



Best Buy Pre-Employment Drug Testing Policy

Purpose of Policy

Best Buy (the Company), is firmly committed to ensuring a safe, healthy and efficient work environment for our employees, customers and the public. The Company has a vital interest in preventing accidents and injuries resulting from the misuse of alcohol or drugs. The unlawful or improper presence or use of drugs or alcohol in the workplace is dangerous. For these reasons, the Company has established the following substance abuse testing policy for applicants.

Policy

All applicants who have received a conditional offer of employment are required to submit to a pre-employment drug test and must receive a negative result as a condition of employment.

Applicable To

This policy applies to applicants for all Company positions, and includes any applicant who was formerly employed by the Company (unless prohibited by law). This policy does not apply to applicants for driver positions that are subject to the drug and alcohol testing requirements of the U.S. Department of Transportation's Federal Motor Carrier Safety Administration. These applicants are subject to a separate drug and alcohol testing policy.

Questions regarding the meaning or application of this policy should be directed to the Human Resources Department.

This policy is not a contract of employment. If an applicant fails to comply with this policy, the applicant will be ineligible for employment.

Guidelines

1.0 Consequences for Policy Violations

- 1.1 Positive Test Results: Any applicant who receives a confirmed positive drug test result will be ineligible for current employment with the Company.
- 1.2 Refusal to Submit: Although applicants have a right to refuse a test, any applicant who refuses to submit to a test will be ineligible for employment with the Company. The following conduct will be considered a refusal to submit to a test:
 - a. refusing or failing to appear for a substance abuse test within a specified time, determined by the Company, after being directed to do so by the Company;
 - b. failing to sign an authorization form permitting the release of the drug test result to the Company;
 - c. failing to remain at the testing site until the testing process is complete;
 - d. failing to provide a urine specimen for collection;
 - e. failing to provide a sufficient amount of urine when directed, without an adequate medical explanation;
 - f. failing or declining to take a second drug test as directed by the Company or the collector;

- g. failing to undergo a medical examination or evaluation, as directed by the MRO as part of the verification process, or as directed by the Company as part of “shy bladder” procedures;
 - h. adulterating or substituting a urine sample or attempting to adulterate or substitute a urine sample;
 - i. in the case of a directly observed or monitored collection in a drug test, failing to permit the observation or monitoring of the provision of a urine specimen (unless prohibited by law); and,
 - j. failing to cooperate with any part of the testing process such as delaying the collection, testing or verification process or otherwise engaging in conduct that clearly obstructs or manipulates, or attempts to obstruct or manipulate, the testing process.
- 1.3 Consumption of Food or Food-Products Containing Hemp: The consumption of food and food-products containing hemp may cause an applicant to test positive. A positive test result due to an applicant’s consumption of hemp food or food-products will be reported as a positive test.

2.0 Notification of Test Results, Confidentiality, Testing Expenses and Compensation for Tests

- 2.1 Applicants will be provided with a copy of their test results. Applicants in Boulder, Colorado may request a copy of the positive test result records and may submit written information to the Company explaining such result.
- 2.2 The Company will maintain records of its substance abuse program in a secure location with controlled access. These records are confidential and will not be disclosed, except in accordance with applicable law.
- 2.3 The Company will pay for all drug or alcohol tests required by the Company, which includes a confirmation drug test performed on an applicant’s primary urine specimen. Unless state law otherwise requires, applicants must pay for testing their urine split-specimen, but will be reimbursed if the test result is negative.

3.0 Drug Testing Procedures

The Company’s pre-employment drug tests will be conducted using the Federal Procedures for Transportation Workplace Drug and Alcohol Testing Programs, 49 C.F.R. Part 40 as a guide (unless otherwise required by applicable state or local law). The Company’s procedures ensure the integrity, confidentiality and reliability of the testing process, safeguard the validity of the test results and ensure that test results are attributed to the correct individual. The procedures minimize the impact upon the privacy and dignity of applicants undergoing such tests. A summary of the applicable drug testing procedures is provided below.

