
1 Purpose

- 1.1 This policy is to further Sunflower's commitment to maintaining a safe, healthy, and productive work environment for Sunflower, its officers, employees, visitors, and Contractors, to provide quality services, and to maintain the integrity and security of Sunflower Premises. Sunflower will strive to maintain a work environment free from the effects of alcohol use and drug abuse.

2 Scope

- 2.1 This policy applies to all Sunflower employees, Contractors, and visitors, while at any Sunflower Premises or in Sunflower provided vehicles. Sunflower follows the IRS classification for employees, as a person who performs services for the Sunflower under an express contract of hire, under which the details of work performance.
- 2.2 This policy is in addition to CP-CSV-SAF-051 which applies to CDL Drivers. For the sake of clarity, CDL Drivers are required to comply with both this policy and CP-CSV-SAF-51.
- 2.3 Exceptions to the restrictions on the use and possession of alcohol may only be granted by the President & Chief Executive Officer for bona fide Sunflower activities outside working hours.
- 2.4 This policy will be administered uniformly subject to the Americans with Disabilities Act, the Family Medical Leave Act, and the Federal Drug-Free Workplace Act and any limitations imposed by applicable federal, state, and local law.
- 2.5 This policy is reviewed every three (3) years or as deemed necessary to comply with federal laws and regulations, and overall administration of the program.

3 Definitions

- 3.1 Alcohol. The intoxicating agent in beverage alcohol, ethyl alcohol or other low molecular weight alcohols, including methyl or isopropyl alcohol.
- 3.2 Contractor or Contracted Individual: A third-party services or goods provider engaged to perform work for Sunflower as an independent contractor. It is understood and agreed that an independent contractor's or contingent worker's relationship with Sunflower is that of an independent contractor and it shall not be construed as an employee, agent, or partner of Sunflower for any purpose. Notwithstanding the forgoing, all contractor personnel are

required to comply with all laws, ethical codes and applicable Sunflower policies, procedures, rules, and regulations.

- 3.3** Controlled Substance: (a) Any drug or other substance that is listed on the Federal Schedules of Controlled Substances, 21 USCS § 812, that is not legally obtainable; that is legally obtainable but has not been legally obtained; or that is being used for a purpose not in accordance with bona fide medical therapy; (b) any illegal drug or substance that usage of may be decriminalized by state or local law but is not legally protected by federal law; (c) any prescription drug not legally obtained or used for the prescribed purpose, at the prescribed dose; or (d) any prescription drug (over-the-counter) being used at a dosage level other than recommended by the manufacturer.
- 3.4** Employee Assistance Program (EAP): A Sunflower benefit program administered by an independent company that provides education, evaluation, and counseling for chemical dependency issues.
- 3.5** Evidential Breath Testing (EBT): The process of measuring blood alcohol concentration using a device approved by the National Highway Traffic Safety Administration (NHTSA) included on the Conforming Products List of EBTs in the Federal Register.
- 3.6** Prescription Drug: Any prescribed or over-the-counter drug that has been legally obtained and is being legally used for the purpose and at the dosage level for which prescribed or manufactured.
- 3.7** Reasonable Suspicion: When an employee, Contractor, or visitor has reported to work, or has otherwise entered Sunflower Premises, displays physical or physiological symptoms or reactions commonly attributed to the use of controlled substances and/or alcohol.
- 3.8** Sunflower Premises: Any Sunflower facility, work site, or property.
- 3.9** Test or Testing: The scientific analysis of urine, blood, breath, saliva, hair, tissue, and other specimens of the human body for the purpose of detecting a test substance, which may include evidential breath testing.
- 3.10** Test Substance: Any substance(s), including alcohol, which a test is designed to identify.

4 Policy Elements

- 4.1** Employees are required to acknowledge and to abide by the terms of this policy as a condition of employment.
- 4.2** No employee, board member, Contractor or visitor shall report to work or visit any Sunflower Premises under the influence of Controlled Substances or Alcohol, sell, dispense, purchase, transfer, manufacture or be in possession of Controlled Substances, paraphernalia related thereto, or Alcohol on

Sunflower Premises or in Sunflower provided vehicles. For avoidance of doubt employees should abstain from using Controlled Substances and consuming Alcoholic beverages that adversely impact performance prior to the start of their workday, during the work periods, during lunch and other work breaks.

