

<b>VULCAN COUNTY POLICY NO. 12-3145</b>	<b>Drug, Alcohol &amp; Substance Abuse Policy</b>
Effective: October 17, 2018	Amended: February 28, 2024
Cross Reference: CC 2018-10-17-13; CC 2023-02-15-09 CC 2023-06-07-04; CC 2024-02-28-07	Page <b>1</b> of <b>16</b>
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## Drug, Alcohol & Substance Abuse Policy

### **1. Purpose**

Use of Drugs, Alcohol, and in some circumstances, Medication, can impact job performance as well as the health and safety of Employees, the community, and the environment. Drug and Alcohol use can further place the integrity and safety of County property and operations at risk, and impact staff and all members of the community who rely on the County for safe and efficient municipal services. For these reasons, the County has established a comprehensive Drug, Alcohol and Substance Abuse Policy (the "**Policy**"), in conjunction with an orientation and training on the Policy, and a formal Employee Assistance Program ("**EAP**"), to support the County's objectives related to Drug, Alcohol, and Medication use and abuse.

This Policy is intended to outline the standards and requirements the County has of its Employees with respect to Alcohol and Drug use, and use of Medication where applicable, as well as to provide an avenue for seeking assistance for those Employees who recognize an existing or emerging dependency.

The guidelines and actions required to support this purpose generally requires:

- a) Ensuring Employees are Fit for Work;
- b) Ensuring the County meets its obligations to Employees and the community by conducting its operations safely;
- c) Adopting a proactive approach to address and minimize the risks in the workplace associated with the use of Drugs, Alcohol and Medication;
- d) Creating an environment where everyone recognizes the safety and health risks in the use of Alcohol and Drugs;
- e) Describing possible consequences for violations of this Policy;
- f) Engaging those with a potential or actual dependency on Alcohol, Drugs or Medication, to provide assistance and accommodation where required, and to avoid potential safety breaches brought on by such potential or actual dependencies.

This Policy further outlines the County's expectations regarding being Fit for Work, and the prohibitions against the use, distribution, and possession of Drugs, Alcohol and Medication. Being Impaired or not Fit for Work can have serious adverse impacts on the workplace. Workplace accidents resulting from these circumstances can also result in liability under workplace safety legislation, and corporate and personal liability under the *Criminal Code* (Canada).

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The County has established this Policy to balance an Employee's right to privacy with the County's obligation to maintain a safe work environment. Violations of this Policy will result in disciplinary action, up to and including termination of employment for just cause or termination of services.

## **2. Scope**

This Policy applies to all Employees while engaged in County Work and/or while on County Premises. However, this Policy does not apply to Employees who are not engaged in County Work but who are on County Premises to enjoy or access County amenities or services as a member of the public.

Some aspects of this Policy only apply to Safety-Sensitive Employees.

Where required by the context, the use of the singular tense in this Policy will be interpreted to mean plural, and vice versa, and when one gender is used, whether masculine, feminine, or neutral, it includes such other gender or genders as may be applicable.

## **3. Standards/Requirements**

All Employees are required to perform their job safely and in strict compliance with all applicable rules, policies, and procedures. Employees are expected to always strive to keep their work environment safe, to support fellow Employees in seeking assistance for substance abuse and dependency, and to use the EAP when an Employee requires support for substance abuse or dependency.

### **3.1. Every Employee is required to:**

- a) Review, understand and fully comply with this Policy;
- b) Report for duties Fit for Work and free of Impairment while on County Premises and/or when engaged in County Work;
- c) Remain Fit for Work while performing services on behalf of the County;
- d) Immediately cease all work if he or she is Impaired or otherwise not Fit for Work;
- e) Responsibly use Medications consistent with the instructions of the prescribing physician or as stated in the manufacturer's instructions or by the pharmacist;
- f) Report any Serious Incident or Near Miss to his or her Supervisor immediately after the Serious Incident or Near Miss occurs and participate fully in any subsequent investigation.
- g) Notify his or her Supervisor of any condition that could impair his or her ability to be Fit for Work, prior to the performance of any County Work, or immediately if the

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Employee is performing any County Work and any condition occurs that could impact the Employee's ability to be Fit for Work;

- h) Cooperate in and with any investigation into an actual or suspected violation of this Policy, including any requests to undergo testing or a search, as and when required under this Policy; and,
- i) Notify his or her immediate Supervisor of any current or emerging problem, or suspected problem, relating to Drug, Alcohol and/or Medication abuse or dependency, and follow advice regarding treatment, including participating in all recommended monitoring programs after attending treatment; and
- j) Decline any request to perform Unscheduled County Work if an Employee is not Fit for Work or is Impaired (without adverse consequences to the Employee).

