

## **Arizona Raft Adventures DRUG-FREE WORK ENVIRONMENT and SUBSTANCE ABUSE POLICY**

Arizona Raft Adventures follows all state and federal (including National Park Service) laws, the terms and conditions of its contracts, and agency rules and regulations concerning maintaining a drug-free environment.

A primary goal of AzRA is to provide a safe, productive, and healthy work environment for all of its employees and guests. It is AzRA's desire and right to hire and retain the most qualified and productive people for all available positions.

AzRA believes that employee use of illegal drugs or abuse of legal drugs, including alcohol, is a source of danger in the work environment. Drug abuse is detrimental to AzRA's reputation and maintenance of a safe, efficient, and healthy work environment. AzRA is committed to an employment policy which will ensure a drug-free place of work.

This substance abuse policy expressly and strictly prohibits the possession, use, or sale of illegal drugs and/or alcohol on AzRA premises (alcohol is allowed in the guide bunkroom when off duty and during off hours), in AzRA vehicles, or on the job or during a rest period or while otherwise participating in any and all facets of AzRA business. Violation of this policy may result in immediate dismissal. In addition, being intoxicated by or under the influence of alcohol or any unauthorized drug during business is prohibited. While moderate consumption of alcohol in camp is not prohibited; the health, safety, and welfare of our guests is always our primary responsibility. Appropriate disciplinary action will be taken up to and including immediate discharge for any violation of this policy.

Any employee who is convicted of or pleads guilty or no contest to a violation of any criminal drug statute for any act committed on AzRA property or while conducting AzRA business shall notify AzRA's General Manager no later than five days after such conviction or plea

In order to achieve its goal of a drug-free environment and to protect our guests and employees from the negative consequences of drug and alcohol abuse; this employment policy mandates that applicants for employment will be subject to drug testing. Specifically, it is a violation of company policy for employees to have measurable amounts of urinary by-products (or other medically acceptable means of assessment) of alcohol or unauthorized drugs including, but not limited to, illegal drugs, barbiturates, amphetamines, opiates, hallucinogens, marijuana, cocaine, or PCP while participating in AzRA business. The presence of such urinary by-products or measurable by-products from other medically accepted means of assessment is a sufficiently strong indication of detrimental drug influence to warrant the imposition of disciplinary action up to and including termination of employment for employees. The presence of unauthorized drugs warrants the denial of employment for applicants.

Any medically and legally acceptable means of collection and assessment may be utilized for testing procedures for pre-employment, post-accident, reasonable suspicion, or random drug test.

Return-to-duty and follow-up testing may also be utilized. AzRA will designate a representative for the collection and testing of samples. Test results will be reported directly to AzRA's General Manager or designee.

AzRA may seek the assistance of law enforcement personnel in cases of trafficking, possession, transportation, or use of illegal substances on our property or in our vehicles and rafts.

This substance abuse policy has been developed in the interest of promoting employee health awareness, providing a safe, efficient and healthy work environment for AzRA's employees, and fulfilling our responsibility of providing our guests with the highest quality products and services possible.

This substance abuse policy applies to all AzRA compensated employees.

## TYPES OF TESTING

This substance abuse policy may include any or all of the following tests:

- *Pre-employment drug testing.* AzRA may require all candidates for employment to pass a drug test prior to being accepted for employment. Applicants who do not test drug free will be denied employment.
- *Reasonable suspicion testing.* Employees who, by appearance or conduct, appear by a supervisor to be affected by the use of drugs or alcohol, and such use may adversely affect the job performance or work environment, may be tested for drugs or alcohol. Reasonable suspicion must be based on specific, contemporaneous observations of the employee's appearance, behavior, speech or body odors.
- *Post-accident testing.* Any driver while engaged in a safety-sensitive position for AzRA, who (1) is involved in an accident resulting in loss of life or (2) receives a citation under state or local law for a moving traffic violation arising from the accident will be tested for drugs or alcohol as soon as practicable following the accident. Any other employee involved in a work-related accident which results in bodily injury to the employee, another employee, or an AzRA guest requiring medical attention, and where AzRA reasonably believes the employee may have contributed to the accident, may be required to take a drug or alcohol test as soon after the accident as may be practicable.
- *Random testing.* Periodically, AzRA will select employees at random to undergo unannounced drug and alcohol testing in order to ensure a drug free work environment.
- *Return-to-duty testing.* Employees who are temporarily removed from their positions for violation of this policy or who voluntarily enter a drug or alcohol rehabilitation program must undergo a return-to-duty drug or alcohol test before returning to work.
- *Follow-up testing.* Employees who return to duty after a violation of this policy or after voluntarily completing a drug or alcohol rehabilitation program are subject to unannounced follow-up drug or alcohol testing.

