

	<h2 style="text-align: center;">Municipality of Crowsnest Pass Policy</h2>
<p>Policy No.: Policy Title: Approval Date: Revision Date: Supersedes Policy: Department:</p>	<p>1801-02 Drug, Alcohol and Substance Abuse Policy October 2, 2018  1801-01 Corporate Services</p>

### 1.0 POLICY PURPOSE

The safety of Employees, Contractors and the public is the Municipality of Crowsnest Pass’s highest priority, the purpose of this policy is to create a working environment free of the effects of drug and alcohol impairment. The use of drugs and alcohol or other impairing substances have serious adverse effects on the safety of individual Employees, co-workers, contractors, the public and the workplace. Impairment can lead to incidents causing serious injuries to employees and other persons or damage to the environment and property.

### 2.0 APPLICABILITY

This policy applies to:

- a) All Employees of the Municipality of Crowsnest Pass;
- b) Employees of Societies, Boards and Committees over which the Municipal Council has authority;
- c) Contractors and Subcontractors conducting business with the Municipality;
- d) Boards, Societies and Committees over which the Municipal Council has authority;
- e) Volunteers working in a voluntary capacity for the Municipality or any of its boards or societies of which the Municipal Council has authority;
- f) Paid On-Call members of Crowsnest Pass Fire Rescue.

### 3.0 DEFINITIONS

**“Alcohol”** means the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohol including methyl and isopropyl alcohol.

**“Cannabis”** or **“Marijuana”** means any part of a cannabis plant, including the phytocannabinoids produced by, or found in, such a plant and anything referred to in Schedule 1 of the Cannabis Act.

**“Contractor”** or **“Subcontractor”** means any person or company that undertakes a contract with the Municipality or a Contractor of the Municipality for labour, materials or service.

**“Council”** or **“Municipal Council”** means the duly elected officers of the Municipality of Crowsnest Pass and the Chief Elected Officer or Mayor.

**“Call Out”** means an Employee not formally designated as On Call but is called into work without notice or prearrangement.

**“CAO”** means the Chief Administrative Officer for the Municipality of Crowsnest Pass, and his/her duly authorized designee(s).

**“Drug or alcohol dependence”** means a mental, physical or psychological dependence on drugs, alcohol or other impairing substance which is considered by a physician to be a medical condition/disability under Human Rights law.

**“Employee”** means any person employed with the Municipality.

**“Fit for Duty”** means being able to safely perform assigned duties and responsibilities without any impairment due to the use or after-affects of alcohol, drugs or medication.

**“Human Resources”** means the position that has been assigned the Human Resources function for the Municipality by the CAO.

**“Illicit Drugs”** means any drug or substance that is not legally obtainable and whose use, sale, possession, purchase or transfer is restricted or prohibited by law (for example, street drugs such as heroin and cocaine).

**“Management”** refers to a group of positions that are managerial in nature and are out of scope and includes the Chief Administrative Officer, Directors and Managers.

**“Management Supervisor”** refers to the member of Management that has been assigned to supervise an Employee or group of Employees as determined by the current organizational chart.

**“Marijuana” or “Cannabis”** means any part of a cannabis plant, including the phytocannabinoids produced by, or found in, such a plant and anything referred to in Schedule 1 of the *Cannabis Act*.

**“Medical or Medicinal Cannabis or Marijuana”** means Marijuana or Cannabis product that prescribed by an accredited physician.

**“Medication”** refers to a drug obtained legally by an employee and used as prescribed or directed, including but not limited to those obtained by the employee with a doctor’s prescription or medical document, as contemplated by the *Access to Cannabis for Medical Purposes Regulation* (as amended, repealed and replaced from time to time), and non-prescription or over-the-counter products.

**“Municipality” or “Municipal”** means the corporation of the Municipality of Crowsnest Pass located in the Province of Alberta.

**“Municipal Business”** means the official duties of Employees as described in the job description or other approved and directed duties as assigned by a Management Supervisor and may include attending approved training, conferences, meetings or workshops.

**“Municipal Vehicle”** pertains to a vehicle in the Municipal Fleet that is owned or leased by the Municipality.

**“On-Call”** means an Employee who is prearranged, scheduled or designated to be available to report for work should they be called in. On call coverage is compensated as per the Employment Contract or Collective Agreement.

