

**ARAMARK COMMERCIAL MOTOR VEHICLE DRIVER
CONTROLLED SUBSTANCE AND ALCOHOL TESTING
POLICY**

Effective January 1, 2009

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1. INTRODUCTION

The serious impact of controlled substance use and alcohol abuse by drivers of commercial motor vehicles has been recognized by the Federal government. The Federal Motor Carrier Safety Administration (FMCSA) has issued regulations (the "FMSCRs") which require companies that employ drivers, such as ARAMARK, to implement an alcohol and controlled substances testing program for drivers who operate vehicles that require a CDL.

The purpose of the FMSCRs is to establish programs designed to help prevent accidents and injuries resulting from the misuse of alcohol or controlled substances by drivers of CDL required commercial motor vehicles.

Consistent with the intent of the Federal government and the FMCSRs, ARAMARK is committed to promoting the safe, proper and professional operation of all commercial motor vehicles. We are committed to employing only the most qualified drivers of commercial motor vehicles while assuring their health and the public's safety. To achieve these goals, ARAMARK has implemented this Policy.

This Policy applies to all positions which require operation of a commercial motor vehicle (or "CMV") (as defined herein) that requires the holder to have a commercial driver's license. This includes any employees or third parties who, in the course of their employment or business or contractual relationship with ARAMARK, operate a CMV (that requires a commercial driver's license) owned, leased, or rented by or on behalf of ARAMARK. This Policy does not apply to drivers of non-commercial motor vehicles.

More stringent procedures may be implemented at the local level as circumstances warrant. Any component that wishes to enact more stringent procedures must first have approval from Corporate Fleet, prior to implementation. In no event may this Policy be made less rigorous or stringent. This Policy will be executed by following the procedures set forth herein, and other procedures established by ARAMARK from time to time. Records of compliance with this Policy will be retained as required herein. This Policy may be amended, modified and supplemented from time to time in ARAMARK's sole discretion. ARAMARK intends to comply with all applicable State and Federal laws and regulations. In case of a conflict between this Policy and applicable law or regulation, the applicable law or regulation will govern.

2. SPECIFIC POLICY STATEMENT

ARAMARK is legally required to adhere to the Federal Motor Carrier Safety Regulations (FMCSRs). The use, sale, purchase, transfer, possession, or presence in one's system of any controlled substance (except medically prescribed drugs) by any driver while on ARAMARK premises, engaged in

company business, operating company equipment, or while under the authority of ARAMARK is strictly prohibited. Disciplinary action will be taken as necessary.

Neither this Policy nor any of its terms create, are intended to create or will be deemed to have created any contract or guarantee of employment or contain the terms of any contract of employment. ARAMARK retains the sole right to change, amend, or modify any term or provision of this Policy without notice. This Policy is effective as of the date set forth on **Exhibit A** for the locations listed thereon, and will supersede all prior policies and statements relating to alcohol or drug testing of drivers of commercial motor vehicles.

3. SUMMARY OF CONTROLLED SUBSTANCE AND ALCOHOL TESTING PROCEDURES

A. Regulatory Requirements

All drivers who operate commercial motor vehicles that require a commercial driver's license under 49 CFR Part 383 are subject to the FMCSA's controlled substance and alcohol regulations, 49 CFR Part 382 of the FMCSRs.

B. Non-Regulatory Requirements

The FMCSRs set the minimum requirements for testing. ARAMARK's Policy in certain instances may be more stringent. This Policy will clearly define what is mandated by the FMCSRs and what is mandated by ARAMARK

C. Alcohol – What is Prohibited

Part 382, Subpart B, prohibits any alcohol misuse that could affect performance of safety-sensitive functions.

This alcohol prohibition includes:

- * use while performing safety-sensitive functions;
- * use during the 4 hours before performing safety-sensitive functions;
- * reporting for duty or remaining on duty to perform safety-sensitive functions with an alcohol concentration of 0.04 or greater;
- * use of alcohol for up to 8 hours following an accident or until the driver undergoes a post-accident test; or
- * refusal to take a required test.