- 4.2.1** An employee who must use Prescription Drugs that may impair that employee's ability to work safely must advise his or her supervisor of the specific warnings or risks associated with the use of such drug before working; failure to do so is a violation of this policy.
- 4.2.2** The supervisor will take steps to determine whether the employee is able to work safely and may restructure the employee's work duties or take other appropriate action for so long as the employee uses such Prescription Drugs. In general, the employee need not reveal the condition being treated or the name of the drug although Sunflower Human Resources representatives may ask the employee to discuss these issues in confidence if it appears the individual needs a reasonable accommodation related to a disability.
- 4.3** Sunflower, as a federal contractor, complies with the Federal Drug-Free Workplace Act, which requires that:
 - 4.3.1** Employees must notify Sunflower of any criminal drug statute conviction for a violation occurring in the workplace, as applicable when engaged in performing work under a federal contract or grant, no later than five (5) days after such conviction.
 - 4.3.2** Within thirty (30) days of the report, Sunflower will determine the appropriate disciplinary action and notify the affected employee.
 - 4.3.3** Sunflower is also required to notify the appropriate agency of the conviction for workplace drug crimes by employees directly engaged in performing work under a federal contract or grant.
- 4.4** Employee Assistance Program (EAP)
 - 4.4.1** Sunflower offers an Employee Assistance Program (EAP) to all employees and their dependents. Benefits or treatment programs, available to Sunflower employees through the EAP shall not apply or be available to Contractors, Contractor's personnel or other persons who are not Sunflower employees, but who are subject to Testing hereunder. The EAP benefit is separate from and independent of this Drug and Alcohol Policy.
 - 4.4.2** Employees who wish to overcome drug or Alcohol dependency are strongly encouraged to seek confidential professional help. To assist employees in this process, Sunflower provides an EAP. The purpose of an EAP is to provide help to employees and their dependents who

suffer from Alcohol, drug abuse or other problems. Through the EAP, a counselor is available to assist and counsel employees and their dependents with their physical or emotional problems. It is the responsibility of the employee to seek assistance through EAP before Alcohol and drug problems lead to disciplinary actions. Sunflower will cover the cost of visits with the counselor in accordance with the EAP. If a leave of absence is necessary so that the employee may undergo medical treatment for Alcohol or drug dependence, the employee will be granted a reasonable leave of absence pursuant to the applicable leave policy and will remain eligible for benefits as provided by Sunflower's applicable group health insurance and leave of absence policy.

- 4.4.3** An employee's voluntary decision to seek EAP recommended treatment and successful completion of the agreed upon appropriate treatment regimen will not jeopardize job security or promotional opportunities. However, once a violation of this policy occurs, subsequently using the EAP on a voluntary basis may not lessen disciplinary action and may, in fact, have no bearing on the determination of appropriate disciplinary action. Additionally, while reasonable accommodation for disabled individuals shall be provided, Sunflower is under no obligation to create new jobs/positions or job descriptions to allow for such accommodation.
- 4.4.3.1** Eligibility. Under the EAP, any employee who; (1) admits to having a physical and/or psychological dependency on either Alcohol or a Controlled Substance and seeks treatment, or (2), employees who test positive as part of the random Testing, reasonable suspicion Testing, or periodic announced Testing and seeks treatment shall, in either case, be relieved of duties and referred to the EAP. The treatment recommended by the EAP must be followed and any time off work must comply with Sunflower's leave of absence policy. Failure to follow the EAP treatment program will result in immediate termination.
- 4.4.4** Release of all information from the EAP provider to Sunflower will require specific employee authorization.
- 4.4.4.1** The EAP provider will communicate with Sunflower's Designated Employer Representative (DER) only in safety-sensitive situations, fitness-for-duty requirements, or when continuing to work with specific job restrictions relating to an employee's alcohol and drug problem.
- 4.4.5** Employees currently in treatment under the EAP program will not be eligible to return to work until rehabilitation is completed or the

employee's treating licensed physician or EAP provider states in writing that the employee can work without restrictions while undergoing treatment during non-working hours on an outpatient basis. (Employees whose treatment involves drug maintenance, hospitalization or detoxification are not eligible for the exemption from the requirement of completed treatment).