Any drug or alcohol testing of employees normally will occur during, or immediately before or after, a regular work period. All applicants will pay the costs of pre-employment testing. For employees, AzRA will pay (1) reasonable transportation costs to and from the testing facility; (2) all testing costs, and (3) travel time based upon an employee's hourly rate.

## DEFINITIONS

A. *Driver* means any person required to have a commercial motor vehicle license.

B. *Illegal drugs* means a controlled substance included in Schedules I through V, as defined by section 802(6) of Title 21 of the United States Code, as the same may be changed from time to time. The term "illegal drugs" does not mean the use of a controlled substance pursuant to a valid prescription used in accordance with the prescription or other uses authorized by law.

C. *Medical Review Officer* means the individual responsible for receiving laboratory results generated by this program who is a licensed physician with knowledge of substance abuse disorders and the appropriate medical training to interpret and evaluate all positive test results together with an individual's medical history and any other relevant biomedical information. .

- D. *Employees in Safety-Sensitive Positions* means the following:
1. Those occupying positions which require that they drive commercial motor vehicles, as defined in Title 28 of Arizona Revised Statutes for company purposes, and including, but not limited to, the following activities:
    - a. Waiting to be dispatched;
    - b. Inspecting, servicing or conditioning a commercial motor vehicle;
    - c. Driving
    - d. Time spent in a commercial motor vehicle other than driving time;
    - e. Loading or unloading, supervising or assisting in loading or unloading, remaining ready to drive, and giving or receiving receipts for shipments loaded or unloaded; and
    - f. Repairing, obtaining assistance, or remaining with a disabled commercial motor vehicle.
  2. All River Guides.

E. **Supervisor** means an employee having authority to hire, direct, assign, promote, reward, transfer, furlough, layoff, recall, suspend, discipline or remove other employees, to adjust their grievances, or to effectively recommend such action, if the exercise of the authority is not merely routine or clerical in nature, but requires the consistent exercise of independent judgment. Supervisors will be trained in recognizing and addressing the use of illegal drugs and alcohol by employees and will be provided information and training regarding drug and alcohol testing and behavioral patterns that give rise to a reasonable suspicion that an employee may be using alcohol or illegal drugs.

F. *Verified Positive Test Result* means a test result that was positive on an initial FDA-approved immunoassay test, confirmed by a Gas Chromatography/Mass Spectrometry assay, or other confirmatory test approved by the United States Department of Health and Human Services, and reviewed and verified by the Medical Review Officer in accordance with this plan.

G. *Drug Program Administrator* means the individual responsible for providing employees with educational materials that explain AzRA's drug testing policy and program and for answering employee questions about the materials. Initially this individual is Allen House.

H. *Refusal to submit (to an alcohol or illegal drug test)* means that an employee:

1. Fails to provide adequate breath for alcohol testing without a valid medical explanation after the employee has received notice of the requirement for breath testing;
2. Fails to provide an adequate urine sample for illegal drug testing without a genuine inability to provide a specimen (as determined by a medical evaluation), after the employee has received notice of the requirement for urine testing; or
3. Engages in conduct that clearly obstructs the testing process.

#### DRUG AND ALCOHOL TESTING METHODS AND COLLECHON PROCEDURES

1. At any medical clinic chosen by A~RA, prospective and current employees will be required to submit reliable identification and sign a consent and release form. The consent form authorizes the medical clinic to obtain a urine and/or blood alcohol specimen and release the results of the laboratory testing to AzRA. The person tested shall be given an opportunity to provide notification of any information that may be considered relevant to the test, including identification of currently or recently used prescription or non-prescription drugs or other relevant medical information.

