DRUG & ALCOHOL-FREE WORKPLACE POLICY

McDonald’s requires a drug- and alcohol-free workforce to ensure a safe, healthy and efficient working environment. The following policy has been adopted not only to protect the health and safety of our employees and the residents/consumers we serve, but to encourage any employee with a substance abuse problem to help him or herself by voluntarily seeking professional assistance.

Any employee who violates this policy will be subject to termination.

McDonald’s will pay the cost of collection, testing and medical review under this policy.

Employees shall be paid for all time pertaining to reasonable suspicion testing, including travel time to and from the collection site. Such time shall be considered as time worked for the purpose of calculating overtime and employee benefits for non-exempt employees.

DEFINITIONS

A. Alcohol - the intoxicating agent in beverage alcohol, called ethyl alcohol, or other alcohols, including methyl and isopropyl alcohol.

B. Alcohol Concentration - the alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by an evidential breath test.

C. Alcohol Test - an initial analytical procedure to determine whether an employee may have a concentration of .04 or greater of alcohol in the employee’s system, followed by a second test that provides quantitative data of alcohol concentration. Such test is performed by a breath alcohol technician using an evidential breath testing device.

D. Alcohol use - the consumption of any beverage, mixture, or preparation, including any medication containing alcohol.

E. Controlled Substance - testing and prohibitions under this policy cover opiates, cocaine, amphetamines, PCP, barbiturates, benzodiazepines, marijuana, methadone, methaqualone and propoxpene.

F. Controlled Substances Test - means a second analytical procedure to identify the presence of a specific controlled substance or metabolite which is independent of an earlier screen test and which uses a different
technique and chemical principle from that of the screen test in order to ensure reliability and accuracy. (Gas chromatography/mass spectrometry (GC/MS) is the only authorized confirmation method).

G. Medical Review Officer - means a licensed doctor or medicine or osteopathy with knowledge of controlled substance abuse disorders and has appropriate medical training to interpret and evaluate an individual’s confirmed positive test result together with his or her medical history.

H. Substance Abuse Professional - a licensed physician (Medical Doctor or Doctor of Osteopathy), or a licensed or certified psychologist, social worker, employee assistance professional, or addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission) with knowledge of a clinical experience in the diagnosis and treatment of alcohol and controlled substances-related disorder.

WHO IS COVERED

All employees employed by McDonald’s are covered by this policy at all times while on Employer premises, and while off premises when they are performing duties and responsibilities within the scope of their employment with McDonald’s. For purposes of this policy, McDonald’s premises includes: McDonald’s stores, offices, parking lots, work locations, desks, and lockers.

SEEKING HELP

An employee who voluntarily seeks help for an alcohol or controlled substance issue or problem will be referred to appropriate resources where assessment, counseling and treatment services are provided. Employees who voluntarily request assistance with an alcohol or controlled substance issue or problem may do so without being disciplined for making the request, and will ordinarily be permitted to take a medical leave of absence for a reasonable period of time to undergo necessary counseling or treatment. A voluntary request for assistance must be made prior to the commission of any act subject to disciplinary action. An employee whose alcohol or controlled substance issue or problem is discovered only after a violation of this policy will be addressed as provided herein.

Co-workers who believe an employee has an alcohol or controlled substance problem are encouraged to consider: (1) approaching the employee and convincing the employee to voluntarily seek the assistance of either administration or a community resource specializing in alcohol and/or drug abuse; or (2) referring the problem directly to their Store Manager (GM).
ALCOHOL PROHIBITIONS

A. Prohibited Alcohol Concentration for Reporting for Duty or Working

No employee shall report for duty or perform work while having an alcohol concentration of .04 or greater. Violation will result in termination.

B. Prohibited Alcohol Possession

No employee shall report for duty or perform work while in possession of alcohol. This includes the possession of medicines containing alcohol (prescription or over-the-counter). Violation will result in termination.

C. Prohibited On-Duty Alcohol Use

No employee shall use alcohol while working on or off Employer premises. Violation will result in termination.

CONTROLLED SUBSTANCES PROHIBITIONS

A. No employee shall report for duty or remain on duty when the employee uses any controlled substance (except when the use is pursuant to the instructions of a physician who has advised the employee that the substance does not adversely affect the employee’s ability to safely perform the essential functions of his or her position with or without reasonable accommodation.) Any violation of this directive will result in immediate termination.

B. Unauthorized use of prescription drugs, reporting to work under the influence of unauthorized prescription drugs, or possession of unauthorized prescription drugs on premises will result in immediate termination.

C. If McDonald’s has actual knowledge that an employee has used a controlled substance (except when the use is pursuant to the instructions of a physician who has advised the employee that the substance does not adversely affect the employee’s ability to safely perform the essential functions of his or her position with or without reasonable accommodation) the employee shall not be permitted to start or to continue to perform employee duties. Any violation of this directive will result in immediate termination.

