



**Town of Happy Valley-Goose Bay  
Policy Statement**

<b>Index: Administration</b>		<b>Policy Number: A0058</b>	
<b>Approved Date: November 23, 2021</b>	<b>Effective Date: November 23, 2021</b>	<b>Revision Date:</b>	
<b>Authority: 13<sup>th</sup> Council of the Town of Happy Valley-Goose Bay</b>		<b>Page 1 of 13</b>	

**TOPIC: IMPAIRMENT POLICY**

**ARTICLE 1 OVERVIEW**

**1.1 Recitals**

- (a) **WHEREAS:** The Town of Happy Valley Goose Bay (the "Town") is committed to ensuring a safe, healthy, and productive workplace, and to promoting the general health and well-being of its employees
- (b) **AND WHEREAS:** The Town recognizes inappropriate use of, or dependency on, alcohol, drugs, and other mood-altering substances, is a serious issue that can affect health and safety, the work environment, job and performance, and the environment
- (c) **AND WHEREAS:** To ensure the health and safety of all workers, to protect the workplace, and to safeguard the assets under its stewardship, the Town has instituted this comprehensive policy ("Policy") regarding the possession or use of alcohol, drugs, and other mood-altering substances.

**ARTICLE 2 DEFINITIONS**

**2.1 Definitions**

- (a) "Town Business" includes all activities undertaken by Employees in the course of performing their duties for, and/or while acting on behalf of, or representing the Town, whether conducted on or off Town Premises.
- (b) "Town Premises" includes, but is not necessarily restricted to, all land, facilities, and vehicles owned, leased, rented, or otherwise controlled by the Town, and personal vehicles used by Town employees while travelling on Town Business.



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- (c) "Alcohol" includes beer, wine, distilled spirits, potable alcohol (such as ciders) and includes the intoxicating agent found in medicines or other products.
- (d) "Illicit Drug" or "Illicit Drugs" includes any controlled substance under *the Controlled Drugs and Substances Act*, SC 1996, c. 19 (as amended or any successors thereto).
- (e) "Mood Altering Substance" includes any other product or substance that may be used in such a way as to result in cognitive or physical limitations (e.g. synthetic marijuana, natural marijuana (cannabis) or any derivative product of either of them containing the active ingredient Tetrahydrocannabinol (TNC), "bath salts", DODA, inhalants, and other similar products).
- (f) "Medication" includes a drug obtained legally and for medicinal purposes, either over-the-counter or through a doctor's prescription the use of which results, or may result, in cognitive or physical limitations, including but not limited to medical marijuana.
- (g) "Employee" includes all full-time, part-time, temporary and contract employees of the Town.
- (h) "Fit for Work" in the context of the Policy means being able to safely and satisfactorily perform at expected performance levels all assigned duties without any limitations due to the use and/or effects of alcohol or drugs or any impairing substance.
- (i) "Substance Abuse Test" includes to a test carried out by a qualified third party for the presence of Alcohol, Illicit Drugs, and Mood-Altering Substances, including, but not limited to oral fluid testing, urinalysis, and breath alcohol testing.
- (j) "Town" – means the Town of Happy Valley Goose Bay.



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**ARTICLE 3 SCOPE**

**3.1 Scope**

- (a) This Policy is applicable to all Town Employees and is to be read in conjunction with the Town's other relevant policies and procedures.
- (b) All contractors, visitors, vendors, consultants, or other individuals working on Town Premises or Town Business must comply with this Policy.
- (c) While the Town has no direct control over the personal actions or discipline of contractor employees or any outside vendors, these persons can affect Town Employees and Town Premises.
- (d) Any contractor employee, consultant or vendor found or suspected to be in violation of this policy will be dealt with through the appropriate contractor management and will be denied access to the work site or work assignment by the Town.
- (e) Visitors found or suspected to be in violation of this policy will also be denied access to Town Premises or worksites.

**ARTICLE 4 GENERAL PROHIBITION**

**4.1 General prohibition**

- (a) Employees are required to report to work sober, well rested and Fit for Work.



