

VULCAN COUNTY POLICY NO. 12-3145	Drug, Alcohol & Substance Abuse Policy
Effective: October 17, 2018	Amended: June 7, 2023
Cross Reference: CC 2018-10-17-13 CC 2023-02-15-09 CC 2023-06-07-04	Page 1 of 11
Review Date:	



Drug, Alcohol & Substance Abuse Policy

1.0 Purpose

Use of Drugs and Alcohol can impact job-performance as well as the health and safety of Employees, the community, and the environment. Drug and Alcohol use can 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.

This Policy is intended to outline the standards and requirements the County has of its Employees with respect to Alcohol and Drug use 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 carrying out its operations safely;
- c) Adopting a pro-active approach to Drugs and Alcohol;
- d) Creating an environment where everyone recognizes the safety and health risks in the use of Alcohol and Drugs;
- e) Engaging those with a potential or actual dependency on Alcohol or Drugs to provide assistance and accommodation where required, and to avoid potential safety breaches brought on by such potential or actual dependencies.

2.0 Definitions

1. **Alcohol** refers to ethanol (ethyl alcohol), which is the main alcohol present in Alcoholic Beverages.
2. **Alcoholic Beverage** means any substance that may be consumed and that has an alcoholic content in excess of 0.5 percent by volume.
3. **BAC** means Breath Alcohol Concentration.
4. **CAO means the Chief Administrative Officer of the County.**
5. **County** means the municipal district of Vulcan County in Alberta, Canada.
6. **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.

VULCAN COUNTY POLICY NO. 12-3145	Drug, Alcohol & Substance Abuse Policy
Effective: October 17, 2018	Amended: June 7, 2023
Cross Reference: CC 2018-10-17-13 CC 2023-02-15-09 CC 2023-06-07-04	Page 2 of 11
Review Date:	

7. **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.
8. **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.
9. **Drug Paraphernalia** means personal property which is associated or involved with the use, consumption, injection, or inhalation of any Drug.
10. **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.
11. **Fit for Work** means being alert and able to safely and acceptably perform assigned 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 or others, or to County Premises A person who is Impaired is not Fit for Work.
12. **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 dependence, Alcohol dependence, and emerging dependence on Drugs or Alcohol.
13. **Impairment** or **Impaired** means being under the influence of Drugs or Alcohol or to the extent that an Employee is not Fit for Work.
14. **Incident:** An occurrence, circumstance, situation, or near miss that caused or had the potential to cause injury to person, damage to property or equipment, or damages to the environment.
15. **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.
16. **Medication** means any prescribed, or over the counter, Drug which is designed to be used to treat an illness or health affliction.
17. **Near Miss** refers to an event that, under slightly different circumstances, could have resulted in a Serious Incident.
18. **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;

VULCAN COUNTY POLICY NO. 12-3145	Drug, Alcohol & Substance Abuse Policy
Effective: October 17, 2018	Amended: June 7, 2023
Cross Reference: CC 2018-10-17-13 CC 2023-02-15-09 CC 2023-06-07-04	Page 3 of 11
Review Date:	

- 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.

19. **Refusal** means that an employee has:

- a. Fail 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 employer.
- b. Fail 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. Fail to provide a urine specimen for any drug 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;
- d. In the case of a directly observed or monitored collection in a drug test, fails to permit the observation or monitoring of the employee's provision of a specimen;
- e. Fail 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. Fail or declines to take a second test the employer or collector has directed the employee to take;
- g. Fail 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."

20. **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.

21. **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.

22. **Substance Abuse Professional** refers to an individual with knowledge of and clinical experience in the diagnosis and treatment of Alcohol and Drug related disorders.

VULCAN COUNTY POLICY NO. 12-3145	Drug, Alcohol & Substance Abuse Policy
Effective: October 17, 2018	Amended: June 7, 2023
Cross Reference: CC 2018-10-17-13 CC 2023-02-15-09 CC 2023-06-07-04	Page 4 of 11
Review Date:	

23. **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.
24. **Third Party Tester** refers to an accredited independent laboratory that provides Drug and Alcohol testing.

3.0 Scope

This Policy applies to all Employees while engaged in County Work.

This Policy applies to all Employees while on County Premises. However, this Policy does not apply to Employees 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.

