



Drug and Alcohol

Effective Date: 9/24/2020

Sponsoring Organization: Employee Relations

Policy

Portland General Electric (PGE or company) prohibits the use, possession, distribution, or sale of all drugs that are illegal under state or federal law (illegal drugs), or the use of alcohol, on company premises or while engaged in company business. In addition, reporting for work under the influence of alcohol, illegal drugs, or any other substance that impairs job performance or poses a hazard to the safety or welfare of the employee or others is prohibited. Finally, the following actions are also prohibited: use of prescription medications not prescribed for the employee by the employee's health care provider; use of prescription or over-the counter (OTC) medications in a manner different from that prescribed by the employee's health care provider, or different from their intended use; or selling or distributing prescription medications to others.

Consumption of alcohol at the following types of company-sponsored events may be permitted, but only with written pre-approval:

1. Company-sponsored events in Two World Trade Center where alcohol is served by Salmon Springs Hospitality.
2. Company-sponsored events held off company premises, including virtual events held via Teams or using company assets such as PGE-issued laptops or the PGE network, provided all attendees are off company premises.

For more information on serving and consuming alcohol at company-sponsored events, including the pre-approval process, refer to the PGE Guidelines for Serving and Consuming Alcohol at Company-Sponsored Events.

Exceptions to this policy (such as for alcohol served at a company-sponsored event at a PGE location) must be pre-approved as documented by a signed Policy Waiver Request Form.

Definitions

For the purposes of this policy, the following definitions apply:

Alcohol: The intoxicating agent in beverage alcohol, ethyl alcohol, or other low-molecular-weight alcohol, including methyl or isopropyl alcohol.

Alcohol Use: The consumption of any beverage, mixture, or preparation, including any medications, containing alcohol.

Company Time: Any time an employee is actively working for the company, including but not limited to working on company premises, attending workshops/seminars, business trips, travel time, meal periods, and breaks, if within normal working hours.

Confirmed Test: A positive drug or alcohol test that has undergone an initial "screening" test and a second test that validates the first result. Drug test results are confirmed by the U.S. Dept. of Health and Human Services-certified laboratory that performs the analysis.

Controlled Substance: Drugs and other substances that are either included in the schedules contained in the Controlled Substances Act (specifically 21 U.S.C. §812), or meet the U.S. Department of Transportation (DOT) definition found in 49 Code of Federal Regulations (CFR) §382.107 and §40.85.

Covered Functions: Work performed on a pipeline or liquefied natural gas facility that is an operations, maintenance, or emergency response function.



Designated Employer Representative (DER): An employee authorized by PGE to take immediate action(s) to remove employees from either safety-sensitive functions or covered functions, and to make required decisions in the drug and alcohol testing and evaluation processes. The DER also receives drug and alcohol test results and other communications for PGE, consistent with the requirements of 49 CFR Part 40.

Dilute specimen: A urine specimen with creatinine and specific gravity values that are lower than expected for human urine.

Drug: Any chemical substance that produces physical, mental, emotional or behavioral change in the user.

Drug and Alcohol Program Administrator (DAPA): The employee designated by PGE to answer questions of employees who hold a commercial drivers license (CDL) as part of their jobs at PGE about the educational materials that are provided to those employees consistent with the requirements of 49 CFR §382.601.

Employee Assistance Program (EAP) Professional: An individual with relevant professional training who is a licensed/certified counselor under contract with PGE, who provides EAP services company wide. The licensed/certified counselor provides a variety of work/life services, including counseling.

FMCSA: Federal Motor Carrier Safety Administration

Illegal Drugs: Drugs that are illegal under state or federal law.

Medical Review Officer (MRO): A licensed physician who is responsible for receiving and reviewing laboratory results generated by PGE's drug testing program and evaluating medical explanations for certain drug test results.

PHMSA: Pipeline and Hazardous Materials Safety Administration

Positive Alcohol Test: A breath, blood, or saliva test result that indicates the presence of alcohol at an alcohol concentration of 0.02 or higher. A positive initial saliva or breath alcohol test is confirmed by a second test following a waiting period.

Positive Drug Test: A urine, blood, breath, or saliva test result that indicates the presence of a controlled substance in an employee's body beyond the cut-off levels specified by the U.S. Department of Health and Human Services.