NOTE: Per the FMCSRs (Sec. 382.505), a driver found to have an alcohol concentration of 0.02 or greater but less than 0.04 shall not perform, nor be permitted to perform, safety-sensitive functions until the start of the driver's next regularly scheduled duty period, but not less than 24 hours following administration of the test.

Additionally, per Sec. 392.5(a)(2) – No driver shall use alcohol, or have any measured alcohol concentration or detected presence of alcohol, while on duty, or operating, or in physical control of a commercial motor vehicle.

D. Controlled Substances —What is Prohibited

Part 382, Subpart B, prohibits any use of any drug, i.e. a “controlled substance” that could affect the performance of safety-sensitive functions. This drug prohibition includes:

- * use of any drug, except when administered to a driver by, or under the instructions of, a licensed medical practitioner, who has advised the driver that the substance will not affect the driver's ability to safely operate a commercial motor vehicle. (The use of marijuana under California Proposition 215 or the use of any Schedule I drug under Arizona Proposition 200 is not a legitimate medical explanation. Under federal law, the use of marijuana or any Schedule I drug does not have a legitimate medical use in the United States.);

- * testing positive for drugs; or

- * refusing to take a required test.

In accordance with FMCSA rules, urinalyses will be conducted to detect the presence of the following five controlled substances (ng/ml is nanograms per milliliter):

List detection cutoff levels	Initial Cut Off	Confirmation Cut Off
1. Marijuana	50 ng/ml	15 ng/ml
2. Cocaine	300 ng/ml	50 ng/ml
3. Opiates	2000 ng/ml	2000 ng/ml
4. Amphetamines	1000 ng/ml	500 ng/ml
5. Phencyclidine (PCP)	25 ng/ml	25 ng/ml

Detection levels requiring a determination of a positive result shall be in accordance with the guidelines adopted by the FMCSA in accordance with the requirements established in 49 CFR, Section 40.87.

E. Who is Responsible

It is ARAMARK's responsibility to provide testing for the driver that is in compliance with all federal and state laws and regulations, and within the provisions of this Policy. ARAMARK will retain all records related to testing and the testing process in a secure and confidential matter. However, per Sec. 40.25 and Sec. 391.23, ARAMARK will be required to make all records available to future employers in compliance with proper controlled substance and alcohol testing background checks. It is the driver's responsibility, and the responsibility

of each other ARAMARK employee involved in the usage of commercial motor vehicles, to comply with such laws and regulations and this Policy.

F. ARAMARK Program Administrator

ARAMARK's alcohol and drug Program Administrator who is designated to monitor, facilitate, and answer questions pertaining to these procedures is set forth on **Exhibit A**.

The driver is responsible for complying with the requirements set forth in this Policy. The driver will not use, have possession of, abuse, or have the presence of alcohol or any controlled substance in excess of regulation-established threshold levels while on duty. The driver will not use alcohol within a minimum of 4 hours of performing a "safety-sensitive" function or while performing a "safety-sensitive" function.. The driver must submit to alcohol and controlled substances tests administered under Part 382.

All supervisors must make every effort to be aware of a driver's condition at all times the driver is in service of ARAMARK. The supervisor must be able to make reasonable suspicion observations to determine if the driver is impaired in some way, and be prepared to implement the requirements of this Policy if necessary.

G. Definitions

Under this Policy, the following definitions apply:

"Actual knowledge" means actual knowledge by an employer that a driver has used alcohol or controlled substances based on the employer's direct observation of the driver, information provided by the driver's previous employer(s), a traffic citation for driving a CMV while under the influence of alcohol or a controlled substance, or a driver's admission of alcohol or controlled substance use under the provisions of Sec. 382.121. Direct observation as used in this definition means observation of alcohol or controlled substance use and does not include observation of driver behavior or physical characteristics sufficient to warrant reasonable suspicion testing under Sec. 382.307.

"Alcohol" means the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl and isopropyl alcohol.

"Alcohol concentration (or alcohol content)" means 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.

"Alcohol screening device (or ASD)" means a breath or saliva device, other than an evidential breath testing device ("EBT") that is approved by the

National Highway Traffic Safety Administration ("NHTSA") and placed on a conforming products list ("CPL") for such devices.

