



# Drug and Alcohol Abuse Prevention and Testing Policy

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<b>Owner:</b> Executive Vice President – Human Resources and Administration	<b>Applies to:</b> All Devon	<b>Doc. ID:</b> 112838319
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## 1 Purpose

Devon is committed to providing a safe and healthy work environment for employees and contractors. An employee's use of alcohol, Illegal Drugs, Prescription Drugs, Medical Marijuana, or over-the-counter drugs in violation of this Policy may jeopardize the health, safety, and wellbeing of employees, contingent workers, and the public, as well as the integrity of Devon's facilities and equipment. Devon's Drug and Alcohol Abuse Prevention and Testing Policy ("Policy") addresses these concerns.

**Devon maintains a drug and alcohol-free workplace to promote employee safety and provide a working environment that allows all employees to contribute to their fullest abilities.**

## 2 Applicability

This Policy applies to all employees of Devon and all applicants for employment at Devon.

## 3 Company Assistance/Exceptions

### 3.1 Guidance on Policy

The Executive Vice President - Human Resources and Administration is the Owner of this Policy and is responsible for overseeing the implementation of, and providing general guidance on, the Policy.

### 3.2 Employee Education and 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 drug and alcohol abuse. Devon encourages employees to seek treatment for substance abuse through the EAP at any time. Information about the EAP may be obtained from Human Resources or by calling the confidential Devon Helpline number posted at all worksites. An employee's decision to seek assistance from the EAP, if made prior to a positive alcohol or drug test result or other Policy violation, will not be the basis for disciplinary action.

## 4 Policy Statement

### 4.1 Prohibitions on Drugs, Medical Marijuana, and Alcohol

This Policy expressly prohibits the following activities on Devon Premises: the actual or attempted possession, consumption, use, transfer, solicitation, or sale of Illegal Drugs or Medical Marijuana; the use of alcohol, except, as permitted by this Policy, at commercial facilities located on Devon Premises that are licensed to serve alcohol or at approved special events; the misuse of alcohol; and the misuse of Prescription Drugs, Medical Marijuana, or over-the-counter drugs.

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## 4.1.1 Illegal Drugs and Medical Marijuana

Devon expressly prohibits employees from bringing Illegal Drugs (including Drug Paraphernalia) or Medical Marijuana 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 (including Drug Paraphernalia) or Medical Marijuana while engaged in Devon's business, including business travel, or at any time during work hours (including during lunch and other breaks). Possessing a Medical Marijuana license or card of any kind will not be relevant or applicable if an employee working in a Safety-Sensitive Position tests positive. For the avoidance of doubt, a confirmed positive drug test by a Safety-Sensitive employee will result in termination of employment.

Employees are expected to consult with their physician or other medical professional regarding the side effects of Medical Marijuana that could cause impairment. Devon does not discriminate against employees who possess a medical marijuana license or card. However, Devon is not obligated to permit or accommodate the use of medical marijuana on Devon Premises or while engaged in Devon's business.

## 4.1.2 Alcohol

Devon expressly 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 or 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 expressly prohibits employees from abusing Prescription Drugs and over-the-counter drugs on Devon Premises, while engaged in Devon's business, including 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 Prescription Drugs and to consult a pharmacist regarding any side effects of over-the-counter drugs that could cause impairment. Employees taking a Prescription Drug or over-the-counter drug that could adversely affect the employee's normal mental and physical state or interfere with work, such as the operation of vehicles, machinery, or equipment, must inform their immediate supervisor so the supervisor, Legal, and Human Resources may consider the need for and feasibility of a reasonable accommodation that allows the employee to continue performing their job responsibilities 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 operates a motor vehicle to any extent in connection with performing their job responsibilities must: (1) notify their supervisor immediately if the employee is charged with driving while intoxicated or under the influence of Illegal Drugs, Medical Marijuana, 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, if 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 with Devon.

#### 4.1.5 Notice to Devon of Drug/Alcohol-Related Charges and 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 performance of Devon's business, including business travel, that involves the manufacture, use, possession, sale or transfer of Illegal Drugs or Medical Marijuana, or the illegal use or transfer of Prescription Drugs, shall report that information to their supervisor before the end of the business day if such information is known. Employees convicted of violating any criminal drug statute must inform Devon of such conviction within five (5) days of the conviction date. Failure to report any such event may result in disciplinary action, up to and including termination from employment with Devon.

#### 4.1.6 Reporting Contractor Drug and Alcohol Use

Any employee who observes a Devon contractor or other non-employee under the influence of Illegal Drugs, Medical Marijuana, or alcohol on Devon Premises is obligated to contact Devon Corporate Security. As a reminder, the Code of Business Conduct and Ethics requires employees to report any violations of this Policy by co-workers.

## 4.2 Drug and Alcohol Tests

Non-DOT Employees and applicants for employment are subject to testing for drugs and alcohol pursuant to the procedures described in this Policy. DOT Employees are subject to drug and alcohol testing under DOT regulations. Devon advises DOT Employees of their status and the testing rules

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applicable to them. 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. Devon intends to comply with all applicable laws in effect governing the drug and alcohol testing of employees and applicants.

#### 4.2.1 Reasons for Testing

Devon will require a Devon employee or applicant for employment to submit to drug and alcohol testing under the circumstances set forth below.

##### 4.2.1.1 Pre-Employment or Transfer/Reassignment 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 non-discretionary prerequisite for employment. Devon may also require an employee who transfers to a different position or job, or who is reassigned to a different position or job, to undergo drug and alcohol testing.