Safety-Sensitive Functions: Applies to commercial drivers and includes all time from the time a driver begins to work, or is required to be in readiness to work, until the time the driver is relieved from work and all responsibilities for performing work. (See 49 CFR §382.107 for a list of the functions included in the definition of safety-sensitive functions.)

Substance Abuse Professional (SAP): An evaluator certified by the DOT to conduct drug and alcohol examinations when a positive test occurs under DOT regulations.

Under the Influence: An employee is "under the influence" if there is evidence of alcohol or drugs in their breath, blood, urine, or saliva, or if mental or physical abilities are impaired to any noticeable degree due to the presence of alcohol or drugs in the employee's body.



Verified Test: A confirmed positive drug test that has been investigated by the MRO, who has determined that no legitimate explanation exists for the presence of the controlled substance that was detected.

Practice

PGE is committed to providing a workplace free of the effects of alcohol and illegal drugs. All employees are expected to be free of alcohol, illegal drugs, or any other substance that may impair their job performance or pose a safety risk, while they are on company time.

In addition to this policy, employees who perform safety-sensitive functions under FMCSA regulations, or covered functions under PHMSA regulations, are subject to drug and alcohol programs mandated by the DOT. As part of PGE's compliance with the DOT programs, we have a DER who performs the functions outlined in the "Definitions" section above. Employees and management who are covered under the DOT's FMCSA and PHMSA programs receive training according to the requirements of each program.

Prescription and OTC Medications

Employees must notify their supervisors when they take prescription or OTC medications that may affect their job performance or their ability to work safely. Upon receiving information from an employee or other credible third party that an employee's prescribed or OTC medication may pose a safety risk in the workplace, the company may require confirmation from the employee's healthcare provider that the employee is able to work safely.

Marijuana

PGE operates in accordance with the Federal Drug Free Workplace Act and DOT regulations, which classify marijuana as a controlled substance. As a result, PGE considers marijuana to be an illegal drug under this policy, so employees may not smoke or consume marijuana or marijuana products while on company time. In addition, any employee who tests positive for marijuana, regardless of when or where the marijuana or marijuana products were smoked or consumed, will be considered to have a positive drug test and will be subject to the disciplinary actions outlined in this policy, even if the employee has a medical marijuana permit/card, or is not subject to the DOT program.

Detection

The company may use drug and alcohol detection techniques when management receives a report that an employee may have violated this policy, reasonably believes that an employee has violated the policy, or observes behaviors that have a reasonable likelihood of being related to the use of alcohol or illegal drugs. These techniques include, but are not limited to:

- Substance abuse evaluation coordinated by an EAP professional.
- Laboratory drug testing.
- Breath analyzer used in compliance with legally mandated testing programs or with employee consent.
- Laboratory testing of blood when breath analyzer testing is not readily available.
- Searching PGE property (e.g., desks, work areas, lockers, vehicles, toolboxes, etc.).
- Searching employees and their possessions (e.g., briefcases, purses, lunch boxes, packages, personal vehicles, etc.) on PGE property if drug or alcohol possession is suspected. Such



searches will not be conducted without the employee's consent (unless the employee's health or safety, or the health or safety of others, appears to be in immediate danger), or without the employee being present if the search is of the employee's possessions. Represented employees have the right to have a union representative present at the time of the search, if requested. At the company's discretion, non-represented employees may have a member of PGE management witness the search of the employee or the employee's possessions.

Drug and Alcohol Testing

PGE will conduct drug and/or alcohol testing as described in this section, and will pay for all testing the company requests and for testing required under DOT and company policy.

PGE complies with all applicable federal and state drug and alcohol testing regulations, including FMCSA (49 CFR parts 40 and 382) and PHMSA (49 CFR part 199) for employees who are covered by the DOT-mandated programs. Unless otherwise specified, PGE also follows DOT testing guidelines for employees who are not covered by the DOT regulations, even if those employees are not subject to the authority of the DOT. PGE uses service providers for drug and alcohol testing who follow DOT testing guidelines for both DOT-covered and non-DOT-covered tests.

