

Policy

Title: DRUG & ALCOHOL POLICY		Number: 8037
Reference: Administrative Committee - October 17, 2018	Adopted by City Council: April 7, 2008	
	City Clerk	Chief Administrative Officer
Supersedes: Substance Abuse Policy 8037 April 2008		
Prepared by: HUMAN RESOURCES		

STATEMENT

THE CITY IS COMMITTED TO THE HEALTH, SAFETY AND WELLNESS OF ITS EMPLOYEES, VOLUNTEERS AND THE GENERAL PUBLIC. THE CITY RECOGNIZES AND ACCEPTS THE RESPONSIBILITY TO PROVIDE ITS EMPLOYEES WITH A SAFE, HEALTHY AND PRODUCTIVE WORK ENVIRONMENT. EMPLOYEES HAVE THE RESPONSIBILITY TO REPORT TO WORK CAPABLE OF PERFORMING THEIR TASKS PRODUCTIVELY AND SAFELY. THE USE OF DRUGS AND ALCOHOL CAN HAVE SERIOUS ADVERSE IMPACTS ON THEIR ABILITY TO PERFORM THEIR TASKS SAFELY IN THE WORKPLACE.

PRINCIPLES

1. The purposes of this policy are: to promote safe work environments; to protect the health and safety of the employees, volunteers and the general public; to establish the City's expectations for appropriate behavior; to provide support and procedures for the prevention, early detection, assessment, and treatment of any employee who may have a substance abuse problem; to provide a means for supporting employees who are dealing with current or emerging drug and alcohol problems; to establish the consequences for employees who are in non-compliance; to protect the City's reputation as a responsible employer; and to provide consistent guidelines for all employees and supervisors.
2. The City recognizes that the use of drugs or alcohol can adversely affect employee job performance, the work environment, the integrity and safety of City operations, the well being of employees, their families and the public, and the City's reputation with the public.
3. The City expects each of its' employees to perform their duties in an exemplary manner, which at no time would put at risk the health or safety of coworkers, City customers, or the general public. This includes ensuring that the employees are in no way compromised or impaired in their abilities to perform their duties in a safe and effective manner as a result of the use of, or after-effects from the use of, drugs or alcohol.
4. Anyone who believes that their performance, or that of someone that they work with, may be compromised has a duty to report such occurrence and to take the appropriate preventative actions in accordance with this policy.
5. The City recognizes that dependency on drugs or alcohol is a disability that can be successfully treated. Individuals with drug or alcohol dependencies will be supported in an

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appropriate treatment program and will be accommodated to the point of undue hardship (in accordance with the City's Disability Management Policy #8005). However, employees are accountable for their own actions and behaviours which independently may be the subject of discipline.

6. The City may require testing for drugs or alcohol when it is appropriate to do so.
7. Any violation of this policy as a result of substance use or abuse will be considered serious. Resultant corrective actions may include written warnings of the incident, mandatory treatment, suspension without pay, demotion, or termination of employment depending upon the circumstances and the severity of the violation.

ROLE OF COUNCIL

To receive, review and adopt this policy and any recommended amendments thereto.

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1. DEFINITIONS

- 1.01 “Alcohol” is defined as including any substance that may be consumed and that has an alcoholic content in excess of 0.5 percent by volume.
- 1.02 “Drug” is defined as including any substance, chemical or agent the use or possession of which is unlawful in Canada or requires a personal prescription or authorization from a licensed treating physician, or the use of which is regulated by legislation such as marijuana / cannabis, or any other psychoactive substance, and any non-prescription medication lawfully sold in Canada, and drug paraphernalia.
- 1.03 “Drug and Alcohol Test” is defined as a test administered in accordance with this Policy.
- 1.04 “Employee” is defined as any person engaged by the City in work on a Workplace where this Policy applies.
- 1.05 “Fit for Duty” is defined as being able to safely and/or acceptably perform assigned duties without any limitations due to Alcohol, Drugs or other health conditions, and/or without Drugs or Alcohol present in the body at or above established standards.
- 1.06 “Incident” is defined as an occurrence, circumstance, condition or near miss that caused or had the potential to cause damage to person, property, reputation, security or the environment.
- 1.07 “Medical Review Officer” is defined as a licensed physician with knowledge of substance abuse disorders and the ability to evaluate Employee Drug and Alcohol Test results, who is responsible for receiving and reviewing laboratory results generated by the City’s drug and alcohol testing program and evaluating medical explanations for certain drug test results.
- 1.08 “Medication” is defined as a Drug obtained either (i) over-the-counter, or (ii) through a physician’s prescription, or (iii) through a Health Canada authorization.
- 1.09 “Negative Test Result” is defined as a report from the Drug and Alcohol Test provider that the Employee who provided the specimen for Drug and Alcohol Testing was not in violation of this Policy.
- 1.10 “Positive Test Result” is defined as a report from either the Drug and Alcohol test provider or the Medical Review Officer that the Employee who provided the specimen for Drug and Alcohol Testing did have an Alcohol and Drug concentration level equal to or in excess of that set out in this Policy.
- 1.11 “Reasonable Grounds” is defined as information established by the direct observation of an Employee’s conduct or other indicators, such as the physical appearance of the Employee, the smell associated with the use of Alcohol or Drugs on their person or in the vicinity of their person, their attendance record, circumstances surrounding an Incident or a near miss and the presence of Alcohol, Drugs or Drug paraphernalia in the vicinity of the Employee or the area where the Employee worked.
- 1.12 “Safety Sensitive Position” is defined as any position or class of positions where the job function, including non-routine and emergency duties, involves responsibility for

