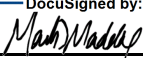
	TITLE: Drug and Alcohol Policy	
	ISSUED: May 5, 2020	REVISION:
DEPARTMENT: EH&S	APPROVAL: Mark Maddox	SIGNATURE:  DocuSigned by: 20524DC9122E425...

## APACHE CORPORATION ZERO-TOLERANCE DRUG AND ALCOHOL POLICY

**Scope and Application.** At Apache Corporation (Apache), safety is non-negotiable and will not be compromised. Because an employee or contractor's use of drugs, alcohol, or prescription medication may impair their ability to perform their work properly and safely, Apache has a Zero-Tolerance Drug and Alcohol Policy (the "Policy"), which applies to all full-time and part-time employees and contractors within Apache's worldwide operations (field and office). Apache reserves the right, in its sole discretion, to: (a) interpret this Policy; (b) conduct drug and alcohol testing of employees or contractors during pre-employment and transfers, per a random testing program, for reasonable cause (*e.g.*, after an accident or injury) or reasonable suspicion,<sup>1</sup> and as a condition of return to duty; and (c) conduct unannounced searches on company owned or controlled property. **Apache shall terminate any employee, or immediately remove and permanently ban any contractor from any Apache facility, who violates this Policy.** This is a zero-tolerance policy, meaning that the first time any employee violates the Policy, no matter the reason, they shall be terminated from employment (in the case of an employee) or permanently removed from Apache's premises (in the case of a contractor), regardless of identity, position or circumstance.

### Definitions.

*Negative* means the result reported by a certified laboratory to a medical review officer (MRO) when a valid specimen or breath test contains no drugs or alcohol, or the concentration of a drug or alcohol is less than the Cutoff Concentration for the drug, drug class or alcohol.

*Non-negative* means a urine specimen that is reported as adulterated, substituted, invalid or something other than Negative.

*Positive* means the result reported by a certified laboratory when a specimen or breath test contains a drug or drug metabolite or alcohol equal to or greater than the Cutoff Concentrations. If an employee provides a legitimate explanation for a non-negative test result, the MRO must still certify the result as Positive if the MRO concludes that the medical records and information indicates that the employee's continued performance of his or her safety-sensitive or security-sensitive function is likely to pose a significant safety risk or security risk, to the employee, other workers, Apache or the general public.

**Interpretation of Results.** All negative, non-negative, and positive drug and alcohol test results must be submitted to an MRO for review, evaluation, and verification. An MRO must interpret negative,

<sup>1</sup> Reasonable suspicion means that Apache has a legitimate reason, based on logic and facts, to believe that an employee or contractor has violated this Policy. Examples of reasonable suspicion include but are not limited to: (i) direct observation of drug or alcohol use or physical symptoms of drug or alcohol use (slurred speech, odors, bloodshot eyes, uncoordinated movement, etc.); (ii) abnormal or erratic behavior while at work; (iii) a report that a person is using drugs; (iv) evidence that a testing subject has tampered with his/her specimen or testing results; (v) significant and unexplained deterioration in work performance; (vi) evidence that the employee has used, possessed, sold, solicited, or transferred drugs in potential violation of applicable law, or otherwise violated applicable law with respect to operating motor vehicles or other modes of transportation or heavy machinery while potentially under the influence of potentially impairing substances.

non-negative, and positive drug and alcohol results according to jurisdiction-specific legislation and the Policy. In the absence of applicable regulatory requirements, an MRO must interpret the results as follows:

**A. Negative Test Result**

An MRO must review applicable documentation supporting the negative test result, such as the chain-of-custody form, negative test result report, etc., before confirming a Negative test result.

**B. Non-Negative Test Result**

An MRO must conduct the following activities when verifying results from the laboratory that indicate a confirmed positive, adulterated, substituted, or invalid test:

1. Review applicable documentation supporting the non-negative test results to determine whether any error may have contributed to the non-negative test result;
2. In the case of employees, contact the employee, on a confidential basis, and review employee medical records to determine whether there is a legitimate medical explanation for: (a) a positive or invalid test result; or (b) results indicating that the sample was adulterated or substituted;
3. After verification, record and report the test result as:
  - a. Negative, if the results meet the definition of Negative as defined above;
  - b. Positive, adulterated, substituted, invalid, or refusal to test, as applicable, because: (i) the employee failed or refused to provide a legitimate medical explanation or to discuss non-negative test results after being notified by commercially reasonable means; (ii) the MRO could not contact the tested subject within a reasonable time period; or (iii) notwithstanding the employee's legitimate medical explanation for a non-negative test result, the information indicates that continued performance by the employee of his or her safety-sensitive or security-sensitive function is likely to pose a significant safety or security risk.

