

## **Drug and Alcohol Operating Procedures**

The information contained in this Operating Procedure is supplemental to the Drug and Alcohol Administrative Directive and Drug and Alcohol Procedure. The information is intended to provide more detail on how specific aspects of the Directive and Procedure will be applied. The flowchart contained in Diagram 1 "Drug and Alcohol" at the end of this document provides a pictorial representation of the general process flow that will occur if someone appears to be impaired at work or if there are work performance issues that might be related to drug and/or alcohol use.

### **1. Prevention, Assistance, Rehabilitation**

Prevention: Prevention and early identification of potential problems relating to substance abuse and misuse are important. Information is available on the health and safety hazards of alcohol and drug use, and the process to access resources for assistance with an alcohol or drug problem, or any other problem that may be affecting work performance.

Assessment/Rehabilitation: It is recognized that alcohol and drug dependency are treatable illnesses and that early intervention greatly improves the probability of a lasting recovery. Employees who suspect they have a substance dependency or an emerging alcohol or drug problem are encouraged to seek advice and to follow appropriate treatment promptly before job performance is affected or violations of this Directive occur. The City is prepared to assist an employee that voluntarily discloses a dependency, starting with a referral to a substance abuse expert for an alcohol and drug assessment. Accessing assistance or declaring a problem does not eliminate the requirement for compliance with this Directive.

Treatment: All employees who are candidates for primary treatment (for example, residential or out-patient treatment) for alcohol or drug problems will be expected to enter into a written agreement to support their recovery. It will outline the conditions governing their return to work, and the consequences for failing to meet those conditions.

Where a medical professional, a substance abuse expert, or other counselling professional advises there is a risk that an employee is unable to perform their job safely, the employee will be removed from duty until they are able to safely return to work. Work schedules will be adjusted within reasonable limits to accommodate any period of time the employee is required to attend a treatment or counselling program.

Confidentiality: Confidentiality will be maintained except where limited disclosure is necessary for related health and safety concerns (for example, where there is deemed to be a potential for risk to self, others or the organization) and for the proper administration of this Directive. The City Disability Management Program is charged with protecting the privacy and confidentiality of employee health information.

### **2. Investigative Process**

Performance Management: The normal process of City performance management will continue to be emphasized. Employees with apparent performance problems will be reminded that they should access assistance if a personal problem is affecting their job performance.

Responsible Escort: In all situations when there are reasonable grounds to believe an employee is unfit for work/duty, responsible escort procedures will be followed. The employee will be escorted to a safe place and given an opportunity to explain why they appear to be unfit for work/duty. If required the employee will be escorted to a hospital/clinic and then to their place of residence or to the care of another person, as appropriate. An employee who appears to be impaired should never drive

themselves and if they insist on driving the police should be contacted immediately and informed of a suspected impaired driver.

Unfit For Work/Duty Situations: If the supervisor believes the employee is unfit for work/duty, and after consultation and agreement of a second person where possible, the supervisor will take one or more of the following actions:

- With regard to employees working in non-safety sensitive positions, the supervisor will meet with the employee to identify the supervisor's concern and the employee may be temporarily held out of service with pay and subject to further investigation.
- With regard to employees working in safety sensitive positions, an Occupational Health and Safety Consultant must be contacted. The Occupational Health and Safety Consultant will review the information pertaining to the assessment of fitness for duty and confirm with the supervisor whether an alcohol and/or drug test is required. The employee may be temporarily held out of service with pay or reassigned pending completion of any investigation and, depending on the test result, a fitness for duty assessment may also be required before returning to work in a safety sensitive position.
- Recommend that the employee seek medical attention (e.g. doctor, local hospital or clinic) if there are immediate medical concerns.

### **3. Drug and Alcohol Testing:**

The City will conduct drug and alcohol (drugs of concern) testing for: safety sensitive positions when an employee appears to be unfit for work/duty, when there is a reasonable belief that drugs of concern may have been a contributing factor to an incident (testing for cause), or during the course of rehabilitation and/or return to work planning.

Reasonable Cause: Testing of employees working in safety sensitive positions will take place whenever there are reasonable grounds to believe that the actions, appearance or conduct of an employee while on duty are indicative of the use of drugs of concern. The decision to test shall be made by a supervisor, with the agreement of an Occupational Health and Safety Consultant. The basis for the decision will be documented as soon as possible after action has taken place. The referral for testing will be based on the supervisor having fairly considered the following questions:

1. Has some form of impairment been shown in the employee's appearance, actions or work performance (i.e., slurred speech, unsteady on feet, yelling, fighting, etc)?
2. Are the signs of impairment consistent with the possible use of drugs or alcohol? Are there reasonable grounds to believe the employee may have been using a drug or alcohol, ( i.e. odour, witness, admission, physical signs, etc)?
3. Is the information reliable? Did the Supervisor witness the situation? Are there other witness(s) and have they provided reliable information?
4. Is the information suggesting possible impairment capable of explanation?
5. Are the facts pertaining to the possible impairment capable of documentation (Is it possible to document dates, approximate times, names, locations, etc)?
6. Are the signs or information that suggests impairment current, today, now while the employee is on City business and/or City Premises?