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actions or decisions, which if not performed correctly, could directly cause or contribute to a danger to the health or safety of employees, contractors, customers, the public or the environment. The City reserves the right to designate positions as Safety Sensitive Positions, based on its review of the duties and responsibilities of its positions.

Employees who are required to temporarily relieve in a Safety Sensitive Position, or who directly supervise Safety Sensitive Positions and who may perform the same duties or exercise the same responsibilities, are deemed to hold Safety Sensitive Positions.

- 1.13 "Substance Use Disorder" is defined as a condition where an Employee's use of Alcohol or Drug leads to health issues or problems at work or home. It may lead to clinical impairment or distress. This includes a Drug and Alcohol problem, dependency or addiction.
- 1.14 "Workplace" includes all real or personal property, facilities, land, buildings, equipment, containers, and vehicles whether owned, leased or used by the City and wherever it may be located.

2. RESPONSIBILITIES

- 2.01 City Council
 - (a) Receive, review and adopt this policy and any recommended amendments thereto.
- 2.02 Administrative Committee
 - (a) Review and adopt procedures developed for the implementation of this policy.
- 2.03 Chief Administrative Officer, Commissioners and General Managers/Department Heads
 - (a) Provide a safe workplace.
 - (b) Provide prevention programs that emphasize awareness, education and training with respect to the use of alcohol and drugs.
 - (c) Ensure the guidelines and the alcohol and drug work rule support other performance management systems.
 - (d) Ensure that alcohol and drug testing is performed according to the standards set out in this policy.
- 2.04 Managers/Supervisors
 - (a) Be knowledgeable about and comply with the City's alcohol and drug work rule and procedures.
 - (b) Ensure they comply with work standards as part of their responsibility to perform their work-related activities in an effective and safe manner.
 - (c) Be knowledgeable about the use of alcohol and drugs and be able to recognize the symptoms of the use of alcohol and drugs.
 - (d) Understand how this policy is integral to an overall approach to performance management.

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- (e) Ensure that all employees understand the existence of and content of the guidelines and the alcohol and drug work rule.
- (f) Take action on reported or suspected alcohol or drug use by employees.

2.05 Employees

- (a) Have an understanding of the drug and alcohol work rule.
- (b) Take responsibility for ensuring their own safety and the safety of others.
- (c) Ensure they comply with work standards as part of their obligation to perform work activities in a safe manner.
- (d) Comply with the alcohol and drug work rule and follow appropriate treatment if deemed necessary.
- (e) Use medications responsibly, be aware of potential side effects and notify their supervisor of any potential side effects where applicable.
- (f) Encourage peers or co-workers to seek help before there is a potential breach or breach of this policy.

2.06 Human Resources Department

- (a) Provide assistance with respect to the interpretation and application of this policy.
- (b) Arrange for appropriate education and training for employees, Supervisors and Managers to assist in fulfilling their on-going responsibilities under this policy.
- (c) Assist employees in obtaining confidential assessment, counselling, referral and rehabilitation services.
- (d) Review, evaluate and recommend amendments to this policy as required.

2.07 Union / Association Representatives

- (a) Communicate the alcohol and drug work rule to their members.
- (b) Support effective implementation of these guidelines.

3. PROCEDURES

3.01 Application - Unless otherwise stated, this Policy applies to all Employees except those employees subject to the Medicine Hat Police Service Substance Abuse Policy.

