



Department Administration	Policy No. 12-01-19	Page 1 of 10
Policy Title Substance Abuse Policy	Date: Feb. 14, 2019	Resolution No. RC19-038

PURPOSE

The purpose of this policy is to establish the Employer's expectations for appropriate behavior, to establish the consequences for non-compliance, to provide consistent guidelines for all employees and to clearly communicate to employees suffering from Drug or Alcohol dependency the accommodation and supports available.

POLICY STATEMENT

Birch Hills County the "Employer" or the "County" is committed to the health and safety of its employees, and will not tolerate the use of illicit substances or the abuse of Alcohol, Medications, or other substances by its employees where such abuse affects job performance, worker safety, or County property or equipment.

1. DEFINITIONS

- 1.1 **Drug:** means any substance, inclusive of Illicit Drugs, Restricted Drugs, and Medication, as defined by this Policy, the use of which has the potential to cause impairment or intoxication, changing or affecting the way a person thinks, feels, or acts. For the purposes of this Policy, drugs of concern are those that inhibit a worker's ability to perform his or her job safely and productively.
- 1.1.1 "Illicit Drug" means any Drug of substance that is not legally obtainable and whose use, sale, possession, purchase or transfer is prohibited by law (for example, street Drugs such a heroin and cocaine).
- 1.1.2 "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).
- 1.1.3 "Medication" refers to a Drug obtained legally by an employee and used as indicated 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or medical document, as contemplated by the access to cannabis for *Medical Purposes Regulation* (as amended, repealed and replaced from time to time), and non-prescription or over-the-counter products.
- 1.2 **Alcohol:** means the intoxicating agent in beverage Alcohol, which includes beer, wine, and distilled spirits.
- 1.3 **Employee:** means a person who is on the payroll, including all persons designated as casual, long-term seasonal, seasonal, part time



Department Administration	Policy No. 12-01-19	Page 2 of 10
Policy Title Substance Abuse Policy	Date: Feb. 14, 2019	Resolution No. RC19-038

permanent or permanent employees, members of the fire department or medical first responders.

1.4 Under the Influence: of Drugs (including Medication), Alcohol, or controlled substance for the purpose of this Policy is defined as the use of one or more of these substances to an extent that an Employee is:

- 1.4.1 unable to perform in a productive manner;
- 1.4.2 in a physical or mental condition that creates a risk to the safety and well-being of the individual, other employees, the public or Employer property; or
- 1.4.3 displaying signs or symptoms of substance abuse such as the smell of Alcohol on the breath, slurred speech, and/or atypical behavior.

1.5 Drug or Alcohol Dependency: means a mental, physical, or psychological dependence on Drugs, Alcohol, or other impairing substances which are considered by a physician to be a medical condition/disability as determined by Human Rights law.

1.6 Recreational Drug/Alcohol or Other Substance Use: With recreational use of Drugs, Alcohol or other impairing substances, there is no mental, physical or psychological dependence; therefore, this is not considered a medical condition or mental, physical or psychological disability as determined by Human Rights law.

2. POLICY STANDARDS

To minimize the risk of unsafe and unsatisfactory performance due to the use of Alcohol, Drugs or other impairing substances, the following standards have been set out and apply to everyone when on Employer business and worksites, including when operating a motor vehicle. The only exception to the prohibition on possession of Alcohol, Illicit Drugs, or Restricted Drugs outlined below is by Employees when performing their duties (for example, removing from the workplace and/or storing evidence). Everyone is expected to report for work, and remain fit throughout their work day or shift, including when scheduled to be on call.

