

Say No to Drug Testing the Unemployed

By [Christine L. Owens](#), Executive Director of the National Employment Law Project

The idea of routinely drug testing applicants for unemployment insurance is mean-spirited and misguided. Unemployment insurance is a program explicitly grounded in individuals' work history, involuntary job loss, and willingness to work—individuals' "work" underwrites the "insurance" that provides income replacement during unemployment. In normal times, unemployment spells are typically only a few months, but everyone knows these are not normal times. Extreme unemployment, though, is no reason to impose extreme conditions on law-abiding Americans seeking the unemployment insurance assistance they've earned.

Drug testing of unemployment insurance applicants is terrible policy for other reasons too.

First, it's unnecessary. People who lose their jobs because of drug use or failed drug tests are ineligible for unemployment insurance in 20 states already. In the remaining 30 states, a drug-related discharge would likely be treated as disqualifying misconduct.

Second, it perpetuates myths and scapegoats the unemployed. Drug-testing proposals stem from false assumptions that the unemployed are lazy drug users who prefer unemployment checks to paychecks. Aside from being wrong, this assumption completely misunderstands what unemployment insurance does: It assists workers who've lost their jobs involuntarily, generally for economic reasons. Economic reasons also explain why so many of today's unemployed workers haven't found new jobs: There simply aren't enough to replace those we've lost. For nearly three years now, unemployed workers have outnumbered job openings by more than 4 to 1.

Third, massive drug testing is the last thing cash-strapped states can afford. A conservative estimate by the Substance Abuse and Mental Health Services Administration puts the cost of drug testing at \$25 to \$75 per test. Because federal law prohibits charging applicants, states would have to absorb the cost of testing thousands of unemployed workers. The Texas Legislative Budget Board recently estimated the full-year cost of implementing such a program to be nearly \$30 million. Is there a more frivolous or unnecessary way to spend taxpayer money?

Florida's recent experience with drug testing TANF recipients shows the cost of such testing would likely outweigh any perceived benefits. The testing, which has been halted by a federal court on constitutional grounds, found positive results in only 2.5 percent of applicants, substantially below the Centers for Disease Control's 8.5 percent estimate of the drug-use rate in the general population.

Proposals to drug test the unemployed are insensitive to the realities of today's economy, ignorant of the implications of such policies, and insulting to millions of law-abiding Americans who already bear the heaviest burdens of a weak economy.

About [Christine L. Owens](#):

Christine Owens is the executive director of the National Employment Law Project, where she leads a team of 30 lawyers, policy analysts, and workforce specialists in cutting-edge research, education, and advocacy for low-wage, unemployed, immigrant, and other disadvantaged workers.