3.02 Disclosure and Rehabilitation

- (a) Employees must advise their direct supervisor, manager, or member of Human Resources as soon as possible if they may not be Fit for Duty, may be under the influence of Alcohol or Drugs (other than the approved use of Medication in accordance with Section 3.03(g)), or may otherwise be in violation of this Policy.
- (b) The City encourages Employees who suspect that they may have a Substance Use Disorder to request help voluntarily. The Employee may contact the

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Employee Assistance Program directly or they may approach their supervisor, manager or Union representative for assistance in accessing resources.

- (c) The City will make all reasonable efforts to accommodate any Employee with a Substance Use Disorder and such efforts may include providing a referral for an alcohol and drug assessment with a medical expert. Each case will be reviewed on a case-by-case basis.
- (d) No employee with a Substance Use Disorder will be disciplined because of the Employee's involvement in a rehabilitation effort or for voluntarily requesting rehabilitative help in overcoming the problem. However, involvement in a rehabilitative effort or seeking rehabilitative help for a Substance Use Disorder after an Incident has occurred, or after a demand is made for the Employee to undergo testing based on Reasonable Grounds under this Policy, or after a breach of this Policy will not prevent an Employee from being disciplined or terminated. An Employee's use of the Employee Assistance Program or other rehabilitation efforts does not eliminate the requirement of meeting satisfactory performance levels or compliance with this Policy
- (e) The City expects the Employee to fully participate in any rehabilitation effort. Voluntary participation in a rehabilitation program of any kind does not eliminate the need for the employee to maintain satisfactory job performance.
- (f) Employees who return to work following the completion of treatment for a Substance Use Disorder may be required to enter into a written agreement, which will outline the conditions governing the return to work and the consequences for failing to comply with those conditions.

3.03 Drug and Alcohol Work Rule

- (a) Employees shall report to work Fit for Duty and remain Fit for Duty throughout their shift and while on City Property, at a Workplace or while otherwise acting in the course of their work for the City.
- (b) Employees shall not report for work or work:
 - 1. with an Alcohol level in excess of 0.02 grams per 210 litres of breath;
 - 2. with a Drug level equal to or in excess of the Drugs set out, but not limited to, those indicated in **Appendix A** in Tables 1 and 2 with no legitimate medical explanation; or
 - 3. while the Employee's ability to safely perform his or her duties is adversely affected because of the use of Alcohol or Drugs.
- (c) Employees shall report for Drug and Alcohol Testing and participate in Drug and Alcohol Testing as required.
- (d) Employees shall not use, possess, distribute, or offer for sale Alcohol, Drugs or any product or device that may be used to attempt to tamper with any sample for a Drug and Alcohol Test while on City property, at a Workplace or while otherwise acting in the course of their work for the City.
- (e) Employees are expected to responsibly use all Medications. They shall investigate (through their doctor or pharmacist) whether a Medication can

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adversely affect whether they are Fit for Duty. They shall also take appropriate steps to minimize associated risk, which would include notifying their manager or supervisor of potential unsafe side effects.

- (f) Where the use of Medication is disclosed by an Employee, that Employee shall provide the City with medical documentation and information in order to assess the Employee's ability to perform their duties, and the availability of any accommodations. At the discretion of the City, an Employee may be referred to a medical expert, an independent fitness for duty assessment and/or for an independent medical evaluation.
- (g) An Employee shall not be in violation of Article 3.03(d) of this Policy if that Employee is in possession while on City property, at a Workplace or while otherwise acting in the course of their work for the City of:

1. Medication where:

- 1.1 The use of Medication does not adversely affect the Employee's ability to safely perform his or her duties, and the Employee is using the Medication for its intended purpose and in the manner directed by the Employee's physician or pharmacist or the manufacturer of the Drug, or
- 1.2 There are potentially unsafe side effects associated with the use of the Medication and the Employee has notified their supervisor or manager before starting work of any potentially unsafe side effects, and the Employee complies with conditions and limitations set by the City respecting the possession and use of the Drug before reporting to work and while on City Property, at a Workplace or while otherwise acting in the course of their work for the City; or

2. Alcohol where said Alcohol is in its original sealed container and stored in the Employee's personal vehicle.

3.04 Possession of Drugs and Alcohol

- (a) Where there are Reasonable Grounds to believe that an Employee has Drugs and/or Alcohol in their possession in contravention of this Policy, the City shall request:
 - 1. that the Employee confirm whether they are in compliance with Article 3.03(d) of this Policy; or
 - 2. the assistance of appropriate authorities to confirm the Employee's compliance with Article 3.03(d) of this Policy.
- (b) The City shall provide the Employee with the reason for the request under Article 3.04(a) and will give the Employee an opportunity to respond to that reason forthwith.

