

Sodexo, Inc.

Drug/Alcohol Test Implementation Guidelines

Effective Date
December 1, 2016
Supersedes Guidelines
dated September 1, 2015,
October 1, 2013 and
September 1, 2014

SUBSTANCE ABUSE TESTING Guidelines

I. Statement of Purpose:

The purpose of these Guidelines is to specify the procedures for implementing Sodexo's CP-210 Policy on Drug and Alcohol Use prohibiting drug and/or alcohol use on duty. Sodexo is committed to maintaining a safe workplace free from the influence of alcohol and drugs. In addition, Sodexo will vigorously comply with the requirements of the Drug-Free Workplace Act of 1988. Employees who use illegal drugs or abuse other controlled substances or alcohol, on or off duty, tend to be less productive, less reliable, and prone to greater absenteeism. These result in the potential for increased cost, delay, and risk in Sodexo's business. For all these reasons, Sodexo will not tolerate any drug or alcohol use, which imperils the health and well-being of its employees or threatens its business.

Accordingly, Sodexo prohibits the following:

- Unauthorized use, possession, manufacture, distribution, dispensation, sale, or attempted sale of a controlled substance or drugs and drug paraphernalia on Sodexo/client premises, in Sodexo/client-supplied vehicles, or during working hours;
- Unauthorized use, manufacture, distribution, dispensation, possession, sale, or attempted sale of alcohol on Sodexo/client premises, in Sodexo/client-supplied vehicles, or during working hours;
- Storing in lockers, desks, automobiles, or other repositories on Sodexo/client premises any illegal drug, drug paraphernalia, any controlled substance for which use is unauthorized, or any alcohol;
- Being under the influence of an unauthorized controlled substance, illegal drug, or alcohol on Sodexo/client premises, in Sodexo/client-supplied vehicles, or during working hours;
- Use of alcohol off Sodexo/client premises that adversely affects the employee's work performance, or endangers the individual's own or others' safety at work;
- Use of illegal drugs off Sodexo/client premises that adversely affects the employee's work performance, the individual's own or others' safety at work;
- Refusing to submit to an inspection when requested by management;
- Being convicted of a felony, under any criminal drug statute, which reflects on the employee's fitness for employment;
- Being convicted, under any criminal drug statute, for a violation occurring in the workplace; and

- Failing to notify Sodexo of any arrest or conviction, under any criminal drug statute, within five (5) days of the arrest or conviction.

As permitted by law, Sodexo will conduct drug and/or alcohol testing following on-the-job injuries as defined in **Section V** below.. Any Employee found to be in violation of these guidelines by refusing to comply with them or by testing positive for any prohibited substance will be terminated. Any Employee suspected of unnecessarily delaying the test process, attempting to adulterate or substitute a sample or refusing to fully cooperate in the test process will be considered to have refused to submit to testing. In addition, a positive test may result in a loss of Workers' Compensation benefits under state law. Any Employee who refuses to comply with a proper request to submit to testing or who fails to cooperate in the test process may be denied Workers' Compensation benefits under state law.

These procedures are designed not only to detect violations of these Guidelines but also to ensure fairness to each Employee. Every effort will be made to maintain the dignity of Employees involved.

Neither these Guidelines nor any of their terms are intended to create a contract of employment, or to alter the existing employment or contractual relationship in any way. Employees governed by client specific requirements must comply with those client requirements in addition to the requirements herein, if not in conflict with client requirements. Unless otherwise limited, Sodexo retains the sole right to change, amend or modify any term or provision of these Guidelines without notice. These Guidelines are effective upon approval.

II. Applicability:

These Guidelines apply to **all** Employees in states participating in Sodexo's Post-Injury Drug and Alcohol Testing Program (PIDAT) who are not covered by a Collective Bargaining Agreement (unless the Agreement allows for such testing). Where state rules differ from these Guidelines, the state rules will be followed.