"Alcohol use" means the consumption of any beverage, liquid mixture, or preparation, including any medication, containing alcohol.

"Breath Alcohol Technician (or BAT)" means an individual who instructs and assists individuals in the alcohol testing process, and operates an evidential breath testing device (EBT).

"Collection site" means a place designated by ARAMARK, where individuals present themselves for the purpose of providing a urine specimen for a drug test.

"Commercial motor vehicle" means a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle:

1. Has a gross combination weight rating of 26,001 or more pounds (11,794 or more kilograms) inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds (4,536 kilograms); or
2. Has a gross vehicle weight rating of 26,001 or more pounds (11,794 or more kilograms); or
3. Is designed to transport 16 or more passengers, including the driver; or
4. Is of any size and is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act and which require the motor vehicle to be placarded under the Hazardous Materials Regulations (49 CFR Part 172, subpart F).

"Confirmation (or confirmatory) drug test" means a second analytical procedure performed on a urine specimen to identify and quantify the presence of a specific drug or drug metabolite.

"Confirmation (or confirmatory) validity test" means a second test performed on a urine specimen to further support a validity test result.

"Confirmed drug test" means a confirmation test result received by an MRO from a laboratory.

"Consortium/Third-party administrator (C/TPA)" means a service agent that provides or coordinates the provision of a variety of drug and alcohol testing services for ARAMARK. C/TPAs typically perform administrative tasks concerning the operation of ARAMARK's drug and alcohol testing programs. This term includes, but is not limited to, groups of employers who join together to administer, as a single entity, the DOT drug and alcohol testing programs of its members. C/TPAs are not "employers."

“Controlled substances” mean those substances identified in 49 CFR, Section 40.85 and includes marijuana, cocaine, opiates, amphetamines and phencyclidine (PCP).

“Designated employer representative (or DER)” means an individual identified by the employer as able to receive communications and test results from service agents and who is authorized to take immediate actions to remove drivers from safety-sensitive duties and to make required decisions in the testing and evaluation processes. The individual must be an employee of ARAMARK. Service agents cannot serve as DERs.

“Direct Observation” a type of controlled substance test where the driver will be “observed” while providing the urine sample. Direct observation is required when sample tampering is suspected or confirmed.

“Disabling damage” means damage that precludes departure of a motor vehicle from the scene of the accident in its usual manner in daylight after simple repairs.

1. Inclusions. Damage to motor vehicles that could have been driven, but would have been further damaged if so driven.
2. Exclusions.
 1. Damage which can be remedied temporarily at the scene of the accident without special tools or parts.
 2. Tire disablement without other damage even if no spare tire is available.
 3. Headlight or taillight damage.
 4. Damage to turn signals, horn, or windshield wipers which make them inoperative.

“Driver” for this policy means any person who operates a commercial motor vehicle requiring a CDL. This includes, but is not limited to: full time, regularly employed drivers; casual, intermittent or occasional drivers; leased drivers and independent, owner-operator contractors who are either directly employed by or under lease to an employer or who operates a commercial motor vehicle at the direction of or with the consent of an employer.

“Drug” means any substance (other than alcohol) that is a controlled substance as defined in this Policy and 49 CFR Part 40.

“Evidential breath testing device (or EBT)” means a device approved by the National Highway Traffic Safety Administration (NHTSA) for the evidential testing of breath at the 0.02 and 0.04 alcohol concentrations, placed on NHTSA's Conforming Products List (CPL) for "Evidential Breath Measurement Devices"

and identified on the CPL as conforming with the model specifications available from NHTSA's Traffic Safety Program.

“FMCSA” means Federal Motor Carrier Safety Administration, U.S. Department of Transportation.

“Licensed medical practitioner” means a person who is licensed, certified, and/or registered, in accordance with applicable federal, state, local, or foreign laws and regulations, to prescribe controlled substances and other drugs.

