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I. PURPOSE

Perdue is committed to providing a work environment free of drugs and alcohol and believes that the use or possession of prohibited substances including, alcohol, psychoactive drugs, or other intoxicants creates a serious threat to the health and well-being of the users along with fellow associates. This policy is intended to eliminate the use and possession of alcohol, illegal and prohibited drugs on company property.

II. SCOPE

This policy is applicable to all Perdue associates, contract workers, and vendors in all locations. However, different rules may also apply to those associates governed by Department of Transportation (DOT) regulations. Those requirements can be found in Perdue Fleet Safety Policy 4.4, Commercial Driver Drug and Alcohol Policy. All portions of Drug and Alcohol Policy 903 apply to drivers unless specifically addressed in Perdue Fleet Safety Policy 4.4.

Please note: this policy in no way guarantees employment for a certain period of time or otherwise alters an at-will employment relationship with Perdue.

III. POLICY

Associates under the influence of, using, selling, transferring or possessing alcohol or illegal and/or unauthorized drugs on the Company's premises is strictly prohibited and shall be subject to immediate termination following an appropriate investigation and review by management.


Perdue will implement and maintain a drug testing procedure that is compliant with all local, state and federal laws regarding the testing methodology, adjudicating results and providing for appropriate disciplinary actions.

Additionally, associates are encouraged to be alert to, and inform appropriate Company personnel, of any behavior which they believe in good faith violate or could constitute a violation of this policy.

Note that Perdue provides its associates with access to an Employee Assistance Program (“EAP”) that can offer assistance for substance use. Specifically, the EAP can provide confidential information concerning the dangers of substance abuse and to help in obtaining counseling, treatment, and/or rehabilitation for drug or alcohol abuse.

IV. DEFINITIONS

- Illegal Drugs - includes any drug whose production or use is prohibited by law.
- Prohibited or Unauthorized Drugs - includes any substance that impairs an associates perception, judgment, coordination, mobility, health or performance. These include, but are not limited to alcohol and legal substances that are being used against the law (i.e. misuse of prescription medication).

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- Under the influence - includes any person whose physical or mental ability to perform his or her job is impaired due to their apparent use of alcohol or drugs of any kind and may pose a threat to the health or safety of the associate or others in the workplace.

V. TESTING

Perdue HealthWorks maintains the responsibility for administering the drug testing program.

The sample collector will maintain appropriate chain of custody procedures and documentation. All reasonable attempts will be made to protect the privacy of individuals providing drug/alcohol samples/specimens and sample collection shall be conducted in accordance with applicable federal, state, or local law.¹

Perdue will pay the full cost of any testing it has requested or required, with associates being reimbursed for the reasonable cost of any transportation to and from the designated collection facility. (Job applicants will not be reimbursed for the cost of transportation to and from the designated collection facility.) Perdue will normally schedule testing of currently associates during, or immediately before or after, a regular work period. Time spent complying with testing required by Perdue under this policy is considered work time for purposes of compensation and benefits.

Testing for illegal, prohibited or unauthorized substances may include: urine, hair, oral fluid, and/or blood tests to determine chemical or drug content. A person shall not be deemed to be positive on a drug or alcohol test until the person’s sample/specimen has been subject to confirmatory testing, the confirmatory test will be by gas chromatography mass spectrometry where required by applicable law or by another comparably reliable analytical method. Confirmatory testing will be conducted by a laboratory certified in accordance with applicable federal, state, or local law.²


A drug test will be considered positive when the screening levels established by the testing laboratory are exceeded. Information regarding the screening cutoff levels for various drugs will be made available upon request.³

Positive test results (or results determined to be adulterated, diluted or substituted) will be

¹ In Boulder, Colorado, a sufficient specimen will be collected to perform two tests, and the one untested specimen shall be maintained until a negative test is obtained, or, in case of a positive result, for a period of not less than one year following the date on which the specimen is collected. No portion of any specimen will be tested for pregnancy, and except for pre-employment physicals, no portion of any specimen will be examined for evidence of any other medical condition, other than for the presence of alcohol or drugs. The collection, storage, and transportation of the specimen shall be accomplished in tamper-proof containers. Chain of custody documentation shall be used to identify how the specimen was handled, stored and tested at all times. In Boulder, Colorado, an individual may, at his or her own expense, contract with a laboratory meeting the National Institute of Drug Abuse standards to have a second confirmatory test performed on an untested portion of the original specimen, subject to the same chain of custody assurances provided for in the original test. Boulder, Colorado individuals have the right to obtain, immediately upon request to Perdue’s Human Resources Department, a copy of all records maintained of his or her initial positive confirmatory test results, and to submit written information explaining any such results.

