

# Alcohol and Drug-free Workplace



## Policy 9.3

### Purpose

Xcel Energy has a commitment to its employees, customers, shareholders and the public to promote a safe work environment and to provide energy in a safe manner.

This policy represents the company's official guidelines with regard to having an alcohol and drug-free workplace.

### Applicability

This policy applies to all employees of Xcel Energy Inc.'s subsidiaries and affiliates ("Xcel Energy"). This policy also applies to contract workers and applicants.

### Requirements and Responsibilities

The company is committed to an alcohol and drug-free workplace. The establishment of an Alcohol and Drug-free Workplace policy is consistent with the company's desire to provide a safe, productive work environment for our employees. This requires employees to abstain from using alcoholic beverages and mood-altering drugs and drugs that adversely impact performance prior to the start of their workday, during the work period, during lunch and other work breaks.

Employees should not manufacture, sell, dispense, purchase, possess or use alcohol or illegal drugs on company premises, company time or while operating company vehicles or other company equipment, or while conducting company business off company premises. Illegal drugs include, but are not limited to, narcotics, depressants, cocaine, amphetamines, hallucinogens and marijuana. The term "illegal drugs" includes marijuana, whether for medicinal purposes and/or recreational use, regardless of any state law.

NOTE: Employees, who in the course of their job responsibilities entertain or represent the company at business-related social events where alcohol is available, may choose to consume alcohol provided that consumption is in moderation and occurs in the manner consistent with remaining fit for duty. Possession does not include legal transport of alcohol in a company or personal vehicle provided the alcohol is not consumed in violation of the policy.

Department of Transportation (DOT) covered employees shall not consume alcohol within four hours before operating a company-owned or company-leased vehicle or equipment and/or before performing operations, maintenance or a safety related function within Gas Operations. No employee shall operate a company-owned or company-leased vehicle or equipment and/or operate, maintain or conduct a safety related function within Gas Operations while under the influence (as defined in the policy administrative guidelines below) of alcohol or illegal drugs.

Employees taking prescribed medication should consult with their physician(s) to determine whether the medication may have an adverse effect on the individual employee's job performance or workplace safety. If a physician(s) determines that the medication may have an adverse impact on job performance or workplace safety and there is no alternative medication, then the employee should report the use of such medication to his/her supervisor, in which case management may temporarily restrict or modify work assignments accordingly. This policy does not bar employees from the lawful use and possession of prescribed or over-the-

### Key Responsibilities

- Maintain an alcohol and drug-free workplace
- Comply with fitness for duty requirements

counter medications except medicinal marijuana, which constitutes an illegal drug under this policy. Disability Solutions is also available for consultation regarding the effects of medications on job performance. Employees should report the use of physician-prescribed or over-the-counter medications which are likely to adversely affect job performance or workplace safety to Disability Solutions and their supervisor. Disability Solutions, in conjunction with supervisors, may temporarily restrict or modify work assignments accordingly. If an employee is using a prescribed medication illegally or inappropriately, the company reserves the right to discipline him/her, up to and including termination.

The company encourages employees and their families to work with the company's Employee Assistance Program (EAP) to resolve substance-abuse problems. The program provides confidential assistance to employees in problem identification, evaluation, counseling and referral services for emotional, behavioral, medical, personal and chemical-dependency problems that employees and their families may experience.

Pursuant to the Drug-Free Workplace Act of 1988 and company policy, employees must report any conviction under an alcohol or drug statute that occurs on company premises, on company time or while conducting company business off company premises within five days after conviction. Conviction includes a plea of guilty or no contest. The company is obligated to report convictions to the federal government pursuant to the Drug-Free Workplace Act of 1988.

Employees must, as a condition of employment, abide by the terms of the Alcohol and Drug-free Workplace policy.

Management is responsible to ascertain that the employees under their supervision appear to be free of alcohol and illegal or unauthorized drugs and to identify individuals who do not appear to be fit for duty. Employees are required to report to management any violation, or possible violation, of the Alcohol and Drug-free Workplace policy.

#### **Xcel Energy's drug and alcohol testing requirements include the following:**

##### Pre-employment Drug Screening

All job applicants including contractors, who have received a conditional offer of

Employment and/or who require authorized unescorted access to Xcel Energy computer systems, facilities, equipment, material customer property, or be issued access cards and/or keys to Xcel Energy facilities, must show themselves to be free from the presence of illegal drugs through a drug screening (drug test). Individuals are expected to have pre-employment drug screening done within three business days of submitting the Online Security Screening Questionnaire or starting the background investigation process. The company will not hire applicants who refuse or fail to comply with Xcel Energy's pre-employment drug screening requirements. An applicant who refuses to submit to or fails to appear for an established drug-screening collection or whose test results are positive shall be disqualified from employment at Xcel Energy. Such disqualification shall not be removed for a period of six months from the date that such test was administered or offered, whichever is later. An applicant may reapply for employment after six months.

