



Drug and Alcohol Abuse Prevention and Testing Policy

Hierarchy Level: Policy	Document Type: Code	Page: 1 of 9
Owner: Senior Vice President – Human Resources	Applies to: Devon US	112838319
Revision Date: 1/1/2018	Review Cycle: Every 1 Year	Effective: 8/1/1999

1. Purpose

Devon recognizes that the widespread use of illegal drugs, the abuse of prescription and over the counter drugs, and the abuse of alcohol in today's society jeopardize the health, safety, and wellbeing of users, their co-workers, and the public. Devon's Drug and Alcohol Abuse Prevention and Testing Policy ("Policy") addresses these concerns.

DEVON'S GOAL IS TO MAINTAIN A DRUG AND ALCOHOL ABUSE-FREE WORKPLACE FOR ALL EMPLOYEES.

2. Applicability

Devon intends to fully comply with applicable laws in effect from time to time governing the drug and alcohol testing of Devon's employees and applicants.

This Policy prohibits the following activities on Devon Premises: the actual or attempted possession, consumption, use, transfer, solicitation, or sale of Illegal Drugs; the use of alcohol, except at commercial facilities located on Devon Premises that are licensed to serve alcohol or at approved special events; the abuse of alcohol; and the abuse of prescription or over-the-counter drugs. All non-DOT employees and applicants for employment with Devon for positions not regulated by DOT in the United States are subject to testing for drugs and alcohol pursuant to the procedures described in this Policy.

Employees and applicants who work on certain oil or gas pipelines or other facilities regulated by the United States Department of Transportation ("DOT") are subject to drug and alcohol testing under DOT regulations. Devon advises DOT employees of their status and the testing rules applicable to them. Also, the specific provisions and procedures for drug and alcohol tests for any employee or applicant may vary depending on the laws of the State in which the employee or applicant works.

3. Company Assistance/Exceptions

3.1 Employee Education and Assistance Program

3.1.1 **Employee Assistance Program.** Devon maintains an Employee Assistance Program ("EAP") as a resource for employees for help with all types of personal situations, including problems with Illegal Drug use and alcohol abuse. Devon encourages employees to seek treatment for substance abuse at any time through the EAP. Information about the EAP may be obtained from each employee's supervisor, from the Human Resources office in Oklahoma City, or by calling the confidential Helpline number posted at all worksites. Devon will not use an employee's decision to seek assistance as the basis for disciplinary action prior to a positive alcohol or drug test result or other violation of Devon's policies.



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4. Policy Statement

4.1 Prohibited Drug and Alcohol Use and Activities

- 4.1.1 **Illegal Drugs.** Devon prohibits employees from bringing Illegal Drugs (including Drug Paraphernalia) onto Devon Premises. Devon prohibits employees from being under the influence of, possessing (whether in their bodies, on their persons, or among their belongings), using, transferring, soliciting, selling or attempting to transfer, solicit, or sell Illegal Drugs while engaged in Devon's business, business travel, or at any time during work hours (including during lunch and other breaks).
- 4.1.2 **Alcohol.** Devon prohibits employees from consuming alcohol on Devon Premises, except at commercial facilities located on Devon Premises that are licensed to serve alcohol or at approved special events. Devon prohibits the inappropriate or immoderate use or abuse of alcohol at any time while engaged in Devon's business, including business travel. It is inappropriate for Devon employees to consume alcohol at any time during work hours (including during lunch and other breaks), except when engaging in business travel after normal business hours, and when attending business-related entertainment or social events. Devon prohibits the immoderate use or abuse of alcohol in all business-related situations. Further, employees who patronize commercial establishments located on Devon premises must conduct themselves appropriately at all times.
- 4.1.3 **Prescription and Over-The-Counter Drugs.** Devon prohibits employees from abusing prescription drugs and over-the-counter drugs on Devon Premises, while engaged in Devon's business, business travel, and at any time during work hours (including during lunch and other breaks). Possession or use of prescription drugs on Devon Premises requires that the prescription be current and in the employee's name. Possession or use of prescription drug samples requires that the employee possess a note from the physician providing the samples authorizing their use. "Abuse of prescription drugs or over-the-counter drugs" means possessing or taking medications that were prescribed for someone else, or using prescription drugs or over-the-counter drugs for a purpose other than for which they were prescribed or manufactured or in any way other than in accordance with the prescribing physician's instructions or recommended dosages.



