

# 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

The Alcohol and Drug-Free Workplace Policy ("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 must 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. Possession does not include legal transport of alcohol in a company or personal vehicle provided the alcohol is not consumed in violation of this Policy.

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.

Leaders are responsible for ascertaining that employees under their supervision appear to be free of alcohol and illegal or unauthorized drugs and must report individuals who do not appear to be fit for duty. The Drug-free Workplace Hotline is available 24 hours a day, 365 days a year at 612-330-5515 or 800-328-8226, Option 8, EXT. 330-5515.

Employees are required to report to their leader any violation, or possible violation, of this Policy.

### Policy Highlights

- Leaders must report individuals who do not appear to be fit for duty.
- Employees are required to report to their leader any violation, or possible violation, of this 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.
- The Drug-Free Workplace Hotline is available at 612-330-5515 or 800-328-8226, Option 8, EXT. 330-5515.

### **Employees Subject to the Department of Transportation (DOT) Regulations**

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 holding a commercial driver's license and subject to the DOT controlled substances and alcohol testing requirements who violate the alcohol and/or controlled substances prohibitions under [49 C.F.R §40](#) or [49 C.F.R §382](#) at Xcel Energy, or any other employer must notify Xcel Energy in writing of such violation(s).

### **Medication**

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 must report the use of such medication to his/her leader. Management 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.

This Policy does not bar employees from the lawful use and possession of prescribed or over-the-counter medications except medicinal marijuana, which constitutes an illegal drug under this Policy.

Disability Solutions is also available for consultation regarding the effects of over-the-counter medications on job performance. Employees must report the use of over-the-counter medications which are likely to adversely affect job performance or workplace safety to Disability Solutions. Disability Solutions, in conjunction with the employee's leader, may temporarily restrict or modify work assignments accordingly.

The company encourages employees and their families to work with the company's Employee Assistance Program (EAP) to resolve substance-abuse concerns. 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.

### **Reporting Drug and Alcohol Convictions**

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.

### **Xcel Energy's Drug and Alcohol Testing Requirements**

#### **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 this 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 this 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 this 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 and subjects the applicant or employee to all prescribed consequences for such positive test. Xcel Energy 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 before being eligible to work at Xcel Energy.

**Voluntary Self-identification Program (Admission of an Alcohol and/or Substance Abuse Concern) - DOT- Regulated Employees**

The company has established a Voluntary Self-identification Program for DOT-regulated employees in accordance with [49 C.F.R §382.121](#) titled "Employee admission of alcohol and controlled-substances use." Please contact [dfwp@xcelenergy.com](mailto:dfwp@xcelenergy.com) for program details.

**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**

A positive test, or refusing to test when required, will be considered a violation of this 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

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 this 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.

### **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 this Policy.

### **Right to Refuse**

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.

### **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 Security Department via U.S. mail or email within five days of receipt of the letter using the address or email below:

**Xcel Energy**  
 Attn: Security Screening  
 414 Nicollet Mall  
 MEZZ  
 Minneapolis, MN 55401  
[securityscreening@xcelenergy.com](mailto:securityscreening@xcelenergy.com)

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.

### **Federal Motor Carrier Safety Administration (FMCSA) Drug & Alcohol Clearinghouse**

#### Full and Limited Queries of the FMCSA Drug and Alcohol Clearinghouse

Employees or applicants holding a commercial driver's license and subject to the FMSCA controlled substances and alcohol testing requirements in 49 C.F.R §82 must grant Xcel Energy consent to conduct a full and/or limited query of the FMCSA Drug and Alcohol Clearinghouse. The queries are required by law to ensure there is no prohibition on the person performing safety-sensitive functions, such as operating a CMV, due to a drug and alcohol program violation for which a driver has not successfully completed a Return-To-Duty (RTD) process or any other reason.

#### Reporting of prohibited conduct to the FMCSA Drug & Alcohol Clearinghouse

For employees holding a commercial driver's license and subject to the DOT controlled substances and alcohol testing requirements in 49 C.F.R §382, the following personal information collected and maintained under these requirements shall be reported by Xcel Energy to the FMSCA Drug & Alcohol Clearinghouse:

1. A verified positive, adulterated, or substituted drug test result;
2. An alcohol confirmation test with a concentration of 0.04 or higher;
3. A refusal to submit to any test required by FMSCA requirements.
4. An employer's report of actual knowledge of:
  - a. On duty alcohol use;
  - b. Pre-duty alcohol use;
  - c. Alcohol use following an accident; and
  - d. Controlled substance;
5. A substance abuse professional (SAP as defined by federal law) report of the successful completion of the return-to-duty process;
6. A negative return-to-duty test; and
7. An employer's report of completion of follow-up testing.

### **Consequences of Noncompliance**

Any employee, regardless of position or title, who violates any provision of this Policy, is subject to discipline, up to and including termination of employment. Contractor violations may result in removal of assignment at Xcel Energy.

### **Reporting and Protection from Retaliation**

We encourage individuals to speak up without fear of retaliation when they see or suspect policy violations. There are several [reporting options available](#). Retaliation is prohibited and will not be tolerated at Xcel Energy. Please refer to Xcel Energy's [Anti-Retaliation Policy \(9.23\)](#).

### **Definitions**

<b>Applicant</b>	Person seeking work for or at Xcel Energy. 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.



**Fit for Duty**

Unless otherwise specifically defined for a given area, fit for duty means being able to perform job duties completely free from the mental or physical influence of alcohol or drug use, including any after-effects of such use.

**Xcel Energy**

Xcel Energy Inc.'s subsidiaries and affiliates. The use of "we," "ours," or "the Company" is synonymous with Xcel Energy.

**References**

[Alcohol & Drug Testing XpressNET website](#)

[Code of Conduct](#)

**History of Revisions**

January 3, 2020

January 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 Figoli, Senior Vice President, Chief Human Resources Officer, and Judy Pofel, Chief Ethics & Compliance Officer.