



DRUGS DON'T WORK IN ARIZONA!
SUBSTANCE ABUSE POLICY
June 1, 2005

1. PURPOSE OF POLICY

Freedom Newspapers of Southwestern Arizona Inc. (FNSA) believes it is important to promote a drug-free community; to maintain safe, healthy, and efficient operations; and to protect the safety and security of the associates, facilities, and property of FNSA. Drugs or alcohol may pose serious risks to the user and all those who work with the user. In addition, the use, possession, sale, transfer, manufacture, distribution, and dispensation of alcohol or illegal drugs in the workplace pose unacceptable risks to the maintenance of a safe and healthy workplace and to the security of FNSA associates, facilities, and property. Substance abuse, while at work or otherwise, seriously endangers the safety of associates as well as the general public and creates a variety of workplace problems, including increased injuries on the job, increased absenteeism, increased health care and benefit costs, increased theft, decreased morale, decreased productivity, and a decline in the quality of products and services provided by FNSA. For all of those reasons, FNSA has established this Substance Abuse Policy.

This Policy and acknowledgment are not intended to and do not constitute a contract of employment with FNSA. Your employment with FNSA is "at will," and either you or FNSA may terminate your employment with FNSA at any time and for any or no reason. No supervisor or manager has any authority to make any statements or representations to you that change or conflict with the at-will status of your employment with FNSA, or that change or conflict with any of the provisions of this Policy. The at-will status of your employment with FNSA can be modified only by an express written agreement signed by the president of Freedom Community Newspapers, Inc.

This Policy supersedes and revokes all previous practices, procedures, policies, and other statements of FNSA, whether written or oral, that modify, supplement, or conflict with the Policy. This Policy may be amended at any time.

2. SCOPE OF POLICY

This Policy applies to all FNSA associates, including management, administration, and temporary associates, and to all applicants who have received conditional offers of employment with FNSA. This Policy also applies to all associates of FNSA contractors who are performing services on FNSA property, or who are operating FNSA equipment, machinery, or vehicles. Such associates of contractors are considered "associates" within the meaning of this Policy.

Depending upon their specific job duties, certain associates may be subject to additional requirements under client requirements or state or federal regulations, including additional restrictions on drug or alcohol use, and additional provisions for drug and/or alcohol testing.

3. DISSEMINATION OF POLICY

- A.** All associates will receive a copy of this Policy and will be required to sign an appropriate acknowledgment and receipt.
- B.** All applicants who have received conditional offers of employment with FNSA will be required to read this Policy and will be required to sign an appropriate acknowledgment and receipt.

4. DEFINITIONS

A. Illegal Drug

“Illegal drug” means any controlled substance listed in Schedules I through V of the federal Controlled Substances Act (21 U.S.C. § 812), medication, or other chemical substance that (1) is not legally obtainable; or (2) is legally obtainable but is not legally obtained, is not being used legally, or is not being used for the purpose(s) for which it was prescribed or intended by the manufacturer. Thus, “illegal drugs” may include even over-the-counter medications if they are not being used for the purpose(s) for which the manufacturer intended them.

B. Legal Drugs

“Legal Drugs” means prescribed or over-the-counter drugs that are legally obtained by the associate and used for the purpose(s) for which they were intended by the manufacturer.

C. FNSA Property

“FNSA property” and “FNSA equipment, machinery, and vehicles” means all property, equipment, machinery, and vehicles owned, leased, rented, or used by FNSA.

D. On Duty

“On duty” means all working hours as well as meal periods and break periods, regardless of whether on FNSA property, and all hours when an associate represents FNSA in any capacity.

5. WORK RULES

A. Substance Abuse by Associates

1. Alcohol

Associates may not use, possess, sell, or transfer alcohol while working, while on FNSA property, or while operating FNSA equipment, machinery, or vehicles.

Associates may not work or report to work under the influence of alcohol, or with detectable levels of alcohol in their systems.

Associates who violate either of these rules will be subject to discipline, up to and including immediate discharge. FNSA may make exceptions to these rules for certain business or social functions sponsored or approved by FNSA.

