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## HR Policy 04.07 Drug Free Workplace

### Statement

Rite Aid, Elixir, and HealthDialog (“The Company”) is committed to maintaining a safe and productive drug-free environment for associates and customers in order to prevent accidents, injuries, and property damage that may result from associates being under the influence of drugs and/or alcohol.

Please review this policy closely, and if you have questions regarding this policy, contact your local Human Resources support team.

### Scope

This policy applies to all applicants and associates of the Company at any Company facility or approved work site.

### Definitions

- *Alcohol* refers to ethyl alcohol and any beverage or medication containing ethyl alcohol intoxicants.
- *Prohibited Substances* shall include but not be limited to illegal drugs, alcohol, or prescription drugs not taken in accordance with a prescription given to the associate. *Company Property* refers to all property and vehicles owned, rented, leased, or controlled the Company, including parking lots.
- *Failing a test* refers to a drug and/or alcohol test result, which is reported to the Company as positive or non-negative including but not limited to positive dilute, adulterated, substituted and invalid test results.
- *Outside medical attention* refers to medical treatment provided by a doctor, nurse, paramedic or other medical technician or professional on Company Property or at an off-site medical facility.
- *Passing a test* refers to a drug and/or alcohol test result, which is reported to the Company as negative.
- *Work Day* refers to not only work time, but also to meal and other break periods regardless of whether paid or unpaid. This also includes work functions occurring outside of Company property.

### Prohibited Conduct

The Company explicitly prohibits:

- The use, possession, solicitation for, or sale of narcotics or other illegal drugs, alcohol, or prescription medication without a prescription.
- Possession, storage in or on Company property, manufacturing, use, solicitation for, or sale of legal or illegal drugs or alcohol away from the Company or customer premises, if such activity or involvement impacts the associates' work performance, the safety of the associate or of others, or puts at risk the Company's reputation.
- The presence of any detectable amount of prohibited substances in the associate's system while at work, while on the premises of the company or its customers, or while on company business.
- Reporting for work or returning to work following a meal or other break with prohibited substances in the associate's system.
- Failing to comply fully with any aspect of the Company's enforcement of this policy as it applies to the associate, or failing to cooperate during an internal investigation into suspected violations of this policy. This includes refusing to submit to testing and/or searches, giving adulterated or substituted urine samples, refusing to provide required consent form(s) or failing to comply with any evaluation and return-to-work conditions imposed by the Company.
- Selling or giving alcohol to an underage customer or associate.

Violation of this Policy or Standard may result in disciplinary action, up to and including termination of employment.

## Prescription and Over the Counter Medication Safety/Performance

It is the responsibility of all associates to determine whether prescription or over-the-counter drugs could impair the associate's ability to safely perform assigned job duties by inquiring of his or her medical provider or by reviewing a medication's label.

In any instance where a prescription or over-the-counter medication may affect job performance, the associate should partner with their Human Resources support team before there is any impact on job performance, as they may be eligible for a reasonable accommodation.

Associates working in safety sensitive positions must report to their supervisor, before beginning work, the use of prescribed or over-the-counter medication when the use of such medication may affect the associate's ability to safely perform assigned job duties. Questions regarding whether a position is considered safety sensitive should be directed to an associate's supervisor.

Note: Supervisors and managers should never inquire about an associate's medical condition, they should partner with Human Resources if there is reasonable suspicion to believe an associate may not be able to perform their job safely.

The associate need not identify the medication used, or the condition being treated unless asked to do so by Human Resources solely for the purpose of evaluating the associate's fitness for duty, or possible job accommodations. If there is any question concerning the associate's ability to perform safely, the associate will be assigned other work, if, in the sole discretion of management, such duties are appropriate and available, otherwise the associate will be sent home.

Information regarding an associate's health condition and/or legitimate use of medications will be treated as confidential, to be disclosed only on a need-to-know basis as determined by Human Resources in accordance with applicable law.

Safety is the Company's priority. Management's failure to investigate and observe warnings about the effects of medication on an associate's ability to perform safely will result in discipline, up to and including termination of the manager who failed to perform their responsibilities.