² Screening, testing, and confirmation procedures for all persons subject to North Carolina law will comply with the requirements of the U.S. Department of Health and Human Services, the requirements of the College of American Pathologists' (CAP) Forensic Urine Drug Test Inspection Checklist, and/or alternative procedures that meet the requirements of North Carolina’s CSERA. Individuals subject to San Francisco, California law will have the opportunity to have a sample re-tested at a state-licensed, independent laboratory.

³ In North Carolina, a person has the right to retest a confirmed positive sample at the same or another approved laboratory during the time which the sample is required to be retained under North Carolina law. The person must request the release of the sample in writing specifying to which approved laboratory the sample is to be sent. The Covered Person incurs all reasonable expenses for chain of custody procedures, shipping, and retesting of positive samples related to this request. Individuals in West Virginia have a right to request that a split sample be tested at another laboratory at the person’s expense.

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communicated to Perdue’s Wellness Center Nurse (“WCN”). On receipt of positive test results (or results determined to be adulterated, diluted or substituted), the WCN will inform the individual of the positive test results and discuss the results with the individual.⁴ In this discussion, the WCN will provide the individual with an opportunity, in confidence, to provide a medical explanation for the result (including the opportunity to identify prescription and non-prescription drug use), the opportunity to contest/rebut the positive test result, and/or the opportunity to provide any information the individual feels is relevant. After speaking with the individual, the WCN will report the results to Perdue as appropriate. Perdue will then make a determination regarding the appropriate response to the positive test results, which may include discipline up to and including termination of employment.

The results of any and all drug or alcohol tests will be maintained in secure (locked), confidential medical files, separate from personnel files. Perdue will not release any information regarding the test results outside of Perdue without the written consent of the individual tested, except as otherwise authorized or required by law. Individuals may obtain copies of all information and records relating to the individual’s testing.

Individuals are hereby on notice that refusal to submit to a test or a positive test result for illegal drugs or alcohol could result in an individual Person being denied, or receiving reduced unemployment benefits or workers' compensation benefits, or both.

Testing can occur in the following instances:


- Pre-employment/post-offer test: Perdue shall require job applicants to submit to a post-offer, pre-employment drug screen.⁵ If an applicant tests positive for a prohibited substance the offer for employment will be rescinded. S/he may re-apply for employment after 6-months or sooner with proof of completion of an appropriate drug/alcohol rehabilitation program.
- Reasonable cause: When there is reasonable suspicion that an associate is under the influence of drugs or alcohol in violation of this policy. Suspicion may be raised due to behavior, change in work, odor of alcohol, written attestation of witnesses, report from law enforcement agencies, or other factors. Anonymous tips will not be considered reasonable suspicion and therefore will not be considered a sole reason to test.⁶
- Post-Accident or Injury: Associates will be drug/alcohol tested (where permitted by applicable law⁷) following an injury or accident, in which they were involved, that there is an injury or accident, in which they are involved, that (i) resulted in a fatality, (ii) requires medical attention beyond first aid or results in lost work time, (iii) caused property damage

⁴ In Maryland, the individual will be provided with the name and address of the testing laboratory upon request. In Maryland, individuals that test positive for alcohol or drug use can request independent testing to verify the result at their own expense.

⁵ Pre-Employment/Post-Offer Testing is only undertaken of Boulder, Colorado residents (or non-Colorado residents who come to Colorado for an interview) who are the single finalist for the position at issue.

