

## **Drug, Alcohol and Safe Work Policy**

### **Drug & Alcohol Policy**

All Bargaining Unit Employees (“Employees”) while on Company property and when performing or reporting to work are expected to be free of the influence of illegal drugs, alcohol or other controlled substances. In addition, all employees are responsible for self-assessment of their ability to perform their work in a safe, reliable and trustworthy manner.

The Company maintains its high degree of concern for the safety of its Employees and will continue to support programs that enhance the safety and well-being of all Employees. The Company expects Employees to report to work in a state of mind and physical condition that will allow them to perform their assigned duties in a competent and safe manner. The Company will utilize resources necessary to ensure that a safe work environment exists and that Employees will not be exposed to situations where the illegal possession and/or use of drugs or controlled substances exist, or where the abuse of alcohol could impact safety and/or performance.

**Drug & Alcohol Use** - The unauthorized use, possession, distribution, manufacture, dispensation, or sale of alcohol, illegal drugs or other controlled substances not prescribed by the Employee’s licensed medical doctor for the Employee’s use, on Company business or property, in Company-supplied vehicles or during hours of work (including meal breaks), is prohibited. The possession of alcohol in a personal vehicle on Company property is not a violation of this policy. Being under the influence of alcohol, illegal drugs or controlled substances not prescribed by the Employee’s licensed medical doctor for the Employee’s use, on Company business or property, in Company-supplied vehicles or during hours of work (including meal breaks), is prohibited. Any suspected illegal substances found in the workplace may be turned over to the appropriate law enforcement agency.

In addition, smoking (including the use of e-cigarette devices) is prohibited in all indoor work areas and in all Company vehicles.

Compliance with this policy is a condition of employment. Violations will result in disciplinary action in accordance with the Disciplinary Action Policy.

**Fit for Duty** - Employees are expected to be fit for duty upon reporting for work. If perceived to be unfit for duty upon reporting to work, the Employee will be immediately removed from the workplace, evaluated by medical personnel, if reasonably available, and may be subject to disciplinary action in accordance with the Disciplinary Action Policy. Management should ensure that the Employee leaves Company property with a designated driver or provide transportation for the Employee.

**Reporting violations** - All Employees who observe conduct or have knowledge that may indicate a violation of this policy should report such observation to supervision, their local Human Resources representative, Corporate Enterprise Protective Services or to the Ethics Line at 1-866-838-4427. Willful failure to report the above violations by Employees with unescorted access to a nuclear plant may result in discipline in accordance with the Disciplinary Action Policy.

**Employee Assistance Program** - The Employee Assistance Program (EAP) is available to help Employees with personal or health-related problems that might affect job performance. Use of the EAP will not excuse action that is otherwise in violation of this policy. Contact numbers and additional information on EAP can be found on the Duke Portal. With the exception of management referrals or conditions that pose a threat to safety, the safety of the Employee or others, Employee and dependent contact with the EAP counselors will remain strictly confidential, unless otherwise required by law.

## **Types of Drug and Alcohol Testing**

1) Pre-access Drug & Alcohol Testing - If an existing Employee applies for a position for which unescorted access to the Crystal River Nuclear Plant is required or if for any reason the Employee is to be granted unescorted access to that plant, the Employee will be required to undergo a drug and alcohol test. If the test is positive, unescorted access to the Crystal River Nuclear Plant will be denied.

In addition, the Employee will be given a mandatory referral to EAP and suspended without pay until he or she can pass a subsequent drug test prior to returning to work in a non-nuclear capacity. The Employee will be required to pass a drug test within 30 workdays after being cleared to return to work by the EAP. If the Employee is unable to pass the drug test, the Employee will be terminated. If the Employee passes a drug test within 30 workdays, he or she will be returned to work in a non-nuclear capacity without back pay and will be required to undergo any additional drug testing that may be required or recommended by EAP. If the Employee is found to be again unable to pass a drug test due to a second violation of this policy or if an Employee fails to comply with the EAP recommendations, the Employee will be terminated. Employee drug testing will follow standard protocols per applicable procedures.