4.0 Consequences of Violations

Subject to Section 6.0 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 some cases, continuation of employment following a breach of this Policy may be made subject to specific conditions. Conditions made 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-duty Alcohol and/or Drug test, agreeing to return-to-work conditions, agreeing to consequences of future violations of this policy.

5.0 Self-Help and Early Disclosure

Information gathered following a disclosure under this Section will be treated with confidentiality and will only be shared with those who need to know.

1. Employees Encouraged to Seeking Assistance
This policy encourages Employees to voluntarily request help where they believe that they have an existing or emerging dependence on Drugs or Alcohol. Employees are invited to contact their Supervisor or CAO as well as the Employee Assistance Program for assistance. An Employee requesting help will not be disciplined for making a request for assistance. However, making such a request will not shield an Employee from discipline for any prior breaches of this Policy.
2. Requirement to Disclose Dependency Prior to Breach
It is a purpose of this Policy to ensure Employees are Fit for Work. In order to be pro-active the County requires information in order to accommodate Employees before they breach this Policy. In the event that an Employee has a Dependency (see definition above) that Employee must disclose the Dependency to the Supervisor or CAO prior to breaching this Policy. An

VULCAN COUNTY POLICY NO. 12-3145	Drug, Alcohol & Substance Abuse Policy
Effective: October 17, 2018	Amended: June 7, 2023
Cross Reference: CC 2018-10-17-13 CC 2023-02-15-09 CC 2023-06-07-04	Page 5 of 11
Review Date:	

Employee will not be disciplined for disclosing a Dependency. Employees who disclose a Dependency will be assessed for accommodation as indicated in Section 6. However, in most circumstances an Employee will not be accommodated where he or she has a Dependency, fails to disclose that Dependency, and then subsequently breaches this Policy.

3. Response of the County to Assistance-Request or Disclosure

In most cases, the Employee will be referred to a Substance Abuse Professional who will assess if the individual has an Alcohol or Drug dependency, make recommendations regarding education and treatment, and recommend a return-to-duty monitoring program including unannounced testing.

6.0 Accommodation

The County will fulfil its obligations under the *Alberta Human Rights Act* and will accommodate an Employee to the extent required by law. Accommodation, where required, are fact-specific and will be determined on a case-by-case basis. In most cases an Employee must disclose a Dependency (see Section 5.0) to receive accommodation.

7.0 Standards/Requirements for All Employees

1. Every Employee is required to:
 - a) Review and comply with this Policy;
 - b) Report for duties Fit for Work and free of Impairment 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) Notify his or her Supervisor of any condition that could impair his or her ability to be Fit for Work;
 - g) Submit to a search conducted by the County under Section 11; and,
 - h) Notify their immediate Supervisor of any situation which another Employee may not be Fit for Work.

2. No Employee within the Scope of this Policy shall:
 - a) use, possess, distribute, offer or sell Alcoholic Beverages, Alcohol, Drugs, or Drug Paraphernalia;
 - b) report to work or conduct County Work while Impaired;
 - c) transport or store unsealed Alcohol in a County vehicle or in a personal vehicle conducting County Work;
 - d) transport or store sealed Alcohol in a County vehicle without express permission from the CAO;
 - 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

VULCAN COUNTY POLICY NO. 12-3145	Drug, Alcohol & Substance Abuse Policy
Effective: October 17, 2018	Amended: June 7, 2023
Cross Reference: CC 2018-10-17-13 CC 2023-02-15-09 CC 2023-06-07-04	Page 6 of 11
Review Date:	

- 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 of prescription Medications whether or not Medications are brought onto County Premises.

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 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.

If an Employee is under the influence of Alcohol or Drugs and is contacted by the County to perform unscheduled services, it is the responsibility of the Employee to decline the call

4. Use of Medications

Employees who require the use of a Medication must:

- a) act responsibly 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 to assist in assigning alternative duties, where available, to accommodate the Employee's medical condition and to ensure the general safety of the workplace. 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.

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

VULCAN COUNTY POLICY NO. 12-3145	Drug, Alcohol & Substance Abuse Policy
Effective: October 17, 2018	Amended: June 7, 2023
Cross Reference: CC 2018-10-17-13 CC 2023-02-15-09 CC 2023-06-07-04	Page 7 of 11
Review Date:	

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.