- **Pre-employment testing** is required for all applicants to whom a conditional offer of employment has been made.
- **Pursuant to DOT regulations**, employees in positions requiring a commercial driver's license who perform safety-sensitive functions are tested in accordance with the DOT FMCSA program (49 CFR Parts 40 and 382). Employees who perform a covered function on a gas pipeline are tested in accordance with the DOT PHMSA program (49 CFR Parts 40, 191, 192 and 199). See the Pipeline Anti-Drug Plan and Pipeline Alcohol Misuse Prevention Plan.
- **Follow-up testing** is accelerated, unannounced, and occurs immediately after notification for any employee required to participate because the employee violated this policy, or lost their driver's license due to a conviction for driving under the influence of intoxicants while off duty and in violation of PGE's Driving Policy. Such testing will take place at the frequency and for the length of time recommended by an EAP professional. For DOT-covered employees, 49 CFR §40.281-313 governs this process. In addition, all DOT follow-up drug testing will be conducted under direct observation pursuant to 49 CFR §40.67(b).
- **Prequalification testing** is required under DOT rules when a covered employee has been taken out of the testing pool for more than 30 days or is being added to the testing population.
- **Post-accident testing** occurs as required in the PGE Drug and Alcohol Testing Requirements.
- **Random testing** is unannounced and occurs immediately following notification for employees placed in the random pool per DOT regulations, or during follow-up testing for any employee required to participate due to a violation of this policy. Every person in the random selection "pool" has an equal chance of being chosen for testing each time a selection occurs.
- **Return-to-work (RTW) testing** occurs when an employee has violated this policy and is ready to return to work. Ordinarily, first-time offenders can return to work if they have a negative RTW test and demonstrate successful compliance with the EAP/SAP's recommendations. For DOT-covered employees, 49 CFR §40.281-313 governs this process. In addition, all DOT RTW testing will be conducted under direct observation pursuant to 49 CFR §40.67(b).
- **Reasonable suspicion testing** occurs when an employee is suspected of being under the influence of drugs and/or alcohol, and will be based on specific, objective and real-time



observations made by management. Management must document in writing all observations used to support reasonable suspicion testing, and should refer to the Reasonable Suspicion Observational Checklist for assistance.

NOTE: If the employee who is suspected of being under the influence of drugs and/or alcohol is covered by DOT regulations, the reasonable suspicion observation and testing process may only be initiated by managers/supervisors who have completed DOT Drug and Alcohol Training for Supervisors. If the manager/supervisor of the DOT-covered employee who is suspected of being under the influence of drugs and/or alcohol has not completed the training, that manager/supervisor must enlist the help of a manager/supervisor who has completed the training to initiate the process.

Test Results:

- **Positive** – See the Drug/Alcohol Screening Program Consequences Matrix for actions related to a verified positive drug and/or alcohol test.
- **Non-Negative/Dilute** – If an applicant provides a dilute specimen during a pre-employment drug test, the applicant may retest one time; if the applicant provides another dilute specimen, the applicant will not be hired. If an employee provides a dilute specimen for a post-accident test, the employee may retest one time. If an employee provides a dilute specimen for a non-DOT reasonable suspicion, a follow-up, or an RTW test, the employee may retest one time.

Policy Violations

Below are some of the actions that constitute violations of this policy. **This is not intended to be an exhaustive list.** Except where a specific result is described below, employees who violate this policy may be subject to discipline, up to and including termination. The company retains sole discretion to determine the appropriate action for any of these violations.

- A verified positive drug or positive alcohol test.
 - First occurrence: A regular employee with a verified positive drug or positive alcohol test will, at a minimum, be removed from duty until the employee is cleared to return to work by an EAP professional. The employee may be subject to discipline, up to and including termination.
 - Second occurrence: Any regular employee who has a second positive drug or alcohol test will be terminated.
- Failing to notify Human Resources within 24 hours of being convicted of a drug and/or alcohol-related crime, including but not limited to state vehicle codes concerning Driving Under the Influence of Intoxicants (DUI), either on or off the job.
- For employees covered under PGE's Driving Policy, failure to immediately report a DUI citation incurred during work hours, or, for a DUI citation incurred outside of work hours, prior to the employee's next scheduled work day.
- Refusing to provide a testing sample and/or refusing to cooperate with alcohol and drug testing under PGE policy/programs or other legally mandated testing programs will result in termination. See 49 CFR §40.191 and §40.261 for a complete list of what constitutes a refusal to test. For purposes of this policy, the employee will not be considered as having refused to provide a testing sample or refused to cooperate with alcohol and drug testing if the procedures outlined in 49 CFR §193 and §195 have been completely followed, and the test is either cancelled by the MRO or the



MRO reports the result as negative as stated in the rule applicable to the type of testing involved (either 49 CFR §193 or §195).