3.05 Investigations and Grounds for Testing

- (a) Fit for Duty
 - 1. Where there are Reasonable Grounds to believe that an Employee is not Fit for Duty, the Employee will be escorted by a supervisor or manager to a private place to be interviewed. The Employee will be given an opportunity to provide an explanation for their behaviour or condition, and the supervisor

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or manager will take action appropriate to the situation. The Employee shall not be permitted to continue to work while such Employee's Fitness for Duty is being determined.

2. If the supervisor or manager conducting the interview still believes that the Employee is not Fit for Duty, the supervisor or manager shall take one or more of the following actions:
 - 2.1 Referral for medical attention if there are immediate medical concerns;
 - 2.2 If the Employee is employed in a Safety Sensitive Position, referral for a Drug and Alcohol test as outlined in Article 3.05(b) or 3.05(c);
 - 2.3 Any other actions deemed appropriate in the circumstances, including seeking further guidance from the Human Resources Department.
3. The Employee may be temporarily removed from their duties or reassigned pending completion of any investigation.

(b) Reasonable Grounds

1. A Drug and Alcohol Test will be required whenever the City has Reasonable Grounds to believe that an Employee in a Safety Sensitive Position is not Fit for Work because of the use of Alcohol or Drugs.
2. The decision to test an Employee based on Reasonable Grounds shall be made by that Employee's supervisor or manager. Where possible, the supervisor or manager making the decision shall engage a member of Human Resources or another supervisor or manager to confirm the assessment of Reasonable Grounds.
3. If the decision to test an Employee based on Reasonable Grounds is made pursuant to this Policy, then the manager or supervisor who made that decision must provide the Employee with the reason for performing the test, and will give the Employee an opportunity to respond to that reason forthwith. If the supervisor or manager still believes that there are Reasonable Grounds to proceed with the test, then they may proceed.

(c) Post-Incident Testing

1. A Drug and Alcohol Test may be required if an Employee in a Safety Sensitive Position was involved in an Incident and, as part of a reasonable investigation into the Incident, a determination is made that a Drug and Alcohol Test would reasonably assist in the investigation.
2. The decision to test an Employee following an Incident shall be made by the supervisor or manager and, where applicable, the member of Human Resources, who are investigating the Incident. Any such decision must be made as soon as possible after the Incident.
3. Employees to be tested are not allowed to consume Alcohol or use Drugs other than prescription medication as required, until after the test has been completed, or until they are advised a test is not required.
4. Any post-incident testing done must be conducted immediately.

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5. If the decision to test an Employee following an Incident is made pursuant to this Policy, then the manager or supervisor who made that decision must provide the Employee with the reason for performing the test, and will give the Employee an opportunity to respond to that reason forthwith. If the supervisor or manager still believes that there are grounds to proceed with the test, then they may proceed.

(d) Pre-Employment Testing

1. Any offer of employment for a Safety Sensitive Position is deemed to be conditional upon a Negative Test Result. Any such test must be completed in the manner and on the date stipulated by the City.
2. Any person who does not receive a Negative Test Result is not eligible for a Safety Sensitive Position. The person may reapply for another Safety Sensitive Position in the future, subject to the requirement to pass a Drug and Alcohol Test and subject to any other requirements for a given position. That person may also be considered for other positions for which they are qualified.

3.06 Drug and Alcohol Test Process and Results

- (a) The City will retain a provider to conduct Drug testing and Alcohol testing. Summaries of the features of this testing and of the testing protocols are available upon request.
- (b) Drug and Alcohol Test results can be a Negative Test Result, a Positive Test Result, a refusal to test, or cancelled with additional comments.
- (c) Any Employee who receives a Positive Test Result will be immediately placed on an administrative leave of absence until further investigation can be conducted. A Positive Test Result may result in discipline including termination for cause.
- (d) Any Employee who fails to report directly for a test, refuses to submit to a test, refuses to agree to disclosure of a test result to human resources or is unable to provide sufficient quantities of breath or urine fluid to be tested without a medical explanation acceptable to the City will be disciplined. This will be considered insubordination and a breach of the Policy and may result in disciplinary measures including termination for cause.
- (e) A cancelled test result cannot be relied upon to determine compliance or non-compliance with the Policy.
- (f) All test results will be provided in a confidential written report from the Medical Review Officer to the City.