##### Pre-employment Testing (Current employees - Non-nuclear)

DOT pre-placement testing shall be completed before a current Xcel Energy employee transfers into a position that will be performing tasks covered by DOT regulations, such as a driver or gas worker. This testing will not be required if the Xcel Energy employee is already participating in a controlled -substance testing program that qualifies under DOT regulations or has been part of a DOT-qualified program in the previous 30 days.

##### Pre-access Testing (Nuclear)

All workers must successfully complete alcohol and drug testing meeting NRC requirements prior to the granting of unescorted access authorization to any Xcel Energy nuclear facility. This includes not only new applicants, but current Xcel Energy employees and current contractors. Questions regarding the Nuclear policy should be directed to the Nuclear Fitness for Duty (FFD) manager.

#### Federally Required Random Testing (Nuclear and Non-nuclear)

Unannounced tests required by DOT or NRC regulations are conducted to deter substance abuse. Using a random number generator, covered employees are selected for testing. No other employee will be randomly tested.

#### Reasonable Suspicion Testing (Non-nuclear)

An employee may be required to report to a designated physician or health-care provider for drug and alcohol testing if management determines there is reasonable suspicion that the employee has violated the company Alcohol and Drug-free Workplace policy.

#### Reasonable Suspicion Testing (Nuclear)

Employees who work under NRC regulations are subject to different requirements. In general, an employee working under these regulations may be required to report to a designated physician or health-care provider for a fitness-for-duty evaluation if the person appears unfit for duty or if management determines there is reasonable suspicion that the employee has violated the company Alcohol and Drug-free Workplace policy. The fitness-for-duty evaluation may include drug and alcohol screening. Questions regarding the Nuclear policy should be directed to the Nuclear FFD manager.

#### Federally Required Post-accident Testing - DOT Gas Facility

When a DOT reportable gas facility accident has occurred, each DOT employee whose performance either contributed to, or cannot be entirely discounted as a contributing factor, shall be tested for drugs and alcohol. Alcohol testing shall occur as soon as possible, but no later than eight hours after the accident. Drug testing shall occur as soon as possible, but no later than 32 hours after the accident.

#### Federally Required Post-accident Testing – Commercial Motor Vehicle

When there has been a DOT reportable accident involving a commercial motor vehicle, a DOT driver shall be tested for drugs and alcohol. Alcohol testing shall occur as soon as possible, but no later than eight hours after the accident. Drug testing shall occur as soon as possible, but no later than 32 hours after the accident.

#### Return-to-Duty Testing

After engaging in conduct prohibited by the company's Alcohol and Drug-free Workplace policy, or as provided by federal regulation, the employee shall undergo a return-to-duty drug and/or alcohol test and may be required to enter into a return-to-work agreement.

#### Follow-up Testing

As part of a return-to-duty requirement, an employee completing a chemical-dependency or alcohol abuse treatment program will be subject to follow-up testing for up to two years, or as required by federal regulations.

#### Refusal to Permit Testing

Employees and job applicants have the right to refuse to submit to drug and alcohol testing or post-treatment drug monitoring. However, refusal, which includes an attempt to adulterate or substitute a urine sample, is considered a positive test result for the procedure(s) and subjects the applicant or employee to all prescribed consequences for such positive test. Xcel Energy and its subsidiaries will not hire applicants who refuse to comply with the company's pre-employment drug screening requirements.

**Inactive Applicant Status**

Job applicants, including contractors, with an inactive applicant status of 30 days or more will need to submit to a new drug screening conducted as part of the Xcel Energy authorized program or provide an acceptable alternate before being eligible to work at Xcel Energy.

**Voluntary Self-identification Program (Admission of alcohol and/or substance abuse problem) - DOT-regulated employees**

The company has established a Voluntary Self-identification Program for DOT-regulated employees in accordance with the U.S. Code of Federal Regulations (CFR) title 49 part §382.121 titled “Employee admission of alcohol and controlled-substances use.” Program details can be found by contacting the Drug-free Workplace staff.

**Non-Discrimination**

In accordance with the requirements of the Americans with Disabilities Act, the company does not discriminate against employees or applicants who are qualified individuals with a disability who are not currently engaged in use of illegal drugs and who do not otherwise violate the provisions of this policy, including but not limited to individuals who:

1. have successfully completed or who are currently participating in a supervised rehabilitation program and are no longer engaging in such use; or
2. have otherwise been rehabilitated successfully and are no longer engaging in such use.