**“Recreational Cannabis” or “Recreational Marijuana”** means the use of cannabis products recreationally or without a prescription.

**“Restricted Drug”** means any drug or substance capable of causing intoxication or impairment which is legally obtainable for recreational use and whose sale, purchase, possession, or transfer are restricted by law (such as cannabis, when legalized on October 17, 2018)

**“Safety Sensitive Position”** means a position where the performance of duties or responsibilities with impaired physical or mental ability could foreseeably have a direct negative impact on the health or safety of employees, contractors, customers, the public or the environment, or could lead to significant property damage. Examples include driving vehicles, operating powered mobile equipment, repair and maintenance of vehicles and equipment, operating any equipment which could seriously injure any person as a result of misuse and the operation and maintenance of drinking water systems. This includes employees who are required to rotate through, or temporarily relieve in, safety sensitive positions. Supervisors and managers who directly supervise the working level positions on site, or who perform the same duties or exercise the same responsibilities, are deemed to hold safety-sensitive positions.

**“Significant Incident”** means any actual or alleged event or situation that creates a significant risk of substantial or serious harm to an individual or to property.

**“Tampering”** includes, but is not limited to:

- (a) Adding, or attempting to add, any foreign material or substance to a test sample;
- (b) Making, or attempting to make, use of third party samples;
- (c) Ingesting, or attempting to ingest, any substance or material (also known as adulterants) to mask the presence of an illicit drug;
- (d) Assisting or attempting to assist in the above activities.

**“Under the Influence”** means the use of alcohol, drugs (including Illicit, Restricted, Medication) to the extent that the Employee is unable to perform job duties in a safe or productive manner, is in a physical or mental state that creates a safety risk to others or is displaying signs or symptoms of substance abuse such as slurred speech, alcohol on the breath or atypical behaviour.

## **4.0 POLICY STATEMENTS**

### **4.1 Responsibilities**

- a. The Municipality has the responsibility to provide a safe and healthy work environment;
- b. The Employee has the responsibility to report to work fit for duty, capable of performing their tasks productively and safely;
  - i. Understand and comply with alcohol and drug prohibitions;
  - ii. Use Medications responsibly, be aware of potential side effects and notify their supervisor of any potential unsafe side effects;
  - iii. Encourage peers or co-workers to seek help when there is a potential breach of this policy.

### **4.2 Prohibitions**

- a. During an employee’s working hours, whether on the Municipality’s premises or while conducting employment-related activities off the Municipality’s premises, including during meal periods, scheduled breaks, social events sponsored by the Municipality (unless otherwise indicated), and on-call shifts, no employee shall:
  - i. Use, consume, possess, distribute, sell or be under the influence of Illicit Drugs;

- ii. Use, consume, possess, distribute, sell or be under the influence of Restricted Drugs;
  - iii. Use, consume, possess, distribute, sell or be under the influence of alcohol, unless authorized by the Municipality for a specific limited purpose;
  - iv. Use, consume, possess, distribute, sell or be under the influence of any other intoxicants, whether a controlled or uncontrolled substance; or
  - v. Possess, use or offer for sale drug paraphernalia.
- b. An employee shall not, under any circumstances, consume alcohol or use, consume, ingest, or inhale Illicit Drugs, Restricted Drugs or other intoxicants while in care and control of or responsible for any of the Municipality's vehicle(s) or equipment, or while using the employee's vehicle for work-related purposes.
- c. If an employee is called to work (a Call Out), whether formally designated as On Call or not, after regular working hours to perform work-related duties and has been consuming alcohol or using Drugs or other intoxicants, it is the employee's responsibility to:
- i. Decline the call out;
  - ii. Ensure that he or she does not perform any employment duties, including operate a motor vehicle, while under the influence of alcohol, Illicit Drugs, Restricted Drugs, Medication or any other intoxicant or substance, if impairment has resulted;
  - iii. Notify the employee's supervisor of the circumstances immediately; and
  - iv. Confirm directly or through the employee's supervisor that a responsible employee who is not under the influence of alcohol, Drugs, or intoxicants will perform the required task.