2. Illegal Drugs

Associates may not possess illegal drugs or engage in the illegal use of drugs while on duty, while working, while on FNSA property, or while operating FNSA equipment, machinery, or vehicles.

Associates may not work or report to work under the influence of illegal drugs or with detectable levels of illegal drugs or the metabolites of illegal drugs in their systems.

Associates may not manufacture, distribute, dispense, transfer, or sell illegal drugs.

Associates who violate any of these rules will be subject to discipline, up to and including immediate discharge.

3. Legal Drugs/Medication

Any associate who has reason to believe that the legal use of drugs, such as a prescribed medication, may pose a safety risk to any person or interfere with the performance of an associate's job must report such legal drug use to his or her supervisor. FNSA shall then determine whether any work restriction or limitation is indicated. Failure to report the legal use of a drug that may pose a safety risk could result in disciplinary action.

B. Criminal Drug Convictions

Any associate who is convicted of violating any criminal drug statute while in the workplace will be subject to disciplinary action up to and including immediate discharge. Associates are required to report any criminal drug statute conviction to their immediate supervisor within five days.

C. Inspection of Property, Equipment, and Vehicles

All persons on FNSA property or who are performing services on a FNSA project, and all property, equipment, and vehicles on FNSA property or being used in connection with the performance of work on a FNSA project (including without limitation all vehicles, containers, desks, and file cabinets), are subject to unannounced inspection by FNSA. You should not expect that any property or items that you bring to work with you or that you use at work are private. If you do not want any property or items inspected, do not bring them to work.

Associates who refuse to permit inspections under this Policy or who fail to cooperate with inspections under this Policy will be subject to discipline, up to and including immediate discharge.

6. DRUG AND ALCOHOL TESTING

FNSA may require that associates provide urine, blood, breath, and/or other samples for drug and alcohol testing under any of the following circumstances:

A. Reasonable Suspicion Testing

FNSA may require any associate to undergo drug and alcohol testing if management has a reasonable suspicion that the associate:

1. Has violated FNSA's written work rules prohibiting the use, possession, sale, or transfer of alcohol and/or illegal drugs while on duty, while working, while on FNSA property, or while operating FNSA equipment, machinery, or vehicles;
2. Is under the influence of alcohol and/or illegal drugs while on duty, while working, while on FNSA property, or while operating FNSA equipment, machinery, or vehicles;
3. Is impaired by alcohol and/or illegal drugs; or
4. May be affected by the use of alcohol and/or illegal drugs and that the use may adversely affect job performance or the work environment.

B. Post-Accident Testing

FNSA may require any associate to undergo drug and alcohol testing as soon as practicable after a work-related accident, if FNSA reasonably believes that the associate may have contributed to the accident.

C. Post-Injury Testing

FNSA may require any associate who has sustained a work-related injury to undergo drug and alcohol testing.

D. Treatment Program Testing

Any associate who has been referred by FNSA for chemical dependency treatment or evaluation or who is participating in a chemical dependency treatment program under an associate benefit plan may be required to undergo drug and alcohol testing without prior notice during the evaluation or treatment period and for up to two (2) years following the associate's return to work.

E. Pre-employment Testing

Applicants who have received conditional offers of employment and who will operate machinery and/or drive company vehicles as part of their job with FNSA will be required to undergo drug testing as a condition of employment.

F. Random Testing

All associates who operate machinery and/or drive company vehicles as a requirement of their job will be subject to periodic unannounced drug and alcohol testing on a random selection basis.

G. Additional Testing

FNSA also may require associates to undergo drug and alcohol testing when, in the judgment of management, such testing is appropriate for the maintenance of safety for associates, customers, clients, or the public at large, or for the maintenance of productivity, quality, or security of property or information.

7. SPECIMEN COLLECTION AND TESTING PROCEDURES

A. Specimen Collection Procedures

1. Test Subject Privacy

Appropriate professional personnel will supervise the collection of urine and blood specimens for testing. In the absence of a reasonable suspicion that the test subject will alter or substitute a urine specimen, the collection personnel will not directly observe the collection of the urine specimen.

