

DRUG- AND ALCOHOL-FREE WORKPLACE POLICY



PURPOSE

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 at work pose a significant threat. We have established this Drug- and Alcohol-Free Workplace Policy (“Policy”), pursuant to applicable state and federal laws, that balances our respect for individuals with the need to maintain a drug- and alcohol-free environment. For specific state policies, please see Addenda below. See also “Related Policies, Procedures, and Forms” below.

SCOPE

This Policy applies to all employees (full- or part-time, or paid or unpaid interns) while representing Mister or conducting business for Mister during all working hours, including during meal and rest periods. Employees must comply with this Policy as a condition of employment and continued employment.

POLICY STATEMENT

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 Mister premises and parking lots, in company vehicles or other property, or performing Mister business anywhere.

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

Prescription Drugs

Prescription and over-the-counter drugs are not prohibited when taken in standard dosage and/or according to a physician’s prescription. An employee taking prescribed or over-the-counter medications is responsible for consulting with their doctor or pharmacist to determine whether the medication may interfere with safe performance of their job. If use of a medication could compromise the safety of an employee, fellow employees, or the public, the employee must follow appropriate procedures (e.g., call in sick, use leave, request change of duty, notify supervisor) to avoid unsafe workplace practices.

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

Marijuana remains illegal as a matter of federal law and therefore its use or possession violates this Policy. Mister 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

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to medical marijuana use, except as may be required by law. If you have questions about medical marijuana at our locations, please consult Human Resources by calling 1-844-529-7392 or emailing HRhelp@mistercarwash.com.

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 this Policy and may result in disciplinary action up to and including termination of employment.

Mister will test an employee for drugs and/or alcohol when a manager has reasonable suspicion that the employee: (1) is under the influence of drugs or alcohol; (2) has violated our Policy prohibiting the use, possession, sale, or transfer of drugs and/or alcohol while the employee is working or while the employee is on Mister 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 under circumstances where 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 under circumstances where drug or alcohol use could have caused or contributed to the accident. Reasonable suspicion means a basis for forming a belief based on specific facts and rational inferences drawn from those facts. Reasonable suspicion details will be documented using a *Reasonable Suspicion Testing Checklist*.

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 spit sample; review by a Medical Review Officer, including the opportunity for an employee who tests 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 in accordance with state law. 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, or such other percentage as required by applicable law (See Iowa addendum below).

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

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Consequences

Employees who violate this Policy will be subject to disciplinary action, including, but not limited to, rehabilitation and termination of employment. Except in states where prohibited by law, nothing in this Policy prohibits the employee from being disciplined or discharged for other violations and/or performance problems.

An employee who receives confirmed positive test results 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.)

If an employee refuses the screening or the test, tampers with 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, the employee will be subject to the same disciplinary options as a confirmed positive test.

If an employee tests positive for drug or alcohol use, the employee may, within five (5) working days after notice of the positive result, file written information (submit to: Mister Car Wash, Human Resources, 222 E 5th Street, Tucson AZ 85705 or HRhelp@mistercarwash.com) explaining the positive test results. In addition, within seven (7) working days after notice of a confirmed positive test, the employee may request (in writing to an address stated above) a confirmatory retest of the original sample at the employee's own expense.

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 recognizes that alcohol and drug abuse and addiction are treatable illnesses. We also realize that early intervention and support increase the likelihood of successful rehabilitation. To support our employees, we:

- Encourage employees to seek help if they are concerned that they may have a drug and/or alcohol problem.
- Encourage 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.
- Offer all employees assistance with drug and alcohol problems through the Employee Assistance Program (EAP) (see below).

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- Allow the use of accrued PTO or Tier 3 PTO while seeking treatment for alcohol and other drug problems.
- May offer leave of absence where reasonable and/or required by law.

The 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 information on how to contact and utilize the EAP.

Employees may not, however, escape discipline by requesting EAP services after being selected for testing or violating this Policy or Mister's 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 Mister in accordance with the law or any applicable plan are the employee's sole responsibility.

All information received by Mister regarding an employee's suspected or actual drug and alcohol use will be treated as confidential information.

Shared Responsibility

A safe and productive drug- and alcohol-free workplace is achieved through cooperation and shared responsibility.

Employee: Do not report to work while your ability to perform job duties is impaired due to use of drugs or alcohol. Be concerned about working in a safe environment, support fellow workers in seeking help, use the EAP, and/or report dangerous behavior to your manager.

Manager: Inform employees of this Policy, observe employee performance, investigate reports of dangerous practices, and/or document negative changes and problems in performance. Review this Policy in orientation sessions with new employees and make sure the Policy is posted and available at your location.

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RELATED POLICIES, PROCEDURES AND FORMS

- Drug and Alcohol Testing Procedure (HR.3401.5-MCW-PRC)
- Return to Work Agreement (HR.3401.6-MCW-FRM)
- Reasonable Suspicion Checklist (HR.3401.7-MCW-FRM)

IOWA ADDENDUM

PURPOSE

This Addendum to the Mister Car Wash Drug- and Alcohol-Free Workplace Policy (“Policy”) modifies and amends the Policy to ensure compliance with Iowa workplace drug and alcohol testing law and controls for any inconsistency between the Addendum and the Policy.

