

Starland County Policy 120-5	Substance Abuse Prevention Policy	Last Reviewed:
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1.0 **Introduction**

As a responsible employer, Starland County has the responsibility and duty to establish programs to promote and enhance health and safety in the workplace. Starland County Substance Abuse Prevention Policy is directed at protecting the health and safety of employees, co-workers, general public and environment. The Substance Abuse Prevention Policy combines drug and alcohol testing with education, training and access to assistance.

2.0 **Scope**

This policy applies to all employees and management of Starland County. Testing provisions of this policy only apply to individuals in identified safety sensitive positions. While this policy refers specifically to alcohol and drugs, it is intended to apply to all other forms of substance abuse.

Starland County shall comply with all applicable Federal and Provincial related drug and alcohol laws and or regulations.

3.0 **Roles and Responsibilities**

3.1 Employees are expected to:

- a) Arrive fit for work and remain fit for work during their period of duty
- b) Consult with their doctor or pharmacist regarding the proper use of medication they are using to determine if the medication may have a negative effect on their performance
- c) Seek advice on appropriate counseling or treatment if they suspect they have a dependency or an emerging substance abuse issue
- d) Take appropriate actions to ensure a co-worker does not remain in an unfit condition at work that may endanger the employee, co-workers or others. This may include contacting your Manager, Supervisor or CAO for confidential advice on what action to take.

3.2 Managers and Supervisors are expected to:

- a) Monitor and evaluate work performance with an objective of early identification and handling of all performance issues
- b) Ensure that investigations of work related accidents are carried out and that the Starland County Post Accident Investigation Record is completed
- c) Refer an employee for a drug and or alcohol test when required to do so under this policy
- d) Monitor policy compliance and take appropriate action as required under this policy
- e) Confer with the CAO on substance abuse issues as appropriate
- f) Arrange for safe transportation of an employee to their residence when appropriate under this policy

3.3 Chief Administrative Officer will:

- a) Act as the Designated Employer Representative within Starland County on matters related to the Substance Abuse Prevention Policy and to appoint an Assistant Designated Employer Representative
- b) Communicate with the Medical Review Officer and Substance Abuse Professionals as required
- c) Advise the employee's supervisor, where appropriate of work limitations, suspension or termination considerations
- d) Provide confidential service to all employees regarding drug and alcohol information, referral to a Substance Abuse Professional but not to provide any counseling
- e) Undertake periodic reviews and revisions of the Substance Abuse Prevention Policy
- f) Maintain confidential records of all test results, including refusals to test, correspondence from the Medical Review Officer and or Substance Abuse Professional
- g) Maintain records of all training/education of managers, supervisors and employees

4.0 **Training**

Starland County recognizes that employee education on substance abuse and on our Substance Abuse Prevention Policy is a critical step in achieving the objectives of the program.

4.1 Employee Training:

Employees will receive awareness education in regards to how this policy applies to everyone including: the risks of drug and alcohol use and their potential impact on safety in the workplace, consequences for policy violation, available resources for employee assistance services, explanation of the testing procedures and situations when testing will occur

4.2 Supervisor/Manager Training:

Supervisors/Managers will be given the above training as well as more specific training on how to recognize signs and symptoms of drug and alcohol use in the workplace and appropriate responses

5.0 **Testing Options**

5.1 Pre-Employment:

Successful applicants of safety sensitive positions will be drug tested after a conditional offer of employment. Employment is conditional to the successful completion of the pre-employment drug test.

5.2 Post-Accident:

An employee will be drug and alcohol tested after an accident that involves a fatality, disabling injury, significant incident or near miss that could have had potential serious consequences.

- a) Supervisor is required to conduct immediate preliminary investigation and complete the Starland County Post Accident Investigation Report
- b) Testing will never delay necessary medical attention for injured worker following an accident
- c) Testing is not required when the act or omission of the employee was not a contributing factor (i.e. structural, mechanical failure or act of God)
- d) Testing is required when the actions of a worker, human error, were the contributing factors leading to the accident and it is not frivolous
- e) Drug testing should occur within 2 hours of accident with attempts to test for up to 32 hours of accident. Alcohol testing should occur within 2 hours of accident with attempts to test for up to 8 hours of accident

5.3 Reasonable Cause Testing:

An employee will be tested for alcohol and or drug use where a company supervisor or other official, who is trained to identify drug and alcohol use by an employee, makes observations which form a reasonable basis for suspecting that the employee is in breach of this policy. Such observations must be documented, specific, clearly stated observations concerning the appearance, speech or body odors of the employee. The observations may include indications of the chronic and withdrawal effects of drug and alcohol use. The Starland County Reasonable Cause Investigation Report will be completed to ensure proper documentation.