III. Notice to Employees:

Every current Employee will be provided a copy of these Guidelines and a copy of these Guidelines will be available on SodexoNet or through your manager for review or copying during regular business hours.

Every Employee will be required to sign an acknowledgment indicating a copy of these Guidelines was provided to him/her. Additionally, every Employee will also be required to sign a Written Disclosure and Authorization for Drug Testing (attached hereto).

IV. Prohibited Substances:

1. **Prohibited Drugs:** In accordance with these Guidelines and unless limited by applicable state law, testing will be conducted for the presence of the following substances or their metabolites:

- * **ALCOHOL**
- * **AMPHETAMINES (Including MDMA)**
- * **COCAINE**
- * **MARIJUANA**
- * **OPIATE METABOLITES**
- * **PHENCYCLIDINE (PCP)**
- * **6-monoacetylmorphine**
(6-MAM; a heroin-specific metabolite)
- * **Additional substances may be added as evidence of use dictates.**

Detection levels requiring a determination of a positive result shall, where applicable, be under accepted scientific standards in accordance with the recommendations established by the Substance Abuse and Mental Health Services Administration (SAMHSA; formerly "NIDA") as adopted by the federal Department of Transportation (DOT).

2. Alcohol: A positive alcohol test is any result reported at or above **0.04**.

Any Employee found to be in violation of these guidelines by refusing to comply with them or by testing positive for any prohibited substance will be terminated. Any Employee suspected of unnecessarily delaying the test process, attempting to adulterate or substitute a sample or refusing to fully cooperate in the test process will be considered to have refused to submit to testing. In addition, a positive test may result in a loss of Workers' Compensation benefits under state law. Any Employee who refuses to comply with a proper request to submit to testing or who fails to cooperate in the test process may be denied Workers' Compensation benefits under state law.

V. Current Employee Post-injury Testing:

Post-injury Testing:

Sodexo will conduct drug and alcohol testing of any Employee who is injured on the job and:

1. The employee's assigned duties involve hazardous work, or
2. Drug and/or alcohol use by the Employee could have contributed to the incident/injury.

All on-the-job injuries must be reported to the Sodexo unit manager or other designated person or manager on the same day as the injury – unless there are circumstances that make reporting impractical or impossible – but no later than the end of the next business day following the injury.

Post-injury drug and alcohol testing should occur as soon after the injury as is practical. Employees must report for testing within 32 hours. If an employee fails to do so, it will be deemed refusal to test, absent a reasonable explanation.

Any Employee found to be in violation of these guidelines by refusing to comply with them or by testing positive for any prohibited substance will be terminated. Any Employee suspected of unnecessarily delaying the test process, attempting to adulterate or substitute a sample or refusing to fully cooperate in the test process will be considered to have refused to submit to testing. In addition, a positive test may result in a loss of Workers' Compensation benefits under state law. Any Employee who refuses to comply with a proper request to submit to testing or who fails to cooperate in the test process may be denied Workers' Compensation benefits under state law.

VI. Collection of Samples/Lab Analysis:

- 1. Specimen Collection:** All specimen collection for drugs and alcohol will be performed in accordance with generally accepted scientific methods. Sodexo will use chain-of-custody procedures.
- 2. Specimen Analysis:** Test methods permitted by state law shall be utilized. For confirmation purposes of any test screened "non-negative," Sodexo will retain only a laboratory certified by the Substance Abuse and Mental Health Service Administration (SAMHSA). The laboratory will be required to maintain strict compliance with federally approved chain-of-custody procedures, quality control, maintenance and scientific analytical methodologies.
- 3. Split-sample Analysis:** The Employee may request that a confirmation test on the specimen be conducted. That request must be made in writing within three (3) business days after being

notified of the positive test result. The analysis of the split sample shall be obtained from a separate, unrelated certified laboratory chosen by the Employee and shall be at the Employee's expense.

If the split sample analysis fails to re-confirm the presence of the prohibited substance found in the original sample then both tests shall be noted as a negative and no disciplinary action taken.