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Employees are expected to consult with their physician or other medical professional regarding the effect of medications prescribed for them, and to consult a pharmacist regarding any warnings for over-the-counter drugs that could cause impairment. When taking a prescription medication or over-the-counter drug that could affect the employee's normal mental and physical state or interfere with work, such as operating vehicles, machinery, or equipment, the employee must inform their immediate supervisor so the supervisor may consider the need for and feasibility of a reasonable accommodation that allows the employee to continue job performance without endangering the health or safety of the employee or others.

- 4.1.4 **Notice to Devon of Driving Violations and Restrictions.** Any employee who drives a motor vehicle to any extent in connection with their job duties must: (1) notify their supervisor immediately if the employee is charged with driving while intoxicated or under the influence of Illegal Drugs or alcohol, regardless of whether such incident occurs on or off the job; and (2) notify their supervisor before the end of the business day such information is known if the employee's license, permit or privilege to operate a motor vehicle is restricted, revoked, suspended, or withdrawn. Failure to report any such event may result in disciplinary action up to and including termination from employment.
- 4.1.5 **Notice to Devon of Drug-Related Convictions.** Any employee who is charged with, convicted of, or pleads guilty or no contest to criminal offenses committed on Devon Premises or during the conduct of Devon's business, including business travel, that involve the manufacture, use, possession, sale or transfer of Illegal Drugs, or the illegal use or transfer of prescription drugs shall report that information to their supervisor before the end of the business day such information is known. Failure to report any such event may result in disciplinary action up to and including termination from employment.
- 4.1.6 **Contractor Drug and Alcohol Testing.** Any employee who observes a Devon contractor or other non-employee under the influence of Illegal Drugs or alcohol on Devon Premises shall contact Devon Corporate Security or the Devon Vice President responsible for oversight of the contractor or non-employee.

4.2 Drug and Alcohol Tests

4.2.1 **Reasons for Testing.** Devon will require a Devon employee or applicant for employment with Devon to submit to drug and alcohol testing under the following circumstances:

- **Pre-Employment Testing.** Devon requires all applicants who have been given a conditional offer of employment to submit to drug and alcohol testing. A negative test result is a prerequisite for employment.
- **For Cause Testing.** If Devon reasonably believes that an employee may be under the influence of drugs or alcohol, Devon may require the employee to submit to drug or



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alcohol testing. Circumstances that establish the basis “for cause” testing may include, but are not limited to:

- Drugs or alcohol on or about the employee’s person or in employee’s vicinity;
 - Conduct on the employee’s part that suggests impairment or influence of drugs or alcohol;
 - A report of drug or alcohol use while at work or on duty;
 - Information that an employee has tampered with drug or alcohol testing at any time;
 - Negative performance patterns; or
 - Excessive or unexplained absenteeism or tardiness.
- **Post-Accident Testing.** If an employee is involved in or engages in conduct which results in a work-related injury or causes damage to Devon’s property, including vehicles, machinery, equipment, or buildings, Devon may require the employee to submit to drug or alcohol testing.
 - **Random Testing.** From time to time, Devon may require employees to submit to unannounced drug and alcohol testing. Devon will randomly select employees for such testing, and will establish the frequency of random testing and the percentage of employees who will be selected. All employees are subject to random testing under this Policy. Multiple testing pools exist for DOT and Non-DOT employees. All employees within a particular pool will be eligible for every random test of that pool, regardless of whether or not they have previously been selected for random testing.
 - **Post Rehabilitation Testing.** Devon may offer employees who test positive for drugs or alcohol the opportunity to successfully complete a drug and alcohol rehabilitation program in lieu of termination from employment. In such event, Devon may ask the employee to undergo individual, unannounced drug and alcohol testing, from time to time, for a period of up to two (2) years commencing with the employee’s return to work, following participation in a drug or alcohol dependency treatment program.
 - **Scheduled Periodic Testing.** Employees may be required to submit to, drug and alcohol testing as a routine part of a scheduled fitness for duty medical examination. Devon also reserves the right to amend this policy to require employees to submit to drug and alcohol testing on a routinely and regularly scheduled basis.



