**POLICY**

It is the goal of Gulf Power Company (the “Company”) to achieve and maintain a safe, drug and alcohol-free workplace.

This policy applies to all job applicants and all Company employees (including regular full-time, regular part-time, temporary full-time, temporary part-time, and student employees).

The manufacture, use, sale, purchase, transfer, distribution, possession or presence in one's system of any illegal drug by any person while on Company premises, or while operating Company owned or leased vehicles or equipment, or while performing work on Company facilities or equipment or while otherwise conducting Company business is prohibited.

The use of legal drugs in a manner, dosage or for a purpose other than for which they were prescribed or manufactured by any person while on Company premises, while operating Company owned or leased vehicles or equipment, while performing work on Company facilities or equipment or while otherwise conducting Company business is prohibited. The use of prescription drugs by anyone other than the person for whom they were prescribed is prohibited.

The unauthorized consumption of alcoholic beverages at work, including rest breaks and meal periods, is specifically prohibited. Reporting under the influence of alcohol is also prohibited.

Alcoholic beverages shall not be dispensed at a Company function without prior approval by the appropriate officer of the Company or their designee. If alcohol is served at a company function, all participants including the approving executive, will ensure it’s done in a responsible manner and in accordance with applicable laws and company policies.

Off-the-job illegal drug use is inconsistent with the goal of a safe workplace and as such is prohibited.