During an Employee's working hours, whether on the Employer's premises or while conducting employment-related activities of the Employer's premises, including during meal periods, scheduled and on-call shifts, the following are prohibited:



Department Administration	Policy No. 12-01-19	Page 3 of 10
Policy Title Substance Abuse Policy	Date: Feb. 14, 2019	Resolution No. RC19-038

2.1 Illicit Drugs:

- 2.1.1 Use, possession, distribution, offering or sale of Illicit Drugs or Illicit Drug paraphernalia;
- 2.1.2 Possession or prescribed Medications without a legally obtained prescription, and distribution, offering or sale of prescription Medications (trafficking);
- 2.1.3 Being under the influence of Illicit Drugs; and
- 2.1.4 Presence in the body of Illicit Drugs as determined through the testing program.

2.2 Alcohol and Restricted Drugs:

- 2.2.1 Use, possession, distribution, offering or sale of Alcohol and/or Restricted Drugs; and
- 2.2.2 Being under the influence of Alcohol and/or Restricted Drugs.

2.3 Medications:

- 2.3.1 The intentional misuse of Medications (for example, using the Medication not as it has been prescribed, using someone else's prescription Medication, use of Prescription Medication without a valid prescription or medical document, combining Medication and Alcohol use against direction) while on Employer business, premises or worksite is prohibited.
- 2.3.2 Everyone is expected to use prescribed and over-the-counter Medications responsibly and in accordance with directions. The use of Medications is permitted at work only if it does not impair the Employee's ability to perform their job effectively and in a safe manner. Medications of concern are those that cause impairment or that inhibit, or may inhibit, an Employee's ability to perform their job safely and productively, even when used as directed.
- 2.3.3 Employees are expected to investigate (through their doctor or pharmacist) whether a Medication can affect safe performance of their duties and take appropriate steps to minimize associated risk. They are required to report any risk of impairment associated with prescribed Medication or any other threat to the safe performance of their duties to their supervisor and follow any recommended course of action to minimize safety risk.



Department Administration	Policy No. 12-01-19	Page 4 of 10
Policy Title Substance Abuse Policy	Date: Feb. 14, 2019	Resolution No. RC19-038

2.3.4 The Employer is committed to accommodating an Employee's necessary use of Medication to the extent reasonably possible without undue hardship.

2.4 Call-in Situations:

Employees receiving standby pay for on-call situations are expected to be fit for work and in compliance with these standards. If circumstances arise where an individual is requested to perform either call-out services while on standby or unscheduled services while impaired by Alcohol or Drugs, including Medications, it is the responsibility of that individual to decline the call and notify a supervisor immediately. Under no circumstances shall an Employee operate a motor vehicle or Employer equipment while impaired by Drugs or Alcohol.

3. TREATMENT AND ACCOMMODATION

- 3.1 Any Employee suffering from a Drug or Alcohol dependency is **required** to disclose the dependency to the Employee's immediate supervisor. The Employer recognizes its responsibility to assist and accommodate through its benefit plan, Employees suffering from a Drug or Alcohol dependency to the extent reasonably possible, including providing access to sick leave as with any other illness, without suffering undue hardship. Only full-time Employee's receiving benefits after completing their three-month probation period, will have access to rehabilitation. Only through the Employee's benefit's will they have the coverage and assistance for the rehabilitation program. The Employer will take reasonable precautions to protect the Employee's confidentially given the sensitive nature of the issue.
- 3.2 Employees who are concerned that a fellow employee may be suffering from a Drug or Alcohol dependency are strongly encouraged to report their concerns to the Employee's immediate supervisor. While the Employer will make its best efforts to protect Employees' confidentially when a concern is reported, it may be necessary for the Employer to disclose certain information, including but not limited to the identity of the reporting Employee, to the Employee in question in order to properly investigate concerns.
- 3.3 If there is suspicion of Drug or Alcohol dependency, the Chief Administration Officer shall arrange a meeting with the Employee and his/her immediate Supervisor. At the meeting, if in the opinion of the Chief Administrative Officer it is determined the Employee may have a Drug or Alcohol dependency, the Employee shall be required to undergo an assessment conducted by an approved agency, at the expense of the Employer's benefit provider. If the



Department Administration	Policy No. 12-01-19	Page 5 of 10
Policy Title Substance Abuse Policy	Date: Feb. 14, 2019	Resolution No. RC19-038

Employee refuses to undergo an assessment, the Employee may be disciplined, up to and including termination for cause.