Observations which may lead to reasonable cause testing are not limited to, but include: odor of alcoholic beverage or marijuana on breath, slurred speech, glassy eyes, unsteadiness in walking, standing, flushed face, disoriented and or drowsy, accidents or injuries, repeated errors in job performance, excessive absenteeism or lateness, credible complaints of drug and or alcohol use at work

5.4 Return to Duty:

Drug and or alcohol testing of an employee who has engaged in prohibited conduct and is returning to work after an assessment by a Substance Abuse Professional and compliance with recommendations

5.5 Follow Up:

Drug and or alcohol testing on an unannounced basis for at least one year on return to duty. Frequency of testing is determined by the Substance Abuse Professional in consultation with the CAO

6.0 Prohibitions

6.1 Alcohol Use:

- a) Alcohol concentration: No employee shall report for duty or remain on duty while having a confirmed alcohol concentration of 0.02 or greater
- b) On duty use: No employee shall use alcohol while on duty
- c) Pre duty use: No employee shall perform safety sensitive functions within four hours after using alcohol
- d) Use following an accident: No employee required to take a post-accident alcohol test shall use alcohol for eight hours following the accident, or until he/she undergoes a post-accident alcohol test, whichever occurs first

6.2 Drug Use:

- a) No employee shall report for duty or remain on duty when the employee uses any drug, except when the use is pursuant to the instructions of a licensed medical practitioner who has advised the employee that the substance will not adversely affect the employee's ability to work safely at the job site. If a licensed medical practitioner advises the employee that the substance will affect the employee's ability to work safely, the employee will notify his/her immediate supervisor. The supervisor will advise senior management of the circumstances.
- b) Senior management shall ensure that the employee is removed from duty and accommodated to meet safety concerns. Accommodation may include work restrictions, modified duties, sick or disability leave.
- c) No employee will intentionally misuse prescription or over the counter medications in such a manner as to render themselves unfit to safely perform their duties.
- d) Employees must notify their direct supervisor if they are taking any prescription or over the counter medication that may impair their ability to work safely.

6.3 Possession:

- a) Possession, use or offering for sale of alcohol, drugs or drug paraphernalia on company work sites or company vehicles is prohibited
- b) Possession of devices or products designed to compromise drug and or alcohol testing are prohibited
- c) Employees who violate this provision may be subject to immediate termination and referral to law enforcement agencies when applicable
- d) Use of alcohol for social functions or when it relates to County business is permitted when approved by senior management who will ensure that the use does not contravene the intent of our policy and any applicable laws or regulations

7.0 Maintaining a Valid Operator's Licence

- 7.1 All individuals that operate a motor vehicle on behalf of Starland County are required to maintain a valid operator's license. Any loss of driving privileges (license) must be reported to your supervisor and the individual will no longer be allowed to drive on behalf

of the company. The individual will be accommodated where it is feasible to do so. Loss of driving privileges includes temporary suspensions.

8.0 Collection of Specimens and Analysis

- 8.1 A designated drug testing company will collect and process urine specimens for drug testing as required. All testing must meet or exceed the guidelines and standards of the Substance Abuse and Mental Health Services Administration which is the certifying agency for forensic urine drug testing laboratories in Canada and the United States. Drug testing refers to marihuana, cocaine, amphetamines, opiates and phencyclidine.
- 8.2 Alcohol screen testing will be with an approved saliva tester or breath test. All alcohol screening tests at .020 or higher will be confirmed with an approved Evidential Breath Alcohol Testing Device that is listed on the Conforming Products List
- 8.3 Following proper chain of custody procedures, a Substance Abuse and Mental Health Services Administration accredited laboratory will perform required testing with test results forwarded to a Medical Review Officer

9.0 Positive Test Procedures

- 9.1 Positive Pre-Employment Test
- a) Potential employees who are positive on pre-employment drug tests will have their offer of employment rescinded
 - b) Potential employees who are positive on the pre-employment drug test will be encouraged to seek assistance from a Substance Abuse Professional and to reapply for available positions when they can meet the company standards
- 9.2 Positive Alcohol Test Procedures
- a) Employees with a confirmed alcohol concentration of .020 to .039 will be removed from duty immediately and will not be allowed to return to work until the following shift. The employee may be subject to corrective disciplinary action.
 - b) Employees having a confirmed alcohol concentration of .040 or greater will be removed from duty/suspended
- 9.3 Positive Drug Test Procedures
- a) Employees who are positive on drug tests as verified by the Medical Review Officer will be removed from duty/suspended
- 9.4 Refusal to Test
- a) No employee shall refuse to submit to a drug and or alcohol test required under this policy
 - b) No supervisor shall permit an employee who refuses to submit for required testing to remain on duty

- c) An employee who refuses to submit to a required test, tampers or attempts to tamper with a test sample or obstructs the testing process will be considered to have violated this policy. Positive test procedures will apply