### 3.2. No Employee within the Scope of this Policy shall:

- a) Use, possess, distribute, offer, or sell Alcoholic Beverages, Alcohol, Drugs, or Drug Paraphernalia while on County Premises and whenever an Employee is representing the County or conducting County Work;
- b) Report to work or conduct County Work while Impaired;
- c) Transport or store unsealed Alcohol or Drug product in a County vehicle or in a personal vehicle conducting County Work;
- d) Transport or store sealed Alcohol or Drug product in a County vehicle without express permission from the County Representative;
- e) Attempt to tamper with a sample for an Alcohol or Drug test or otherwise attempt to deliberately undermine the efficacy of an Alcohol or Drug test.
- f) Intentionally misuse Medications in a manner that could negatively impact job performance or create a safety risk (e.g., not using the Medication as it has been prescribed or directed by the pharmacy, using someone else's prescription Medication, combining Medication and Alcohol use against direction); or
- g) Distribute, offer, or sell prescription Medications whether or not Medications are brought onto County Premises.

### 3.3. Standby/On-Call Duties

All Employees scheduled on standby, or on-call are expected to remain Fit for Work while on standby/on-call and to report to work Fit for Work in response to a call-in and be in

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compliance with this Policy during the scheduled period. This means remaining free from Impairment.

Where an Employee has a health or other condition which prevents him or her from remaining Fit for Work while on standby/on-call, the Employee must inform the County as soon as practical so that the County can assess its duty and ability to accommodate that condition.

An Employee who is not Fit for Work while on standby or on-call must refuse to accept the call-in and provide the reasons why.

### 3.4. Use of Medications

Employees who require the use of a Medication must:

- a) responsibly use the Medication as directed by his or her treating physician and use a safe alternative Medication choice when practical and available (e.g., non-drowsy);
- b) inquire (through their doctor, pharmacist, or another health professional) whether Medication can negatively affect judgment, perception, cognitive skills, dexterity, or motor-skills or otherwise render the individual not Fit for Work.
  - i. Where use of a Medication could impact judgment, perception, cognitive skills, dexterity, or motor-skills or otherwise impact safe job performance, **the Employee must** inform his or her Supervisor of the Medication's potential to interfere with the safe performance of his or her duties *prior to commencing County Work*.

The County may require additional information from the Employee (e.g., dosage and frequency of use) to assist in assigning alternative duties, where available, to accommodate the Employee's medical condition and to ensure the general safety of the workplace.

The County may also require that the Employee provide confirmation from a treating physician that the Employee's use of a Medication will not affect their ability to remain Fit for Work. When the use of Medication may affect whether the Employee will be Fit for Work, a medical assessment may be requested by the County to determine any work limitation which may arise as a result of the use of the Medication. The County may offer modified work or temporary reassignment in such circumstances. The County may further require an Employee to attend and participate in an assessment conducted by a Substance Abuse Professional.

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In all such cases, the Employee’s medical information will be sought only to the extent necessary to assess the safety concern and the need for accommodation. Medical information obtained will be treated in confidence.

### 3.5. Duties Following Serious Incidents and Near Misses

Following a Serious Incident or Near Miss, each Employee involved must, as soon as practicable, make every attempt to contact their Supervisor or a more senior employee if the Supervisor cannot be reached. This obligation shall continue until the earlier of: successful contact; or four hours from the time of the Serious Incident or Near Miss. Such Employees must remain available for testing. Where these Employees fail to comply with this standard the County may consider the individual(s) to have refused to submit to testing.

The Employee must refrain from consuming Alcohol for eight hours following the Serious Incident or Near Miss or until screening is conducted (unless advised testing will not be required). Failure to do so is considered tampering in violation of this Policy.