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4.2.2 **Refusal to be Tested.** Any employee who refuses to submit to Devon's request for drug and alcohol testing or who refuses to complete the required forms will be subject to disciplinary action up to and including termination from employment with Devon. Any applicant for employment who refuses to submit to drug and alcohol testing or who refuses to complete the required forms will be ineligible for employment.

4.2.3 **Adulteration of Samples.** Devon prohibits the actual or attempted addition of Adulterants to drug and alcohol testing samples. Actual or attempted use of Adulterants constitutes a refusal to be tested and will subject the employee to disciplinary action up to and including termination from employment. If Adulterants are found in an employee's sample, that employee's lab result will be reported as positive. Providing a sample that contains confirmed evidence of Adulterants or any form of tampering or substitution will subject the employee to disciplinary action, up to and including termination from employment.

4.3 Procedures for Drug and Alcohol Testing

4.3.1 **Cost of Testing.** Devon pays the full cost of administering and analyzing employee and applicant drug and alcohol tests. Except for pre-employment testing, the employee's time spent complying with drug or alcohol tests required by Devon shall be deemed work time for purposes of compensation and benefits. Devon pays transportation costs if the testing of an employee is conducted at a place other than the employee's workplace. If after Devon completes its testing, an applicant or employee whose confirmation test result is positive wants their sample retested, they may request a retest of the same sample at the employee or applicant's own expense. If the retest results are negative, Devon will reimburse the employee or applicant for the cost of the retest.

4.3.2 **Collection and Testing Facilities.** All collection and testing will be done in compliance with reasonable industry standards by companies licensed for such purposes (or, where applicable, that are approved under other applicable laws and regulations).

4.3.3 **Initial and Confirmation Tests.** If a sample initially tests positive for alcohol or drugs, the result will be considered inconclusive, and the test result will be confirmed by a second test of the initial sample. If the second confirmation test of the sample is also positive, the testing facility will send the result to the Medical Review Officer ("MRO") for review and implementation of the procedures for obtaining an explanation from the person tested. However, in the event a saliva test is administered to an employee, and the sample initially tests positive for alcohol or drugs, the result will be considered inconclusive, and a second, mutually exclusive test will be conducted at a testing facility. The testing facility will send the sample of the second, mutually exclusive test result to the MRO for review and implementation of the procedures for obtaining an explanation from the person tested.



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- 4.3.4 **Alcohol Testing.** Initial and confirmation tests for alcohol may be performed using any type of sample from which a measurement of alcohol content in the person's body can be made, including without limitation, breath, saliva, blood, or urine samples. A test for alcohol is confirmed positive if the sample contains 0.02% alcohol.
- 4.3.5 **Drug Testing.** Initial and confirmation tests for drugs may be conducted using any type of sample from which a measurement of the presence or content of drugs in the person's body can be made, including without limitation, breath, saliva, blood or urine samples. Samples may be screened for any Illegal Drugs and their metabolites. The initial and confirmed positive levels will be the same as those prescribed in DOT regulations, unless the applicable laws or regulations of another State require the use of lower levels. Devon reserves the right to test for other drugs in the future; however, employees will be given at least 10 days advance notice of any such additions.
- 4.3.6 **Medical Review Officer.** Any person who receives a positive drug or alcohol test result will be given an opportunity to offer an explanation, in confidence, to the MRO. If the MRO concludes that there is an explanation for the positive drug or alcohol test result, other than conduct that violates this Policy (such as the proper use of a drug as prescribed by the person's physician), the test result will be reported to Devon as "negative." If, however, the MRO concludes there is no such medically legitimate explanation for the test result, Devon will be advised that the person's test result was positive.
- 4.3.7 **Privacy of Collection; Tampering with Samples.** All samples will be collected in a manner designed to protect, to the fullest extent possible, the individual privacy of employees and applicants. However, if there is a reasonable suspicion that an employee or applicant has tampered with, adulterated, or attempted to substitute a sample, Devon will employ preventive measures at its discretion.
- 4.3.8 **Confidential Records.** Devon's Senior Vice President of Human Resources (or that officer's designee) and the MRO shall maintain all drug and alcohol test results and related information as confidential records, separate from other personnel records of employees and applicants. Devon may release this information only to the employee or the applicant, the MRO, representatives of Devon's Human Resources Department, and appropriate managers on a "need to know" basis or in response to a subpoena, court order, or request otherwise in compliance with applicable federal and state privacy laws. Upon written request to Devon's Human Resources Department, Devon will provide an employee or applicant access to their own testing documentation for inspection and copying.