⁶ In San Francisco, California associates will be tested where there exists reasonable grounds to believe the associate’s faculties are impaired on the job and the associate is in a position where such impairment presents a clear and present danger to the physical safety of the associate, another associate, or to a member of the public. In Boulder, Colorado associates will be drug/alcohol tested when there is a reasonable belief based on specific, objective, clearly expressed facts, to believe that the associate is under the influence of a drug or alcohol on the job, or his or her job performance is currently adversely affected by use of a drug or alcohol, or the associate has agreed to the test as part of an associate assistance program after a finding or admission of prior drug or alcohol abuse. Such specific facts would include, but are not limited to, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of a Boulder, Colorado associate.

⁷ In California, San Francisco, California, and Boulder, Colorado, Associates will not be subject to Post-Accident or Injury testing except to the extent that the circumstances also support Reasonable Cause testing as defined herein.

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(including damage to vehicles owned or leased by Perdue or being used for Perdue purposes) in a significant amount, or (iv) puts the health and safety of any person in imminent risk. Drug/alcohol testing under this section will be undertaken as soon as practicable after the reported injury or accident and administered to associates who Perdue reasonably believes may have contributed to the injury or accident. Associates who have been required to submit to a drug /alcohol test as a result of an accident will not be allowed to drive themselves to a clinic for drug/alcohol testing or return to work until the results of the drug/alcohol test become available to Perdue.

- Random: Random drug tests may be performed depending on your department (Department of Transportation) or location (Perdue AgriBusiness LLC and its subsidiaries).


RESULTS:

If an associate's drug or alcohol test is non-negative, the associate will not be allowed to return to work until the results of the tests can be verified. HR will work with the associate to find appropriate and safe transportation to their home.

If the Reasonable Suspicion, Post-Accident or Random test verification shows that the test was negative, the associate will be returned to work.

If the Reasonable Suspicion, Post-Accident or Random test verification shows that the test result was positive, the associate will be offered assistance if they are not being terminated for violating another policy.

- Once referred, the associate must make contact with the EAP program within 24 hours to be enrolled in the appropriate, medically supervised addiction treatment program and complete the necessary documentation and approvals for leave, if any, with HR.
- The associate will not be permitted to work while participating in the treatment program.
- The associate must notify the HR staff that s/he has successfully completed the treatment program. HR will confirm and provide a return to work date to both the associate and Perdue HealthWorks.
- On the associate's first day back s/he must report to Perdue HealthWorks and complete a return-to-work clearance that includes a drug test.
 - The associate may return to work if the associate tests clean and there is a return to work clearance from the occupational health nurse at the associate's location.
 - If the associate completes the addiction assistance program and refuses to submit to random or follow up testing or tests positive for prohibited substances at any point after completing the addiction assistance program s/he will be terminated.

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VI. ASSOCIATE RESPONSIBILITIES

- a) An associate undergoing prescribed medical treatment involving any drug that may alter the associate's physical or mental ability to perform his or her job and/or pose a threat to the health or safety of the associate or others in the workplace must report the treatment to Perdue HealthWorks or the HR Manager. This will initiate the reasonable accommodation request process. HR, Perdue HealthWorks and the associate will partner to determine if a reasonable accommodation may be made during the period of treatment.

An individual's proper and legal use of over-the-counter medication or medication that has been prescribed by a physician for that individual is not prohibited by this policy. It is each individual's responsibility to check with a physician or other licensed medical provider regarding whether the use of any medication may adversely affect performance or safety at work. Perdue does not unlawfully discriminate against individuals on the basis of disability. Individuals who seek a reasonable accommodation due to an underlying disability are encouraged to submit any requests to Human Resources.

An individual who is using or tests positive for a prescription drug for which he/she has a valid prescription, but which drug use may pose a direct threat to the individual or others in the workplace (or which otherwise adversely affects the individual's job performance), may be subject to further assessment. In such cases, Perdue will conduct an individualized assessment of the individual's ability to perform the essential functions of the job in question while utilizing such drug without posing a direct threat to the health or safety of the individual or others in the workplace, before taking any further action related to the individual's employment.

In accordance with the Americans with Disabilities Act and state anti-discrimination laws, Perdue does not discriminate against any individual who is a qualified individual with a disability, who is not currently using illegal drugs and who has either successfully completed a rehabilitation program, or who may be currently participating in a supervised rehabilitation program and is no longer using illegal drugs. A current disability of any kind, however, does not entitle an individual to violate any provisions of this policy.