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| **DEFINITIONS**  For the purpose of administering this policy, the following definitions will be used:  **Abuse** means the use of any illegal drug, the use of legal drugs in a manner, dosage or for a purpose other than which it is prescribed or manufactured and the use of alcohol where prohibited by law and/or by Company policy and procedure.  **Alcohol** means ethyl alcohol or ethanol. References to the use of alcohol include use of a beverage, mixture or preparation (including any medication) containing alcohol.  **Designated Employer Representative (DER)** means an employee authorized to coordinate the drug testing process and receives test results and other communications for the Company.  **Illegal Drug** means any drug that either is not legally obtainable or is legally obtainable but has not been legally obtained. The term illegal drug also includes prescribed or manufactured drugs not being used in the manner, dosage or for the purpose for which they were manufactured or prescribed as well as any drug deemed illegal by any State or Federal Law (ex. Because marijuana is illegal under Federal law, marijuana use, including by reason of an otherwise valid prescription for medical marijuana under State law, is an illegal drug and thus prohibited under this policy.)  **Legal Drug** means prescribed drugs and over-the-counter drugs which have been legally obtained and are being used in the manner, dosage and for the purpose for which they were prescribed or manufactured.  **Medical Review Officer (MRO)** means a licensed physician designated by the Company as the professional responsible for receiving laboratory results of any drug or alcohol testing under this policy. The MRO will have knowledge of substance abuse disorders and have the appropriate medical training to interpret and evaluate an individual’s test results, medical history and any other relevant biomedical information.  **Positive Test means** a test which reveals the presence of Illegal Drugs and which has been verified as positive by an MRO or a test which reveals a Breath Alcohol Concentration (BAC) level of 0.04 or greater (>= 0.04).  **Safety Sensitive Job Function** means the critical performance of any task where the actions of an employee present a significant potential safety risk to the employee, fellow workers, or to the general public. Specifically, a job that involves switching, the operation/maintenance of motorized/rotating equipment (such as motor vehicles, forklifts, mobile cranes, machine tools, etc.), working the generation, transmission, or distribution control room boards, working in proximity of an energized circuit, hazardous chemicals, voltages, heights, extreme pressure or heat, or carrying a firearm issued or authorized by the Company.  **Substance** or **Substances** means legal drugs or illegal drugs.  **Substance Abuse Professional (SAP)** means a person recognized by U. S. Department of Transportation (DOT) Regulation 49 CFR Part 40 as being qualified to evaluate employees who have violated this policy and make recommendations concerning education, treatment, follow-up testing, and aftercare. SAPs must have certain credentials, possess specific knowledge, receive training, and achieve a passing score on an examination.  **Verified Presence of Alcohol** means a BAC of 0.02 g/dl or greater but less than 0.04 g/dl (>= 0.02 but < 0.04).  **Under the Influence** means a person with a verified presence of alcohol of 0.02 g/dl or greater or a positive drug test.  **USE OF PRESCRIPTION OR OVER-THE-COUNTER DRUGS**  Employees performing safety sensitive job functions who are taking prescribed medication (such as narcotics, stimulants, depressants, barbiturates, benzodiazepines, seizure medications, sleep aids, or muscle relaxants) or over-the-counter medication with reasonable potential for impairment of alertness, judgment, safety or other work performance must notify their supervisor. Before an employee taking such medicine can resume performing safety sensitive job duties (including driving on company business), supervision shall require the employee to provide a medical clearance from their physician before allowing the employee to return to normal job duties. The employee’s time will be charged to light duty or the employee will remain off work using available sick leave or vacation until the medical clearance is provided. If no paid leave is available, time off work will be at no pay. Working under the influence of drugs and/or alcohol that bear a warning of impairment without notifying supervision is a violation of Company policy. Violations are subject to disciplinary action up to and including termination.  **NON-PRESCRIPTION DRUGS AND SUPPLEMENTS**  Any substance used for the purpose of mimicking the effects of illegal substances or with the result of impairing mental faculties or motor skills, including, but not limited to synthetic marijuana, K-2, Spice, bath salts, Red Dawn, Blaze, or any legally obtainable substance such as hemp or hemp derivative while on company business will be subject to discipline, up to and including termination.  **THE TESTING PROGRAM**  Employees to be tested will provide specimens for urinalysis, breath analysis or other appropriate tests to identify the presence of drugs and/or alcohol. In all situations requiring testing under the DOT guidelines, drug and alcohol test specimens will be collected and processed in accordance with applicable regulations. Drug and alcohol tests are administered in the following circumstances:   1. **Pre-Employment:** Drug tests are administered post offer, pre-employment. Applicants must report for the test within 48 hours of notification of the conditional job offer. 2. **Reasonable Suspicion:** Specific observations concerning the appearance, behavior, speech or body odor of an employee may indicate that an employee has engaged in on-the-job drug/alcohol use or may be under the influence of a controlled substance, including alcohol. Supervisors should assess the situation to determine if the employee is exhibiting signs and symptoms warranting a reasonable suspicion test (Attachment A). In reasonable suspicion situations, the Company reserves the right to test for any drugs. 3. **Post Reportable Accident:** The Company will perform post-vehicle accident testing to meet the standards of DOT post-accident testing and Company standards.  * DOT requires drug and alcohol testing when a commercial motor vehicle is involved in a vehicular accident when (a) any fatality results from the accident; (b) a ticket is issued to the employee for a moving violation and any person involved in the accident requires medical treatment away from the scene of the accident; (c) a ticket is issued to the employee for a moving violation and any vehicle involved is towed from the scene of the accident. These tests will be considered DOT post-accident tests. * Additionally, the Company will conduct post-accident testing on any employee operating a motor vehicle on company business if the employee contributed to the accident (employee negligence or error cannot be ruled out) and the accident results in any of the following: 1) fatality, 2) any person involved requires medical treatment away from the scene, 3) any vehicle is towed away from the scene, 4) citation is issued to the employee related to the accident, 5) any instance where management deems appropriate, with consultation and coordination through Disability Management.  1. **Random Testing:** Employees holding a Commercial Driver’s License (CDL) and whose job requires such licensing will be tested in compliance with DOT regulations. All other regular full-time, regular part-time, temporary and co-op employees will be randomly tested for illegal drugs and for alcohol.      1. **DUI Arrest/Conviction**: Employees charged with driving under the influence (DUI) must test below 0.02g/dl and negative for drugs prior to returning to work. Employees convicted of DUI will also be subject to follow up testing. 2. **Follow-Up:**  Employees returning to duty following a positive drug test, off duty DUI, or an alcohol test with results of .04 g/dl or greater will be subject to periodic unannounced drug and alcohol testing for a period of at least 12 months. 3. **Extended Absence:** Employees returning to work from an absence of six months or more will be allowed to return to work when results of a negative drug test and alcohol test result of less than 0.02 g/dl are received. 4. **Work Related Injury:** An employee may be tested for drugs and alcohol if he/she is involved in or contributed to any work-related injury requiring medical treatment away from the scene, unless human error or negligence can be ruled out, with consultation and coordination through Disability Management. 5. **Executive Testing:** All Gulf Power Company employees grade level 10 and above, will be tested at least once each year. All such employees will also remain in the Company random selection pool and be subject to testing as described in “Random Testing”.   **CONSEQUENCES OF TEST RESULTS**  Applicants who test positive for a pre-employment drug screen will have his/her conditional offer withdrawn and will not be considered for employment for one year.  Employees tested in random testing, executive testing or the follow-up testing processes will return to work pending receipt of drug test results, unless the alcohol test result is 0.02g/dl or greater, in which case the employee will be off work without pay for not less than 24 hours.  Employees tested after a vehicle accident or after an injury at work may return to work pending receipt of test results unless management, in consultation with Disability Management, determines there is reason not to return the employee to work.  Employees tested due to reasonable suspicion of drug or alcohol use will remain off work until tests results are received.  Employees who are not permitted to return to work pending receipt of tests results will be paid straight time wages for scheduled hours not worked while awaiting approval to return to work provided the drug test result is negative and the alcohol test result is less than 0.02g/dl. Employees with a positive drug test result will receive no pay or use available vacation or banked holiday(s) for time missed from work.  Employees with an alcohol test result between 0.02g/dl and 0.04g/dl on more than one occasion will be subject to disciplinary action up to and including termination.  Employees with a positive drug test result or an alcohol test result of 0.04g/dl or greater are subject to disciplinary action up to and including termination.  An employee who violates this policy for the first time and who is not terminated will be placed at the third level of discipline as defined in the [Employee Discipline Policy](http://general-counsel-portal.southernco.com/teams/compliance/gulf/_layouts/WordViewer.aspx?id=%2Fteams%2Fcompliance%2Fgulf%2FGulfPolicy%2Fcps328%2Edocx&source=http%3A%2F%2Fgeneral%2Dcounsel%2Dportal%2Esouthernco%2Ecom%2Fteams%2Fcompliance%2Fgulf%2FGulfPolicy%2FForms%2FAllItems%2Easpx%3FPaged%3DTRUE%26p%5FSortBehavior%3D0%26p%5FID%3D32%26PageFirstRow%3D31%26%26View%3D%7B54624F9A%2DBF1B%2D4BB9%2D844B%2DEF1208C1D531%7D), and as a condition of continued employment, will be required to abide by the following conditions:   1. The employee may not return to work until released by a Substance Abuse Professional (SAP) and testing negative for drugs and less than 0.02 g/dl for alcohol. Time away from work due to waiting for an appointment with a SAP or waiting for test results will be unpaid. 2. The employee will be subject to periodic, unannounced drug and alcohol testing for a period of not less than 18 months following their return to work. 3. The employee must abide by all treatment recommendations from the Substance Abuse Professional.   **The following circumstances will result in immediate termination**:   1. A second confirmed positive test result during employment with the Company. 2. An initial confirmed positive drug or confirmed positive alcohol test while on active third level of discipline or during the initial 12 months of employment. 3. Any other violation of the Drug & Alcohol Testing procedures during the initial 12 months of employment. 4. The use, possession, distribution, manufacture, sale, purchase or transfer, of any Illegal Drug while on Company premises, while operating Company owned or leased vehicles or equipment or personal vehicles, while performing work on Company facilities or equipment or while otherwise conducting Company business. 5. Failure to cooperate with or attempting to delay or avoid providing a specimen for drug and/or alcohol testing. 6. Attempting to adulterate or substitute a drug or alcohol test or a confirmation of adulteration or substitution received from the Medical Review Officer (MRO). 7. Other active discipline that would elevate discipline to termination.   **SEARCHES**  The Company reserves the right to search any person, personal article, work area, vehicle or other item brought onto Company property for drugs or alcohol or related paraphernalia. Any employee who refuses to consent to a search will be discharged. Company property includes facilities used for on or off system restoration.  **EMPLOYEE ASSISTANCE PROGRAM (EAP)**  Gulf Power offers confidential assistance through the EAP to employees and their families for treatment of drug and/or alcohol abuse problems.  Where appropriate, management may inform employees of the Employee Assistance Program. However, management will not render personal opinions as to the employee’s possible disability, medical condition, or mental state.  Employees are encouraged to contact EAP before problems including drug and alcohol abuse lead to disciplinary action. Once a drug and/or alcohol problem is identified by management or when an employee is being sent for drug or alcohol testing, an employee’s request to submit to a drug and/or alcohol rehabilitation program shall not serve to waive the application of disciplinary action, including termination, deemed appropriate for the policy violation.  **RESPONSIBILITY**  Each Vice President is responsible for the proper implementation of this policy. It is the responsibility of the Human Resources Director to ensure these procedures are followed.  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  **President and Chief Executive Officer** |