2. The collection of samples will be performed under reasonable and sanitary conditions. Sample collections will be documented and labeled so that misidentification of the person tested in relation to the test results provided is reasonably prevented. Samples will be collected, stored, and transported to the place of testing in a manner reasonably designed to preclude the possibility of sample contamination, adulteration, or misidentification.

3. Samples will be sent to a laboratory for testing in compliance with scientifically accepted analytical methods and procedures. The testing will be conducted at a laboratory approved or certified by the U.S. Department of Health and Human Services, the College of American Pathologists, or the Department of Health Services.

4. Any initial drug test that has a positive result will be confirmed by a second test. The second or confirmatory test shall be a chromatographic technique such as gas chromatography-mass spectrometry or other comparably reliable analytical method.

5. Any initial alcohol test resulting in a concentration of 0.02 or greater will be confirmed by a second test.

6. The MRO will receive all laboratory test results, notify the employee of the controlled substances identified in any positive result, and assure that an employee who tests positive is afforded an opportunity to discuss the test results. Consistent with confidentiality requirements, the MRO will refer written determinations regarding all verified test results, including a positive drug test result form indicating that the positive result has been verified, together with all relevant documentation and a summary of findings to AzRA's General Manager or Operations Manager.

## GENERAL RULES

1. Consistent with all applicable state and federal laws, rules, or regulations promulgated now or in the future; AzRA's General Manager or designee will make all decisions as to which employees, or prospective employees, will receive a drug or alcohol test, and when in relation to their employment, assignment of, or reassignment of duties, the tests will take place.
2. The General Manager or Operations Manager will receive and maintain all drug and alcohol test results under strict rules of confidentiality.
3. Ownership of all drug and alcohol screening records belong to AzRA and may be accessed only with the permission of the General Manager or Operations Manager.

## PRE-EMPLOYMENT TESTING

1. All applicants for employment with AzRA must sign a statement indicating their awareness of AzRA's drug and alcohol testing policy.
2. Applicants for driver positions must consent to the release of information from previous employers of any alcohol test results of 0.04 or greater, positive drug test results, and refusals to be tested within the preceding two years,
3. As part of the application procedure, applicants will be requested to go to a laboratory or testing center designated by AzRA. The applicant will be required to provide proper identification at the testing facility.
4. Applicants who refuse to submit to tests for drugs upon being asked to submit to such tests will be denied employment.
5. Applicants with a verified positive drug test result will be disqualified from employment and no further consideration will be given to them for employment.

## EMPLOYEE TESTING

1. AzRA employees must sign a statement indicating their awareness of AzRA's drug and alcohol testing policy and the consequences associated with violation of this policy.  
Employees may be tested in the workplace or may be requested to go to a designated laboratory or drug testing center.
3. A verified positive drug test or confirmation test showing an alcohol concentration of 0.04 or greater may result in disciplinary action up to and including termination of employment.
4. Employees whose test results show an alcohol concentration of 0.02 to 0.04 may not perform any safety-sensitive function for at least 24 hours after the administration of the test.
5. Upon written request, an employee can obtain the test results.
6. Management has information and can provide referrals to drug and/or alcohol rehabilitation programs. Employees who voluntarily enter a drug or alcohol rehabilitation program may be put on a limited leave of absence without pay, in accordance with applicable federal and state law. At the conclusion of the leave, the employee will be required to submit to return-to-duty testing. Employees who do not report for return-to-duty testing following a leave or who test positive will be terminated.
7. Employees who refuse to submit to AzRA's sponsored testing as outlined in this policy will be terminated from further employment.

### **THIS POLICY IS NOT A CONTRACT. IT MAY BE CHANGED AT ANY TIME.**

**CHANGES MAY INCLUDE BUT ARE NOT LIMITED TO EXPANSION OF OR LIMITATION OF THE CIRCUMSTANCES UNDER WHICH TESTING MAY OCCUR BASED SOLELY ON MANAGEMENT'S DISCRETION. NOTHING IN THIS POLICY SHALL ALTER OR BE CONSTRUED TO ALTER AZRA'S RIGHT OR THE RIGHT OF THE EMPLOYEE TO TERMINATE EMPLOYMENT AT ANY TIME FOR ANY REASON OR NO REASON**