



# **Marathon Petroleum Company LP Drug and Alcohol Policy**

## ***Employee Guide For Employees in California***

**Revised as of December 11, 2018**



# Drug and Alcohol Policy



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# Drug and Alcohol Policy



## Introduction

It is the Company's belief that the misuse of drugs, alcohol, or any substance having a physiological, psychological or biochemical effect impairs employee health, employee performance and creates unsafe working conditions. The Company is committed to maintaining a productive, safe and healthy work environment free of Unauthorized Drug and Unauthorized Alcohol use.

In order to achieve this objective, the Company has adopted this Drug and Alcohol Policy ("Policy").

Additionally, the Company has in effect, and enforces, drug and alcohol policies as required by the U.S. Department of Transportation (D.O.T.) and U.S. Coast Guard for positions regulated by the D.O.T./Coast Guard. D.O.T./Coast Guard policies supplement this policy for covered employees.

For California sites or employees working in California, the Drug and Alcohol Policy Employee Guide is modified as set forth herein. All provisions of the Drug and Alcohol Employee Guide are in effect, unless and except as modified below.

## Part I — Drug Policy

The manufacture, use, possession, distribution, dispensation, purchase, or sale of Unauthorized Drugs by Company employees while on Company Premises or while engaged in Company business is prohibited.

An employee reporting for work or working with Unauthorized Drugs in their body or who has a positive drug screen is in violation of this Policy. This also includes, but is not limited to, the operation of a Company owned or leased vehicle.

## Part II — Alcohol Policy

The consumption or possession of Alcohol in unsealed or opened containers on Company Premises is prohibited, except in limited circumstances where specifically authorized by the President, the applicable Organizational Vice President or a manager or supervisor designated by either such officer, hereinafter individually referred to as "Designated Management" (for example, alcohol is generally permitted in restaurants operated on Company Premises, in special dining rooms, on Company aircraft, in specific areas designated for recreational and social use, and in lodging furnished or paid for by the Company, etc.).

Any employee reporting for work or working with a Prohibited Blood Alcohol Content is in violation of the Policy. This also includes, but is not limited to, the operation of a Company owned or leased vehicle.

In its discretion Designated Management may prohibit the possession of all Alcohol on Company premises at designated locations.

## Part III — Policy Application

All domestic locations will implement the Company's Policy and adopt or maintain any additional administrative procedures or work rules which are necessary to administer the Policy at any particular location. Any such administrative procedures or work rules must be reviewed by the Marathon Petroleum Company LP Vice President, Human Resources, who will coordinate the approval of the Law Organization and Health Services. All Company employees and employees of subcontractors are required to comply with the Policy. In addition, contractors will be required to certify in writing that their employees and/or subcontractors are subject to Laboratory Testing provisions which are substantially equal to the Company Policy in all respects. Any exceptions

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to the Policy, other than those identified for “Management” under the Policy, must be approved by the President or his designee.

Additionally, all employees determined by the Company to be covered by the Department of Transportation and/or the Coast Guard Drug and Alcohol Testing Regulations will be subject to provisions outlined in the D.O.T./Coast Guard Anti-Drug Plan Manuals and Alcohol Misuse Prevention Plans. These plans include provisions necessary to comply with D.O.T. Regulations 49 CFR Parts 40, 199, 382, 46 CFR Parts 16 and 95 and 33 CFR Part 95. Copies of the pertinent Marathon Petroleum Company LP D.O.T. Policy Manuals and Employee Guides are available through Human Resources. Subcontractors covered by Department of Transportation/U.S. Coast Guard Drug Testing Regulations must demonstrate participation in a bona fide drug and alcohol testing program.

## **A. Current Procedures**

Certain components have established work rules or programs concerning drug and alcohol use. These rules need not be modified with the adoption of this Policy provided they are consistent with the provisions of the Policy and approved by the Vice President, Human Resources, in conjunction with Law and Health Services.

## **B. Unionized Facilities**

In locations where workers are represented by unions, it may be necessary to negotiate the Policy with the Union prior to implementation. Assistance from the Vice President, Human Resources, and Law should be obtained to determine whether and to what extent collective bargaining is required.

## **Part IV — Definitions**

### **1. Company**

“Company” shall mean Marathon Petroleum Company LP, Marathon Petroleum Logistics Services and any subsidiary or affiliated organization which expressly adopts this Policy.