3.07 Consequences of a Policy Violation

- (a) The City may discipline an Employee who fails to comply with this Policy. Discipline may include a variety of reasonable measures up to and including termination for cause. The appropriate consequence depends on the facts of the case, including the nature of violation, the existence of prior violations, the response to prior corrective programs and the seriousness of the violation. Any discipline issued shall be in accordance with any applicable collective agreements.

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- (b) The City may be required to conduct an investigation in order to determine if this Policy has been violated. The City has the authority and the discretion to place any Employee who is believed to be involved in an incident that could lead to disciplinary action on an administrative leave of absence pending the results of any such investigation. Investigations shall be undertaken in accordance with any applicable collective agreements.
- (c) If the City determines that an Employee's employment should be continued following a breach of this Policy, that Employee may be required to enter into an agreement governing the Employee's continued employment. Said agreement may impose conditions on the Employee's continued employment, including but not limited to:
 1. Temporarily removing the Employee from their position;
 2. Adherence to any recommended treatment, monitoring or aftercare programs;
 3. Ongoing unannounced testing for a period of time, to be determined on a case by case basis; and
 4. No further violations of this Policy.

3.08 Consent and Confidentiality

- (a) An Employee who continues his or her employment with the City accepts the terms of this Policy, and authorizes the Drug & Alcohol test provider retained by the City to provide the test results from the Drug and Alcohol Test to the City, or to any person with legal authority to require the disclosure of the test results.
- (b) In order to preserve the confidentiality of the test results, the City and any person to whom disclosure is permitted under this Policy must not disclose the test results to any person other than a person who needs to know the test results to discharge an obligation under this Policy, or as legally required.
- (c) Confidentiality will be maintained in information resulting from an Employee's disclosure of a Substance Use Disorder except where the disclosure of any such information is necessary for related health and safety concerns, or as legally required.

3.09 Assistance of a Representative

- (a) When applicable, a representative of a bargaining agent of which an Employee is a member and with whom the City has a bargaining relationship may assist the Employee with any matter arising under this Policy if the Employee wishes to have the assistance of a representative.
- (b) When applicable, a representative of a bargaining agent of which an Employee is a member and with whom the City has a bargaining relationship may attend any meeting or discussion that takes place under this Policy if the Employee wishes the representative to attend and the attendance of the representative does not unduly delay the time at which the meeting or discussion takes place.

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4. APPENDICES

Appendix A

Table 1 – Urine Drug Concentration Limits

Table 2 – Oral Fluid Drug Concentration Limits

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APPENDIX A

TABLE 1- URINE DRUG CONCENTRATION LIMITS

Drugs or classes of drugs	Screening concentration equal to or in excess of ng/mL	Confirmation concentration equal to or in excess of ng/mL
Marijuana metabolite	50	15
Cocaine metabolite	150	100
Opioids		
- Codeine	2000	2000
- Morphine	2000	2000
- Hydrocodone	300	100
- Hydromorphone	300	100
- Oxycodone	100	100
- Oxymorphone	100	100
6-Acetylmorphine	10	10
Phencyclidine	25	25
Amphetamines	500	—
- Amphetamine	—	250
- Methamphetamine	—	250
- MDMA ¹	500	250
- MDA2	—	250

Source: U.S. Department of Transportation, Rule 49 CFR Part 40, January 1, 2018.

1. Methylenedioxymethamphetamine
2. Methylenedioxyamphetamine

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TABLE 2- ORAL FLUID DRUG CONCENTRATION LIMITS

Drugs or classes of drugs	Screening concentration equal to or in excess of ng/mL	Confirmation concentration equal to or in excess of ng/mL
Marijuana (THC)	4	2
Cocaine metabolite	20	—
– Cocaine or Benzoyllecgonine	—	8
Opioids	40	—
- Codeine	—	40
- Morphine	—	40
- Hydrocodone	—	40
- Hydromorphone	—	40
- Oxycodone	—	40
- Oxymorphone	—	40
6-Acetylmorphine	—	4
Phencyclidine	10	10
Amphetamines	50	—
- Amphetamine	—	50
- Methamphetamine	—	50
- MDMA ¹	—	50
- MDA ²	—	50

Source: COAA and Energy Safety Canada, 2018.

1. Methylenedioxymethamphetamine

2. Methylenedioxyamphetamine