending on the analyst reading the test results, Stockton said.

The third test, gas chromatography-mass spectrometry, is very accurate and leaves little room for error, Stockton said. "When you are throwing that much technology at a specimen, you are coming close to 100 percent accuracy," he added.

But Stockton admitted some cold medications will show up as drugs of abuse. "Some of the technology is not sophisticated enough to say 'Oh, that's Nuprin and not cocaine,'" Stockton said.

"It is crucial for the person administering a test that the applicant be interviewed in a comprehensive way and asked to list every single medication the person is on. The control for the problem is that interview," Stockton said.

## Drug bill provisions

The Pre-employment and Employment Drug Testing Regulation Act as sponsored by state Rep. Victor Krause, R-Rochester, includes the following provisions:

• An employer may require, as a condition of employment or as a condition of continued employment, that employees, return-to-service employees, or applicants for employment submit to a drug detection test.

• The employer must provide advance notice to applicants and return-to-service employees before a drug detection test is administered, and inform present employees of the employer's drug detection

policies in writing not less than 60 days before a drug testing program begins.

• The employer must pay the costs of all drug detection tests. A sample that tests positive must be saved by the lab for no less than 90 days. And confirmation of an initial, positive screening test must be confirmed by a subsequent gas chromatography-mass spectrometry drug detection test.

• Those tested have the right to rebut or explain the results of any drug detection results. The determination as to whether explanation is satisfactory shall be made solely by the employer.

## College financial aid counseling debated

By Kevin S. Merrill  
staff writer

A new cottage industry in American secondary education — private counseling services — is drawing guarded praise as a surrogate for the overworked school counselor.

But the industry, with its promises of effective career guidance and access to millions of dollars in financial aid for college-bound students, is also drawing cynical rebukes for its commercialization and profit-making enticements.

"If students do their homework, it's probably not necessary to go through these organizations," said Tim Ross of the California Aid Commission, which authored a study three years ago that concluded computer matching of students with financial aid sources was not effective.

Still, with the average four-year cost of a public college education approaching \$77,000, parents and students sometimes see no option but to use the services as part of an overall plan to finance education.

Even harsh critics emphasize that no two of these organizations are alike. Many companies offer access to financial aid resources only as an aside and rely primarily on counseling the student and family.

This counseling generally includes aptitude and "self-assessment" testing, which can gauge the student's intellectual and personality strengths. The results are formulated to provide direction as to what college or vocational program to enter, as well as what schools to consider.

BUT THE MAJORITY of these organizations are only in the business of financial aid matching. Their assessments of student strengths and weaknesses are compiled on aid request applications and do more to guide the computer search than to help define a student's identity or future vocation.

As the California study reported, the computer, the higher cost of education and the emphasis on post-secondary education have combined to create the need being filled by counseling/financial aid services.

"Surveys have found that there seems to be a lack of understanding, not only of how to apply for financial assistance, but how to plan to finance a college education," said Harvey Grotzer, director of the University of Michigan financial aid office.

Like many high school students, Chris Morgan wanted to join his friends at college by attending a large public university within the state. But after a series of interviews and tests, the Novi High School senior found that a school with smaller class sizes fitted his own personality and academic strengths.

"They helped not only my son but my wife and I to focus our efforts," said Chris' father, John. The Morgans used the counseling services of First Semester Inc., a Farmington Hills company that recently dissolved when its two leaders decided to branch out on their own.

Chris may have been able to reach the same conclusion by working with his high school counselor while saving himself hundreds of dollars in fees. But high school counselors, many of whom work with more than 300 students, are often hard-pressed to find the time to deal with the thousands of Chris Morgans each year.

THE IMAGE of these counseling/financial aid services range from that of an augments to an expensive duplicator of services available in high schools. Some companies, in marketing their financial aid data banks, will entice prospective franchisees by heralding "remarkable profit potential." If not "the largest profit margins of any we've ever seen," according to at least one promotional brochure.

Bob Boyce, a financial aid service operator who owns and runs Educational Locator Services, admitted that the role of a profit-making business is to provide a service and make a profit.

"I look at it as here's a possibility to get a good return on your investment," Boyce said of the \$39 he charges. Rates vary by organization and type of service, but most financial aid searches are in the \$35-\$40 range.

His Livonia-based company promises five sources of aid to students based on a computer search by Academic Guidance Services, a multi-million dollar company, which claims to have a \$3-billion data bank. AGS has granted a license, for a one-time fee plus an annual computer maintenance cost, to Boyce and hundreds like him across the country to market the AGS computer bank to students looking for financial aid. The license grants the people running the businesses access to the computer, but does not represent any type of accreditation.

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