“Medical Review Officer (MRO)” means a person who is a licensed physician (Doctor of Medicine or Osteopathy) and who is responsible for receiving and reviewing laboratory results generated by ARAMARK's drug testing program and evaluating medical explanations for certain drug test results.

“Performing (a safety-sensitive function)” means a driver is considered to be performing a safety-sensitive function during any period in which he or she is actually performing, ready to perform, or immediately available to perform any safety-sensitive functions.

“Prescription Medications” means the use (by a driver) of legally prescribed medications issued by a licensed health care professional familiar with the driver's work related responsibilities.

“Provider” means any person or other entity selected by ARAMARK to perform functions on behalf of ARAMARK under this Policy or that certain Commercial Motor Vehicle Party. ARAMARK's designated Providers are set forth on **Exhibit B**

“Refuse to submit (to an alcohol or controlled substances test)” means that a driver:

1. Fails to appear for any test (except pre-employment) within a reasonable time, as determined by ARAMARK, consistent with applicable DOT regulations, after being directed to do so by ARAMARK.
2. Fails to remain at the testing site until the testing is complete (except pre-employment if the driver leaves before the testing process begins);
3. Fails to provide a urine specimen for any DOT required drug test (except pre-employment if the driver leaves before the testing process begins);
4. In the case of a directly observed or monitored collection in a drug test, fails to permit the observation or monitoring of the driver's provision of the specimen;
5. Fails to provide a sufficient amount of urine when directed, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure;

6. Fails or declines to take a second test the employer or collector has directed the driver to take;
7. Fails to undergo a medical examination or evaluation, as directed by the MRO as part of the verification process, or as directed by the DER (In the case of a pre-employment drug test, the employee is deemed to have refused to test on this basis only if the pre-employment test is conducted following a contingent offer of employment);
8. Fails to cooperate with any part of the testing process; or
9. Is reported by the MRO as having a verified adulterated or substituted test result.

“Safety-sensitive function” means all time from the time a driver begins to work or is required to be in readiness to work until the time he/she is relieved from work and all responsibility for performing work.

Safety-sensitive functions include:

1. all time at an employer or shipper plant, terminal, facility, or other property, or on any public property, waiting to be dispatched, unless the driver has been relieved from duty by ARAMARK;
2. all time inspecting equipment as required by Secs. 392.7 and 392.8 or otherwise inspecting, servicing, or conditioning any commercial motor vehicle at any time;
3. all time spent at the driving controls of a commercial motor vehicle in operation;
4. all time, other than driving time, in or upon any commercial motor vehicle, except time spent resting in a sleeper berth (a berth conforming to the requirements of Sec. 393.76);
5. all time loading or unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded; and
6. all time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

“Screening test technician (or STT)” means a person who instructs and assists employees in the alcohol testing process and operates an alcohol screening device (ASD).

“Stand-down” means the practice of temporarily removing a driver from the performance of safety-sensitive functions based only on a report from a laboratory to the MRO of a confirmed positive drug test for a drug or drug metabolite, an adulterated test, or a substituted test, before the MRO has completed verification of the test results.

“Substance abuse professional (or SAP)” means a person who evaluates employees who have violated a DOT drug and alcohol regulation and makes recommendations concerning education, treatment, follow-up testing, and aftercare. A SAP must be:

1. a licensed physician (Doctor of Medicine or Osteopathy);
2. a licensed or certified social worker;
3. a licensed or certified psychologist;
4. a licensed or certified employee assistance professional; or
5. a drug and alcohol counselor certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission (NAADAC) or by the International Certification Reciprocity Consortium/Alcohol and Other Drug Abuse (ICRC), or by the National Board for Certified Counselors, Inc and Affiliates/Master Addictions Counselor (NBCC). Approved Substance Abuse Professionals may be identified through ARAMARK’s Employee Assistance Program, which is described on **Exhibit D**.

4. CONTROLLED SUBSTANCE AND ALCOHOL TESTING – WHEN IS A DRIVER REQUIRED TO BE TESTED

Under this Policy, ARAMARK will conduct pre-employment testing, testing upon reasonable suspicion, post-accident testing and random testing. All testing for controlled substances under this Policy will entail submission by the tested person to a urine test that is subject to, and in compliance with, the collection, chain-of-custody, and reporting procedures set forth in 49 CFR Part 40.