Best Buy Summary of Procedures for Pre-employment Drug Testing

Best Buy (the “Company”) drug testing procedures comply with applicable state and local laws. The Company’s drug tests will be conducted using the Federal Procedures For Transportation Workplace Drug and Alcohol Testing Programs, 49 C.F.R. Part 40, effective August 1, 2001 as a guideline unless otherwise required by state law or local law. The Company’s procedures ensure the integrity, confidentiality and reliability of the testing processes, safeguard the validity of the test results and ensure that test results are

attributed to the correct individual. The procedures minimize the impact upon the privacy and dignity of applicants undergoing such tests.

1.0 Drug Testing Procedures for Applicants

- a. **Drugs being tested for:** The drugs to be tested for include marijuana, opiates, amphetamines, cocaine, phencyclidine (PCP) and their metabolites.
- b. **Chain-of-custody and laboratories:** The Company has established a chain-of-custody procedure for drug specimen collection and testing that will verify the identity of each urine specimen and test result. All drug tests conducted pursuant to this policy shall be performed by laboratories which are either certified by the U.S. Department of Health and Human Services (a "DHHS certified laboratory") or are otherwise required to be used under applicable state laws.
- c. **Confirmation and review of drug test results:**
 - 1) All positive drug test results will be confirmed by gas chromatography and mass spectrometry ("GC/MS") and reviewed by a medical review officer ("MRO") to determine if the positive test result has a legitimate explanation. This review may include a medical interview, review of the applicant's medical history, or review of any other relevant biomedical factors and all medical records made available by the applicant.
 - 2) An applicant's use of prescription and over-the-counter medications may cause a positive test result. Applicants will be given the opportunity to discuss with the MRO any legitimate explanation for the positive test result. If the MRO determines the confirmed positive test result has a legitimate medical explanation, the MRO will report the test result as negative. If the MRO determines that there is no legitimate explanation for the confirmed positive test result, the result will be verified by the MRO as a verified confirmed positive test.
 - 3) Under the circumstances set forth in 49 C.F.R. Part 40, if an applicant refuses or fails to make himself/herself available to speak with the MRO, the MRO may verify a test as positive without having communicated directly with the applicant.
 - 4) All confirmed adulterated or substituted test results will be reviewed by the MRO to determine whether there is any legitimate medical explanation for the laboratory findings. It is the applicant's burden of proof to provide a legitimate medical explanation. If the MRO concludes the applicant's explanation does not present a legitimate medical explanation, the MRO will report the test to the Program Administrator (or other designated employer representative) as a verified refusal to submit to a test because of adulteration or substitution. If the MRO believes that the applicant's explanation provides a legitimate medical explanation, the MRO shall direct the applicant to obtain a further medical evaluation within five days of the MRO's verification interview. This evaluation must be performed by a licensed physician, acceptable to the MRO, with expertise in the issues raised by the applicant's explanation. The Company and the MRO are not responsible for finding or paying for a referral physician. However, on request of the applicant, the Company or MRO will provide reasonable assistance to find such a physician. If, after conferring with the referral physician, the MRO concludes that there is a legitimate medical explanation, the MRO shall cancel the test and report the cancellation and the reasons for it to the Program or other designated employer representative) and the tested individual. If, after conferring with the referral physician, the MRO concludes that there is no legitimate medical explanation, the MRO will notify the Program Administrator or other designated employer representative and the tested individual of a verified refusal to submit to a test because of adulteration or substitution.
 - 5) **If the MRO reports to the Company that a negative drug test was dilute, the applicant will be directed to take another test immediately. If the applicant refuses to take a second test, this constitutes a refusal to test.**
- d. **Right to have urine split-specimen analyzed:** All drug tests conducted by the Company will analyze a specimen of the applicant's urine using split-specimen methodology. Split-specimen testing divides urine into two bottles, labeled as "primary" and "split" specimen. Both bottles are sent to the laboratory. Only the "primary" specimen

is opened and used for the urinalysis. The “split” specimen remains sealed and stored at the laboratory. Under certain circumstances, the applicant may request a test of the “split” specimen by another DHHS-certified laboratory, (or other laboratory as required by applicable state law). This split specimen procedure provides the applicant with an opportunity for a second opinion.