### 3.6. County Sponsored Social Functions (Previously Social Events)

Notwithstanding the above, responsible use of legalized Alcohol and Drugs are permitted at County-sponsored social functions which have the prior approval of the County Representative and/or Council. Those Employees who attend County-sponsored social functions and choose to consume legalized Alcohol and Drugs must not subsequently perform County Work.

Employees who consume legalized Alcohol and/or Drugs at a social function are required to exercise moderation and good judgment and shall not operate any motorized vehicle or equipment in contravention of any legal standard. It is expected that any such Employee has transportation alternatives arranged for safe transportation from the County-sponsored social function.

## **4. Requirements for Safety-Sensitive Employees**

Because of the greater risk involved in performing safety-sensitive positions, Safety-Sensitive Employees will be subject to the following requirements in addition to Section 3 which is applicable to all Employees.

In addition to reporting and remaining Fit for Work, and complying with the provisions of this Policy, all Safety-Sensitive Employees are subject to the following requirements and prohibitions:

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- 4.1. Disclose any consumption of Drugs, Alcohol, and/or Medication to the Employee's Supervisor before responding to a request to perform *Unscheduled County Work*;
- 4.2. Report to the Employee's Supervisor or County Representative any use of Medication before commencing *County Work*;
- 4.3. If taking a Medication that is deemed to cause Impairment or cause the Employee to not be Fit for Work, the Employee shall not be permitted to perform duties related to the Safety-Sensitive Position for as long as the Employee is taking the Medication, and may be placed in another position, or on modified or restricted duties, or may be prohibited from working, in compliance with relevant laws.
- 4.4. Subject to testing for Drugs and/or Alcohol under this Policy:
  - a) prior to accepting employment with the County, and where applicable, in accordance with the pre-employment testing obligations specified at Section 6.1 of this Policy;
  - b) where Reasonable Grounds exist to suspect Drug and/or Alcohol use, or possession of Drugs and/or Alcohol in contravention of this Policy, or Impairment, and/or
  - c) after a Near Miss or Serious Incident has occurred,

Employees are required to promote the integrity of the testing process under this Policy without tampering, adulterating, diluting, or interfering with testing.

## **5. Employee Assistance and Accommodation (Previously Self Help, Early Disclosure and Accommodation)**

The County maintains an EAP, which provides assistance to Employees who suffer from substance abuse and other personal and emotional problems. The cost of accessing this program is borne by the County's health plan; however, there may be limits on what is available to the Employee.

As intended by the County and as required under applicable human rights legislation, the County will reasonably accommodate any disability disclosed in accordance with this Policy. Accommodation, where required, are fact-specific and will be determined on a case-by-case basis. Nothing in this Policy in any way negates the duty to accommodate an Employee or relieves the County from ensuring that any discipline, including dismissal, meets any applicable just cause standard.

Employees must report to their Supervisor or County Representative a current or emerging problem, or suspected problem, relating to Drug, Alcohol and/or Medication use or abuse, and follow advice regarding appropriate treatment, including recommended monitoring programs after attending treatment. The County will take reasonable steps to place the Employee in another position, or on modified or restricted duties, while the Employee is seeking help in overcoming

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his or her problems or is involved in rehabilitation efforts. No Employee with a substance use or abuse problem will be disciplined for voluntarily requesting help or seeking advice in overcoming his or her problem or for disclosing that they are involved in rehabilitation efforts.

For clarity, voluntarily self-reporting a current or emerging problem, or suspected problem, relating to Drug, Alcohol and/or Medication use or abuse, including a Dependency, after a Serious Incident or Near Miss has occurred, or after the Employee has been notified that they must report for testing under this Policy, will not prevent the Employee from being subject to discipline, up to and including, termination of employment for just cause. Employees who disclose a Dependency will be assessed for accommodation.

Requesting or accessing assistance, or declaring an actual or emerging problem, does not eliminate the requirement for Employees to act in compliance with this Policy and be Fit for Work.

In most cases an Employee must disclose a Dependency to receive accommodation. The Employee will then be referred to a Substance Abuse Professional, who will assess if the Employee has a Dependency, make recommendations regarding education and treatment, and recommend a return-to-work monitoring program, including which may include random or unannounced testing.

Information gathered following a disclosure under this Section will be treated confidentially and will only be shared on a need-to-know basis.