4.4.5.1 No employee will be allowed to return to work until the Employee has provided a non-positive Test result from a physician or other Testing professional selected by Sunflower, at Sunflower's expense. If the initial test result is positive, Sunflower will test the employee once per-week (for a reasonable time-period depending upon the situation) until the employee provides a non-positive Test result before the employee will be eligible to return to work. However, if during this extended period of Testing the laboratory providing the test results identifies an elevation in the levels of the Test Substance or if the sample tests positive for any other Controlled Substance or Alcohol abuse, the employee will be immediately terminated.

4.5 Training

4.5.1 Reasonable Suspicion Training

4.5.1.1 Managers and supervisors are responsible for completing Reasonable Suspicion training. Manager and supervisor annual training shall include, at a minimum, behavioral observation training, and drug and Alcohol use education, including knowledge of Controlled Substances and the characteristics of their use.

4.5.2 The EAP provider will be responsible for providing ongoing employee training and education programs on recognizing signs of substance abuse in the workplace. The EAP provider will also provide information regarding substance abuse and the services and resources available for treatment.

4.6 Employee Testing Criteria

4.6.1 All Sunflower Testing programs will be consistent with applicable federal, state, and local laws and regulations. Reasonable accommodation for disabled individuals shall also be provided.

4.6.2 All Testing shall be conducted by a United States Department of Health and Human Services (DHHS) and Substance Abuse Mental Health Services Administration (SAMHSA) certified laboratory.

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- 4.6.3** Unless other Testing requirements are in effect, all Testing will include screening for Test Substances which include a 9-panel drug plus an Alcohol screen by way of oral swab and EBT device. In extreme situations where a swab-qualified testing site cannot be found, a urine sample will be taken. Testing will include **alcohol** (ethanol, but not by way of limitation) and the following drugs: **amphetamines** (to include methamphetamine, but not by way of limitation); **opiates** (to include morphine, heroin and codeine, but not by way of limitation); **cannabinoids** (to include marijuana and hashish, but not by way of limitation); **cocaine** (to include benzoylecgonine, but not by way of limitation); **phencyclidine** (to include PCP and angel dust, but not by way of limitation); **barbiturates** (to include Butalbital, but not by way of limitation); **benzodiazepines** (to include Lorazepam, but not by way of limitation); **methadone** (methadone, but not by way of limitation); and **MDMA** (MDMA, but not by way of limitation).
- 4.6.4** Pre-Employment Testing
- 4.6.4.1** Testing and successfully passing is required as a condition of employment for all prospective employment candidates.
- 4.6.5** Reasonable Suspicion Testing
- 4.6.5.1** Employees may be asked to submit to Testing when there is Reasonable Suspicion to believe they have reported for duty or are on duty and are under the influence of Controlled Substances and/or Alcohol or otherwise presently in violation of this policy. Testing for Reasonable Suspicion will be based on specific, objective facts and reasonable inferences drawn from these facts considering experience, other or credible report indicating the employee is in violation of this policy. Testing for Reasonable Suspicion does not require certainty of suspicion. The Safety Department will designate a qualified Sunflower employee(s) to determine whether to Test for Reasonable Suspicion.
- 4.6.5.2** If an employee is involved in an accident or incident on any Sunflower Premises or in Sunflower vehicles such involvement may create Reasonable Suspicion for Testing.
- 4.6.6** Random Selection Testing
- 4.6.6.1** Sunflower may conduct random Testing of employees chosen on a neutral selection basis without advance notice. The method used to randomly select employees for Testing will be one that results in an equal probability that

any employee from a group of employees subject to this Testing will be selected. Sunflower does not have the discretion to waive the selection of any employee selected under the mechanism. Sunflower's third-party Testing administrator will conduct the random selection process. Employees randomly selected will then return to the random Testing pool and may be selected again.