### **2. Unauthorized Drugs**

For the purpose of this Policy, the term “Unauthorized Drugs” shall mean any substance, other than an Authorized Substance, which is, or has the effect on the human body of being, a narcotic, depressant, stimulant, hallucinogen or cannabinoid, their precursors, derivatives or analogues, and includes, but is not limited to, those substances scheduled as controlled substances pursuant to the Federal Controlled Substances Act, inhalants, “designer drugs,” “look-a-likes,” and hemp products or products derived from hemp, and any other illegal drugs under either state or federal law.

### **3. Authorized Substances**

Substances having a physiological, psychological or biochemical effect which are lawfully prescribed to an employee or which are available without a prescription, which are lawfully obtained by an employee and which the employee possesses and uses in the appropriate manner, in the dosages and for the purposes for which the substances were prescribed or manufactured, are considered “Authorized Substances” for the purposes of this Policy. In the case of alcohol, such is excluded from this definition to the extent its possession or consumption places an employee in violation of the “Alcohol Policy.”

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## **4. Company Premises**

“Company Premises” includes, but is not limited to, Company owned, rented, used or leased property, including lodging furnished or paid for by the Company; Company worksite locations, offices, and/or parking lots; or Company owned, leased or rented vehicles, aircraft, vessels or equipment.

## **5. Alcohol**

“Alcohol” includes, but is not limited to, distilled spirits, liquor, beer, wine, malt liquor or any other intoxicants used for beverage purposes.

## **6. Under the Influence of Alcohol**

“Under the Influence” shall mean that an individual is affected by Alcohol in any detectable manner. Evidence of being under the influence may be established by a professional or lay person’s opinion, a physiological test/analysis, or a biochemical test/analysis. An “Under the Influence” determination is not limited to nor must it consist of evidence of impairment of physical or mental ability or misconduct. An employee whose blood alcohol content is found to be equivalent to or greater than the governmentally recognized level for being under the influence shall be presumed to be Under the Influence of Alcohol.

## **7. Prohibited Blood Alcohol Content**

Additionally, an employee whose blood alcohol level content is determined during work hours to be equivalent to or greater than .04 percent Blood Alcohol Content will be in violation of this Policy.

## **8. Contraband**

“Contraband” for purposes of this Policy shall mean drug paraphernalia.

## **9. Laboratory Testing**

“Laboratory Testing” includes, but is not limited to, a physiological test/analysis, or a biochemical test/analysis, including urinalysis, breath, blood and/or hair analysis.

## **10. Personal Search**

“Personal Search” includes a search of employees’ personal property located on Company Premises, including, but not limited to, their personal effects, lockers, baggage, desks, lunch boxes, containers, purses, billfolds, parcels; private vehicles if on Company Premises and living quarters, if furnished or paid for by the Company; and any Company property assigned to employees.

## **11. Return to Work Agreement**

Return to Work Agreement means an agreement which specifies the conditions with which an employee must comply in order to return to and maintain employment.



## **12. Safety-Sensitive Position**

Safety-Sensitive Position means a position which requires that the employee perform the duties which are related to the safe operation or security of a facility or a piece of equipment and which, if not performed properly, could result in a serious safety risk or environmental hazard to employees, a facility, or the general public. All employees who have the direct responsibility of supervising employees who perform such duties are considered as occupying a safety-sensitive position. Each major operating unit shall establish and maintain a current list of Safety-Sensitive Positions.

## **13. Substance Abuse**

Substance Abuse means unauthorized drug use and alcohol or other legally controlled substance use in violation of the Policy.

## **Part V — Policy Administration**

The Vice President, Human Resources, has overall responsibility for Policy Administration, in consultation with Law and Health Services.

### **A. Employee Education**

Employee education sessions are to be conducted on a periodic basis. These education sessions will be coordinated by local Human Resources with assistance from the Office of the Vice President, Human Resources. All employees should be made aware of the problems associated with drug and alcohol use, rehabilitation services that are available, and the requirements of this Policy.

Additionally, supervisors will be trained to recognize the signs and symptoms of drug and alcohol use and the procedures to follow in the enforcement of this Policy.

### **B. Employee Notification**

Employees will be notified by the Company of the conduct expected of them pursuant to the Policy as well as the provisions for the enforcement of the Policy.

All employees will be reminded of the Policy during subsequent education sessions. New employees will be notified of the provisions of the Policy during their orientation sessions.

### **C. Medication/Substance Reporting**

It is the responsibility of safety sensitive employees to notify Health Services or their worksite medical services department or medical services third party provider in writing when they are taking any prescription or nonprescription medicine or substance which may impair their judgment or performance or otherwise adversely affect the normal functions of their mental faculties or physical abilities.

