

Mister Car Wash is committed to protecting the safety, health and well-being of all employees and other individuals in our workplace. Drug and alcohol use pose a significant threat to our goals. We have established a Drug and Alcohol-Free Workplace Policy, pursuant to applicable state and federal laws, that balances our respect for individuals with the need to maintain an alcohol and drug-free environment. Please see separate addenda applicable to Iowa and Minnesota.

This policy covers all employees while performing Company services. Employees must comply with this policy as a condition of employment and continued employment.

This policy is intended to apply whenever anyone is representing or conducting business for the organization. Therefore, this policy applies during all working hours, including during meal and rest periods, and whenever conducting business or representing the organization.

It is a violation of this policy to use, possess, sell, trade, offer for sale or offer to buy illegal drugs or otherwise engage in the use of illegal drugs while on Company premises, parking lots, in Company vehicles or other property, or performing Company business anywhere.

It is a violation of this policy for any employee to report to work under the influence of or impaired by alcohol.

### **Prescription Drugs**

Prescription and over-the-counter drugs are not prohibited when taken in standard dosage and/or according to a physician's prescription. Any employee taking prescribed or over-the-counter medications will be responsible for consulting the prescribing physician and/or pharmacist to ascertain whether the medication may interfere with safe performance of his/her job. If the use of a medication could compromise the safety of the employee, fellow employees or the public, it is the employee's responsibility to use appropriate procedures (e.g., call in sick, use leave, request change of duty, notify supervisor) to avoid unsafe workplace practices.

The improper or unauthorized use, sale, solicitation, purchase, possession, or transfer of prescription or over-the-counter drugs while on Company premises or parking lots, in Company vehicles or other property, or while performing Company business is prohibited.

Marijuana remains illegal as a matter of federal law and therefore its use or possession violates this policy. The Company will endeavor to accommodate individuals with disabilities but will not accommodate the use of medical marijuana at work or excuse positive drug tests or other policy violations related to medical marijuana use except as may be required by law. If you have questions about medical marijuana at our location, please consult Human Resources.

### **Drug Testing**

Each employee, as a condition of employment, will be required to participate in reasonable suspicion testing upon request of management.

An employee or applicant has the right to refuse testing. However, a refusal to test will be treated as a failure to comply with the Company's policy and may result in disciplinary action up to and including termination of employment.

The Company will test an employee for drugs and/or alcohol when a supervisor and/or manager has reasonable suspicion that the employee: (1) is under the influence of drugs or alcohol; (2) has violated the Company's policy prohibiting the use, possession, sale or transfer of drugs or alcohol while the

employee is working or while the employee is on Company premises or operating Company vehicles, machinery or equipment; (3) has sustained a personal injury, or has caused another employee to sustain a personal injury, which injuries are arising out of and in the course of employment and where it appears drug or alcohol use could have caused or contributed to the injury; or (4) has caused a work-related accident or was operating or helping to operate machinery, equipment or vehicles involved in a work-related accident. Reasonable suspicion means a basis for forming a belief based on specific facts and rational inferences drawn from those facts. Reasonable suspicion will be documented and will not be based on rumor or speculation.

To ensure the accuracy and fairness of our testing program, all testing will be conducted according to Substance Abuse and Mental Health Services Administration (SAMHSA), state, and federal guidelines where applicable and will include a screening test; a confirmation test; the opportunity for a split sample; review by a Medical Review Officer, including the opportunity for employees who test positive to provide a legitimate medical explanation, such as a physician's prescription, for the positive result; and a documented chain of custody.

Testing for the presence of alcohol will be conducted by analysis of breath, except in Minnesota where such testing will be by saliva. An alcohol test will be considered positive if it shows the presence of 0.04 percent or more of alcohol in a person's system.

Testing for the presence of the metabolites of drugs will be conducted by the analysis of urine.