#### **4.3 Tampering**

- a. Refusal to submit to drug/alcohol/intoxicant testing, failing to report for drug, alcohol or other intoxicant testing, tampering or attempting to tamper with test sample, assisting with tampering or attempting to assist in the tampering of a test sample, will be deemed to be a positive test result, resulting in the employee being subject to disciplinary action, including termination for just cause.

#### **4.4 Medications and Medical Marijuana**

- a. The legal use of prescription medications are permitted at work providing they do not impair the Employee's ability to perform their work effectively and in a safe manner.

- b. If a medication including Medical Marijuana has been prescribed that causes impairment, the Employee must disclose the medication, the side effects and the treatment plan to Human Resources. A diagnosis does not need to be provided.
- c. The Municipality is committed to accommodating an Employee's necessary use of Prescription Medications to the extent reasonably possible without undue hardship.

#### **4.5 Drug, Alcohol or Substance Addiction**

- a. An Employee suffering from drug, alcohol or other substance addiction are required to disclose the addiction to Human Resources or their Management Supervisor.
- b. The Municipality acknowledges their responsibility to assist and accommodate Employees suffering from illness/addiction to alcohol or drugs to the extent reasonably possible without undue hardship.
- c. Employees who are concerned that a fellow Employee may be suffering from a drug or alcohol addiction are strongly encouraged to report their concerns to a supervisor.
- d. If an Employee neglects or refuses to disclose such a condition to the Municipality, the Municipality will be forced to deal with breaches of this policy assuming that the Employee is not suffering from an addiction or illness related to drugs and alcohol but has simply disregarded the policy, in which case immediate disciplinary action will be taken.
- e. Seeking voluntary assistance for drug and alcohol addiction will not jeopardize an Employee's employment with the Employer, so long as the Employee continues to cooperate and seek appropriate treatment for their disclosed problem and is able to treat and control the problem to facilitate a safe return to work within the reasonably foreseeable future.
- f. The Employee may utilize any accrued/earned sick leave when attending rehabilitation for the drug, alcohol or other intoxicant addictions.
- g. Employees suffering from drug, alcohol or other intoxicant addiction who fail to co-operate with assistance or treatment programs and/or engage in repeated infractions of this policy, will be subject to the normal disciplinary sanctions, including immediate termination for just cause.

- h. When an employee returns to work following a disclosure that the employee suffers from a drug, alcohol or other intoxicant dependency and subsequent treatment, the Municipality may require the employee to undergo a return-to-work test. Further random unannounced return-to-work testing may be required for up to one year after the employee returns to work.

#### **4.6 Reasonable Cause and Post Incident Testing**

- a. The Municipality reserves the right to conduct testing for the presence of drug and alcohol when it has reasonable cause to believe that the actions, appearance or conduct of an Employee while on duty is indicative of the use of drugs, alcohol or other intoxicants. While the Municipality reserves this right for all of its employees, employees should understand that the necessary threshold to establish reasonable cause in the eyes of the Employer will be lower for employees in safety-sensitive positions given the potential consequences involved.
- b. The basis for the decision to test will be documented as soon as possible after the action has taken place. The referral for the test will be based on specific, personal observations resulting from, but not limited to:
  - i. Observed use or evidence of drugs or alcohol (i.e. smell of alcohol);
  - ii. Erratic or atypical behaviour of the Employee;
  - iii. Involvement in an accident or a near miss;
  - iv. Changes in physical appearance of the Employee;
  - v. Changes in the behaviour of the Employee;
  - vi. Changes in speech patterns of the Employee;
  - vii. Discovery of intoxicants, drugs, alcohol or related paraphernalia found in locations to which an Employee has sole or primary access, including Employee lockers, assigned vehicles or
  - viii. Involvement in a Significant Incident (Post incident)
- c. The Municipality may conduct reasonable cause testing upon receipt of a complaint or concern by a co-worker or third party that an Employee may be using drugs, alcohol or other substances contrary to this policy. Records of the Confidential complaint must be retained.
- d. In all situations where the Municipality believes an Employee is unfit to be at the workplace, a reasonable escort will be used to escort the Employee home.
- e. Where reasonably possible, such tests shall be conducted respectfully and in a manner to minimize the intrusive nature of tests. The Municipality will arrange for the alcohol and drug testing to be undertaken. The process is to be completed as soon as possible after the incident which is deemed within the guidelines of this Policy.