SCOPE

The Policy and this Addendum apply to all applicants and employees working in or reporting to locations in the State of Iowa.

POLICY STATEMENT

Notice and Posting of Policy

In addition to the provisions in the Policy, in the case of a minor employee, Mister will mail a copy of the Policy and this Addendum to a parent of the minor employee by certified mail with return receipt requested.

Notice of Positive Test Results

After receipt of a confirmed positive test result from the testing laboratory, Mister will inform an applicant or employee, in writing by certified mail with return receipt requested, of: (1) the positive test result on the confirmatory test; (2) the right to request and obtain a second confirmatory test within seven (7) days of the date the letter was sent; and (3) the fee payable by the employee for the costs of a second confirmatory test. In the event of a negative second confirmatory test, the employee will be reimbursed by Mister for testing expenses, and the test will not be considered a positive test for the purposes of disciplinary action.

Education and Training

Mister requires managerial personnel involved with drug or alcohol testing to attend a minimum of two (2) hours of initial training and attend, on an annual basis thereafter, a minimum of one (1) hour

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of subsequent training. The training will include, but is not limited to, information concerning the recognition of evidence of employee alcohol and other drug abuse and the referral of employees who abuse alcohol or other drugs to the Employee Assistance Program or to a resource file of employee assistance services providers.

Consequences/Rehabilitation

Employees who violate the Policy are subject to discipline up to and including termination and at Mister's sole discretion. While the discipline imposed will depend on the circumstances, and Mister reserves the right to determine, in its discretion, discipline to be imposed, ordinarily the discipline will be immediate termination.

Any action taken against an employee or prospective employee under the Policy shall be based only on the results of the drug or alcohol test or refusal to test. Notwithstanding the foregoing, nothing in the Policy diminishes or restricts Mister's ability to discipline employees for conduct independent of drug and/or alcohol testing and employees' failure to meet the workplace standards of behavior and performance expected by Mister of all employees.

Mister also reserves the right to refer employees with a confirmed positive drug and/or alcohol test for assessment, counseling, rehabilitation services, or treatment and to require any employee so referred to enter into and abide by a *Return-to-Work Agreement*.

Finally, an employee sent for reasonable suspicion testing will be removed from their position and will receive a non-disciplinary suspension until Mister receives the test results. Hourly employees will not be compensated for time missed from work if the test is confirmed positive, but will be compensated if the test is negative.

With respect to employees who have confirmed positive test results for alcohol, if and to the extent Mister employs 50 or more employees in the State of Iowa, and if the employee has been employed by Mister for at least 12 of the preceding 18 months, and if rehabilitation is agreed upon by the employee, and if the employee has not previously violated the Policy, Mister will offer the employee the opportunity to enroll in an employer-provided or -approved rehabilitation, treatment, or counseling program, which may include additional drug or alcohol testing, participation in and successful completion of which may be a condition of continued employment, and the costs of which may or may not be covered by Mister's health plan or policies. Costs will be apportioned as provided under any applicable benefit plan, if any, or, if no Company benefit plan exists, and the employee has coverage for any portion of the costs of rehabilitation under any health care plan of the employee, costs will be apportioned as provided by the plan, with any costs not covered apportioned equally between Mister and the employee (however, Mister will not be required to pay more than two thousand dollars toward the costs not covered by the employee's health care plan).

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MARYLAND ADDENDUM

PURPOSE

This Addendum to the Drug- and Alcohol-Free Workplace Policy (“Policy”) modifies and amends the Policy to ensure compliance with Maryland workplace drug and alcohol testing law and controls for any inconsistency between the Addendum and the Policy.

SCOPE

The Policy and this Addendum apply to all applicants and employees working in or reporting to locations in the State of Maryland.

POLICY STATEMENT

Notice of Positive Test Results

After receipt of a confirmed positive test result from the testing laboratory, Mister will inform an applicant or employee, in writing by certified mail with return receipt requested, of: (1) the positive test result on the confirmatory test; and (2) the right to request by certified mail and obtain, at the employee’s expense, a second confirmatory test of the original sample from the original testing laboratory or another certified laboratory.

MINNESOTA ADDENDUM

PURPOSE

This Addendum to the Mister Car Wash Drug- and Alcohol-Free Workplace Policy (“Policy”) modifies and amends the Policy to ensure compliance with Minnesota workplace drug and alcohol testing law and controls for any inconsistency between the Addendum and the Policy.

SCOPE

The Policy and this Addendum apply to all applicants and employees working in or reporting to locations in the State of Minnesota.

POLICY STATEMENT

Notice and Posting of Policy

Notice of this Policy will be posted in an appropriate and conspicuous location on our premises and will advise that copies of the Policy are available for inspection during regular business hours by employees or applicants.

