



Safety Administrative Procedure

Fit For Duty Investigation & Testing

Prepared by: Gordon Hood, Coordinator Health, Safety and Environment

Approved by: Jim Toye, City Manager

Signature:  **Procedure No:** 2.2

Effective: February 25, 2019 **Replaces:** N/A

Investigative Procedures:

Unfit for Duty:

In all situations where there is reasonable cause to believe an employee is unfit to be on City premises including in a City building or on a City worksite, the employee will be prohibited from working and escorted by a supervisor to a safe place. The supervisor will then immediately contact the manager and request assistance. The employee will be interviewed by the manager and given the opportunity to explain why they appear to be in a condition unfit for work.

If the manager conducting the interview still believes the employee is in a condition unfit for work, appropriate action must be taken. The manager must first consult with the Human Resources Consultant (or another manager or the Coordinator Health Safety and Environment if the Human Resources Consultant is not available). At which time any of the following actions may be taken:

1. Arrangements for medical attention if there are immediate medical concerns;
2. Referral to an alcohol and drug test if there are reasonable grounds to believe alcohol or drug use may be a factor in the situation and the person holds a safety sensitive or specified management position;
3. Removal from duty until an investigation is complete if there are grounds to believe alcohol or drug use is a factor and the employee does not hold a designated position; and,
4. Any other action deemed appropriate in the circumstances.

The individual will be provided with transportation (i.e. taxi) and escorted to the collection site or hospital/clinic depending on the circumstances and then transported to their local place of residence or the care of another adult person. The individual may be temporarily removed from their duties or reassigned pending completion of any investigation.

Alcohol and Drug Testing:

Safety Sensitive or Specified Management Positions:

All employees in Safety Sensitive Positions, whether as a result of their position, their work environment, or the tasks they perform (SSP) or Specified Management Positions (SMP) are subject to testing in the following circumstances:

Pre-Employment or Pre-Access:

The City reserves the right to utilize pre-employment and/or pre access testing at its discretion as a condition of employment.

Reasonable Cause:

Testing will take place when the City has reasonable grounds to believe that the actions, appearance, or conduct of an individual while on duty are indicative of the use of alcohol or drugs.

The decision to test will be made by a manager after consultation and agreement with the Human Resources Consultant (or another manager or the Coordinator Health Safety and Environment if the Human Resources Consultant is not available). The basis for the decision will be documented as soon as possible after action has been taken. The referral for testing will be based on specific observations resulting from but not limited to such indicators as:

1. Observed use or evidence of use of a substance (i.e. smell of alcohol);
2. Erratic or atypical behaviour of the employee;
3. Changes in the physical appearance, behaviour or speech patterns of an employee; or,
4. Any other observations that suggest alcohol or drug use may be a factor.

Individuals tested in these circumstances will be removed from duty until the investigation is complete. Depending on the test result a fitness for work assessment may be also required prior to the employee being cleared to return to work.

Post Incident Testing:

Alcohol and drug testing may be required after a significant work related incident as part of the investigation into the circumstances. The decision to refer an employee or a group of employees for a test will be made by the manager investigating the incident after consultation and agreement with the Coordinator Health Safety and Environment (or another manager or the Human Resources Consultant if the Coordinator Health Safety and Environment is not available).

In addition to the list of significant incidents, management may, at their discretion, require a post incident test as part of a complete investigation. Testing will also be required after any less significant incident if, as a result of the preliminary investigation, it is concluded that alcohol or drug use may have been a factor (i.e. reasonable cause situation).

Return to Work Testing:

In those situations where employment is continued after a policy violation, individuals will be required to pass a return to duty test and may be subject to unannounced testing for the duration of their return to work agreement, as a condition of continued employment.

For a return to duty following a positive test, unannounced follow-up testing may also be required for a period of time following an employee's return to work, pursuant to a return to work agreement.