3.4 Rehabilitation program will be provided by Manulife Benefits booklet to full time employee's that have completed and meet the entitlement criteria and which has been approved my Manulife Financial and time off will be provided by short term/long term disability.

4. EMPLOYEE RESPONSIBILITY

4.1 All existing and new Employees will be provided with a copy of this policy and they shall acknowledge by signing that they have read the Policy. They should be aware that Employer benefits only become available to them after the three month probationary period for Full time employees.

4.2 All Employees of Birch Hills County agree to report to work free from the impairments of Alcohol, Illicit Drugs, and Restricted Drugs.

4.3 At any time an Employee identifies himself or herself as having a Drug or Alcohol dependency, the Employee may approach the Employer and request assistance for the problem.

5. EMPLOYER'S RESPONSIBILITY

5.1 At all times, Employees will be treated fairly, confidently, and with respect.

5.2 Management and Supervisors are responsible for ensuring that all Employees are aware of the Substance Abuse Policy.

5.3 Birch Hills County shall assist, encourage, and financially support the Employee through the County's benefit provider to deal with Drug or Alcohol dependency as stated herein. Specifically, if the assessment is completed and determines that the treatment is appropriate, the County will financially support treatment, through its benefits provider, as outlined in the Treatment and Accommodation provisions above.

5.4 Supervisors must immediately notify the Chief Administrative Officer if they suspect an Employee is influenced by and/or job performance is affected by, Drug or Alcohol dependency.

6. TESTING PROGRAM

6.1 Reasonable Cause Testing

6.1.1 The County reserves the right to conduct testing for the presence of Alcohol or Drugs when it has reasonable cause to believe that the



Department Administration	Policy No. 12-01-19	Page 6 of 10
Policy Title Substance Abuse Policy	Date: Feb. 14, 2019	Resolution No. RC19-038

actions, appearance or conduct of an Employee while on duty (including while on-call) is indicative of the use of Drugs or Alcohol. While the County reserves this right for all of its Employees, Employees should understand that the necessary threshold to establish reasonable cause in the eyes of the County will be lower for Employees in safety-sensitive positions given the potential consequences involved.

- 6.1.2 In the circumstance that the employee smells of alcohol or cannabis but does not appear to be legally impaired there will be a 3 strike disciplinary procedure implemented. The first such incident will result in a verbal conversation between the supervisor and the employee. The employee will be reminded that the use of Alcohol and Cannabis is not permitted during work hours on County property. If such an incident happens again the Supervisor will write up a formal complaint that will be attached to the employees personnel file. If it happens a third time then the employee may be sent for testing to determine if there is a Drug or Alcohol dependency. If at any time during these incidences the Employee is thought to be impaired above the legal limit to safely perform their job they can be sent for testing. The basis for the decision for disciplinary action will be documented as soon as possible after the action has taken place. The referral for the action will be based on specific, personal observations resulting from, but not limited to:
- 6.1.2.1 observed use or evidence of the use of Drugs or Alcohol (e.g. smell of alcohol or cannabis);
 - 6.1.2.2 erratic or atypical behavior of the Employee;
 - 6.1.2.3 changes in the physical appearance of the Employee;
 - 6.1.2.4 changes in speech patterns of the Employee;
 - 6.1.2.5 discovery of Drugs, inclusive of Medication capable of causing impairment, Alcohol, intoxicants or related paraphernalia found in locations to which an Employee has sole or primary access, including Employees' lockers, desks, or any County vehicles or equipment of any kind.
 - 6.1.2.6 following a serious incident or accident where the possibility of Drug or Alcohol impairment cannot be easily ruled out from review of the circumstances, including a "serious incident" as defined by Occupational Health & Safety legislation, and a situation which created significant potential



Department Administration	Policy No. 12-01-19	Page 7 of 10
Policy Title Substance Abuse Policy	Date: Feb. 14, 2019	Resolution No. RC19-038

or risk for an incident or accident, even if an incident or accident did not ultimately result (a “near miss”).