All drivers must inform their direct supervisor of any therapeutic drug use prior to performing a safety-sensitive function. Each driver may be required to present written evidence from a health care professional which describes the effects such medications may have on the driver’s ability to perform the driver’s tasks. Part 382.213(c) .

A. Types of Controlled Substance Testing

(1) Pre-Employment Testing (Sec. 382.301):

All driver applicants, including any current ARAMARK employee transferring from a non-driving position to a driver position, will be required to submit to and pass a urine drug test as a condition of employment. A driver applicant who has tested positive for drugs during a pre-employment test will not be considered for employment.

Each driver applicant will be asked whether he/she has tested positive, or refused to test, on any pre-employment drug test administered by an employer to which the driver applicant applied for, but did not obtain, safety-sensitive transportation work during the past 2 years. (Sec. 40.25(j))

If the driver applicant admits that he/she has tested positive, or refused to test, on any such pre-employment drug test, then the driver applicant may not perform any safety-sensitive functions for ARAMARK until and unless the driver applicant documents successful completion of the return-to-duty process.

(2) Reasonable Suspicion Testing (Sec. 382.307):

If the driver's supervisor or another ARAMARK employee designated to supervise drivers believes a driver is under the influence of alcohol or drugs, the driver will be required to undergo a drug and/or alcohol test.

The basis for this decision will be specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the driver.

The driver's supervisor or other ARAMARK employee will immediately remove the driver from any and all safety-sensitive functions and take the driver or make arrangements for the driver to be taken to a testing facility.

The person who makes the determination that reasonable suspicion exists to conduct an alcohol test may not administer the alcohol test.

Per the FMCSRs, reasonable suspicion alcohol testing is only authorized if the observations are made during, just preceding, or after the driver is performing a safety sensitive function.

Per the FMCSRs, if the driver tests 0.02 or greater alcohol content, but less than 0.04 alcohol content, then the driver will be removed from all safety-sensitive functions, including driving a commercial motor vehicle, until the start of the driver's next regularly scheduled duty period, but not less than 24 hours following administration of the test.

If an alcohol test is not administered within two hours following a reasonable suspicion determination, then the Program Administrator will prepare and maintain a record stating the reasons why the test was not administered within 2 hours.

If the test was not administered within 8 hours after a reasonable suspicion determination, all attempts to administer the test shall cease. The Program Administrator will prepare and maintain a record of why the test was not administered.

A written record of the observations leading to an alcohol or controlled substance reasonable suspicion test, signed by the supervisor or other ARAMARK employee who made the observation, will be completed within 24 hours of the

observed behavior or before the results of the alcohol or controlled substances test are released, whichever is first.

A driver awaiting the results of a reasonable suspicion drug test will be suspended from all safety sensitive duties until the results of the test have been received.

(3) Post-Accident Testing (Sec. 382.303):

Drivers are to notify the Program Administrator or his or her designee by the methods specified in Exhibit C, as soon as possible if they are involved in an accident, and drivers are responsible to provide the information specified in Exhibit C.

According to the FMCSRs (Sec. 382.303), if the accident involved:

- * A fatality,
- * Bodily injury with immediate medical treatment away from the scene and the driver received a citation
- * Disabling damage to any motor vehicle requiring tow away and the driver received a citation

then the driver will be tested for drugs and alcohol as soon as possible following the accident. The driver must remain readily available for testing. If the driver is not readily available for alcohol and drug testing, he/she may be deemed as refusing to submit to testing. A driver involved in an accident may not consume alcohol for 8 hours or until testing is completed.

If the alcohol test is not administered within 2 hours following the accident, then the Program Administrator will prepare and maintain a record stating why the test was not administered within two hours.

If the alcohol test is not administered within 8 hours following the accident, then all attempts to administer the test will cease. The Program Administrator will prepare and maintain a record stating why the test was not administered.