Post Incident: Alcohol and drug testing may be required after a significant work-related incident as part of a full investigation into the circumstances. The decision to refer employee(s) for a test will be

made by the supervisor investigating the incident and with the agreement of an Occupational Health and Safety Consultant. The following procedures apply:

1. The need for a test must be documented as part of the preliminary investigation as soon as practicable after the incident occurs.
2. A test will not be necessary if there is clear evidence that acts or omissions of employee(s) could not have been a contributing factor (for example, structural or mechanical failure).
3. Employee(s) referred for a test will only be those who are identified as having been directly involved in the chain of acts or omissions leading up to the incident and where impairment has not or cannot be eliminated as a potential contributing cause.
4. Employee(s) to be tested must not use drugs or alcohol until after the test has been completed or until they have been advised that a test is not required.

Since employees may be subject to testing after a significant work-related incident, they are to report the incident to their immediate supervisor as soon as possible after it occurs and participate fully in any subsequent investigation.

Significant work-related incidents include, but are not limited to:

- a fatality or serious personal injury to an employee or a member of the public;
- an environmental spill with significant implications;
- significant loss or damage to property, equipment or vehicles; or
- a serious near miss that could have resulted in any of the above.

Return to Duty - Post Violation: In those situations where employment is continued after a Directive violation, employees may be required to pass a return to duty test and may be subject to unannounced testing for an identified period of time as a condition of continued employment.

Return to Duty - Post Treatment: Any employee assuming duties after primary treatment for an alcohol or drug problem will be required to pass a return to duty test. In addition, they may be subject to unannounced testing with a case-specific program designed by a substance abuse expert to support their ongoing recovery.

Failure to Test: An employee's failure to report directly for a test, refusal to submit to a test, refusal to agree to disclosure of a test result to the City Disability Management Consultant, or a confirmed attempt to tamper with a test sample are violations of this Directive.

#### **4. Possession of Drugs and Alcohol:**

Supervisors reserve the right to investigate any situation when there are reasonable grounds to believe that alcohol, illicit drugs or related paraphernalia are present on City Premises in violation of this Directive.

Supervisors are responsible for identifying situations where a search is justified based on a combination of indicators that could include behaviour, odour, or presence of paraphernalia. They will be responsible for advising their Director/Manager of the situation, who, in conjunction with Corporate Security may take the appropriate steps to investigate, including the conduct of searches.

## **5. Impaired Driving Charge:**

Employees who operate a motor vehicle in their employment position with the City are required to maintain a valid driver's license for the class operation required. Any loss of a driver's license must be reported immediately to a Supervisor, and the employee will no longer be permitted to operate motor vehicles on behalf of the City.

In addition, employees must inform their supervisor immediately if they have been charged with an impaired driving offence when operating a vehicle on behalf of the City. Impaired driving offences include, but are not limited to, exceeding the legal Blood Alcohol Content, driving while impaired, or refusal to blow into a breath analyzer. Receipt of a charge will result in a full investigation, and discipline appropriate to the situation.

## **7. Remedial Action**

Following any directive violation if it is determined that employment will be continued, the employee may be required to enter into a return to duty agreement governing their continued employment. Examples of conditions that may be included in such an agreement are as follows:

- temporary removal from their position;
- assessment by a substance abuse expert to determine the need for a structured treatment program;
- adherence to any recommended treatment, monitoring, and aftercare program;
- maintenance of sobriety and satisfactory performance on return to duty;
- successful completion of a return to duty test;
- ongoing unannounced testing for a period determined on a case by case basis; and
- any other condition appropriate to the situation.

Failure to meet these conditions including a second violation of this Directive, may result in termination of employment in accordance with the return to duty agreement.

## **8. Costs Associated With Rehabilitation/Treatment**

The responsibility for the costs associated with rehabilitation and treatment is shared between the City and the employee as both parties have an interest in the employee successfully addressing their substance abuse issue and returning to productive employment.

The City also recognizes that in many cases more than one meaningful attempt at rehabilitation will be required for a person to deal effectively with a substance abuse issue. In all cases the employee's department will be responsible for the costs of any required monitoring to ensure the employee can safely return to work and any follow-up monitoring set out in a relapse prevention program. Costs associated with rehabilitation will be borne as follows:

First Rehabilitation Effort: The employee's department will cover the costs of all medical evaluation, treatment planning, and residential treatment (includes detox) less a charge of \$15/day while in Residential treatment to cover the normal cost of food (board) the employee would expend. The employee will be required to sign an approval allowing the daily charge to be deducted from their normal pay.