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## **D. Employee Initiated Rehabilitation**

Employees are encouraged to volunteer for rehabilitation assistance before their problem leads to a situation which could jeopardize their employment. Employees who volunteer for such rehabilitation either through referral from the Employee Assistance Program or through other means, before they have performance problems or before the Company is aware of a violation of the Policy will not be subject to discipline solely on the basis of their voluntary request for rehabilitation.

Rehabilitation referral assistance is available through the Marathon Petroleum Company LP Employee Assistance Program, Human Resources, or Health Services to any employee who feels the need for assistance in dealing with a drug or alcohol problem.

Employees returning to work following participation in employee initiated rehabilitation which is voluntarily disclosed may be required to sign Return to Work Agreements as detailed under Policy Enforcement — Return to Work Agreements VIII C (page 8).

## **Part VI — Searches**

In enforcing the Policy, searches of employees and their property on Company Premises and work area searches are authorized in accordance with the Policy.

An employee who refuses, when requested, to cooperate with a search or to sign an appropriate consent form shall be deemed to be in violation of the Policy.

### **A. Personal Searches**

Without limitation, the Company reserves the right to conduct unannounced Personal Searches.

Entry upon the Company's Premises by employees, visitors or contractors will be deemed to constitute consent by such persons to Personal Searches pursuant to this Policy.

### **B. Periodic Work Area Searches**

Searches of work areas and other Company premises may be conducted without limitation and whenever Designated Management determines such searches are necessary or desirable. When practical, the Vice President, Human Resources, will be contacted prior to a search. Searches (including use of specially trained dogs) will be performed only by individuals authorized by Designated Management.

If as a result of a periodic work area search, Unauthorized Drugs, Alcohol or Contraband are discovered in a common area and the Company has Reasonable Suspicion to test employees reasonably considered to have access to such area, said employees may be required to submit to a Personal Search and/or Laboratory Testing. The decision as to which employees to search or test, if any, shall be determined by the supervisor of the employees involved in consultation with local Human Resources or the Vice President, Human Resources.





## Part VII — Laboratory Testing

Laboratory Testing (including, but not limited to drug screens, alcohol tests, etc.) may be used to detect or confirm violations of the Company's Policy.

Tests to be performed and the facilities performing the tests shall be approved by the Vice President, Human Resources, in conjunction with Health Services.

Company representatives authorized by Management will coordinate sample collection and submission procedures. Health Services will receive results of all Laboratory Tests and coordinate communications as appropriate.

Laboratory Testing is authorized under the following circumstances:

### A. Pre-employment Testing

All applicants for employment will be required to submit to Laboratory Testing following their acceptance of a contingent job offer and prior to beginning work (drug screens only). (This includes safety sensitive initial hires from subsidiary companies, if such companies did not conduct pre-employment testing.)

### B. Reasonable Suspicion Testing

Reasonable suspicion testing will be undertaken when local Management, in consultation with local Human Resources, or the Vice President, Human Resources has reason to believe the employee is in violation of the policy. For example, Laboratory Testing may be conducted in connection with a Search if Unauthorized Drugs, Alcohol or Contraband is found in an employee's locker or desk; if alcohol is on an employee's breath; or if an employee's performance, actions or appearance leads local Management to believe there may be a violation of the Policy. Other circumstances may arise which would constitute reasonable suspicion to request Laboratory Testing.

### C. Random Testing

All employees performing work in Safety Sensitive Positions (as defined by Designated Management in consultation with the Vice President, Human Resources and Law) at all Company locations are subject to random testing, with the exception of employees who are covered by a D.O.T. random testing program. Employees who are not in Safety Sensitive Positions but who request unescorted access to the refinery may be granted such access if they voluntarily consent to participate in the Random Testing pool.

Random Testing will be conducted at an annualized rate of 25% unless otherwise provided by an applicable Collective Bargaining Agreement (this rate may be adjusted in the future).

### D. Post Incident Testing

Post Incident testing may be conducted when a workplace accident or incident may have been caused by human error. Post Incident Testing may be conducted when local Management reasonably believes the employee's (or multiple employees') conduct may have contributed to the accident or incident.

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## **E. Return to Work Testing**

Employees who return to work following employee-initiated and voluntarily disclosed rehabilitation may be subject to Laboratory Testing as determined by Health Services, and as outlined in a Return To Work Agreement.

## **F. Aviation Department Testing**

Employees in the Aviation Department as defined by Management will be subject to periodic unannounced testing at least once per year.

## **G. Government Required Testing**

Laboratory Testing will be conducted as required by the U.S. Department of Transportation or by other federal, state or local governmental agencies. Additionally, laboratory testing may be conducted as required by other companies or entities for access to, and/or to perform work at their facilities.