Any employee who receives a confirmed positive test result for drugs or alcohol will be subject to disciplinary action including but not limited to immediate removal from duty; suspension without pay; termination; and/or referral to a substance abuse professional for assessment and recommendations (see Rehabilitation and Return-to-Work Agreements below),

An employee will be subject to the same consequences of a confirmed positive test if he/she refuses the screening or the test, adulterates or dilutes the specimen, substitutes the specimen with that from another person or sends an imposter, will not sign the required forms or refuses to cooperate in the testing process in such a way that prevents completion of the test.

If an employee tests positive for drug or alcohol use, the person tested may, within five working days after notice of the positive result, file written information (submit to: Mister Car Wash, Human Resources, 222 E. 5<sup>th</sup> Street, Tucson AZ 85705 or HRhelp@mistercarwash.com) explaining the positive test. In addition, within seven working days after notice of a confirmed positive test, the person tested may request (in writing to an address stated above) a confirmatory re-test of the original sample at such person's own expense.

If an employee violates the policy, he or she will be subject to disciplinary action and may be required to enter rehabilitation. An employee required to enter rehabilitation that fails to successfully complete it and/or repeatedly violates the policy will be terminated from employment. Nothing in this policy prohibits the employee from being disciplined or discharged for other violations and/or performance problems.

### **Rehabilitation and Return-to-Work Agreements**

Following a violation of this policy, an employee may be offered an opportunity to participate in rehabilitation. In such cases, the employee must sign and abide by the terms set forth in a Return-to-Work Agreement as a condition of continued employment.

**Mister Car Wash** recognizes that alcohol and drug abuse and addiction are treatable illnesses. We also realize that early intervention and support improve the success of rehabilitation. To support our employees, our policy:

- Encourages employees to seek help if they are concerned that they may have a drug and/or alcohol problem.
- Encourages employees to utilize the services of qualified professionals in the community to assess the seriousness of suspected drug or alcohol problems and identify appropriate sources of help.
- Offers all employees assistance with alcohol and drug problems through the Employee Assistance Program (EAP) (see below).
- Allows the use of accrued paid leave while seeking treatment for alcohol and other drug problems.

The Employee Assistance Program (EAP) is available to all employees and is a free confidential service that may be accessed, either through self-referral or a referral source, 24 hours a day, seven days a week. You may contact the EAP and speak with a trained specialist who can provide guidance, information, and/or referrals to local service providers. You can receive assistance with a wide variety of problems, including substance abuse. Please visit <http://benefits.mistercarwash.com/employee-assistance-program/> for all information on how to contact/utilize the EAP.

Employees may not, however, escape discipline by first requesting EAP services after being selected for testing or violating the Company's policies and rules of conduct. Nor will such requests or utilization of EAP services excuse employees from compliance with normal standards of performance or conduct. Information provided when accessing and utilizing EAP services will be kept confidential in accordance with any applicable federal and/or state law requirements.

Costs associated with this benefit may be covered by an employee's medical insurance plan; however, any costs not covered by the employee's medical insurance plan and which are not otherwise required to be paid by law or any applicable plan are the employee's sole responsibility.

All information received by the Company through the drug-free workplace program is confidential communication. Access to this information is limited to those who have a legitimate need to know in compliance with relevant laws and management policies.

### **Shared Responsibility**

A safe and productive drug-free workplace is achieved through cooperation and shared responsibility. Both employees and management have important roles to play.

All employees are required to not report to work or be subject to duty while their ability to perform job duties is impaired due to on- or off-duty use of alcohol or other drugs.

In addition, employees are encouraged to be concerned about working in a safe environment, support fellow workers in seeking help, use the Employee Assistance Program, and/or report dangerous behavior to their supervisor.

It is the supervisor's responsibility to inform employees of the drug-free workplace policy, observe employee performance, investigate reports of dangerous practices and/or document negative changes and problems in performance.

Communicating our drug-free workplace policy to both supervisors and employees is critical to our success. To ensure all employees are aware of their role in supporting our drug-free workplace program:

- The policy will be reviewed in orientation sessions with new employees.
- The policy will be available at all locations and any time online at <http://benefits.mistercarwash.com>