## Drug and Alcohol Testing

Rite Aid may conduct drug and/or alcohol testing under any of the following circumstances:

- **Pre-Employment Testing:** Applicants extended a conditional offer of employment may be required to take and pass a drug test as a condition of hire and those job offers are contingent upon competitive test results.
- **Change in Position Testing:** Associates may be required to take and pass a drug test prior to a change in position or promotion.
- **Reasonable Suspicion Testing:** The Company may ask an associate to submit to a drug and/or alcohol test at any time it feels that the associate may be under the influence of drugs or alcohol, including, but not limited to, the following circumstances: evidence of drugs or alcohol on or about the employee's person or in the employee's vicinity, observations related to the associate's appearance, behavior, speech or breath odor, unusual or atypical conduct on the employee's part that suggests impairment or influence of drugs or alcohol, negative performance patterns, or excessive and unexplained absenteeism or tardiness. Reasonable suspicion testing is at the sole discretion of the Company.

Violation of this Policy or Standard may result in disciplinary action, up to and including termination of employment.

- **Post-Accident Testing:** Any associate involved in an on-the-job accident or injury under circumstances that suggest possible use or influence of drugs or alcohol in the accident or injury event may be asked to submit to a drug and/or alcohol test. "Involved in an on-the-job accident or injury" means not only the one who was or could have been injured, but also any employee who potentially contributed to the accident or injury event in any way.
- **Drug Loss Investigation Testing:** Associates with direct access to drugs and/or alcohol as part of their work responsibilities may be required to submit to drug and/or alcohol testing as part of a drug loss investigation unless expressly prohibited by law.

## **Testing Procedures**

The Company partners with third party vendors to conduct drug and alcohol tests under circumstances designed to ensure the accuracy and integrity of the testing process.

### **Consent**

No sample will be collected or tested without the individual's consent. However, a refusal to submit to a test when asked will result in the withdrawal of a conditional offer of employment/change in position, or termination of employment. The Company pay the costs of all drug and/or alcohol tests it requires of both applicants and associates. Time spent engaged in the testing process is compensable work time for associates.

### **Collection and Chain-of-Custody**

Individuals being tested will be asked to provide a test sample to the collection site representative. Procedures for the collection of specimens will allow for reasonable individual privacy. The Company does not permit direct observation urine collections under any circumstances. Drug test specimens may include urine, oral fluid, hair, or other methods at the Company's discretion. Both the collector and the individual being tested will follow chain-of-custody procedures for specimens at all times.

### **Testing Methods**

All urine drug testing specimens will be screened using an immunoassay technique and all presumptive non-negative drug tests will be confirmed using gas chromatography/mass spectrometry (GC/MS). Additional tests to assist in validating the sample (i.e., to determine the presence of adulterants, masking agents, dilution, etc.) may be conducted. However, tests are designed to seek only information about compliance with this policy, and the presence of illegal drugs and/or alcohol (or their metabolites) in an individual's specimen. Specimens will not be tested for evidence of any medical condition. All presumptive non-negative drug tests will be confirmed by a laboratory certified by the U.S. Substance Abuse and Mental Health Services Administration to conduct federal workplace testing.

Alcohol tests will be conducted using the breath alcohol test method. A BAC (breath alcohol concentration) result less than .02% is considered negative; greater result is considered impaired.

### **Refusal to Test**

An individual's refusal to submit to drug and/or alcohol testing will result in the withdrawal of a conditional offer of employment/change of position, or termination of employment. Each of the following would be considered a refusal to test:

- Any attempt to tamper with, substitute, adulterate, or otherwise falsify a test sample,
- Any disruption of the testing process,
- Failing to appear at the collection site promptly after being asked to submit to a test,
- Failing to go to the collection site accompanied by management during a reasonable suspicion or post-accident scenario, and
- Failing to remain at the collection site until the completion of the collection process.

Violation of this Policy or Standard may result in disciplinary action, up to and including termination of employment.

An individual's failure to provide a specimen will not be deemed a refusal if the Medical Review Officer (MRO) concludes that there is a valid medical explanation. Managers must partner with Human Resources to consider alternative testing methods.

#### **Failing a Drug and/or Alcohol Test**

A non-negative pre-employment drug test will result in the withdrawal of a conditional offer of employment.

In all other situations, a non-negative drug and/or alcohol test will result in the termination of employment except where expressly prohibited by law.

#### **Medical Review and Right to Rebut Non-Negative Drug Test Results**

Any individual who receives a non-negative drug test result will be contacted by a Medical Review Officer (MRO). A MRO is a medical professional specializing in toxicology. The specimen donor will be given an opportunity to explain to the MRO in confidence any legitimate reasons that would explain the non-negative drug test result.

If the individual provides an explanation supported by evidence acceptable to the MRO, the Company be notified that they passed the test. Otherwise, the MRO will notify Rite Aid that the individual failed the test. If the MRO is not able to have a dialogue with the individual, Rite Aid will be notified that they failed the test.