**6. Testing**

An Employee may be required to submit to a Drug and Alcohol test conducted by a Third-Party Tester in the following circumstances:

6.1. Pre-Employment Testing

All persons who are offered employment in a Safety Sensitive position, including existing Employees that transfer into a Safety Sensitive Position from a non-safety sensitive position and existing Employees that have had a break in service or are away from the workplace for any reason for three (3) months or longer, are required to undergo Testing which must be confirmed negative before that Employee will be allowed to carry out any Safety Sensitive duties with the County.

6.2. Reasonable Grounds (see definition)

A Supervisor will direct an Employee to submit to an Alcohol and Drug test if the Supervisor has Reasonable Grounds to believe that the actions, appearance or conduct of an Employee while at work is indicative of being Impaired or not Fit for Work based on specific and personal observation.

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Where there are Reasonable Grounds to believe that an Employee is not Fit for Work or is Impaired:

- a) The Employee will be escorted to a safe place and given the opportunity to explain why he or she appears to be not Fit for Work or Impaired. If the explanation is unreasonable, and/or the Supervisor conducting the interview still believes that the Employee is not Fit for Work or is Impaired, one or more of the following steps may be taken:
  - i. the Employee may be referred for medical attention if there are immediate medical concerns; or
  - ii. the Employee may be subject to testing in accordance with this Policy.
- b) The Employee will not be allowed to return to the County Premises. As soon as it is safe and practicable to do so, the Employee will be transported to the collection site specified by the County for testing or to a hospital/clinic, depending on the circumstances, and then to their local place of residence. At no time is the Employee to operate a County vehicle or equipment, or conduct County Work, until the matter has been resolved.
- c) The Employee may be temporarily removed from their duties, placed on a leave of absence, or reassigned pending completion of any investigation hereunder.

### 6.3. Post Serious Incident or Near Miss

An Employee must report a Serious Incident or Near Miss to their Supervisor immediately. Testing may be required after a Serious Incident or Near Miss as part of an investigation into the circumstances of the incident.

A Supervisor will direct an Employee to submit to an Alcohol and Drug test where it is determined that that individual's acts or omissions may have contributed to a Serious Incident or Near Miss.

A Supervisor may only order an Employee to submit to a Drug and Alcohol test after consulting with the County Representative, in person or by phone. Where testing is ordered:

- a) The reasons for the Supervisor's decision to refer an Employee for testing will be documented as soon as possible;
- b) The decision to test must be made as soon as practical following the Serious Incident or Near Miss;

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- c) The arrangements for testing will be made as soon as possible but required medical attention will take priority over all testing; and,
- d) The Employee must provide a sample for the Alcohol and Drug test where directed.

Employees will be removed immediately from working until the investigation is complete. Once the decision has been made to recommend the Employee for testing, the Employee must be supervised until the testing process is complete.

#### 6.4. Post-Violation/Post-Treatment

Following a violation of this Policy and/or receiving treatment for substance abuse or Dependency, the Employee will be required to provide a medical release from a licensed medical practitioner certifying that the Employee is able to return to work, prior to returning to work.

The Employee may also be subject to random and unannounced follow-up testing as a condition of continued employment. The duration of unannounced post-violation or post-treatment testing will be determined on a case-by-case basis based on any aftercare conditions and/or on the advice of a Substance Abuse Professional and/or treating facility or physician.

#### 6.5. Testing Generally

Employees who have been notified that they must report for testing under this Policy must not consume any Drugs or Alcohol until after the testing process has been completed or until they have been notified by the County that testing is not required. An Employee who is subject to testing and who is taking a Medication with a current and valid prescription must notify laboratory personnel at the time of testing.

Testing will be conducted by qualified personnel and the results will be analyzed by a qualified laboratory. All health assessment information, including all testing information, will be maintained in separate, confidential records, away from the Employee's personnel file. Please see Appendix "A" to this Policy for more details regarding testing standards and procedures.

A refusal to undergo testing, including a refusal to agree to disclosure of test results to the County, tampering or attempted tampering with a test sample, or failure to report an incident which may require testing are violations of this Policy. A refusal to undergo testing will also include the inability to provide a sufficient sample for testing without a valid medical explanation acceptable to the County.