4.6.6.2 Annually, fifty percent (50%) of employees will be randomly selected. Testing will occur quarterly.

4.6.7 Post-Treatment Testing

4.6.7.1 An employee who is currently participating in, who has recently participated in of an EAP approved treatment plan will be subject to a post-treatment alcohol and/or substance-testing program. The follow-up program will be developed by the EAP provider for each individual and may extend up to 60 months post treatment.

4.6.7.2 The post-treatment testing is in addition to the random testing program and is a requirement for continued employment. A subsequent positive post-treatment Test (or admission of Controlled Substance or Alcohol abuse) may result in immediate termination.

4.6.8 Return from Leave Testing

4.6.8.1 Sunflower will require any employee who is returning from either (1) a leave of absence in excess of thirty (30) days for use of Controlled Substances and/or abuse of Alcohol or (2) a leave of absence due to participation in an EAP program to undergo Testing prior to the employee's return to work. Return from leave Testing will be scheduled promptly upon the employee's request to return to work and will require a non-positive Test result before the employee is reinstated.

4.7 Driving Requirements

4.7.1 Employees required to travel as part of their job duties and suffer restrictions or suspension of their driver's license, will receive accommodations up to ninety (90) days maximum. After which time the employee must be able to travel on company business without accommodation or lose their position.

4.7.2 If a citation for Alcohol or Controlled Substance abuse is received in a company-provided vehicle or on company time, the results of the

test administered by the legal authority will be construed in the same way as a test administered by the company under this program.

4.8 Searches and Investigations

4.8.1 If the Sunflower has Reasonable Suspicion that an employee, visitor, or Contractor is selling, distributing, or using drugs on Sunflower Premises, Sunflower reserves the right to conduct searches, investigations, surveillance, retain the services of a private investigator or involve law-enforcement personnel. The investigation and/or search may be conducted at any time and with or without the involvement of law enforcement.

4.8.2 Surveillance equipment may be used at any time and in any place and manner. Employees, visitors, and Contractors should have no expectations of privacy on Sunflower Premises other than as defined by applicable state law.

4.8.3 Sunflower reserves the right to seize all contraband found on Sunflower Premises and the Sunflower may turn over such evidence as required to the appropriate authorities.

4.9 Disciplinary Action

4.9.1 An employee in violation of this policy is subject to discipline up to and including termination of employment.

4.9.2 Discharge from employment will result when:

4.9.2.1 an employee refuses a required test;

4.9.2.2 there is evidence of willful interference with or contamination of a testing sample;

4.9.2.3 an employee does not comply with the written treatment plan as recommended by the EAP and required by Sunflower;

4.9.2.4 upon receiving a positive test, an employee refuses treatment or participation in the EAP; or

4.9.2.4.1 At Sunflower's discretion, an employee will receive up to three days disciplinary suspension, without pay, to reconsider the option for treatment.

4.9.2.5 an employee receives a second positive test.

4.9.3 Any employee who fails to notify Sunflower of any criminal drug statute conviction for a violation occurring in the workplace, as applicable when engaged in performing work under a federal contract or grant, no later than five (5) days after such conviction will be

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subject to disciplinary action up to and including immediate termination.

- 4.9.4** Contractors or visitors determined to be under the influence of a Controlled Substance or Alcohol will be deemed to be trespassers and will be escorted from the property by proper authorities.

5 References

- 5.1** BOD Policy 109: Security, Safety, and Health
- 5.2** BOD Policy 119: Drug and Alcohol Abuse
- 5.3** CP-CSV-HRM-001 Pre-Employment Testing
- 5.4** Corporate Policy CP-CSV-SAF-051: Drug and Alcohol – CDL Drivers
- 5.5** Corporate Policy CP-CSV-SAF-052: Drug and Alcohol Testing – Contractor Personnel