**Policy Administrative Guidelines**

In general, an employee who violates the policy will be subject to disciplinary action, including termination. Employees testing positive (or refusing to submit to testing when required) for alcohol or controlled substances will be considered to have violated the policy. Alcohol screening results are considered positive at a level of .04 or higher for DOT and non-DOT employees. Testing for controlled substances will be reported as negative if the results are less than the following cutoff levels as set by the U.S. Department of Health and Human Services (DHHS):

	<b>Initial Test (ng/mL)*</b>	<b>Confirmatory Test (ng/mL)*</b>
Marijuana metabolites	50 ng/mL	15 ng/mL
Cocaine metabolite	150 ng/mL	100 ng/mL
Codeine/Morphine	2000 ng/mL	2000 ng/mL
Hydrocodone/Hydromorphone	300 ng/mL	100 ng/mL
Oxycodone/Oxymorphone	100 ng/mL	100 ng/mL
6-Acetylmorphine	10 ng/mL	10 ng/mL
Phencyclidine	25 ng/mL	25 ng/mL
Amphetamine/Methamphetamine	500 ng/mL	250 ng/mL
MDMA/MDA	500 ng/mL	250 ng/mL

\*Nanogram per milliliter

In addition, the presence of unauthorized controlled substances in amounts equal to or greater than the levels established in the DHHS guidelines is defined to be a violation of the Alcohol and Drug-free Workplace policy. These levels are based upon current regulatory standards applicable to utility operations. If state or federal standards change, such changes automatically become the standards of this policy. In cases where state and federal law conflict Xcel Energy will follow federal law. Marijuana is an “illegal drug” under federal law. The company prohibits the use of illegal drugs, and this prohibition applies to employees who use marijuana pursuant to any state or local law.

**On any confirmed positive alcohol or controlled substance drug test, an employee will be removed from duty and subject to company discipline and termination guidelines\*.**

**Additional consequences of a confirmed positive alcohol or controlled substance drug test may also include the employee being:**

- Made aware of resources available for resolving alcohol and drug use problems.
- Evaluated by a Substance Abuse Professional (SAP) for DOT employees.
- Evaluated by a Chemical Dependency Counselor (CDC) for non-DOT employees.
- Required to comply with treatment recommendations.
- Subject to follow-up testing for a period of two years or as required by federal regulations.
- Required to undergo a return-to-duty alcohol or drug test.
- Required to sign a back-to-work agreement.

\*Consult with Xcel Energy Workforce Relations or EEO and Employee Relations for appropriate discipline and termination guidelines.

### **Rights and Appeal Procedures**

Employees and job applicants have the right to refuse to submit to drug and alcohol testing or post-treatment drug monitoring. However, refusal is considered a positive test result for the procedure(s) refused and the applicant or employee will be subject to all prescribed requirements for such positive test.

### **Confirmed Positive**

All drug testing will be done by a laboratory approved by the DHHS, according to prescribed procedures to ensure validity and confidentiality.

An Evidentiary Breath Test (EBT) reading positive for alcohol equal to or greater than 0.04 percent is defined to be a violation of the Xcel Energy Alcohol and Drug-free Workplace policy.

### **Administrative Positive**

Job applicants, including contractors, who fail to provide a drug screening (drug test) conducted as part of the Xcel Energy authorized program will be declared an "Administrative Positive". These applicants will also be sent a correspondence informing them that they have been disqualified from employment at Xcel Energy for a period of six months from the date that such declaration was made or from the date that the security clearance was denied, whichever is greater. Such disqualification shall be removed after six months, and these applicants may then reapply without restriction.

Individuals wishing to contest the declaration must submit a written request to the Personnel Security consultants via U.S. mail or fax within five days of receipt of the letter at the address or fax number below:

Xcel Energy, Human Resources

**Attn:** Personnel Security

414 Nicollet Mall

Minneapolis, MN 55401

(FAX) 612-573-9307

Non-DOT employees may request a retest of the original sample at a DHHS-approved laboratory of their choice within five working days of test result notification.

DOT-covered applicants and employees may request, through the medical review process, a test of the split sample at DHHS-approved laboratory within 72 hours of test result notification. Employees and job applicants may be required to pay the cost of a retest. The results of the retest shall be final and binding on both the company and the individual.

### Definitions

<b>Applicant</b>	Person seeking work for or at Xcel Energy. NOTE: All applicants and contractors, whether applying for non-bargaining or bargaining-unit positions are subject to the same pre-employment testing requirements
<b>Inactive Applicant Status</b>	The time between the security clearance date and the start date
<b>Xcel Energy</b>	Xcel Energy Inc.'s subsidiaries and affiliates. The use of "we," "ours," or "the company" is synonymous with Xcel Energy

### References

Read and follow the [Alcohol & Drug Testing XpressNET web site](#).  
Read and follow the [Code of Conduct](#) and other [corporate policies](#).

### History of Revisions

Jan 23, 2018  
July 21, 2017  
February 9, 2015  
January 31, 2012  
June 28, 2010  
March 25, 2010  
August 27, 2009 – Executive Name Change  
January 12, 2009 – Reviewed Only  
February 25, 2008  
March 13, 2007 – Reviewed Only  
January 23, 2006  
June 1, 2004  
January 1, 2002 – Initial Issuance

### Approval

This policy was approved by Darla A. Figoli, senior vice president, Human Resources and Employee Services and Marvin E. McDaniel Jr., executive vice president, group president – Utilities and chief administrative officer.