The drug test must be administered within 32 hours of the accident. If the test could not be administered within 32 hours, then all attempts to test the driver will cease. The Program Administrator will prepare and maintain a record stating the reasons why the test was not administered within the allotted time frame.

(4) Random Testing (Sec. 382.305):

ARAMARK will conduct random testing for all drivers as follows:

ARAMARK will use a company wide selection process based on a scientifically valid method, prescribed by the FMCSRs.

The Program Administrator will be responsible to administer the random testing program, and to maintain all pertinent records on random tests administered.

At least 10 percent of the consortium's average number of driver positions will be tested for alcohol each year. At least 50 percent of the consortium's average number of driver positions will be tested for drugs each year.

The random testing will be spread reasonably throughout the calendar year. All random alcohol and drug tests will be unannounced, with each driver having an equal chance of being tested each time selections are made.

A driver may only be tested for alcohol while he/she is performing a safety-sensitive function, just before performing a safety-sensitive function, or just after completing a safety-sensitive function.

Once notified that he/she has been randomly selected for testing, the driver must proceed immediately to the assigned collection site.

(5) Return to Duty Testing (Sec. 382.309):

After failing an alcohol test, a driver must undergo a return-to-duty test prior to performing a safety-sensitive function. The test result must indicate a breath alcohol concentration of less than 0.02. This section only applies to ARAMARK CMV drivers that have had an alcohol concentration between .02 and .04 (if they are allowed to continue their employment as a CMV driver. All other positive test for alcohol or controlled substances will result in the termination of the individual as a CMV driver (this includes CMV's from 10,001 -26,000 lbs GCVW) with ARAMARK.

(6) Follow-Up Testing (Sec. 382.311):

Following the driver's violation of Part 382, Subpart B, the driver will be subject to follow-up testing. Follow-up testing will be unannounced. The number and frequency of such follow-up testing will be directed by the SAP, and consist of at least six tests in the first 12 months. Follow-up testing may be done for up to 60 months.

(7) Refusal to Submit:

According to Sec. 382.211, a driver may not refuse to submit to a post-accident, random, reasonable suspicion, or follow-up alcohol or controlled substances test required by the FMCSRs. A driver who refuses to submit to such tests may not perform or continue to perform safety-sensitive functions and must be evaluated by a substance abuse professional as if the driver tested positive for drugs or failed an alcohol test.

Refusal to submit includes failing to provide adequate breath or urine sample for alcohol or drug testing and any conduct that obstructs the testing process. This

includes adulteration or substitution of a urine sample. A refusal is considered the same as a positive test.

If the MRO informs ARAMARK that a positive drug test was dilute, ARAMARK will simply treat the test as a verified positive test. ARAMARK will not direct the employee to take another test based on the fact that the specimen was dilute. This is in accordance with §40.197.

If the MRO directs ARAMARK to conduct a recollection under direct observation because the creatinine concentration of the specimen was equal to or greater than 2mg/dL, but less than or equal to 5 mg/dL (see §40.155(c)), then ARAMARK will do so immediately.

- * The employee is given the minimum possible advance notice that he or she must go to the collection site;

- * The result of the retest taken under §40.197(b), and not a prior test, is accepted as the test result of record;

- * If the result of the retest taken under §40.197(b) is also negative and dilute, ARAMARK will not make the employee take an additional test because the result was dilute. Provided, however, that if the MRO directs ARAMARK to conduct a recollection under direct observation under §40.197(b)(1), ARAMARK must immediately do so.

- * If the employee declines to take a test as directed in accordance with §40.197(b), the employee has refused the test for purposes of this part and DOT agency regulations.

If the creatinine concentration of the dilute specimen is greater than 5 mg/dL, ARAMARK will direct the employee to take another test immediately under this Policy in accordance with §40.197.

Mandated Retesting: ARAMARK requires that a driver or driver applicant will be retested. The following provisions apply to all retests:

- * Such recollections will not be collected under direct observation, unless there is another basis for use of direct observation (see § 40.67 (b) and (c))

- * The employee is given the minimum possible advance notice that he or she must go to the collection site;

- * The result of the retest taken under §40.197(b), and not a prior test, is accepted as the test result of record;

- * If the result of the retest taken under §40.197(b) is also negative and dilute, ARAMARK will not make the employee take an additional test because the result was dilute. Provided, however, that if the MRO directs ARAMARK to conduct a recollection under direct observation under §40.197(b)(1), ARAMARK must immediately do so.