#### 4.7 Testing Procedures

- a. Any testing undertaken pursuant to this Policy, including analysis of results, shall be performed by a qualified professional. Where appropriate, results shall be confirmed by laboratory testing, which shall be performed at an accredited laboratory;
- b. Where reasonably possible, tests shall be conducted respectfully and in a manner to minimize the intrusive nature of the tests. The Manager will contact the alcohol and drug testing provider to schedule a test. The process is to be completed as soon as possible after the incident or observation which is deemed within the guidelines of this Policy. The drug testing will be performed in compliance with the testing procedures as defined by the drug and/or alcohol testing facility. Positive test results shall be reviewed and verified by a physician to confirm if a drug or alcohol dependency exists.
- c. The Municipality will store test results in a secure location with access restricted to the Municipality's managerial employees or Health and Safety Officer with a demonstrable need for access to test results, in order to preserve employee privacy. Test results will not be disclosed to third parties without prior written consent of the employee, subject only to a legal requirement for the Municipality to produce employee test results

#### 4.8 Impairment Levels

For the purposes of this Policy, the following sets out the impairment levels:

<b>Drug Panel, Urine Screening Cut-off Concentration Levels-</b> a test result at these levels or above is a positive test.	
<b>Drug</b>	<b>Parameter (Level)</b>
Amphetamine	500 ng/mL
Cocaine metabolite	150 ng/mL
Cannabinoids	50 ng/mL
Opiates	2000 ng/mL
MDMA	500 ng/mL
Phencyclidine	25 ng/mL



6-Acetylmorphine	10 ng/mL
Marijuana metabolite	50 ng/mL

<b>Confirmation Urine Drug Concentration Levels-</b> a test result at these levels or above is a positive test.	
<b>Drug</b>	<b>Parameter (Level)</b>
Amphetamine • Methamphetamine	250 ng/mL 250 ng/mL
Cocaine metabolite	100 ng/mL
Opiates Codeine Morphine	- 2000 ng/mL 2000 ng/mL
MDMA • MDMA • MDA • MDEA	250 ng/mL 250 ng/mL 250 ng/mL
Phencyclidine	25 ng/mL
6-Acetylmorphine	10 ng/mL
Marijuana metabolite	15 ng/mL

Alcohol Level equal to or in excess of 0.040 grams per 210 litres of breath is a positive test.

#### 4.9 Discipline and Post-Violation Return to Duty

- a. The Municipality views the rules contained in this policy to be of the utmost importance. There is zero tolerance for deviation from the above terms which will result in disciplinary action that may include immediate dismissal. All employees will be provided with a copy of this policy as notification that any resulting dismissal will be considered as “dismissal with just cause”.
- b. Any Employee violating this policy who is subsequently authorized and accepted by the Employer to return to the workplace shall receive a Return to Work Letter outlining conditions of the return to the workplace which will normally include (without limiting the generality of the foregoing) the following:

- i. Requirement to continue treatment, counselling and assistance programs or procedures recommended by the Employee's advising physician or addiction councillor;
  - ii. Express obligation to immediately cease performance of duties and notify a supervisor in the event the Employee finds themselves under the influence at any time during work hours following a return to the workplace;
  - iii. Requirement to provide written medical confirmation that the Employee has any condition under control and is able to safely return to the workplace without danger to the Employee or to others;
  - iv. Requirement to provide reasonable regular updates from the Employee's physician or addiction counsellor that the Employee continues to follow recommended treatment programs and continues to be fit for duty without danger to themselves or others;
  - v. An express warning to the Employee that future violations of the policy will lead to further discipline and serious consideration of immediate termination for just cause--;
  - vi. A request to complete a return-to-work test. Further random, unannounced return-to-work testing may be required for up to one year after the employee returns to work.
- c. Employees suffering from drug, alcohol or other intoxicant addiction who fail to co-operate with assistance or treatment programs and/or engage in repeated infractions of this policy, will be subject to the normal disciplinary sanctions, including immediate termination for just cause.

## MUNICIPALITY OF CROWSNEST PASS

*Original Signed*

\_\_\_\_\_  
Blair Painter, Mayor

October 2, 2018

Date

*Original Signed*

\_\_\_\_\_  
Patrick Thomas, Chief Administrative Officer

October 2, 2018

Date