9.0 Employee Drug and Alcohol Testing

1. An Employee may be required to submit to a Drug and Alcohol test conducted by a Third Party Tester in the following circumstances:
 - a) **Pre-Access:** Drug and Alcohol testing for safety-sensitive positions as a requirement for employment and for existing employees that have been away for a period longer than 3 months where safety is a bona fide concern. Pre-access testing will occur after post-offer of employment or upon return after a leave of longer than 3 months.
 - b) **Reasonable Grounds** (see definitions): A Supervisor will direct an Employee to submit to an Alcohol and Drug test if the Supervisor has Reasonable Grounds.
 - c) **Post 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. This will only apply where that Employee has been directly involved in the chain of acts or omissions leading up to the Serious Incident or Near Miss.

2. A Supervisor may only order an Employee to submit to a Drug and Alcohol test after consulting with the CAO or designate, in person or by phone. Where testing is ordered:
 - a) The Supervisor must provide the Employee with the reason for any request to submit to a test;
 - b) The decision to test must be made as soon as practical following the reason for the test;
 - 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.

3. A positive Drug test or an Alcohol test result of .04 BAC or higher, or a refusal to test are considered a violation of this Policy. Any Employee tested in a Reasonable Cause 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 (at a minimum not before their next shift) and may be subject to disciplinary action.

4. 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.

10.0 Social Events

VULCAN COUNTY POLICY NO. 12-3145	Drug, Alcohol & Substance Abuse Policy
Effective: October 17, 2018	Amended: June 7, 2023
Cross Reference: CC 2018-10-17-13 CC 2023-02-15-09 CC 2023-06-07-04	Page 8 of 11
Review Date:	

Notwithstanding Section 7, responsible use of legalized Alcohol and Drugs are permitted at County-sponsored social functions which have the prior approval of the CAO and/or Council. Those Employees who attend County sponsored social functions and choose to consume legalized Alcohol and drugs must not subsequently go to work or return to work.

Employees who consume legalized Alcohol and drugs at a social function must not operate any motorized equipment and must have transportation alternatives arranged for safe transportation from the social event.

11.0 Search and Seizure

Where there are reasonable grounds to believe that Alcohol, Beverage Alcohol, Drugs or Drug Paraphernalia are located on County Premises in violation of this Policy, the County reserves the right to conduct searches of County Premises.

In appropriate circumstances, the County may search Employees’ personal property and affects while on County Premises with the permission of the Employee. The Employee must consent to the search of his or her personal property when there is reasonable cause to do so. Refusal to consent in these circumstances will be treated as non-compliance with the Policy and may subject the Employee to appropriate discipline.

VULCAN COUNTY POLICY NO. 12-3145	Drug, Alcohol & Substance Abuse Policy
Effective: October 17, 2018	Amended: June 7, 2023
Cross Reference: CC 2018-10-17-13 CC 2023-02-15-09 CC 2023-06-07-04	Page 9 of 11
Review Date:	

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 incident and reasonable cause 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.
- The collection of specimens for drug testing and administration of alcohol tests will be performed by trained 3rd Party collection agents.
- All individuals 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. If no medical issues are present, the Supervisor will ensure that the Employee is provided with a safe ride home.

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 CAO.
- If the test result shows an alcohol level that is equal to or greater than 0.020 BAC, a confirmation test will be required.

VULCAN COUNTY POLICY NO. 12-3145	Drug, Alcohol & Substance Abuse Policy
Effective: October 17, 2018	Amended: June 7, 2023
Cross Reference: CC 2018-10-17-13 CC 2023-02-15-09 CC 2023-06-07-04	Page 10 of 11
Review Date:	

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 CAO.
- 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 Return to Work Post Violation or Return to Work 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 Cause 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 individual 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

VULCAN COUNTY POLICY NO. 12-3145	Drug, Alcohol & Substance Abuse Policy
Effective: October 17, 2018	Amended: June 7, 2023
Cross Reference: CC 2018-10-17-13 CC 2023-02-15-09 CC 2023-06-07-04	Page 11 of 11
Review Date:	

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’s CAO or designate 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 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.



2023-06-07 County
Council Minutes UN