VII. Alcohol Testing Procedures:

All alcohol tests will be conducted in strict compliance with the rules adopted by federal or state guidelines and in accordance with the best practice in the applicable scientific community.

VIII. Review and Notice of Rights:

Sodexo's contracted Medical Review Officer will contact any Employee testing positive for the presence of a prohibited substance. The Employee will be allowed to present medical documentation to explain any permissible use of a drug. All such discussions between the Employee and the MRO will be confidential. Sodexo will not be a party to or have access to matters discussed between the Employee and the MRO. Until the Employee contacts the MRO or a reasonable time has lapsed after the Employee was asked to contact the MRO, Sodexo will not be advised of the test result.

If legitimate, medically supportable reasons exist to explain the positive result, the MRO will report the test result to Sodexo as a negative. If there is no legitimate medically supportable reason for the positive test result, the MRO will report the test result as positive. Sodexo will then notify the Employee of the positive result, the substance(s) detected and the Employees right to a split-sample analysis.

If, during the course of an interview with an Employee who has tested positive, the MRO learns of a medical condition or medication for a medical condition, which could, in the MRO's reasonable medical judgment, pose a risk to safety, the MRO may report that information to Sodexo.

If the result is reported to Sodexo as positive by the MRO Sodexo will notify the Employee in writing of the following:

1. The result of the test;
2. The Employee's right to have the split sample analyzed;
3. The Employee's right to choose the laboratory to analyze the split sample;
4. The Employee's right to take up to 3 days after the date of written notice to decide whether to have the split analyzed;
5. The Employee's responsibility to pay for the split analysis.

No medical review of an alcohol positive or split specimen procedure will occur. No medical explanation for alcohol in your system will be accepted.

IX. Consequences:

Any Employee found to be in violation of these guidelines by refusing to comply with them or by testing positive for any prohibited substance will be terminated. Any Employee suspected of unnecessarily delaying the test process, attempting to adulterate or substitute a sample or refusing to fully cooperate in the test process will be considered to have refused to submit to testing. In addition, a positive test may result in a loss of Workers' Compensation benefits under state law. Any Employee who refuses to comply with a proper request to submit to testing or who fails to cooperate in the test process may be denied Workers' Compensation benefits under state law.

X. Confidentiality:

Unless otherwise limited by law, information and records relating to testing, test results, drug or alcohol dependencies, medical restrictions, and legitimate medical explanations provided to the medical facility, the MRO, or the Sodexo's designated Human Resources Manager as part of the Sodexo's drug and alcohol testing program shall be kept confidential and maintained in medical files separate from employees' personnel files. Such information shall be the property of the Sodexo and may be disclosed to Human Resources, the MRO, and to Sodexo managers and supervisors on a need-to-know basis. Such information also may be disclosed where relevant to a grievance, charge, claim, lawsuit, or other legal proceeding initiated by or on behalf of a prospective employee or employee.

XI. Employee Assistance:

Employees with personal alcohol and drug abuse problems should request confidential assistance through local support agencies and, if applicable, Sodexo's health insurance program or Sodexo's Lifeworks program, 888 267 8126. Employees who undergo voluntary counseling or treatment, and who continue to work, must meet all established standards of conduct and job performance including these Guidelines. While the mere voluntary request for assistance with an alcohol or drug abuse problem will not result in any constructive counseling, such requests will not prevent constructive counseling action for violation of Sodexo's Drug and Alcohol Use Policy and will not prevent termination for a positive result.

Drug/Alcohol Test Implementation Guidelines Acknowledgment

I acknowledge that I have received a copy of the Sodexo Drug/Alcohol Test Implementation Guidelines. I also agree that I have reviewed, understand and will follow the procedures set forth in said Guidelines.

I understand that compliance with these Guidelines is a material term and condition of my employment and violation of these Guidelines may result in immediate termination of my employment with Sodexo.

(Signature of Applicant/Employee)

(Date)

(Printed Name)