**Reporting Results.** Absent the testing subject's written consent, or except as otherwise provided below, the MRO shall report test results confidentially, and in accordance with applicable law, only to the Designated Employer Representative (DER). Test results shall not include information concerning any medications or other substances used by the employee or medical conditions reported by the employee. The MRO may, however, without an employee's written consent, report to the DER, Apache's officers (or their designees) and management personnel the test results, medications or other substances discovered in the specimen, or medical information that the MRO obtained when: (a) the information indicates that continued performance by the employee of a safety-sensitive<sup>2</sup> or security-sensitive<sup>3</sup> job could pose a safety or security risk; and (b) jurisdiction-specific legislation does not prohibit providing such medical information.

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<sup>2</sup> A safety sensitive position is one where the employee holding this position has the responsibility for his/her own safety or other people's safety. Apache reserves the right to determine what positions are classified as safety-sensitive.

<sup>3</sup> A security-sensitive position is one which may involve handling currency, having access to a confidential or high value information, or working in an area of the company which has been designated as security-sensitive. Apache reserves the right to determine what positions are classified as security-sensitive.

**Prescription and Over-the-Counter Medications.** Employees taking prescription or over-the-counter (OTC) medications that may impair the employee's ability to perform a safety-sensitive or security-sensitive job shall determine whether the medication can be impairing by: (a) consulting with a medical professional or pharmacist to determine the effects of prescription medication or OTC medication (when adverse effects indicate impairment, such as cough medicine or antihistamines) and whether the medication may interfere with the employee's ability to perform a safety-sensitive or security-sensitive job; and (b) providing adequate evidence to Apache's Human Resources department that the employee has undertaken such consultation and that, in the reasonable professional judgment of the medical professional or pharmacist, the medication does not have the potential to impair the employee working in a safety-sensitive or security-sensitive position. Apache's Human Resources Department will consult with the Environment Health & Safety Department (EH&S) to assess if the employee's use of prescription or OTC medication if the medication could or may impair an employee serving in a safety-sensitive or security-sensitive job. Approval will be at the sole discretion of Apache's Human Resources Department.

**Violations.** An Apache employee or contractor violates this Policy if they: (a) refuse to submit to testing procedures; (b) engage in conduct designed to evade this Policy or prevent the detection of any violation of this Policy; (c) test Positive, as determined by the MRO; (d) test Positive, as determined by the MRO, for prescription medication without having a valid, existing prescription; (e) work in a safety-sensitive or security sensitive position while potentially impaired by alcohol or any drug (prescription, over the counter, or otherwise) unless the MRO designates the tested subject's result as Negative following a non-negative test result; (f) use, possess, manufacture, distribute, dispense, or sell illegal drugs or abuse controlled substance at any time; (g) use alcohol during working hours on company business, or in company vehicles, except as otherwise provided by this Policy; (h) fail to inform the Apache Human Resources Department that they have been prescribed prescription medication which may impact their ability to work safely in a safety-sensitive or security-sensitive position and obtain approval to use such medication; or (i) fail to disclose to their immediate supervisor or the Apache Human Resources Department that they have been charged with, or convicted of, a crime involving alcohol or drugs within 48 calendar hours of the charge or conviction.

**Approved Alcohol Use.** Guidelines describing approved alcohol use during or after business hours (*i.e.* when on travel status, when at a training event or seminar, company-sponsored functions, or in any other similar business-related situation) must be established.

**Employee Assistance.** Apache will, in accordance with applicable law, assist and support employees who voluntarily seek help for drug or alcohol problems ***before*** the employee becomes subject to discipline or termination under this or any other Apache policy. Once a test has been initiated under this Policy, unless otherwise required by applicable law, the employee will have forfeited the opportunity provided under this paragraph for assistance or treatment and will face discipline under Apache's policies for any violations of this Policy. If an employee obtains assistance under this Policy, employees may be required to document that they are successfully following prescribed treatment and to take and pass follow-up tests if they hold jobs that are safety-sensitive, security-sensitive or require driving, or if they have violated this Policy previously.

**No Rights Created.** Nothing in this Policy is intended to create, nor does this Policy create, any contractual or due process right for any employee or contractor, and this Policy does not alter the at-will status for any Apache employee.