2) Reasonable Suspicion - Current Employees may be subject to a drug and/or alcohol test when there is reasonable suspicion that they may be under the influence of alcohol or have used or are under the influence of illegal drugs. Reasonable suspicion means suspicion based on specific personal observations that the Company can describe concerning the appearance, behavior, speech or breath odor of the on-duty Employee, or as otherwise suspected in accordance with the following paragraph. If any testing is performed as a result of such suspicions, the Company will provide to the employee within forty-eight (48) hours a written statement of the observations or evidence on which reasonable suspicion is based. Failure to submit to such a test will result in discipline through the Disciplinary Action.

Based on observation of the Employee's behavior by at least one supervisor or direct

observation of the use by Employees relayed to a supervisor, the Employee may be required, with the consent of a higher level of management (General Manager, Director, etc.), to submit to a drug and/or alcohol test. Reports of drug use or aberrant behavior which are not confirmed by observations of a supervisor or manager shall not constitute reasonable suspicion or be grounds for testing. Reasonable suspicion testing may also be conducted based on reasonable suspicion of illegal drug use arising from internal investigations or evidence provided by law enforcement officials or external physicians related to Worker's Compensation administration and treatment. Such testing arising from internal investigations or law enforcement officials will require the concurrence of the Legal Department.

3) Regulated Testing – The Company conducts the following types of government regulated drug and alcohol testing on Employees:

(i) **Nuclear Regulatory Commission** - This drug and alcohol testing program complies with 10 CFR Part 26 and covers all individuals with unescorted access to the Crystal River Nuclear Plant and other individuals required to physically report to a Technical Support Center or Emergency Operations Center in accordance with emergency response plans and procedures.

(ii) **Department of Transportation (FMCSR)** – The Company complies with the Federal Motor Carrier Safety Regulations, which are applicable to all Employees who are on duty and operate a commercial motor vehicle in interstate or intrastate commerce and are subject to the commercial driver's license requirements.

(iii) **Department of Transportation (RSPA)** – The Company complies with the Research and Special Programs Administration Regulations, which are applicable to all Employees (including applicants) who perform in an operation, maintenance or emergency-response capacity on a pipeline, pipeline system or at a liquid natural gas facility.

4) Post Accident Testing – Employees directly involved in a job-related accident may be required to submit to a drug and alcohol test as soon as reasonably possible after the accident. If emergency medical care is needed, the post-accident drug and alcohol test will occur after emergency medical treatment has been provided. A job-related accident is defined as an accident occurring on Company property, in Company-supplied vehicles or during working hours (including meal breaks) which is:

- (A) An event that causes death to an individual.
- (B) An event that causes injury to an individual that requires the medical attention of a doctor or nurse practitioner, excluding routine first aid treatment, unless otherwise justified by reasonable suspicion.
- (C) An event that has a serious safety or operational impact and/or an event where there is damage or loss to the Company.

5) Non-Regulated Random Testing - Business units may elect to institute random drug and alcohol testing for all bargaining unit employees within the business unit who are not otherwise covered by the Regulated Testing set out in paragraph 3 above, as long as the testing requirements apply equally to both non-bargaining and bargaining unit employees in Florida in that business unit. The Union and affected employees will be given no less than sixty (60) calendar days advance notice prior to the implementation of random screening. This program will follow the DOT testing criteria. Should a business unit elect to include its employees in this testing, those employees will be included in the Duke Energy enterprise testing pool. This pool includes selected non-bargaining unit employees and unionized employees from other Duke Energy companies selected by management for testing who are not subject to regulated testing. The test rate for employees in the enterprise pool will be up to 25% annually.