- Providing an adulterated or substituted urine sample will result in termination.
- Employees who refuse to submit to a search or refuse to cooperate in any investigation when they are suspected of using, possessing, distributing or selling illegal drugs, or using alcohol, will be terminated.
- Operating any vehicle on company time while under the influence of alcohol or illegal drugs, or after taking prescription or OTC medications that impair the employee's ability to drive safely.
- Any action to facilitate or assist a co-worker in violating this policy or covering up any such violations.
- In addition to the actions listed above, FMCSA-covered employees are subject to the prohibitions listed in 49 CFR §382.201-215. A violation of any of those sections will be considered a violation of this policy.

Return-to-Work Requirements

If an employee violates this policy but is not terminated, the employee may be required to sign a return-to-work (RTW) agreement that outlines the requirements the employee must meet to remain employed. For employees who violate DOT Drug and Alcohol regulations, an SAP evaluation will be required under 49 CFR §40.285. Failure to sign the RTW agreement when it is mandatory, or comply with any of its requirements, will result in termination.

Reapplication for Employment after Termination for Violation of this Policy

Former employees terminated for violating this policy may reapply for employment with PGE after the following conditions have been met:

- 18 months have passed from the date of termination.
- For violations related to drug/alcohol testing, the former employee must provide proof of rehabilitation (such as successful completion of a drug/alcohol program) and proof of at least three follow-up drug and/or alcohol tests with a negative result given to a PGE-designated EAP professional.

The company has sole discretion, in accordance with applicable law, to determine whether to rehire a former employee, even if the former employee meets the above requirements.

Employees Seeking Help Voluntarily

Employees with substance abuse problems are encouraged to address their problems and seek help if needed. Please refer to the Resources section of this Policy below. There will be no adverse actions taken against employees for self-referral, provided the employee meets the requirements of this policy. However, self-referral does not affect current or pending disciplinary actions or prevent discipline for other workplace performance or behavioral issues.

There will be no adverse actions taken against employees covered by FMCSA and PHMSA regulations who seek assistance voluntarily, in good faith (that is, not to avoid testing), and do so **prior** to reporting for duty on a workday. However, the covered employee will not be allowed to return to safety-sensitive functions until PGE is satisfied that the employee has complied with treatment recommendations and has had a negative RTW test for alcohol indicating an alcohol concentration of less than 0.02 and/or a



verified negative drug test result. Once the employee returns to work, the employee may be subject to follow-up testing under PGE's policies.

If an employee covered under FMCSA reports to duty and participates in a safety-sensitive function, any subsequent disclosure made to the employee's management regarding a substance abuse problem will be handled under the DOT rules. The employee must follow through with the DOT process for evaluation, treatment and return to work. However, under PGE policy, the disclosure of a substance abuse problem will not result in disciplinary action unless the employee fails to complete the DOT requirements.

Contingent Worker Compliance Oversight

Contingent workers are subject to the prohibitions stated in the "Policy" section of this policy while they are on PGE property or performing work for PGE. A contingent worker is any non-employee engaged to provide services to the company on a contract basis. (See PGE's Contingent Worker Policy for additional information.)

Former employees terminated from PGE for a verified positive drug or positive alcohol test may perform work for PGE as contingent workers only if they provide proof of rehabilitation to their employer (or if self-employed, to a certified drug and alcohol abuse counselor or SAP) and to a PGE-designated EAP professional for review. The EAP professional has sole discretion, in accordance with applicable law, to determine whether the proof is sufficient to allow the former employee to be hired as a contingent worker to perform work for PGE or on PGE property. For further details, contact PGE's Drug and Alcohol Program Administrator.

PGE reserves the right to require any contingent worker to provide proof of a negative drug and/or alcohol test prior to beginning or continuing work for PGE, if the contingent worker is removed from duties for reasonable suspicion related to drug and/or alcohol use.

Confidentiality

Any information related to an employee's drug or alcohol test or violation(s) of this policy is considered confidential and will only be shared with those personnel who have a need to know to perform PGE business functions or to comply with applicable law.