2. Chain of Custody Procedures

FNSA will take steps to preserve the chain of custody of specimens, in order to ensure testing accuracy.

B. Specimen Testing Procedures

Only laboratories properly approved to conduct drug and alcohol testing by the U.S. Department of Health and Human Services (SAMHSA, formerly NIDA), the College of American Pathologists, or the Arizona Department of Health Services will test specimens.

Specimens will be tested only for the presence of alcohol, illegal drugs, and their metabolites.

Positive initial screening test results for associates will also be confirmed by gas chromatography/mass spectrometry or other appropriate methods of confirmatory analysis (“confirmatory test”).

C. Cost of Testing

FNSA will pay for any drug and alcohol test that it requests or requires of any associate.

D. Suspensions Pending Test Results

Pending receipt of test results and written explanations of positive confirmatory test results, associates may be temporarily suspended. If an associate is suspended and the

final confirmatory test result is negative, the associate will be reinstated immediately with full back pay.

E. Test Result Reports

FNSA will promptly communicate test results to test subjects. Any test subject may request a copy of his or her test result report.

8. CONFIDENTIALITY OF TEST RESULTS

FNSA will not disclose test results except as authorized by the test subject or as authorized, permitted, or required by applicable law.

9. CONSEQUENCES OF REFUSAL

Associates may refuse to undergo drug and alcohol testing. However, associates who refuse to undergo testing or who fail to cooperate with the testing procedures will be subject to discipline up to and including immediate discharge. Associates who refuse to undergo testing or who fail to cooperate with the testing procedures also may be disqualified from receiving unemployment compensation benefits and/or workers' compensation benefits.

10. RIGHT TO EXPLAIN TEST RESULTS

Any test subject who tests positive on a confirmatory test on any drug and alcohol test required by FNSA may submit additional information to the FNSA **Medical Review Officer** in a confidential setting to try to explain the confirmed positive test result.

11. CONSEQUENCES OF CONFIRMED POSITIVE TEST RESULTS

Any associate who tests positive on a confirmatory test on any drug and alcohol test required by FNSA and does not timely and successfully explain the test results will be subject to appropriate disciplinary action, at the sole discretion of FNSA, up to and including immediate discharge.

Any associate who tests positive on a confirmatory test on any drug and alcohol test required by FNSA, does not timely and successfully explain the test results, and is discharged on the basis of the positive test result, may be disqualified from receiving unemployment compensation benefits.

Any associate who tests positive on a confirmatory test on any drug and alcohol test required by FNSA after a work-related injury and does not timely and successfully explain the test results may be disqualified from receiving workers' compensation benefits in connection with the injury.

12. ASSOCIATE ASSISTANCE PROGRAM/SUBSTANCE ABUSE TREATMENT

A. FNSA regards its associates as its most valuable asset. Accordingly, FNSA maintains an Employment Assistance Program that provides help to associates who suffer from substance abuse and/or other mental health problems.

- B.** No associate will be subject to discipline for voluntarily seeking EAP assistance or substance abuse treatment. An associate may not, however, avoid discipline for violating the Substance Abuse Policy by seeking this assistance after the associate is referred for testing pursuant to this Policy. In addition, an associate's participation in an EAP or referred substance abuse treatment program will not excuse the associate from being required to meet all of the same standards and qualifications for the job that apply to other associates, including performance, attendance, and other measures.

- C.** FNSA will conduct drug-free awareness programs periodically. These programs will inform associates about the dangers of drug and alcohol abuse in the workplace, FNSA's policy of maintaining a drug and alcohol-free workplace, available drug and alcohol counseling, rehabilitation, and associate assistance programs, and the sanctions that may be imposed for drug and alcohol abuse violations.

- D.** Associates are encouraged to approach their supervisor at any time with any questions they have about FNSA's Substance Abuse Policy.

Signature: _____ Date: _____