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D. Any employee undergoing prescribed medical treatment involving drugs that may impair his ability to perform his job safely and effectively must provide his/her Store Manager/owner-operator with a letter indicating that his or her physician understands the content of the employee’s job, and that the prescribed drug will not impair the employee’s ability to perform the job safely and effectively.

If such treatment impairs the employee’s ability to perform his or her usual work duties and the employee cannot perform the essential functions of the job with a reasonable accommodation, McDonald’s will determine whether other jobs are available for which the employee is qualified. If no such jobs are available, the employee shall be placed on an appropriate medical leave of absence for a reasonable period of time in accordance with McDonald’s leave of absence policies.

Any violation of the above directive will result in immediate termination.

E. McDonald’s further prohibits any employee from on-premises sale, purchase, distribution, manufacture or possession of any controlled substances, including prescription drugs. Any violation of this directive will result in immediate termination.

REASONABLE SUSPICION ALCOHOL AND CONTROLLED SUBSTANCES TESTING

An employee will be sent for a reasonable suspicion alcohol or controlled substances test if the employee appears to be under the influence of alcohol or drugs or otherwise appears to be impaired as a result of alcohol or drug use. McDonald’s determination shall be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech and/or odor of the employee.

A positive alcohol test of .04 or greater will result in termination of employment. An employee may be suspended without pay while awaiting the results of any test, and the conclusion of any investigation by McDonald’s. If McDonald’s receives negative test results, the employee will be returned to work with pay for work time missed as a result of any suspension issued in conjunction with testing and investigation.

PROCEDURES FOR TESTING
A. Alcohol

McDonald’s will ensure that all alcohol testing is conducted in method and manner to ensure the integrity of the process. This includes, among other things: a careful check to ensure the correct identity of each employee at the time of testing; a chain-of-custody procedure to ensure that the employee’s specimen is not tampered with; the use of a trained testing technician and approved testing devices for conducting alcohol tests; the confirmation of an initial positive alcohol screen by a second analysis; and careful record retention. Testing will occur at a facility designated by McDonald’s.

B. Controlled Substances

1. Sample Collection

Collection will occur in a clinical setting at an Employer designated facility. Strict medical procedures, including careful chain of custody of the sample, will be followed. A urine sample will ordinarily be given in private. There is no requirement that an individual list prescription or over-the-counter medicine during the collection process.

2. Laboratory Testing

Testing will be done at a laboratory certified by the National Institute of Drug Abuse. Strict medical procedures, including chain of custody of the sample, will be followed. A sample will only be deemed “positive” after it has been confirmed by the highly accurate test, gas chromatography/mass spectrometry (“GC/MS”).

3. Medical Review of a Positive Laboratory Test

The testing laboratory will report any positive test to McDonald’s MRO, who is a licensed M.D. The testing laboratory does not report a positive test directly to McDonald’s. Once the MRO receives the result, the MRO will contact the individual directly to set up a medical interview. The purpose of the interview is to allow the individual to explain the positive result; for example, it was caused by prescription medicine. If the individual provides a medically acceptable explanation, the MRO reports the test as negative. If there is no acceptable explanation, the test is reported to McDonald’s as positive.

MRO services will be provided at an Employer designated facility.
REFUSAL TO SUBMIT TO A REQUIRED ALCOHOL OR CONTROLLED SUBSTANCES TEST

No employee shall refuse to submit to an alcohol or controlled substances test required under this policy. Refusal to submit means that an employee (1) fails to provide adequate breath for alcohol testing without a valid medical explanation, (2) fails to provide adequate urine for controlled substances testing without a valid medical explanation after he or she has received notice of the requirement for urine testing in accordance with the provisions of this policy, or (3) engages in conduct that clearly obstructs the testing process, or (4) otherwise refuses to participate in required testing. Violation will result in the employee being immediately prevented from beginning work or continuing work. Additionally, any such violation will be deemed to be insubordination or falsification of records, and further any test result will be deemed to be positive. Consequently, the refusal to submit to a required alcohol or substance abuse test, as defined above, will result in immediate termination.

CONFIDENTIALITY

Alcohol and controlled substances test and related records of employees are confidential and will not be released without proper authorization or as required by law or regulation. Any employee may request a copy of his or her test records.

CALL IN PROCEDURE

If an employee is called and directed to report to work outside his or her regularly scheduled hours, and without notice, the employee shall be provided the opportunity to acknowledge the use of alcohol which would cause an inability to perform any job function safely and in accordance with this policy. In such case, the employee will not be required to report to work and will not be penalized.

CRIMINAL CONVICTION REPORTING

All employees are required to notify McDonald’s of any criminal drug statute conviction for a violation occurring during working hours, or on Employer premises at any time, no later than five days after the conviction. This notification must be given in writing to the Store Manager and Owner/Operator.

COORDINATION WITH FEDERAL LAWS

Nothing herein shall be construed to diminish any rights which may apply under the Americans With Disabilities Act, Family Medical Leave Act or other relevant federal or state laws and/or rules and regulations.