## **Part VIII — Policy Enforcement**

Supervisors and management personnel must be alert to detect employee violations of the Policy. The Company expects supervisors and management personnel to enforce the Policy in all cases where a reasonable belief exists that a violation of the Policy may have occurred or is occurring.

It is also the responsibility of each employee to assure his or her own safety by enforcing compliance with this policy with respect to his or her own conduct, as well as to encourage the appropriate conduct of all other employees.

### **A. Criminal Offenses**

An employee whose job requires driving and who is charged or convicted of a drug-related or alcohol-related criminal offense which impacts his or her ability to legally drive vehicles on behalf of the Company, either within or outside Company owned facilities, must report this information to his or her supervisor or local Human Resources immediately.

The Company will notify the appropriate federal agency, within ten days, of any employee convicted of violating a criminal drug statute if the violation occurred in the workplace.

### **B. Discipline**

Disciplinary measures will be taken against employees who violate the Policy.

Nothing contained in this Policy shall be construed as creating or constituting a contract with the employee (whether expressed or implied); nor shall it limit the Company's right to administer other disciplinary measures not specifically referenced herein.

Employees possessing, distributing, selling, purchasing, or using Unauthorized Drugs or Unauthorized Alcohol on Company Premises or while engaged in Company business are in violation of the Policy and will be discharged.

Employees who test positive for unauthorized drugs will be discharged.

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Employees who are determined to be “Under the Influence” of Alcohol or who have a Prohibited Blood Alcohol Content while working will be discharged.

Employees who refuse to sign a consent form or refuse to consent to a search and/or laboratory testing will be discharged. Employees involved in conduct or actions that are considered an effort to undermine the integrity of the testing program will be discharged. This includes, but is not limited to, sample adulteration, failure to provide adequate specimen or breath, having hair removed/cut or otherwise altered after being notified of obligation to be tested (but before submitting to sample collection), giving inadequate or misleading required information, falsification of documents, late arrival at a testing facility or other similar types of activities.

## **C. Return to Work Agreements**

Return to Work Agreements provide a substantial incentive for employees to remain drug and alcohol free. Therefore, before an employee who participates in a rehabilitation program which the employee voluntarily disclosed to the Company returns to work, he or she may be required to provide acceptable documentation of that employee’s successful participation in such program. In addition, before returning to work, the employee may be required to enter into a written Return to Work Agreement, which may provide for the following, as appropriate:

1. Remain free of Unauthorized Drugs at all times and comply with the Alcohol Policy.
2. Consent to unannounced drug and/or alcohol screening tests to be instituted whenever and as often as the Company deems necessary to verify and monitor compliance. Maintain scalp hair length of at least 1½” at all times.
3. Follow the recommendations and instructions of the rehabilitation counselor.
4. Sign necessary consent and release forms authorizing the rehabilitation counselor to advise the Company of all pertinent information.
5. Comply with any other terms outlined by the Company. Failure to comply with any of these terms will result in discharge.

## **D. Confidentiality**

The results of all Laboratory Testing, as well as records associated with the Company’s Employee Assistance Program, are medical records and must be kept strictly confidential. Unauthorized release of such information shall subject the employee who releases such information to disciplinary action, up to and including discharge.

## **E. Contractors and Their Employees and All Other Visitors on Company Premises**

Contractors will be informed of the Company’s Policy and its application to them. Any person performing services for the Company will be subject to and must comply with the Policy. Any person found in violation of the Policy will not be permitted to perform services for the Company nor be permitted access to Company Premises. In addition, contractors will be required to certify in writing that their employees and/or subcontractors are subject to Laboratory Testing provisions which are substantially equal to the Company Policy in all respects.

Any time Policy procedures are undertaken which involve a contractor’s employees, the contractor

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shall be informed and requested to participate.

In addition, the Company prohibits any person, including visitors, from using, possessing, distributing, purchasing or selling Unauthorized Drugs or Alcohol (except with appropriate approval) while on Company Premises. Moreover, the Company prohibits any person, including visitors, from being on Company Premises with prohibited levels of alcohol or unauthorized drugs in their system.

Any contractor employee or visitor in violation of the Policy will be refused entry onto or prudently removed from the Company Premises and other actions, including notification of appropriate law enforcement agencies, may be taken.

## **Part IX — Miscellaneous**

Nothing in this Policy is to be interpreted as constituting a waiver or limitation of any kind of the Company's prerogative to take disciplinary measures at any time with respect to an employee, up to and including termination. In addition, this Policy shall not constitute a contract or create any rights or expectations in any current or prospective employee.

The company reserves the right to interpret, change, amend, modify or terminate this policy at any time, with or without notice.