



# DRUG & ALCOHOL-FREE WORKPLACE

## Drug & Alcohol Policy, Testing Policy and Employee Notice & Acknowledgement/Consent of Employer Testing Requirement

COLCAL is committed to maintaining a safe and productive work environment that promotes both the health and the welfare of its employees and the public. The abuse of drugs and alcohol is incompatible with these goals. The primary purpose of this policy is to ensure worksite safety and avoid drug and alcohol related work performance problems by striving for a drug and alcohol-free working environment. As an employer, protection of our people, property, and the public is paramount. This policy should be considered by all employees as a preventative policy rather than a punitive policy.

### PART I: COMPANY POLICY

It is the policy of COLCAL to take all steps necessary to secure the safety of its employees and to minimize threats to public safety by its employees during working hours. A major factor in both employee and public safety is substance abuse. The abuse of liquor and/or illegal drugs, on or off the job, affects job performance. All employees of COLCAL should be made aware of the following policy guidelines regarding drug and alcohol abuse:

1. The use, sale, purchase, transfer, possession or storage of illegal drugs or alcohol while in the course or scope of employment within COLCAL or on COLCAL property are prohibited. Reporting to work under the influence of drugs or alcohol is also prohibited. Compliance with this policy is a condition of continued employment, and non-compliance shall be grounds for disciplinary action up to and including immediate dismissal. No alcoholic beverages will be brought onto or consumed on COLCAL premises or during COLCAL activities except when approved by management in connection with authorized events.
2. Employees who have illegal drugs or alcohol in their systems or who possess or consume illegal drugs or alcohol on the job, have the potential for interfering with their own as well as their co-workers' safe and efficient job performance. Employees who violate these rules will be subject to disciplinary action up to and including termination of employment. A positive drug or alcohol test is considered proof that the employee is in violation of this policy. The use of marijuana, even with a medical marijuana card, is not conducive to a restaurant's safety sensitive nature and remains a violation of Federal Law, and accordingly, such conduct violates this policy.
3. Off-the-job illegal drug use is proper cause for disciplinary action up to and including termination.
4. Employees who are convicted of offenses involving illegal drugs or alcohol may be in violation of this policy. In deciding what action to take, management will take into consideration the nature of the charges, the employee's present job assignment, the employee's record with COLCAL and any other factors relative to the impact of the employee's arrest upon the conduct of COLCAL business.
5. Employees taking prescription medications that could adversely affect safe work performance should report any work restrictions promptly to their supervisor or someone in authority with COLCAL. The employee need not reveal the name of the medication or the reason for which it is used unless directly asked for this information. The use of prescription medications pursuant to a prescribed medical treatment program is not naturally grounds for disciplinary action, although it is important for COLCAL to be aware of such use in order to take safety precautions.

For purposes of this policy, "drugs" shall refer to all drugs, the possession or use of which are illegal under federal, state, or local law, including, but not limited to marijuana, hashish, heroin, cocaine, hallucinogens, depressants, stimulants, illegal inhalants, and any other drug not prescribed for current personal treatment by a physician. Alcohol is also considered a drug for purposes of this policy.

### PART II: NOTICE OF EMPLOYER TESTING REQUIREMENTS

This is to inform you that COLCAL dba Taco Bell, conducts for-cause and post-accident testing to identify employees who may be abusing drugs and/or alcohol. A copy of policy on this matter is available in the Answer System Book 6 – Policies & Procedures. Copies will be given to you upon request. You have the right to refuse to undergo testing. However, the consequences of refusal to undergo testing or a refusal to cooperate in testing will result in disciplinary actions up to and including termination. An employee who fails a test will be subject to disciplinary action up to and including discharge. Remaining drug and alcohol free and participation in COLCAL drug and alcohol testing program is a condition of continued employment.

### **PART III: TESTING POLICY**

The company reserves the right to administer a drug and/or alcohol test to any employee who, by actions and appearance, appears unfit for duty. Why should COLCAL be concerned about drug and alcohol abuse in the workplace? Federal experts report that between 6 and 12 percent of all US workers have used an illegal drug in the last month, 12 million Americans are alcoholics, and an astonishing 2 million are regular users of cocaine. Did you know that drug and alcohol abusers are:

- 2 1/2 times more likely to have absences of 3 days or more
- 3.6 times more likely to injure themselves or another employee in a workplace accident
- 5 times more likely to be involved in an accident off the job (which, in turn, affects attendance or performance on the job)
- 5 times more likely to file a workers' compensation claim
- Responsible for 1/2 of all on the job accidents

Being under the influence of drugs or alcohol on the job adversely affects not only the employee, but co-workers, and the customer. Not only is safety jeopardized, the product or service can be affected due to low productivity, poor quality and waste. Moreover, illegal drug and alcohol abuse exposes workers and customers to related criminal behavior such as drug dealing and theft. Employees have the right to work in a safe environment and the customer the right to receive maximum productivity, high quality, and minimum waste from employees. This requires competent and "safe" employees.

Employees under the influence of drugs and alcohol are not competent and are just as ineffective and dangerous as a defective machine. It is the responsibility of this organization to provide an efficient, effective, and safe workplace for everyone.

Employees asked to submit to a drug and/or alcohol test will be tested by urinalysis and/or breath test for the presence of the following, but not limited to: alcohol, amphetamines, barbiturates, benzodiazepines, cocaine, marijuana, opiates, methadone, methaqualone, phencyclidine, and propoxyphene. Confirmation tests will be used to verify positive results and will utilize gas chromatography/mass spectrometry (GC/MS) to confirm the molecular structure of the substance detected. All employees who test positive will be offered the opportunity to discuss their test results in confidence and with a Medical Review officer (a medical professional with an expertise in toxicology) who will ensure that the test result reflects only the presence of illegal drugs or alcohol. A verified positive test result means a test result that was positive on the FDA-approved immunoassay test, confirmed by the GC/MS assay, and reviewed and verified by the Medical Review Officer. All drug and alcohol testing information will be kept confidential, with only authorized individuals who have a "need to know" having access to them and will be released only pursuant to law or when relevant to a claim or action brought by the employee.

An employee who refuses to be tested when so required will be considered insubordinate and subject to the full range of disciplinary action, up to and including immediate dismissal. Attempts to alter or substitute the specimen provided will be deemed a refusal to take the drug test. Disciplinary action taken against an employee found to be using illegal drugs or under the influence of alcohol may include the full range of disciplinary action up to and including immediate dismissal. The severity of the action chosen will depend on the circumstances of each case. Intoxication may result in loss of workers' compensation benefits.

COLCAL will give the same consideration to employees with chemical dependency and alcohol problems as it does to employees having other health problems. Seeking assistance for such a problem prior to a positive test result will not jeopardize an employee's job, whereas continuing problems with performance, attendance, or behavior will. Those employees seeking assistance should contact their Area Coach, or Human Resources Manager.

### **PART IV: ACKNOWLEDGEMENT & CONSENT**

By signing below, I acknowledge receipt and understanding of the above written notices, agree to abide by the terms of COLCAL policy pertaining to drugs and alcohol. I authorize COLCAL dba Taco Bell to procure investigative reports described in this disclosure form and I release COLCAL dba Taco Bell and/or its agents and any persons or entity, which provides information pursuant to this authorization, from any and all liabilities, claims or law suits in regards to the information obtained from any and all of the above referenced sources used.

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(Signature)

(Date signed)