- 6.1.3 In addition, the County 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. In such circumstances, the County shall record the name and contact information of the complainant as well as the details of the concern or complaint. The County shall provide the details of the concern or complaint to the accused Employee and, in appropriate circumstances, shall also provide the complainant’s identity to the accused Employee to allow him/her the opportunity to provide a full and complete response to the allegations.
- 6.1.4 The CAO will have the final decision with respect to whether Drug or Alcohol testing is required.
- 6.1.5 Following an incident, accident or near miss, Alcohol and Restricted Drugs are not to be utilized for eight (8) hours, or until tested or advised by the Employer that a test is not required.

6.2 *Volunteer Testing*

- 6.2.1 Existing Employees may voluntarily enter into an agreement that will have the Employee participate in a Drug and Alcohol testing program. The Employer will only test Employees when it is suspected a Drug or Alcohol *dependency* exists and when the Employee is in an affiliated situation or job where it will impair their responsibilities.
- 6.2.2 If the volunteer testing reveals a potential Drug or Alcohol dependency, the Employee shall participate in an assessment and recognized treatment program covered by the benefit provider.
- 6.2.3 The Chief Administrative Officer shall be provided with a copy of the assessment.
- 6.2.4 The Employee will be required to follow through with any recommendations for treatment as allowed for by their benefit provider.

6.3 *Testing Procedures*

- 6.3.1 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.



Department Administration	Policy No. 12-01-19	Page 8 of 10
Policy Title Substance Abuse Policy	Date: Feb. 14, 2019	Resolution No. RC19-038

6.3.2 Where reasonably possible, tests shall be conducted respectfully and, in a manner, to minimize the intrusive nature of the tests. The Supervisor/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 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.

6.3.3 The County will store test results in a secure location with access restricted to the County's managerial or supervisory employees 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 County to produce Employee test results.

7. DISCIPLINE

7.1 The Employer views the rules contained in this Policy to be of the utmost importance. This is a zero-tolerance policy; any deviation from the above terms will result in disciplinary action that may include immediate termination. All Employees will be provided with a copy of the Policy as notification that any resulting dismissal will be considered as "dismissal for just cause" and not subject to notice or pay in lieu of notice.

7.2 As indicated above, any Employee suffering from a Drug or Alcohol dependency is required to disclose the dependency, and the Employer recognizes its responsibility to assist and accommodate, through its benefit provider, employees suffering from such a condition.

7.3 However, if an Employee neglects or refuses to disclose a Drug or Alcohol dependency to the Employer in violation of this Policy, the Employer will be forced to deal with breaches of this Policy based on the understanding that the Employee is not suffering from a Drug or Alcohol dependency, but has simply disregarded this Policy, in which case immediate and strict disciplinary action will be taken. Further, failure to disclose a Drug or Alcohol dependency is a violation of the Policy.

8. RESCIND

8.1 Rescind 8.15 of the Employee Handbook



Department Administration	Policy No. 12-01-19	Page 9 of 10
Policy Title Substance Abuse Policy	Date: Feb. 14, 2019	Resolution No. RC19-038

I, _____, acknowledge that I have received a copy of the **County of Birch Hills Substance Abuse Policy**. I further acknowledge that I have read the Substance Abuse Policy and understand that it is my responsibility to adhere to it.

Name

Date

Signature

Witness



Department Administration	Policy No. 12-01-19	Page 10 of 10
Policy Title Substance Abuse Policy	Date: Feb. 14, 2019	Resolution No. RC19-038

Original to be signed

Gerald Manzulenko
Reeve

Original to be signed

Hermann Minderlein
Chief Administrative Officer

Adopted by Council:	February 14, 2019
Updated:	