Second Rehabilitation Effort: The employee's department will cover the costs of all medical evaluation, and treatment planning. Cost associated with residential treatment (includes detox), less the \$15/day that the employee is responsible for (see above), will be shared 50% - 50% basis as between the department and the employee. The employee will be required to sign an approval allowing their portion of costs to be deducted from their earnings following an agreed upon schedule.

Subsequent Rehabilitation Efforts: The employee is responsible for all costs associated with rehabilitation. If the employee has a limited ability to pay these costs, the department in its discretion, based on a reasonable prospect of repayment, may enter into an agreement with the employee to cover these costs and then recover.

## Drug and Alcohol

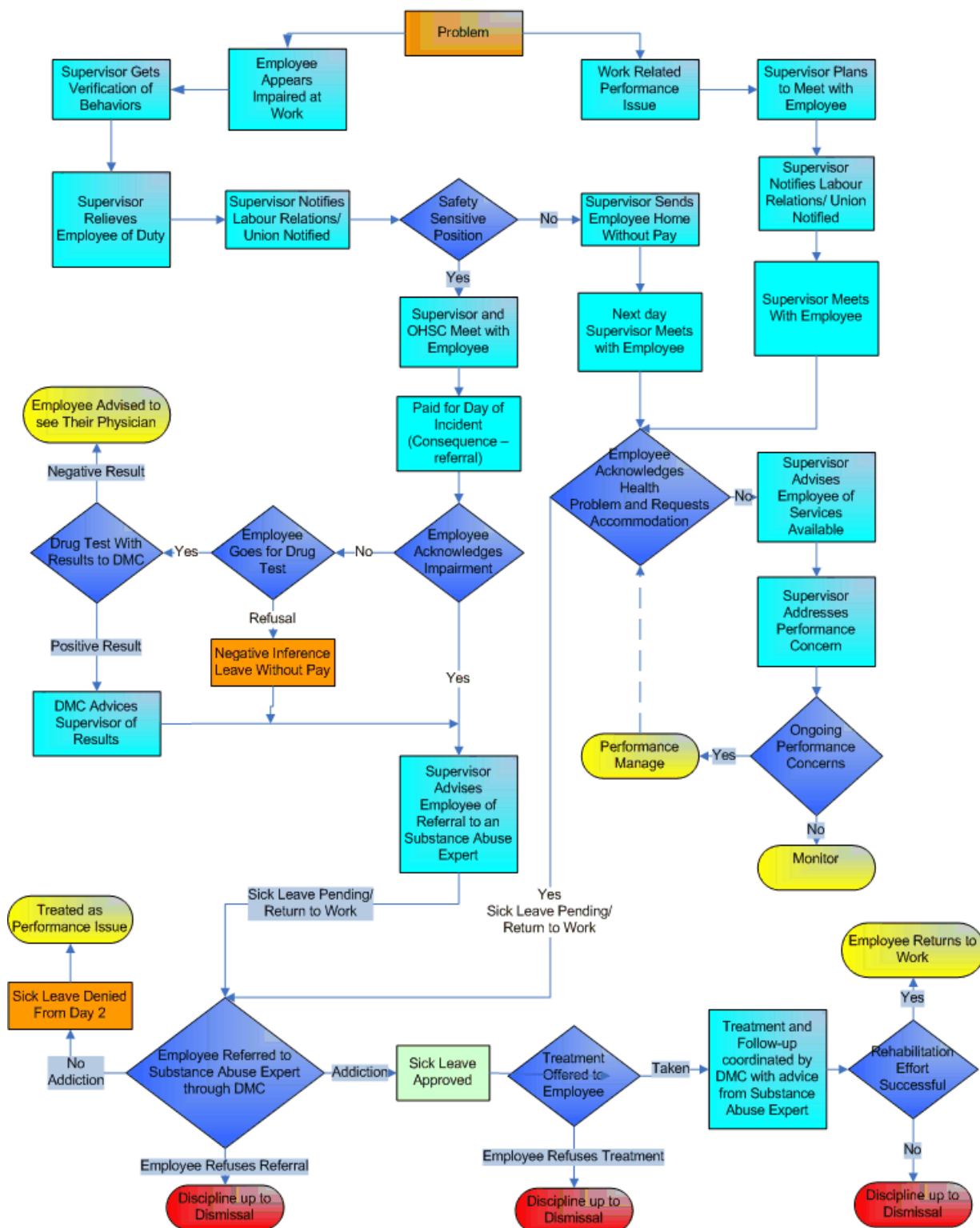


Diagram 1