Resources

Employee Assistance Program (EAP)

PGE has EAP professionals (under contract with PGE) available to help all employees, spouses, dependent children, and domestic partners address drug or alcohol problems, as well as other personal and family concerns. The EAP professional also provides assessment, referral, and case management for employees who violate this policy, including employees covered under DOT rules.

Contact with the EAP professional will be treated as confidential, except in the following situations: safety/security risk; child/elder abuse; response to a valid court subpoena; drug/alcohol abuse for employees covered under the DOT's FMCSA and/or PHMSA regulations; a risk of harm (or actual harm) to employees, the public or property; or with written permission from the employee.



Education and Training

The company will give employees information on this policy, the dangers of drug and alcohol abuse in the workplace, and available drug and alcohol counseling, rehabilitation, and employee assistance.

Management will be trained according to the specific requirements of their positions. All management is required to complete PGE's reasonable suspicion training.

Employees and management who are covered under the DOT's FMCSA and PHMSA regulations receive training according to the requirements of each program.

Responsibilities

Management (includes managers and supervisors)

- Understand, comply with, and effectively implement this policy and related procedures.
- Timely completion of all required drug and alcohol training.
- Effectively communicate information about this policy and related procedures to the employees in the areas they manage and take appropriate action when this policy is violated.
- If a manager receives a report that an employee may have violated this policy, has a reasonable belief that an employee has violated the policy, or observes behaviors that have a reasonable likelihood of being related to drug and alcohol use, the manager is required to immediately engage their Human Resources Business Partner (HRBP) for consultation and direction.
 - For situations involving reasonable suspicion, enlist another manager/supervisor, if possible, to observe and evaluate the employee's behavior and/or obtain detailed information from the person reporting the suspected violation. Document all observations (use the Reasonable Suspicion Observational Checklist for guidance).
 - If it is determined there is a need to conduct a search of the employee's person or possessions, such search can occur only with the employee's permission, unless the employee's health or safety, or the health or safety of others, appears to be in immediate danger. In addition, the employee must be present for any search of the employee's possessions. Contact Corporate Security or the company nurses if needed. Represented employees have the right to have a union representative present at the time of the search, if requested. At the company's discretion, non-represented employees may have a member of PGE management witness the search of the employee or the employee's possessions.
 - If the requirements in the previous paragraph are met, conduct the search and confiscate all alcohol, suspected drugs and paraphernalia, and determine the need to conduct further searches.
 - If the employee refuses permission, inform the employee that refusal to submit to a search will result in termination of employment. Place the employee on administrative leave, if applicable.
- Immediately following notification of an incident, whether vehicle or non-vehicle, the manager must determine if testing is required according to the Drug and Alcohol Testing Requirements. If testing is required, the manager or company designee must arrange it with the Drug and Alcohol Program Administrator and arrange transportation to the testing facility.
- Consult with HRBP before determining the appropriate course of action when an employee violates this policy.



Employees

- Understand and comply with all aspects of this policy and related procedures.
- Employees who hold a commercial driver's licenses (CDL) as part of their job at PGE must also review, comply with and provide the signed acknowledgment receipt of the *Alcohol & Drug Testing: What Drivers Need to Know - Driver Handbook*, J.J. Keller & Associates that is provided by the Drug and Alcohol Program Administrator.

Sponsoring Organization: Human Resources

Other Contacts: Drug and Alcohol Program Administrator
Designated Employer Representative
Backup Designated Employer Representative

Additional Resources:

Contingent Worker Policy

Discipline and Other Corrective Action Policy

Driving Policy

Workplace Violence Prevention Policy

Drug/Alcohol Screening Program Consequences Matrix

Drug and Alcohol Testing Clinics

Drug and Alcohol Testing Requirements

Employee Assistance Program

Guidelines for Serving and Consuming Alcohol at Company-Sponsored Events

Reasonable Suspicion Observational Checklist

Non-PGE Resources

Alcohol & Drug Testing: What Drivers Need to Know - Driver Handbook, J.J. Keller & Associates, copyright 2014 (Rev. 1/20) (for FMSCA-covered employees holding CDL licenses)

Federal Motor Carrier Safety Administration

Pipeline Hazardous Materials Safety Administration

U. S. Department of Transportation Office of Drug and Alcohol Policy and Compliance