### **Substances Covered and Cut-Off Levels**

- 1) Regulated Tests - For Employees subject to regulated testing, substances covered and cut-off levels shall be in accordance with Department of Transportation or NRC Fitness for Duty regulations.
- 2) Unregulated Tests – For Employees who undergo non-regulated drug testing, substances covered and cut-off levels shall be in accordance with the NRC Fitness for Duty regulations.

### **Routine, Random Inspections**

The Company may from time to time conduct routine, random inspections or inspections based on reasonable suspicion to check for drug violations on Company property, facilities and equipment. Searches of an Employee's or of non-Company property will not be conducted if an Employee withholds his consent.

### **Drug or Alcohol Related Arrest and Conviction Notification**

The Company requires employees who are convicted of a felony criminal drug law violation to notify their supervisor no later than five calendar days after the conviction. "Conviction" means a felony conviction by the court, a plea of guilty to the felony charges or any other plea considered by the courts as a felony conviction. Failure to notify the supervisor within five calendar days may result in discipline through the Disciplinary Action Policy.

The Drug-Free Workplace Act of 1988 (DFWA) requires certain federal government contractors and grantees to make good faith efforts to provide a drug-free workplace. As a recipient of federal funds, Duke Energy is committed to compliance with the DFWA and any similar applicable state statutes.

As required by the DFWA, Employees must notify Duke Energy management of any criminal drug statute conviction for a violation occurring in the workplace (including any plea of "guilty" or "no contest") no later than five (5) calendar days after such conviction.

Duke Energy is required by the DFWA to notify the appropriate federal contracting agency of any such conviction, and will do so promptly.

Employees are expected to report felony drug or alcohol-related arrests to management as soon as possible after the arrest. Off-the-job illegal drug or alcohol-related activity resulting in a felony conviction may result in disciplinary action through the Disciplinary Action Policy.

### **Consequences for Positive Drug or Alcohol Test**

An alcohol test result of .04 or higher will be considered a positive test. A test which shows the presence of alcohol at a level less than .04 may be considered positive after consideration by the designated Medical Review Officer (MRO), based on the timing of the test, dissipation rates, and other medical factors. An Employee with an alcohol test result between .02 and .039 will be deemed unfit for duty and may be subject to discipline through the Disciplinary Action Policy. If an Employee tests positive for alcohol at or above .04 percent blood alcohol, the Employee will be deemed unfit for duty and may be subject to discipline through the Disciplinary Action Policy. The Employee Assistance Program may refer the Employee to treatment, rehabilitation facilities or agencies at the Employee's expense.

Regular Employees will be discharged for a second positive alcohol test or a second positive drug test, or for a combination of one positive alcohol test and one positive drug test. Employees who test positive for both alcohol and drug(s) at the same time will be considered as having one positive test. Employees will be referred to the EAP for evaluation following a first positive test result and may be required to submit to prescribed education, treatment, and/or counseling as a condition of continued employment.

Regular Employees who are subject to regulated testing and who test positive upon returning from a leave of absence for greater than one hundred and eighty (180) calendar days will be removed from service and referred to EAP. A negative test result will be required prior to returning to work.

Regular Employees who have a first positive alcohol or drug test will be suspended without pay and will receive a mandatory referral to EAP. Recovering Employees will be required to complete any requirements imposed by the EAP, and must take, and pass, an observed return-to-work drug and alcohol test as a condition of returning to work. Such testing will be conducted as required by EAP and any applicable federal or state laws, rules or regulations. Where such laws, rules or regulations are not specific as to the number of follow-up tests, or there are no laws, rules or regulations applicable, then the Recovering Employee will be subject to unannounced follow-up testing for up to three (3) years. If the employee passes the return to work test, he/she will be returned to work without back pay. Employees will also be required to cooperate with the EAP recommendations and follow-up program.

Failure to comply with any substance abuse program set up by or through the EAP will result in discipline through the Disciplinary Action Policy. An Employee may be required by the Company to provide a release to it, but only for the purpose of the Company verifying the Employee's compliance with any requirements imposed on the Employee by the EAP.