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### **4.2** **Specific prohibition**

- (a) Employees, while on Town Premises or engaged in Town Business, are prohibited from
- (i) use, possession, distribution, offering or sale of: Alcohol, Illicit Drugs, or Mood-Altering Substances that are not Medications
  - (ii) having a blood alcohol concentration in an amount which is equal to or greater than the threshold level outlined below
  - (iii) presence in the body of Illicit Drugs or Mood-Altering Substances which are not Medications, or their metabolites, in an amount which is equal to or greater than the threshold level outlined below
  - (iv) use or possession of prescription Medication if the Employer was not the lawful recipient of the prescription
  - (v) offering or sale of prescription Medications
  - (vi) misuse of Medications; and/or,
  - (vii) being unfit for scheduled work due to the use or after-effects of Alcohol, Illicit Drugs, Mood Altering Substances, or any intention misuse of Medications.
- (b) Employees are expected to use Medications as prescribed and/or in accordance with the Medication's directions for use, while they are engaged in Town Business or on Town Premises. The use of a Medication is prohibited where the delivery of the Medication is by way of ingestion through a means otherwise prohibited while on Town Premises (e.g. smoking).



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- (c) In the interest of health and safety, Employees who require the use of a Medication are expected to:
- (i) investigate (through their doctor or pharmacist) whether the Medication can negatively affect their fitness for work by explaining their job functions; and,
  - (ii) act responsibly and use a safe alternative medication choice when available (e.g. non-drowsy).
- (d) However, if the Medication an Employee is using may or will affect the Employee's work performance and/or their ability to perform their work safely, the Employee is required to advise their supervisor of their Medication use and of any need for modified work. If there is any concern about safe performance due to Medication use, a medical work modification may be issued and the Employee may be assigned to alternate duties, if available, and at the discretion of the Town.
- (e) Any violation of section 4.2 will be subject to discipline up to and including termination of employment for cause.

**ARTICLE 5 INVESTIGATIVE PROCEDURES**

**5.1 Substance Abuse Testing**

- (a) Employees will consent to Substance Abuse Testing in the following circumstances:
- (i) **Post Incident.** Following any serious incident, or near miss serious incident. A serious incident is one that caused, or had the potential to cause, personal injury, damage to the environment, or damage to property.





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(ii) **Reasonable cause.** Reasonable cause includes, but is not limited to:

- (A) Direct visual observation, or credible information from an eyewitness, of a violation of clause 2 of this Policy
  - (B) Direct visual observation, or credible information from an eyewitness, of current impairment, including:
    - (I) difficulty in maintaining normal balance and coordination
    - (II) slurred speech
    - (III) illogical, irrational or unrelated responses to questions or instructions
    - (IV) smell of Alcohol, Illicit Drugs or Mood-Altering Substances
    - (V) unexplained sleeping, extreme drowsiness, or loss of consciousness; or
    - (VI) erratic, disruptive or highly unusual behaviour.
    - (VII) An arrest, conviction or the identification of an individual as a focus of a police investigation for an offence related to Alcohol, Illicit Drugs, or Mood-Altering Substances, where the offence is alleged to have occurred on Town Premises, or on Town Business; or
    - (VIII) Evidence that a previous test has been tampered with.
- (b) In all situations when an Employee is, or appears to be, Unfit for Work and/or under the influence of Alcohol, Illicit Drugs, and Mood-Altering Substances, he/she will



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be relieved of duty with pay, pending an investigation. The Employee will be referred for medical attention if there are obvious immediate medical concerns (local hospital or clinic); or the Employee will be provided with transportation to the hospital/clinic or to his/her local place of residence, as appropriate. The Employee may be temporarily removed from his/her duties or reassigned, pending completion of any investigation. The police will be notified upon reasonable suspicion that an Employee has committed a crime.

#### **5.2 Substance Abuse Testing Procedure**

- (a) In order to ensure fairness and impartiality, the Town will engage independent, respected companies having fully trained personnel to obtain the samples for testing, to provide escort and chain of custody of test samples and to analyze such samples.
- (b) In the event a substance abuse test result exceeds the threshold level, the second split sample will be tested to ensure the accuracy of the original sample and provide protection to the Employee.
- (c) In circumstances of a positive test, an Employee has the right to request a retest of the original specimen within thirty days of notification.
- (d) A list of substances tested for and threshold levels is attached as Appendix 1.
- (e) The specific testing standards that will apply to various circumstances requiring substance abuse tests are as follows:



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**5.3 Post Incident Testing**