9.5 Removal from Duty

- a) Employees removed from duty/suspended having a positive drug test verified by a Medical Review Officer and or a confirmed alcohol concentration of .040 or greater will be required to attend a meeting with Senior Management who will review each case and provide written correspondence of the resources available in evaluating and resolving problems associated with the misuse of alcohol and or drugs, including the names, addresses and telephone numbers of Substance Abuse Professionals. Where practical management will endeavor to meet or contact the employee the next working day and direction will be provided regarding the suspension and return to work choices
- b) Any employee who was removed / suspended from duty having a positive drug test result verified by a Medical Review Officer and or a confirmed alcohol concentration of .040 or greater shall be evaluated by a Substance Abuse Professional who shall determine what assistance, if any, the employee needs in resolving substance abuse issues
- c) In order for this policy to be effective in ensuring that company employees will perform their duties unimpaired by alcohol or drugs, the provisions of this policy must be enforced. Accordingly, where an employee violates any provision(s) of this policy, the employee may be subject to corrective disciplinary action, as appropriate, up to and including discharge

9.6 Self Disclosure

- a) The company understands that an alcohol or drug dependency is a preventable and treatable condition and recognizes that an individual may want assistance. Employees are encouraged to voluntarily come forward or seek assistance on their own, without fear of reprisal. The company will do its utmost to assist the employee. An employee who comes forward seeking assistance will be treated as if they had a positive drug and or alcohol test. Once an assessment has been completed a return to work plan can be formulated.

10.0 **Return to work after a positive test**

- 10.1 a) An employee cannot be returned to duties until he/she has been evaluated by a Substance Abuse Professional, complied with recommendations, and has a negative result on a return to duty test and or a breath alcohol concentration less than .020. The employee must provide a written report from the Substance Abuse Professional verifying the evaluation and any required treatment or provide a release document for the required information. The Substance Abuse Professional will only release relevant information which will assist in returning the worker to their duties.
- b) Follow up testing will be conducted to monitor the returning employee for no less than one year. The frequency of testing will be determined by the Substance Abuse Professional in consultation with the CAO and will be designed to assist the employee in remaining alcohol and or drug free at the work place.

11.0 Confidentiality and Record Keeping

- 11.1 a) All drug test results are confidential and are released by the Medical Review Officer or designate to the Designated Employer Representative or alternate. Alcohol test results are confidential and released by the testing company to the Designated Employer Representative or alternate. The Designated Employer Representative or alternate may release relevant information to company decision makers as required. Confidential information from a Substance Abuse Professional will be handled in a similar manner.
- b) All records will be maintained in a locked and secure manner. Records will be kept separate from personnel files. Negative test results will be maintained for no less than one year with positive test results and Substance Abuse Professional assessments maintained for a five year period. A third party administrator can maintain records on behalf of Starland County.

12.0 Definitions

- 12.1 a) Alcohol – The intoxicating agent in beverage alcohol, ethyl alcohol or other low molecular weight alcohols including methyl or isopropyl alcohol.
- b) Drug – Any substance other than food which is taken to change the way the body or mind functions. Drug testing refers to marihuana, cocaine, opiates, phencyclidine and amphetamines with cutoff levels as per the Substance Abuse and Mental Health Services Administration of the Department of Health and Human Services which is the certifying agency for forensic urine drug testing laboratories in Canada and the United States

Initial test analyte	Initial test cutoff concentration	Confirmatory test analyte	Confirmatory test cutoff concentration
Marijuana metabolites	50 ng/ml	THCA ¹	15ng/ml
Cocaine metabolites	150 ng/ml	Benzoylcegonine	100 ng/ml
Opiate metabolites. Codeine/Morphine ²	2000 ng/ml	Codeine Morphine	2000 ng/ml 2000 ng/ml
6-Acetylmorphine ³	10 ng/ml	6-Acetylmorphine	10 ng/ml
Phencyclidine	25 ng/ml	Phencyclidine	25 ng/ml
Amphetamines. AMP/MAMP ⁴	500 ng/ml	Amphetamine	250 ng/ml

		Methamphetamine⁵	250 ng/ml
MDMA⁶	500 ng/ml	MDMA	250 ng/ml
		MDA⁷	250 ng/ml
		MDEA⁸	250 ng/ml

¹ Delta-9-tetrahydrocannabinol-9-carboxylic acid (THCA).

² Morphine is the target analyte for codeine/morphine testing.

³ Either a single initial test kit or multiple initial test kits may be used provided the single test kit detects each target analyte independently at the specified cutoff.

⁴ Methamphetamine is the target analyte for amphetamine/methamphetamine testing.

⁵ To be reported positive for methamphetamine, a specimen must also contain amphetamine at a concentration equal to or great than 100 ng/ml.