**Attachment A**

**SUPERVISOR’S OBSERVATIONS**

**Section 1**

Employee Name:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Employee Job Title: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Division/Work Unit: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date of Observation: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Time: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ am / pm

Location: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Employee performing safety-sensitive duties? Yes No

**Section 2** Observations: Check ALL that apply

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| --- | --- | --- |
| **BEHAVIOR** | **APPEARANCE** | **SPEECH** |
| □Stumbling, unsteady gait | □flushed complexion | □slurred, thick |
| □drowsy, sleepy, lethargic | □sweating | □incoherent |
| □agitated, anxious, restless | □cold, clammy, sweats | □exaggerated enunciation |
| □hostile, withdrawn | □bloodshot eyes | □loud, boisterous |
| □unresponsive, distracted | □tearing, watery eyes | □rapid, pressured |
| □clumsy, uncoordinated | □dilated (large) pupils | □excessively talkative |
| □tremors, shakes | □constricted (pinpoint) pupils | □nonsensical, silly |
| □flu-like illness complaints | □unfocused, blank stare | □cursing, inappropriate speech |
| □suspicious, paranoid | □disheveled clothing | |
| □hyperactive, fidgety | □unkempt grooming | **BODY ODOR** |
| □frequent use of mints, mouthwash, breath sprays, eye drops  □inappropriate, uninhibited behavior | | □Alcohol  □marijuana |
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**Section 3**

The observations, are documented above, were made of the employee identified in Section 1.

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Supervisor’s Name (printed or typed) Signature Date

Additional Witness:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_

Witness Name (printed or typed) Signature Date

|  |  |
| --- | --- |
| **Section 4 Test Determination:** | |
| □Reasonable Suspicion Alcohol Breath Test | □No Test Conducted |
| □Reasonable Suspicion Drug Urine Test | □8 hours elapsed |
| □No Test Required | □No collection available |
| □Employee Refused Test | □Employee transported for medical care |
| Other (explain) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | |

ADDITIONAL NOTES:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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