- (a) The Employee will submit to a Substance Abuse Test within two hours of notification and not exceeding eight hours after the incident.
- (b) The test will be performed at the nearest Collection Facility, as determined at the discretion of the Town. Collection Facility refers to a clinic, hospital, medical professional, or trained collector capable of conducting a Substance Abuse Test.
- (c) Upon approval of the Town, the Town will arrange to have the Employee transported to the nearest Collection Facility for sample collection.
- (d) Upon arriving at the Collection Facility, the Employee will be required to produce government issued picture identification. In the event that picture identification is unavailable, a manager with the Town may identify the Employee. Any other form of identification will not be accepted.
- (e) The Employee will sign a form providing his/her acknowledgement consent/release for the test.
- (f) The Employee should ensure that either a list of prescription Medications or prescription bottles that he/she is taking accompany him/her to the testing facility at the time of his/her Substance Abuse Test appointment.
- (g) The Employee's immediate supervisor will notify the Town immediately, or at the first hour of the next working day depending on the degree of the incident, of the reasons testing was requested and details of the incident.

**5.4 Reasonable Cause Testing**

- (a) The Employee will submit to a Substance Abuse Test within two hours of notification (and not exceeding eight hours after the incident).





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- (b) Upon removal of the Employee from the work site for reasonable cause, the supervisor will notify the Town, outline details of the incident and request a Substance Abuse Test
- (c) Upon approval of the Town, the Town will arrange to have the Employee transported to the nearest Collection Facility for sample collection.
- (d) Upon arriving at the Collection Facility, the Employee will be required to produce government issued picture identification. In the event that picture identification is unavailable, a manager with the Town may identify the Employee. Any other form of identification will not be accepted.
- (e) The Employee will sign a form providing his/her acknowledgement consent/release for the test.
- (f) The Employee should ensure that either a list of prescription Medications or prescription bottles that he/she is taking accompany him/her to the testing facility at the time of his/her Substance Abuse Test appointment.
- (g) The Employee's immediate supervisor will prepare a written statement immediately, or at the first hour of the next working day depending on the degree of the incident, of the reasons testing was requested and details of the incident.

**ARTICLE 6 VIOLATION OF THIS POLICY**

**6.1 General Consequences**

- (a) A violation of this Policy may result in corrective action up to and including termination of employment. If an Employee violates a provision of this Policy, an investigation will be conducted before corrective action is taken.



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- (b) The Town however reserves the right to reassign the Employee or non-disciplinarily suspend the Employee with pay during the investigation.
- (c) The appropriate corrective action in a particular case depends on the nature of the violation and all the relevant circumstances.

### **6.2 Substance Abuse or Dependence**

- (a) The Town recognizes that substance abuse or substance dependence may constitute a disability. Employees who have a dependency must identify this to the Town before any violation of this Policy. Further, for Employees, the disability may require accommodation to the point of undue hardship pursuant to applicable human rights legislation.
- (b) Where an alcohol or drug dependency is confirmed clinically the Town will accommodate the Employee's dependency to the point of undue hardship. To do so, the Town may require the Employee to:
  - (i) complete a recommended treatment program within a reasonable period of time, not to exceed 6 months
  - (ii) provide a medical certificate from the Employee's physician indicating the Employee is fit to return to work
  - (iii) attend a medical assessment with the Town's medical advisor, with the medical advisor concurring or not concurring with the Employee's usual physician that the Employee is fit to return to work; and/or
  - (iv) commit to and fully cooperate in an aftercare program, or substance testing prior to resuming duties, random testing after resuming duties, adherence to rehabilitation conditions or requirements, and the maintenance of satisfactory performance and attendance.



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- (c) Where an alcohol or drug dependency is identified clinically, the Town may offer the following in accommodation:
- (i) referral of the Employee to an approved Employee Assistance Program
  - (ii) modification of schedule to enable the Employee to obtain treatment or counseling
  - (iii) provide a leave of absence without pay to allow for rehabilitation
  - (iv) continue or provide disability and health benefits in accordance with existing plans; and/or
  - (v) individualized, delayed, progressive or suspended application of the disciplinary provisions of this Policy to ensure that termination from employment does not occur unless and until it is determined that accommodation is ineffective to enable the Employee to fulfill the requirements of the position.
- (d) Employees are not entitled to determine the nature of their accommodation and must cooperate with the Company's efforts to accommodate them in the workplace.