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For greater certainty, a positive Drug test or an Alcohol test result of .04 BAC (“Breath Alcohol Concentration”) or higher, or a refusal to test, are considered a violation of this Policy. Any Employee tested in a Reasonable Grounds, Serious Incident or Near Miss situation who has an Alcohol test result of .02 to .039 BAC may be removed from work until considered safe to return (at a minimum not before their next shift) and may be subject to disciplinary action.

After any confirmed violation, the Employee may be referred to a Substance Abuse Professional for assessment to determine whether there is a need for a structured treatment program.

Nothing in this Policy is intended to deprive an Employee from seeking necessary medical assistance.

**7. Searches**

The County may conduct searches to monitor compliance with this Policy where there are Reasonable Grounds to believe that a violation, or a suspected violation, of this Policy has occurred.

In addition to County Premises, the County may, in appropriate circumstances, search Employees, their work areas, personal property and affects, provided the County has Reasonable Grounds to conduct the search. No Employee will ever be forced to submit to a search. However, refusal to consent to a search request from the County will be treated as non-compliance with the Policy and the Employee may face disciplinary action, up to and including, termination of employment and the County may still notify local law enforcement authorities.

Any search under this Policy will be done in a manner protecting the Employee’s privacy, confidentiality, and personal dignity to the greatest extent possible.

**8. Consequences of Violations**

Subject to Section 5.0 of this Policy, Employees who violate this Policy may be subject to discipline. Depending on the circumstances, this may include immediate termination of employment.

In all cases, the County will conduct an investigation into any suspected or confirmed violation of this Policy. An Employee may be held out of service with pay while the investigation is being conducted.

In some cases, continuation of employment following a breach of this Policy may be made subject to specific conditions. Conditions may include, but are not limited to: alterations to work functions and schedules, completing an evaluation by a qualified Substance Abuse Professional, adherence to and completion of any reasonable recommendations (including treatment and aftercare), submitting to a return-to-work Alcohol and/or Drug test, and completion of any reasonable recommendations (including treatment and aftercare), submitting to a return-to-work and unannounced follow up Alcohol and/or Drug testing, agreeing to return-to-work conditions, agreeing to consequences of future violations of this Policy.

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## 9. Review and Amendment

This Policy is subject to ongoing review and modifications may be necessary from time to time.

## 10. Definitions

- **Alcohol** refers to ethanol (ethyl alcohol), which is the main alcohol present in Alcoholic Beverages
- **BAC** means Breath Alcohol Concentration
- **County** means the municipal district of Vulcan County in Alberta, Canada.
- **County Representative** means the Chief Administrative Officer of the County and/or a qualified Human Resources designate.
- **County Work** means all activities undertaken in the course of the County's operations, whether conducted on or off County Premises. County Work includes time in which an Employee is on break during a workday or shift.
- **County Premises** means all real or personal property, facilities, land, buildings, equipment, containers, or vehicles - whether owned, leased or used by the County - wherever they may be located.
- **Dependency** means any condition, illness, or disability. that impacts an employee's ability to be Fit for Work This includes an actual, emerging, or suspected Drug or Alcohol dependence.
- **Drug** means any substance, including Medication and cannabis, the use (e.g., ingestion, inhalation, injection etc.) of which has the potential to adversely affect judgment, perception, cognitive skills, dexterity, motor-skills or otherwise inhibit an Employee's ability to perform his or her job safely and productively.
- **Drug Paraphernalia** means personal property which is associated or involved with the use, consumption, injection, inhalation, or placement into the body by any method of any Drug.
- **Employee** means an individual engaged by the County pursuant to a written or unwritten contract of employment and includes any individual engaged in County Work on County Premises.
- **Fit for Work** means being alert and able to safely and acceptably perform the duties for the position. It requires that individuals be in a condition in which they are able to carry out their respective duties without risk to themselves, others or to County Premises. A person who is Impaired is not Fit for Work.