- b) Request for addiction assistance - If an associate voluntarily discloses the use of prohibited substances prior to any drug or alcohol testing request, accident or other indication that they are under the influence of drugs or alcohol in the workplace they may request addiction assistance.

Perdue maintains a strict Addiction Assistance Process that requires:

- A voluntarily disclosure made by an associate of the use of drugs or alcohol prior to any request for testing, accident, or other indication that they are or have been under the influence of prohibited substance(s) in the workplace.
- Voluntary disclosures must be made to Human Resources (HR).



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(Initial disclosures may also be made to Perdue HealthWorks or the Associate Assistance Program or EAP, however the associate MUST always notify HR to be enrolled in a treatment program AND to ensure that they are not penalized for any absences related to their treatment.)

- If the above conditions are met HR will refer the associate to the Associate Assistance Program to identify an appropriate treatment and counseling services.
- The associate will only be offered assistance if they are not terminated for violating another policy.
- If an associate discloses voluntarily to the use of prohibited substances and chooses not to accept the addiction assistance HR will consult with the legal department to determine whether the associate's employment will be terminated.
 - Once referred, the associate must make contact with the EAP program within 24 hours to be enrolled in the appropriate, medically supervised addiction treatment program and complete the necessary documentation and approvals for leave, if any, with HR.
 - The associate will not be permitted to work while participating in the treatment program.
 - The associate must notify the HR staff that s/he has successfully completed the treatment program. HR will confirm and provide a return to work date to both the associate and Perdue HealthWorks.
 - On the associate's first day back s/he must report to Perdue HealthWorks and complete a return-to-work clearance that includes a drug test.
 - The associate may return to work if the associate tests negative and there is a return to work clearance from the occupational health nurse at the associate's location.
 - If the associate completes the addiction assistance program and refuses to submit to random or follow up testing or tests positive for prohibited substances at any point after completing the addiction assistance program s/he will be terminated.

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VII. Acknowledgment and Consent

Any person subject to testing under this policy will be asked to sign a form acknowledging the procedures governing testing, and consenting to (1) the test for the purpose of determining the presence of alcohol or drugs, and (2) the release to Perdue of medical information regarding the test results. See below. Refusal to sign the agreement and consent form, or to submit to the drug test, will result in the revocation of an applicant's job offer, or will subject an individual to discipline up to and including termination.

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Acknowledgement and Consent

I certify that I have received and understand Perdue’s Drug and Alcohol Policy.

I agree to comply with Perdue’s Drug and Alcohol Policy and understand that failure to comply is grounds for disciplinary action, up to and including termination.

I voluntarily consent to submit to drug and/or alcohol testing as outlined in Perdue’s policy.

I consent to provide specimens at the assigned collection site(s) and further consent to have urine, saliva, hair, and/or breath specimens tested for drugs, alcohol and/or controlled substances (and their metabolites) at a certified laboratory.

Further, if I enroll or participate in a substance abuse rehabilitation program (“Program”), which is approved by Perdue, I freely and voluntarily consent and authorize the Program to communicate, verbally or in writing with Perdue, and to release to Perdue any verbal or written recommendations, findings, conclusions, or results from the program, upon Perdue’s verbal or written request. I agree to release the Program, including its agents, officers, directors, or associates, from any and all liability of whatever kind as a result of the release of information to Perdue.

In order to provide information to Perdue, I agree to execute authorizations, release forms, or other documentation as may be required under federal, state, or local law, including but not limited to, the Substance Abuse regulations codified at 42 C.F.R. Part 2 and the Privacy Regulations promulgated pursuant to the Health Insurance Portability and Accountability Act of 1996.

I understand and agree that my at-will employment status cannot be altered by any verbal statement or alleged verbal agreement. It can only be changed by a legally-binding, written contract covering employment status. An example of this would be a written employment agreement for a specific duration of time. I understand and agree that nothing contained in this Acknowledgement and Consent or in Perdue’s Drug and Alcohol Policy shall be considered an employment contract for a definite term.

Associate Name

Date

Associate Signature