**6.3 Refusal of / Tampering with a Substance Abuse Test**

- (a) An Employee who:
- (i) fails to report to a Town-designated facility for a substance test
  - (ii) refuses to submit to a Substance Abuse Test
  - (iii) tampers or attempts to tamper with a Substance Abuse Test sample; or



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(iv) refused to provide the requisite consent/release

is in violation of this policy and is subject to disciplinary action, including termination of employment for cause.

**6.4 Prevention, Assistance, Rehabilitation, Aftercare**

- (a) This Policy stresses the importance of prevention and early identification of potential Alcohol, Illicit Drug, and Mood-Altering Substance inappropriate use problems and/or dependency. The Town will make information available to support Employee awareness of and education about alcohol and drug inappropriate use and/or dependency, including health and safety hazards, recognizing related performance problems, and the process to access assistance for alcohol and/or drug inappropriate use problems and/or dependency.
- (b) The Town recognizes that Alcohol, Illicit Drug, and Mood-Altering Substance inappropriate use problems and/or dependency are treatable conditions, and that early intervention greatly improves the probability of avoiding dependency, and, in the case of dependency, achieving and sustaining a lasting recovery. Anyone who suspects they have an Alcohol, Illicit Drug, and Mood-Altering Substance use or inappropriate use problem and/or dependency, or emerging problem, is encouraged to seek professional advice, and to follow appropriate treatment promptly before safe job performance is affected, or violations of the Policy occur. Employees can also request assistance through their manager/supervisor or human resources representatives.
- (c) The Town recognizes that Alcohol, Illicit Drug, and Mood-Altering Substance inappropriate use problems and/or dependency are treatable conditions, and that early intervention greatly improves the probability of avoiding dependency, and, in the case of dependency, achieving and sustaining a lasting recovery. Anyone who





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suspects they have an Alcohol, Illicit Drug, and Mood-Altering Substance use or inappropriate use problem and/or dependency, or emerging problem, is encouraged to seek professional advice, and to follow appropriate treatment promptly before safe job performance is affected, or violations of the Policy occur. Employees can also request assistance through their manager/supervisor or human resources representatives.

- (d) Where a medical professional advises that there may be a risk that would prevent an Employee from doing his/her normal job safely due to drug and/or alcohol inappropriate use or dependency, a work accommodation program may be arranged.
- (e) Confidentiality will be maintained in accordance with applicable Town policy and procedures and laws. In particular, but without limiting the foregoing, disclosure may be necessary for related health and safety concerns (e.g. there is deemed to be a potential for risk to self or others), or in cases where disclosure is required by law or otherwise.

IN WITNESS WHEREOF, this policy is sealed under the Common Seal of the Town of Happy Valley-Goose Bay.

  
Mayor, George Andrews

  
Town Manager, Nadine MacAulay (Acting)



**Schedule 1**

**Substance Testing Thresholds**

ORAL FLUID CUT OFF LEVEL		
Analyte	Initial Testing ng/mL (POC)	Lab Confirmation ng/mL
Amphetamines	50	50
THC	4	4 (THC parent only)
Cocaine	20	8
Opiates	40	40 (6AM at 4)
Phencyclidine (PCP)	10	10
Methadone	50	20
Propoxyphene	40	10
Benzodiazepines	10	10
Barbiturates	50	50
Methamphetamines	50	50

**Positive Cutoff Levels for Urine Specimen**

Substance	Positive Cutoff Levels	
	Minimum Acceptable	
	Screen	Confirmation
Alcohol	.03% (30 mg/dl)	.03% (30 mg/dl)
Amphetamines	1000 ng/ml	500 ng/ml
Cocaine	300 ng/ml	150 ng/ml
Cannabinoids	50 ng/ml	15 ng/ml
Opiates	2000 ng/ml	2000 ng/ml
Phencyclidine	25 ng/ml	25 ng/ml
Barbiturates	200 ng/ml	200 ng/ml
Benzodiazepines	200 ng/ml	200 ng/ml
Methaqualone	300 ng/ml	100 ng/ml
Methadone	300 ng/ml	200 ng/ml
Propoxyphene	300 ng/ml	300 ng/ml