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- **Impairment** or **Impaired** means being under the influence of Drugs and/or Alcohol to the extent that an Employee is not Fit for Work.
- **Incident:** An occurrence, circumstance, situation, or near miss that caused or had the potential to cause injury to a person, damage to property or equipment, or damage to the environment.
- **Medical Review Officer** means an impartial, licensed physician who analyses laboratory results from drug testing programs and provides medical explanations for specific drug test results.
- **Medication** means any prescribed, or over-the-counter, Drug which is designed to be used to treat an illness or health condition.
- **Near Miss** refers to an event that, under slightly different circumstances, could have resulted in a Serious Incident.
- **Reasonable Grounds** means reasonable grounds to believe, that an Employee is or may be unable to work because of the use of Alcohol or Drugs based on specific and personal observation. Examples of reasonable grounds include, but are not limited to, the following:
  - a. Observed use or evidence of use of Drugs or Alcohol, such as the smell of Alcohol;
  - b. Observed signs of Drug or Alcohol use, such as lack of coordination or slurring of speech;
  - c. Erratic or atypical behavior of an Employee consistent with Impairment;
  - d. Changes in the Employee's physical appearance consistent with Impairment; and
  - e. The presence of Alcohol, Drugs, or Drug Paraphernalia in the vicinity of the Employee or a County Premises where the Employee was present.
  - f. Any other observed signs or symptoms of an Employee being not Fit for work where the Employee is demonstrating a change in their performance of the bona fide occupational requirements for the position.
- **Refusal** means that an employee has
  - a. Failed to appear for any test (except a pre-employment test) within a reasonable time, as determined by the employer, consistent with this Policy, after being directed to do so by the County.
  - b. Failed to remain at the testing site until the testing process is complete. Provided, that an Employee who leaves the testing site before the testing process commences;
  - c. Failed to provide a urine specimen for any test required by this Policy. Provided, that an Employee who does not provide a urine specimen because he or she has left the testing site before the testing process commences;

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- d. In the case of a directly observed or monitored collection in a Test under this Policy, failed to permit the observation or monitoring of the Employee's provision of a specimen;
  - e. Failed to provide a sufficient amount of urine when directed, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure;
  - f. Failed or declines to take a second test the County or collector has directed the Employee to take;
  - g. Failed to cooperate with any part of the testing process (e.g., refuse to empty pockets when so directed by the collector, behave in a confrontational way that disrupts the collection process); or
  - h. Is reported by the Third-Party Tester or Medical Review Officer as having a verified adulterated or substituted test result."
- **Safety-Sensitive Employees** refers to Employees who occupy positions where not being Fit for Work could result in significant property or environmental damage, or serious injury or fatalities to workers or the public. This includes, but is not limited to those Employees who are required to operate any vehicle, heavy machinery, hoist, cutting/drilling/welding (and similar) tools, in the regular performance of County Work.
  - **Serious Incident** means an event involving: a fatality, a serious personal injury to any person; significant environmental damage or harm; or, significant loss or damage to property, equipment, or vehicles.
  - **Substance Abuse Professional** refers to an individual with knowledge of and clinical experience in the diagnosis and treatment of Alcohol and Drug related disorders.
  - **Standby** refers to where an employee is scheduled be available for work should the need arise.
  - **Supervisor** refers to an Employee who has the authority to direct the work of other Employees and to an Employee who has control over County Premises where County Work is performed by other Employees.
  - **Third Party Tester** refers to an accredited independent laboratory that provides Drug and Alcohol testing.
  - **Unscheduled County Work** is when an employee, who is not scheduled to be at work, is contacted by the County to report to work in an emergency or for other unanticipated reasons.

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## **Appendix "A": Testing Standards and Procedures**

The Alcohol and Drug testing process is based on rigorous collection, analysis and reporting procedures designed to ensure the accuracy and integrity of the results. Steps in the testing process are highlighted below.

### **General**

- Testing will be conducted in those circumstances outlined under the Policy to determine the presence of six classes of Drugs: cannabinoids, amphetamines/methamphetamine, cocaine, opiates, phencyclidine, and alcohol. If the County concludes there is justification to include additional Drugs in this list, employees will be advised of the change. Testing for additional Drugs may also be required on an individualized basis on the advice of a treatment center or Substance Abuse Professional in a post-treatment situation.
- In Post-Serious Incident, Near Miss and Reasonable Grounds testing situations, samples will be collected as soon as possible after the triggering incident, but collection attempts will end eight (8) hours after the incident for an alcohol test, and thirty-two (32) hours after the incident for a drug test.
- Collection of specimens for drug testing and administration of alcohol tests will be performed by trained Third Party collection agents.
- All Employees who are tested are required to sign a form to acknowledge the accuracy of the Employee and collector information and authenticity of the specimen(s). They will be given a copy of the Drug Testing Custody and Control Form and the Alcohol Testing Form for their records.
- If a Supervisor suspects Impairment and removes the Employee from work, a certified First Aider will assess the overall health of the Employee.