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In addition to the provisions in the Policy, please note that job applicants will be provided with a copy of the Policy and this Addendum after a job offer but before any drug or alcohol test.

Testing Methodology for Alcohol

Alcohol testing will be conducted by a saliva test.

Notice of Negative Test Results

Within three (3) working days after receipt of a negative test result from the testing laboratory, Mister will inform an applicant or employee, in writing, of: (1) the negative test result on the initial screening test or the confirmatory test; and (2) the right to request and receive a copy of the test result report.

Notice of Positive Test Results

Within three (3) working days after receipt of a confirmed positive test result from the testing laboratory, Mister will inform an applicant or employee, in writing, of: (1) the positive test result on the confirmatory test; (2) the right to request and receive a copy of the test result report; (3) the right to explain the positive result (described below in "Explaining Results"); and (4) the right to request a confirmatory retest of the original sample, at his or her own expense.

Explaining Results

Within three (3) working days after notice of a positive drug or alcohol test result on a confirmatory test, the employee or applicant may submit information to Mister to explain the positive result. Additionally, after a positive test result, Mister can request that the employee or applicant indicate any over-the-counter or prescription medications he or she is currently taking, or has recently taken, as well as any other information relevant to the reliability of, or explanation for, a positive test result.

Confirmatory Retest

An employee or job applicant may request a confirmatory retest of the original sample at their own expense. The employee or applicant must make this request and notify Mister, in writing, of the intention to obtain a confirmatory retest within five (5) working days of receiving notice of the confirmatory results.

Within three (3) working days of receiving the individual's notice to retest, Mister will notify the original testing laboratory that the employee or applicant has requested that the lab conduct a confirmatory retest or arrange for transfer of the sample to the laboratory selected by the individual to perform the confirmatory retest, provided that the laboratory selected must be licensed in

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accordance with Minnesota Statute §181.953. If the confirmatory retest does not confirm the original positive test, Mister cannot take any adverse personnel action based on the original test.

Consequences/Rehabilitation

Employees who violate the Policy are subject to discipline up to and including termination and at Mister's sole discretion. While the discipline imposed will depend on the circumstances, and Mister reserves the right to determine, in its discretion, the discipline to be imposed, ordinarily certain offenses will result in immediate termination (e.g., possession, sale, or use of illegal drugs on Mister's premises or during working time).

All positive initial tests *must* be verified by a confirmatory test before discipline is imposed or a conditional job offer is withdrawn. Mister will not discharge an employee if the employee tests positive on a confirmatory test and the confirmed positive result is the first such result under Mister's Policy (i.e., a first-time offender). Instead, Mister will give the employee an opportunity to participate in counseling or rehabilitation at the employee's expense or pursuant to any coverage under an employee benefit plan. Mister may discharge an employee who refuses to participate in counseling or rehabilitation, has failed to successfully complete the program as evidenced by withdrawal from the program before its completion, or has a positive test result on a confirmatory test after completing the rehabilitation program. This limitation on discharge does not prohibit Mister from terminating an employee due to misconduct that is related to his/her chemical or alcohol dependency, even if the employee tests positive for drugs or alcohol on only one occasion.

Mister may temporarily suspend a tested employee or transfer that employee to another position at the same rate of pay pending the outcome of the confirmatory test and, if requested, the confirmatory retest, where Mister believes it is necessary to protect the health or safety of the employee, their co-employees, or the public.

TENNESSEE ADDENDUM

PURPOSE

This Addendum to the Mister Car Wash Drug- and Alcohol-Free Workplace Policy ("Policy") modifies and amends the Policy to ensure compliance with Tennessee workplace drug and alcohol testing law and controls for any inconsistency between the Addendum and the Policy.

SCOPE

The Policy and this Addendum apply to all applicants and employees working in or reporting to locations in the State of Tennessee.

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POLICY STATEMENT

Notice of Positive Test Results

After receipt of a confirmed positive drug test result from the testing laboratory, the employee has five (5) working days to explain the result to a Medical Review Officer (contact Tennessee HRBP for direction). This includes making a confidential report to the Medical Review Officer regarding the employee's use of prescription or non-prescription medications. The Medical Review Officer can only consider prescriptions issued in the six months prior to the positive confirmed drug test result to determine whether the prescription is valid and whether the employee should be immune from consequences following a confirmed positive drug result.

REVIEW

This Policy will be reviewed **annually** and updated as necessary.

Name and Title	Date (YYYY-MM)
Anna Zappia, Vice President of Human Resources	2021-02

APPROVAL

Only a representative from the Policy Review Committee can approve a policy following the procedure set forth in GRC.1000.1-MCW-PRC.

Name, Title, and Signature	Date (YYYY-MM)
<i>Anna Zappia</i> Anna Zappia, Vice President of Human Resources	2021-02

REVISION HISTORY

Version	Issue Date	Updated by	Revisions
Rev. 1	2018-02	Anna Zappia	Document created.
Rev. 2	2021-02	Jennifer Forster	Revised to provide greater clarity as to responsibilities and consequences.