Incident Reporting:

Employees are expected to report the situation to their supervisor immediately after the incident as outlined in the Incident Management Policy. If the supervisor is not an out of scope manager, the supervisor is then required to report the incident to the out of scope manager. All employees involved or witnesses to the incident are expected to fully participate in any subsequent investigation. Failing to report an incident immediately is a violation of this policy and the City of Prince Albert's other Occupational Health and Safety policies, procedures, and practices.

Testing Process:

The decision to test must be made as soon as possible after the incident. Once the decision has been made it will be communicated to the employee(s) involved and arrangements for the test will be made. This testing process should in no way interfere or prevent an employee from obtaining medical attention if required.

The need for a test must be documented as part of the preliminary investigation as soon as possible after the event. If there is clear evidence that the acts or omissions of employees could not have been a contributing factor (i.e. structural or mechanical failure or environmental factors) identified in the initial stages of the investigation, a test will not be necessary. Employees referred for a test will only be those who are identified, with reasonable grounds, as having been involved in the chain of acts or omissions leading up to the event. If there is a delay in testing, employees must not use substances outlined in this policy, except if medically required, until after the test has been completed or they have been advised that a test is not required.

All Employees:

Based on the facts of an individual case, employees may also be subject to testing in the following circumstances.

Failure to Test:

Failure of any employee to report directly for a test, refusal to submit to a test, refusal to agree to the disclosure of a test result, a confirmed attempt to tamper with a test sample, or failure to report an incident which may require testing, are a violation of this policy.

APPENDIX: ALCOHOL AND DRUG TESTING PROCEDURES

The alcohol and drug testing process is based on rigorous collection, analysis, and reporting procedures designed to ensure the accuracy and integrity of the results. Steps in the process are highlighted below:

1. Testing will be conducted in those circumstances outlined under the City of Prince Albert Fit for Duty Policy and associated procedures to determine the presence of at least the following classes of drugs:
 - a. Cannabinoids (including Marijuana and its derivatives)
 - b. Amphetamines
 - c. Cocaine
 - d. Opiates
 - e. Phencyclidine
 - f. Alcohol
 - g. Gamma-Hydroxybutyric acid (GHB)
 - h. MDMA (ecstasy).

If the City concludes there is justification to include additional drugs in the list for a particular test the employee will be advised of the change. Testing for additional drugs may also be required on an individualized basis on the advice of a treatment centre or substance abuse professional in a post treatment situation.

2. Collection of specimens for drug testing and administration of alcohol tests will be performed by trained collection agents. All individuals who are being tested will be required to sign a form acknowledging the accuracy of the employee and collector information and the authenticity of the specimen(s). They will be given a copy of the Drug Testing Custody and Control Form and the alcohol testing form for their records.
3. Alcohol and drug testing will be completed by any method deemed acceptable to the City which is able to provide an accurate test result including, but not limited to, one or more of the following methods:
 - a. Breathalyzer or collection of a breath sample;
 - b. Urinalysis;
 - c. Saliva testing; or,
 - d. Split sample urine test (must be confirmed by a lab test).
4. All laboratory testing will be conducted by a fully qualified and accredited laboratory performing an initial screen and then a confirmation test by gas chromatography/mass spectrometry (GC/MS).
5. If medication use is known and disclosed to the City, any positive drug test for that individual will be reviewed by a qualified medical practitioner who is independent of the City to determine whether a positive test could have resulted from the legitimate use of medications. The individual involved will be given the opportunity to explain the findings and clarify medication/dosages used so that a determination can be made

whether or not that test should be considered as negative, a verified positive, or a tampered/substituted specimen result.

6. In the case of a verified positive test result, a tampered or substituted finding, the employee may ask for the sample to be retested within seventy-two (72) hours of receiving their results. If a second confirmed test is reported, the person who requested the second analysis will be responsible for reimbursing the City for the associated costs.
7. In the case the test is reported as dilute, negative, or cancelled because the specimen is invalid, the employee will be required to provide an additional specimen for testing as soon as possible.
8. All test results will be reported directly to the City of Prince Albert Human Resources department. Except for the release of information in accordance with this policy and in situations affecting the health and safety of workers and the public, results of testing will be maintained as confidential unless otherwise required by law or authorized by order of a tribunal or court.