⁶ Methylenedioxyamphetamine (MDMA).

⁷ Methylenedioxyamphetamine (MDA).

- c) Significant Incident – Incidents involving a fatality, disabling injury, significant property damage, spill or abnormal discharge that may cause long term health effects to employees and or the public, public evacuation or serious environmental damage or an event or near miss that could have had potential serious consequences.
- d) Substance Abuse Professional (SAP) – A licensed Physician (Medical Doctor or Doctor of Osteopathy), or a licensed or certified psychologist, social worker, employee assistance professional or an addictions counselor. All must have knowledge of and clinical experience in the diagnosis and treatment of alcohol, drugs and related disorders.
- e) Medical Review Officer (MRO) – The MRO is a licensed physician (Medical Doctor or Doctor of Osteopathy) responsible for receiving laboratory results generated by an employer’s drug testing program who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual’s confirmed positive test result together with his or her medical history and any other relevant bio medical information.
- f) Safety Sensitive Position/Function – A position or function where an individual has a key and direct role in an operation where safety is a bona fide occupational requirement at the job, in that safety is necessary to assure the efficient and economical performance at the job without endangering the employee, their fellow employees or the general public. Includes employees where there is no direct or limited supervision available to provide frequent operational checks.
- g) Fit for Duty – Being capable of performing work related duties in a safe, efficient, productive manner with no drugs and or alcohol present in the body at or above established standards.

- h) Supervisor Training – Shall include the physical, behavioral, speech and performance indicators of probable alcohol or drug misuse and appropriate intervention strategies.
- i) Collector – Non medical and medical personnel contracted by an agency who have received training in collecting urine samples in accordance with guidelines that would be acceptable to the regulatory agencies.
- j) Chain of Custody – The process of documenting the handling of a specimen from the time a donor gives the specimen to the collector, during the testing at the laboratory, and until the results are reported by the laboratory.
- k) Accredited Laboratory – Meets guidelines and standards of the Substance Abuse and Mental Health Services Administration which is the certifying agency for forensic urine drug testing laboratories in Canada and the United States. Collection and testing processes follow the U.S. Department of Health and Human Services guidelines.
- l) Evidential Breath Testing Device – Capable of measuring the alcohol content of deep lung breath samples with sufficient accuracy for evidential purposes. The Evidential Breath Tester must be on the conforming products list as per the U.S. National Highway Traffic Safety Administration.
- m) Breath Alcohol Technician – An individual trained and certified to conduct breath alcohol testing utilizing an Evidential Breath Tester.
- n) Alcohol Concentration – The alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath.

13.0 Standards

- 13.1 Designated Drug Testing Company refers to a company hired by Starland County. For The purpose of testing, Starland County will use an accredited testing company, and will initiate the program using:

ECS Safety Services Ltd.
P.O. Box 2109, 350 Aquaduct Drive
Brooks, Alberta T1R 1C8 Canada
Phone: 403-362-5552 Toll Free: 1-877-784-3784 Fax: 403-793-8171

- a) All drug tests are 5 panel for Marihuana, Cocaine, Opiates, Amphetamines and Phencyclidine. Urine specimens are collected by trained staff using chain of custody procedures. Our collectors are trained in procedures by a Certified Professional Collector Trainer (CPCT) who has been certified by the Drug and Alcohol Testing Industry Association (DATIA). ECS Safety Services Ltd. utilizes a 5 part chain of custody form with a split specimen collection. Collection procedures follow 49 CFR Part 40.

Alcohol testing procedures will follow the guidelines and standards of the U.S.DOT 49 CFR Part 40. ECS Safety Services Ltd. utilizes Intoximeter RBT IV's when testing for the presence of alcohol. The RBT IV's are on the US DOT Conforming Products List and in the Criminal Code of Canada as an approved testing device. We follow the Intoximeter Factory Quality Assurance Program and all of our Breath Alcohol Technicians are trained by an Intoximeter trained and certified instructor.

b) Laboratory - ECS Safety Services Ltd. utilizes the services of Gamma Dynacare Medical Laboratories, 115 Midair Court, Brampton, Ontario L6T 5M3, Phone 905-790-3000 certified by the Substance Abuse and Mental Health Services Administration.

c) Medical Review Officer

The role of the MRO requires a physician who is not only knowledgeable about substance abuse problems, but one who also has skills in understanding medico-legal issues, policy development issues, clinical medicine and occupational medicine. They must also possess investigation and problem solving skills and must have the ability to communicate effectively with specimen donors, senior officers in management, community based physicians, unions, government representatives and any other interest groups.

The MRO's single most important function is the review of laboratory positive test results and the determination of an alternate medical explanation for the positive result. The MRO must be a licensed physician who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate positive drug test results.