- 1) **Verified Positive Tests:** Applicants whose primary specimen is verified positive have the right to request an analysis of the split-specimen for the presence of the detected drug(s) in a different DHHS certified laboratory (or other laboratory as required by applicable state law) selected by the Company. This request must be made by the applicant within 72 hours after notification by the MRO of a verified positive test result. If the split-specimen fails to reconfirm the presence of the drug(s) found in the primary specimen, or if the split-specimen is unavailable, or inadequate for testing or untestable, the MRO will cancel the test and report the cancellation and the reasons for it to the Company and the applicant. However, if the split-specimen reconfirms the presence of the drug(s) or drug metabolite(s), the MRO will notify the Company and the applicant that the test result was verified positive.
 - 2) **Verified Adulterated or Substituted Tests:** All applicants whose primary urine specimen is verified adulterated or substituted have the right to request that their split-specimen be analyzed in a different DHHS certified laboratory (or other laboratory as required by applicable state law) selected by the Company to reconfirm the adulterated or substituted result. The request must be made to the MRO within 72 hours of being notified by the MRO of a verified adulterated or substituted test result. If the split-specimen fails to reconfirm adulteration or substitution of the primary specimen, the MRO shall cancel the test and report the cancellation and the reasons for it to the Program Administrator (or other designated employer representative) and the tested individual. Additionally, if the split-specimen is unavailable, inadequate for testing or untestable, the MRO shall cancel the test and report the cancellation and the reasons for it to the Program or other designated employer representative) and the tested individual. The Program Administrator or designated employer representative shall ensure the immediate collection of another specimen from the applicant under direct observation of a collection-site person of the same gender as the applicant, with no notice given to the applicant until immediately prior to the collection. However, if the split-specimen reconfirms adulteration or substitution, the MRO will notify the Program Administrator (or other designated employer representative) and the tested individual of the test results. Reconfirmation of adulteration or substitution constitutes a refusal to submit to a test.
- e. **Inability to provide adequate amount of urine specimen:** Applicants must provide a urine specimen of at least 45 milliliters for a drug test. If the tested individual is unable to provide such a quantity of urine, then the tested individual will be instructed to drink a set amount of fluids. After a set period of time, the applicant will attempt to provide a complete specimen. If the applicant refuses to attempt to provide a new urine specimen, this will constitute a refusal to submit to a test and the applicant will be ineligible for employment with the Company. If the applicant has not provided a sufficient specimen within three hours of the first unsuccessful attempt to provide the specimen, the collection will be discontinued. The Program Administrator, after consulting with the MRO, will direct the applicant to obtain a medical evaluation within five working days. Failure to undergo such an evaluation constitutes a refusal to test. The purpose of the evaluation is to determine whether the applicant has a medical condition that has, or with a high degree of probability, could have prevented the applicant from providing a sufficient amount of urine.
- f. **Privacy; Limitations:** Procedures for collecting urine specimens allow an individual privacy unless there is a reason to believe that a particular individual has adulterated or substituted, or attempted to adulterate or substitute, the specimen, as defined in the Federal Procedures For Transportation Workplace Drug Testing Programs, 49 C.F.R. Part 40. In such cases, a specimen may be obtained under the direct observation of a same-gender specimen collector. In addition, the Company will direct an immediate collection under direct observation with no advance notice to the applicant, if:

- 1) the laboratory reported to the MRO that a specimen is invalid, and the MRO reported to the Company that there was not an adequate medical explanation for the result; or
- 2) the MRO reported to the Company that the original positive, adulterated, or substituted test result had to be canceled because the test of the split specimen could not be performed.

2.0 Access to Records and Confidentiality of Test Results

- a. The Company will maintain records of its substance abuse program in a secure location with controlled access. These records are confidential and will be disclosed in accordance with applicable law.
- b. Unless the applicable state or local law requires or otherwise provides, the laboratory may disclose an applicant's drug test results only to the MRO. Unless an applicable law requires or otherwise provides, the MRO in the case of drug tests and the Screening Test Technician ("STT") and Breath Alcohol Technician ("BAT") in the case of alcohol tests may disclose test results only (1) to the applicant; (2) to designated Company representatives; (3) to a treatment program; (4) to courts of law and administrative tribunals to the extent permitted or required by law. Beyond that, test results shall not be released to any other person without the applicant's written consent.