

JUDGE RULES THAT MANDATORY DRUG TESTING VIOLATES CONSTITUTIONAL RIGHTS OF WORKERS



A federal judge has thwarted Florida Gov. Rick Scott's endeavour to force drug testing on state workers. This is seen as a crucial judgement and as an indicator to what fate, similar attempts in future, will meet. Scott had issued an order in March, this year, calling for compulsory drug testing for all employees that were newly hired and random testing for existing workers. This order, contested by the American Federation of State, Country and Municipal Employees, a public employees union, would have subjected 77 percent, around 66,000, of the state's 85,000 existing employees to random testing. On Thursday, Federal District Ursula ruled that Scott's executive order went against "constitutional guarantees against unreasonable search and seizure, "because it "does not identify a concrete danger that must be addressed by suspicion less drug testing." The Judge also ruled that order should be struck down as "the governor shows no evidence of a drug-use problem at the covered agencies." Gov. Scott while telling reporters that he would appeal against the ruling said, "As I have repeatedly explained, I believe that drug testing state employees is a common-sense means of ensuring a safe, efficient and productive work force. That is why so many private employers drug test, and why the public and Florida's taxpayers overwhelmingly support this policy. I respectfully disagree with the court's ruling and will pursue the case on appeal." Florida lawyers had argued that national studies point towards drug abuse in most workplaces and it is in the larger interests of the people to identify them. Moreover, they argued, that public employees have a "lesser standard of privacy because some facts about them, such as their financial status, are public." But judge Ungaro discarded the argument writing that the state "offers no plausible rationale explaining why the fact that a state employee's work product and financial status are publicly accessible leads to the conclusion that the employee's expectation of privacy in his or her bodily functions and fluids is then diminished." Miami attorney who represented the ACLU said, "If the state is going to require a drug test as a condition of keeping your job, it needs to have a reason. And simply being against drugs isn't enough." The Governors orders, which now stands suspended following the ruling and pending appeal, was ostensibly an effort on part of Florida to use drug testing as a measure for granting a number of benefits. Another state law had called for drug tests for welfare recipients. It faced a similar fate as the order on drug testing for state employees and had to be put on hold after it was challenged in court by the ACLU. A federal judge in Orlando blocked it, albeit temporarily. ACLU spokesman Baylor Johnson said, over the telephone, "We've seen a rash of these invasive laws or policies where the government wants to search bodily fluids without reason. In addition to testing employees and welfare assistance, some states have proposed testing those who receive food stamps or unemployment insurance." Johnson said that such efforts have been on the rise, ever since the Republicans won in several elections in 2010. "Florida has been seen as the test case." Johnson added. A spokesman for the national ACLU New York said that Georgia, Tennessee, Kansas, Mississippi, Oklahoma and Arizona were amongst the state's wanting some form of drug testing for those receiving welfare benefits, but none have, so far implemented a measure. Given today's ruling it seems highly unlikely that the states will see such measures soon.