##### 4.2.1.2 For-Cause Testing

If Devon reasonably believes an employee may be under the influence of drugs or alcohol, Devon may require the employee to submit to drug or alcohol testing. Circumstances that establish the basis of 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.

##### 4.2.1.3 Post-Accident Testing

If an employee is involved in or engages in conduct which results in a work-related injury or causes damage to property, including vehicles, machinery, equipment, or buildings, Devon may require the employee to submit to drug or alcohol testing.

##### 4.2.1.4 Random Testing

From time to time, Devon may require employees in Safety-Sensitive Positions 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 selected. Multiple testing pools may exist for employees in Safety-Sensitive Positions. All employees within a particular pool will be eligible for every random test of that pool, regardless of whether they have previously been selected for random testing.

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#### 4.2.1.5 Post-Rehabilitation Testing

Devon may offer employees who test positive for drugs or alcohol the opportunity to successfully complete a drug and alcohol rehabilitation or treatment program in lieu of termination from employment. Following participation in a drug or alcohol rehabilitation or treatment program, 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.

#### 4.2.1.6 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.

#### 4.2.2 Refusal To Be Tested

Any employee who refuses to submit to Devon's drug and alcohol testing or 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 refuses to complete the required forms will be ineligible for employment.

#### 4.2.3 Adulteration of Samples

Devon expressly 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 with Devon. 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 with Devon.

### 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.

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## 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, are approved under other applicable laws and regulations). Preliminary collection and testing, such as saliva tests, may be performed on Devon Premises by Devon personnel. However, final testing will be performed at qualified testing facilities.

## 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 their Medical Review Officer ("MRO") for review and implementation of the procedures for obtaining an explanation from the person tested. 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 confirmation test result to the MRO for review and implementation of the procedures for obtaining an explanation from the person tested.

## 4.3.4 Alcohol Testing

Initial and confirmation tests for alcohol may be performed using any type of sample allowed by law from which a measurement of alcohol content in the person's body can be made, including without limitation, breath, saliva, blood, hair, 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 allowed by law 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, hair, or urine samples. Samples may be screened for any Illegal Drugs, their metabolites, or Medical Marijuana. 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 additional drugs in the future; however, employees will be given at least ten (10) days advance notice of any such additions.

## 4.3.6 Opportunity to Explain Results

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 there is an explanation for the positive drug or alcohol test result, other than conduct that violates this Policy (such as the improper use of a

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Prescription Drug), the test result will be reported to Devon as negative test result. If 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 an employee or applicant has tampered with, adulterated, or attempted to substitute a sample, Devon will employ preventive measures at its sole 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, 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 toolboxes. Any employee who fails to comply with a search request may be subject to disciplinary action, up to and including termination from employment with Devon. 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 Applicants

Any applicant who has been made a conditional offer of employment and refuses to undergo drug and alcohol testing or has a confirmed positive result will 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.

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## 5.2 Employees

Any employee who violates any portion of this Policy is subject to disciplinary action, up to and including termination from employment with Devon, even for the first offense; provided, however, that Devon may, in its sole discretion, suspend disciplinary action or impose discipline less than termination upon the condition that the employee successfully completes a rehabilitation or treatment program through the Employee Assistance Program. In connection with such rehabilitation or treatment program and as a condition of continued employment, Devon may ask the employee to sign a contract promising to continue rehabilitation or treatment, to submit to unannounced drug and alcohol testing, and to comply with other reasonable 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.

## 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 each of 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.

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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 or to conceal Illegal Drugs, Medical Marijuana, or any controlled substance.
EAP	Devon's Employee Assistance Program.
Illegal Drug(s)	Any form of any drug that: (1) is not legally obtainable; (2) may be legally obtainable but is illegally obtained; (3) is used in a manner or for a purpose other than as prescribed by a licensed physician; or (4) is used or possessed in violation of this Policy. Prescription Drug samples 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 effects, commonly called inhalants, are Illegal Drugs under this Policy.
Medical Marijuana	Marijuana that is grown, processed, dispensed, tested, possessed, and used for a medical purpose and in compliance with applicable state law.
MRO	Medical Review Officer.
Non-DOT Employee(s)	An employee not covered by DOT drug testing regulations.
Prescription Drug	A pharmaceutical drug that legally requires a medical prescription to be dispensed. A Prescription Drug does not include Medical Marijuana.
Policy	Devon's Drug and Alcohol Abuse Prevention and Testing Policy.

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Safety- Sensitive  
Positions

Any position that includes tasks or duties that Devon reasonably believes could affect the safety and health of the employees performing the task or others including, but not limited to: (a) the operation of a motor vehicle, aircraft, or other vehicle, equipment, machinery or power tools; (b) repairing or maintaining aircraft, equipment or machinery, the malfunction or disruption of which could result in injury or property damage; (c) the performance of Security Professional job duties; (d) the execution, compression, processing, manufacturing, handling, packaging, storage, disposal, treatment, or transport of potentially volatile, flammable, combustible materials, elements, chemicals, or any other highly regulated component; and (e) the handling, packaging, processing, storage, disposal, or transport of hazardous materials.

HR maintains a list of positions designated as Safety-Sensitive. Devon will notify employees who hold a Safety-Sensitive Position. It is in Devon’s sole discretion to determine whether a position is a Safety-Sensitive Position.

**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.**

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