4.4 Searches and Inspections

To promote the purposes of this Policy, Devon may at any time conduct unannounced searches and inspections of Devon Premises or of any person and personal property located on or in Devon Premises,



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including without limitation, through the use of scent-trained animals and physical searches. Items that may be searched include without limitation, the following: wallets, purses, clothing, bags, briefcases, lockers, offices, desks, vehicles, and tool boxes. Any employee who fails to comply with a search request may be subject to disciplinary action up to and including termination from employment. Non-employees who refuse to comply with a search request will be escorted from the location and will not be allowed to return without written authorization from Devon management.

5. Consequences of Violation of Policy

5.1 Consequences of Failure to Comply with this Policy

- 5.1.1 **Applicants.** Any applicant who has been made a conditional offer of employment and who refuses to undergo drug and alcohol testing or has a confirmed positive result shall be ineligible for employment with Devon for at least two years and then only upon the prior written approval of Human Resources as a reasonable accommodation in compliance with the Americans with Disabilities Act.
- 5.1.2 **Employees.** Any employee who violates any portion of this Policy is subject to disciplinary action up to and including termination from employment, even for the first offense; provided however, that Devon may, in its discretion, suspend disciplinary action or impose discipline less than termination upon the condition that the employee successfully completes a program of rehabilitation or treatment through the Employee Assistance Program (described in the next section). In connection with such rehabilitation or treatment and as a condition of continued employment, Devon shall have the right to ask the employee to sign a contract promising to continue treatment, to submit to unannounced drug and alcohol testing, and to comply with other restrictions or requirements established by Devon. During rehabilitation or treatment, Devon may establish additional conditions for continuation of employment. Any employee who refuses or fails to complete a rehabilitation or treatment program will be subject to termination from employment. Further, an employee is subject to disciplinary action if he or she fails to meet the standards of job performance established for his or her position, even if the lack of performance is due to use or abuse of alcohol or drugs. Any employee who has a second positive test for Illegal Drugs or alcohol will be terminated.

6. Other Considerations

This Policy will be reviewed annually by the Policy Owner.



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7. Definitions

Adulterants Any substance introduced or activity performed to a drug and alcohol test sample to alter or affect the results of a drug and alcohol test

Devon Devon Energy Corporation and its direct or indirect wholly-owned subsidiaries.

Devon Premises Any building, facility, pipeline, equipment, property, or location owned, rented, leased, or controlled by Devon or to which Devon has access and any other premises where Devon assigns its employees or to which employees travel as part of their employment with Devon, including without limitation, Devon owned, leased, or rented vehicles and personal vehicles while used for Devon business

DOT United States Department of Transportation

DOT employee(s) An applicant or employee covered by DOT drug testing regulations

Drug Paraphernalia Equipment, product, material, or any other thing used, intended for use, or designed for use with Illegal Drugs or any controlled substance. Drug Paraphernalia includes equipment, product, material, or any other thing used to conceal Illegal Drugs or any controlled substance.

EAP Devon's Employee Assistance Program

Illegal Drug(s) Any form of any drug that (a) is not legally obtainable; (b) may be legally obtainable but is illegally obtained; (c) is used in a manner or for a purpose other than as prescribed by a licensed physician; or (d) is used or possessed in violation of this Policy. Samples of prescription drugs are Illegal Drugs under this Policy unless accompanied by a note from the physician providing the samples. Further, drugs, chemicals, or other products inhaled to induce drug like affects, commonly called inhalants, are Illegal Drugs under this Policy.

MRO Devon's Medical Review Officer



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Non-DOT employee(s) An employee not covered by DOT drug testing regulations

Policy This Devon Drug and Alcohol Abuse Prevention and Testing Policy

EXCEPT IN THOSE STATES WHERE ADDITIONAL NOTICE IS REQUIRED BY APPLICABLE LAW OR REGULATIONS, THESE RULES AND PROCEDURES ARE EFFECTIVE IMMEDIATELY UPON DISTRIBUTION TO EMPLOYEES AND MAY BE MODIFIED BY DEVON WITHOUT NOTICE AT ANY TIME.