Applicants and associates who request a copy of any failed test results will be directed to the MRO, who will then confidentially provide a copy to the applicant or associate at the Company's expense.

An individual who fails a drug test may ask the MRO to have the original test specimen sent to an independent certified laboratory for a second confirmatory test at the individual's expense. The request must be made within seven business days of the date the MRO informed the individual of the failed test results. Rite Aid may suspend, transfer, or take other appropriate employment action against the individual pending the results of any such re-analysis. If the individual passes the drug test, they will be reimbursed for the cost of the re-analysis. Non-exempt associates must be paid for any missed work shifts and exempt associates will be paid their full salary for any work week in which any work is done in accordance with the Fair Labor Standards Act (FLSA), subject only to those deductions permitted by the FLSA salary basis requirement

### **Voluntary Requests for Assistance**

The Company supports associates who voluntarily seek professional assistance with their use of drugs and/or alcohol BEFORE it results in unsatisfactory performance, attendance problems, an accident, safety risks, or an investigation into a potential violation of this or any other policy. The Company offers associates access to an Employee Assistance Program (EAP) that can help evaluate and refer associates in need of assistance to appropriate educational and treatment resources. .

Qualified associates who seek assistance may be eligible for a medical leave under Company policies. An associate who takes a medical leave will not be permitted to return to work until their medical provider has certified that the associate is able to safely perform their job duties without violating this policy.

An associate will not be disciplined for voluntarily seeking assistance so long as assistance is sought prior to a violation or an investigation into a potential violation of this or any other policy.

An associate may be asked to enter into a Self-Help Agreement as a condition of resuming their employment with Rite Aid. A Self-Help Agreement typically involves the following:

- The associate must complete all prescribed post-rehabilitation care to the extent recommended by a Substance Abuse Professional,
- The Company must be permitted to monitor the associate's compliance with any required treatment or after care program, and
- The Associate must successfully participate in follow-up testing designed to ensure that they do not resume illegal drug use or alcohol misuse as defined in this policy.

Violation of this Policy or Standard may result in disciplinary action, up to and including termination of employment.

Substance abuse issues will not excuse an associate from discipline related to poor performance or violations of this or any other Company policy. Associates are encouraged to seek assistance promptly, before their performance is affected.

### Confidentiality

The Company recognizes the sensitivity of enforcing this policy. Test results and other information concerning drug and alcohol investigations must be treated confidentially, to be disclosed only on a need-to-know basis as determined by Human Resources in accordance with applicable law.

All records relating to non-negative test results (as defined herein), fitness for duty evaluations, and medical information revealed to the Company and/or its MRO is kept confidential, to be disclosed only on a need-to-know basis as determined by Human Resources in accordance with applicable law.

Records in the Company's possession affiliated with the Company's DFW Policy must be kept in secure files separate from the personnel files. Information developed in connection with administering this policy will not be released outside of the Company, except when related to a grievance, administrative proceeding or court claim brought on the individual's behalf, when necessary to comply with pharmacy licensing, certification, federal, state, and/or local laws, or when the Company determines that it is appropriate and necessary, for example, responding to a government inquiry.

Concerns regarding the confidentiality of drug/alcohol test results or the application of this policy should be directed to the Privacy Office via email at [PrivacyOffice@riteaid.com](mailto:PrivacyOffice@riteaid.com) or phone at 717-730-8384. Elixir associates may contact the Compliance Department via email at [ComplianceDepartment@elixirsolutions.com](mailto:ComplianceDepartment@elixirsolutions.com) or phone 866-417-3069. Health Dialog associates may contact the Privacy Office via email at [privacyofficer@healthdialog.com](mailto:privacyofficer@healthdialog.com) or phone 713-822-0023.

### Searches

Packages, purses, backpacks, lunch containers, vehicles and other personal items carried on to or removed from Company Property are subject to search at the Company's discretion, unless expressly prohibited by law.

Likewise, the Company reserves the right to search all Company Property, including desks, computers, files, registers, and lockers, at its discretion, unless expressly prohibited by law.

Note: This right to search applies even if the associate has locked their desk, computer, file, register or locker. Any suspected illegal drugs and/or drug paraphernalia found in or on Company' property may be released to law enforcement agencies and the Company will cooperate with any ensuing investigation.

### Compliance with the Law

Implementation of this policy may vary in certain states and localities. The Company will administer this policy, including all drug and alcohol testing provisions, in a manner that complies with applicable federal, state and/or local laws. Should there be a conflict of law, the Company will adhere to the controlling law.

Violation of this Policy or Standard may result in disciplinary action, up to and including termination of employment.