### **Testing Protocol**

Refusal to test or intentional failure to report for a testing appointment, when given appropriate notification of the appointment, will result in disciplinary action in accordance with the Disciplinary Action Policy, and will be recorded as a positive test result.

The use of an adulterant or any other evasive conduct that obstructs the testing process, for either alcohol or drug testing, will result in termination based on a refusal to test and/or having provided false and/or misleading information to the Company.

*A Medical Review Officer (MRO)*, a licensed physician, responsible for receiving laboratory results generated by the Company's drug testing program. The MRO will

have knowledge of substance abuse disorders and the appropriate medical training to interpret and evaluate an individual's positive test result together with his or her medical history and any other relevant biomedical information.

A positive alcohol or drug test result will be considered a positive for the employee's employment with the Company.

### **Appeals Process**

Employees may appeal the alcohol or drug collection process and/or a drug positive test result.

#### **Alcohol Positive Test Result**

- For an alcohol positive test result, a confirmatory (second) test will be conducted for an initial positive Breathalyzer test result as the appeal of the initial test. The confirmed positive test result will be based on the results from the confirmatory test; therefore, the results of a positive alcohol test are final.

#### **Drug Positive Test Result**

- For a drug positive test result, the Employee may request submission of the retained portion of the original sample for analysis by a different lab that is certified by either the College of American Pathologists or Health and Human Services, by notifying the Company within seventy-two (72) hours of receiving the confirmed positive test result. The Employee must submit an advance payment prior to the second analysis being conducted. If the results are negative, the Employee will return to work with back pay, and the Company will reimburse the cost of the second analysis test. If the results are positive, the Employee will pay the cost of the second analysis test.

### **Self Identification**

#### **A) Drugs**

Prior to a known violation of this policy, any Employee who has a drug-related problem may voluntarily contact his/her immediate supervisor. The Supervisor will process a mandatory referral to the Employee Assistance Program. The act of an Employee in

referring him or herself to EAP shall not be considered a positive test for drugs. The Employee Assistance Program may refer the Employee to treatment, rehabilitation facilities or agencies. The Employee will be able to use any available benefit allowed under his/her Medical Benefit Plan to cover part or all of the expense of any treatment program. The Employee will also be eligible to use Sick Leave and/or Short Term Disability during the period of approved rehabilitation. Following a release to return to work by the EAP, if the Employee is unable to pass a return-to-work drug test within 30 workdays, the Employee will undergo a mandatory referral to EAP. If the Employee passes the return-to-work drug test, he or she will be returned to work and will be required to undergo any additional drug testing that may be required or recommended by EAP. If the Employee later fails any future drug test, the Employee will undergo a mandatory referral to EAP.

#### B) Alcohol

It is the Employee's responsibility to seek treatment before alcohol abuse adversely affects job performance. The Company's position on alcohol rehabilitation is to assist and not punish the Employee who voluntarily seeks to undergo treatment. Prior to a known violation of this policy, any Employee who has an alcohol related problem may voluntarily contact the Employee Assistance Program or his/her immediate supervisor, who will process a mandatory referral to the Employee Assistance Program. The Employee Assistance Program may refer the Employee to treatment, rehabilitation facilities or agencies. The act of an Employee in referring him or herself to EAP shall not be considered a positive test for alcohol. The Employee will be able to use any available benefit allowed under his/her Medical Benefit Plan to cover part or all of the expense of any treatment program. The Employee will also be eligible to use Sick Leave and/or Short Term Disability during the period of approved rehabilitation.

After an Employee has completed a program of approved alcohol rehabilitation, any further use of alcohol that affects job performance or safety, or any positive test for alcohol at or above .04 percent blood alcohol, will result in a mandatory referral to EAP and may will result in discipline through the Disciplinary Action Policy.