### **Alcohol Testing** **Breath Testing**

- Alcohol tests will be administered by a calibrated evidential breath analyzer with a printout of test results. Only in those situations where a breath analyzer is not readily available would alcohol testing be conducted with an alternative technology, Saliva Testing.
- If the test result shows an alcohol level that is less than 0.020 Blood Alcohol Content (BAC), there is no need to conduct any further testing and the result will be confidentially communicated to the County Representative.
- If the test result shows an alcohol level that is equal to or greater than 0.020 BAC, a confirmation test will be required.

### **Saliva Testing**

- Alcohol tests will only be conducted using Saliva Testing in those situations where a calibrated evidential breath analyzer is not readily available.
- If the test result shows an alcohol level that is less than 0.020 grams of alcohol in 100 milliliters of saliva or an equivalent concentration in other units, there is no need to conduct any further testing and the result will be confidentially communicated to the County Representative.

<b>VULCAN COUNTY POLICY NO. 12-3145</b>	<b>Drug, Alcohol &amp; Substance Abuse Policy</b>
Effective: October 17, 2018	Amended: February 28, 2024
Cross Reference: CC 2018-10-17-13; CC 2023-02-15-09 CC 2023-06-07-04; CC 2024-02-28-07	Page <b>15</b> of <b>16</b>
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- If the test result shows an alcohol level that is equal to or greater than 0.020 grams of alcohol in 100 milliliters of saliva or an equivalent concentration in other units, a confirmation test will be required.

### **Confirmation Test**

- If a calibrated evidential breathalyzer testing device was used for the screening test, a breath alcohol device must be used to conduct the alcohol confirmation test. If a saliva testing device was used for the screening test, the confirmation test will be a calibrated evidential breath alcohol device, or urine should a calibrated evidential breath alcohol device not be available.
- An alcohol positive test is a blood alcohol concentration of 0.040% or more. However, when an employee is subject to Post-Violation or Post-Treatment testing, including unannounced testing as part of the return-to-work agreement, a positive test result is a blood alcohol concentration of 0.020% or more. Any Employee tested in a Reasonable Grounds or Serious Incident or Near Miss situation who has an Alcohol test result of .02 to .039 BAC may be removed from work until considered safe to return and deemed a policy violation.

### **Drug Testing**

- Drug tests will be administered by urinalysis using split sample collection for transfer to the laboratory, or using a Point of Collection (quick test) urine drug screen at the collection site with confirmation testing at the lab should it be required
- An initial urinalysis screening test will be conducted by an accredited laboratory using established immunoassay procedures. No further testing is required if the initial screening test produces a negative test result.
- Confirmatory tests will be conducted on specimens identified as positive by the initial screening test. The confirmatory test uses approved mass spectrometry techniques.
- Laboratory confirmed positive drug test results will be reviewed by a qualified Medical Review Officer (MRO). This is an independent physician who will endeavor to discuss the result with the Employee in an effort to determine whether a positive test could have resulted from the legitimate use of medications. The Employee concerned will be given an opportunity to explain the finding to the MRO who will then determine whether the result will be reported to the County Program Administrator as a negative, or a verified positive, or a tampered or substituted specimen result.
- In the case of a verified positive drug test result, or a tampered or substituted finding, the Employee may ask the MRO to require the split sample to be tested within seventy-two (72) hours of receiving their results. Where split samples are not collected, the donor can request that their original sample be reanalyzed. If a second confirmed positive test is reported, the person who requested the second analysis is responsible for reimbursing the County for the associated costs.
- If the test is reported as dilute and negative, or cancelled because the specimen is invalid, the employee will be required to provide an additional specimen for testing as soon as possible.
- All test results will be reported directly to the County Representative and will remain confidential except for release in accordance with this Policy in situations affecting the health and safety of workers and the public, or as required by order of a tribunal or court. Test

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results may be used by the County in any proceedings related to discipline or discharge of the Employee arising from or related to the test results.

### **Drug and Alcohol Testing**

Any testing for Drugs or Alcohol under this Policy will be completed by a Third-Party Tester and reviewed by a Medical Review Officer.