* If the employee declines to take a test as directed in accordance with §40.197(b), the employee has refused the test for purposes of this part and the FSCMRs.

If an employee's first portion of the sample is deemed diluted, and the second portion of the sample is deemed diluted, then the employee will be deemed to have tested negative, as long as the second sample is taken under direct observation.

B. Alcohol Testing Procedures

Alcohol testing will be conducted, at an approved and authorized facility pre-selected by ARAMARK or its Provider, by a qualified breath alcohol technician (BAT) or screening test technician (STT), according to 49 CFR Part 40 procedures. Only products on the conforming products list (approved by the NHTSA and Part 40 requirements) will be utilized for testing under this Policy.

The testing will be performed in a private setting. Only authorized personnel will have access, and are the only individuals who can see or hear the test results.

When the driver arrives at the testing site, the BAT or STT will ask for identification.

The driver may ask the BAT or STT for identification.

The BAT or STT will then explain the testing procedure to the driver. The BAT or STT may only supervise one test at a time, and may not leave the testing site while the test is in progress.

A screening test is performed first. When a breath testing device is used, the mouthpiece of the breath testing device must be sealed before use, and opened in the driver's presence. Then the mouthpiece is inserted into the breath testing device.

The driver must blow forcefully into the mouthpiece of the testing device for at least 6 seconds or until an adequate amount of breath has been obtained.

Once the test is completed, the BAT must show the driver the results. The results may be printed on a form generated by the breath testing device or may be displayed on the breath testing device. If the breath testing device does not print results and test information, the BAT is to record the displayed result, test number, testing device, serial number of the testing device, and time on the alcohol testing form. If the breath testing device prints results, but not directly onto the form, the BAT must affix the printout to the alcohol testing form in the designated space.

When an alcohol screening device (ASD) is used, the screening test technician (STT) must check the device's expiration date and show it to the driver. A device may not be used after its expiration date.

The STT will open an individually wrapped or sealed package containing the device in front of the driver and he/she will be asked to place the device in his/her mouth and use it in the manner described by the device's manufacturer.

If the driver declines to use the device, or in a case where the device doesn't activate, the STT must insert the device in the driver's mouth and use it in the manner described by the device's manufacturer. The STT must wear single-use examination gloves and must change the gloves following each test.

When the device is removed from the driver's mouth, the STT must follow the manufacturer's instructions to ensure the device is activated.

If the procedures listed above can't be successfully completed, the device must be discarded and new test must be conducted using a new device. Again, the driver will be offered the choice of using the new device or having the STT use the device for the test.

If the new test can't be successfully completed, the driver will be directed to immediately take a screening test using an evidential breath testing device (EBT).

The result displayed on the device must be read within 15 minutes of the test. The STT must show the driver the device and the its reading and enter the result on the ATF (Alcohol Testing Form).

If the reading on the EBT or ASD is less than 0.02, both the driver and the BAT or STT must sign and date the result form. The form will then be confidentially forwarded to ARAMARK's designated employer representative (DER).

If the reading on the EBT or ASD is 0.02 or more, a confirmation test must be performed. An EBT must be used for all confirmation tests.

The test must be performed after 15 minutes have elapsed, but within 30 minutes of the first test. The BAT will ask the driver not to eat, drink, belch, or put anything into his/her mouth. These steps are intended to prevent the buildup of mouth alcohol, which could lead to an artificially high result.

A new, sealed mouthpiece must be used for the new test. The calibration of the EBT must be checked. All of this must be done in the driver's presence.

If the results of the confirmation test and screening test are not the same the confirmation test will be used.

Refusal to complete and sign the alcohol testing form or refusal to provide breath or saliva will be considered a failed test, and the driver will be removed from all safety-sensitive functions until the matter is resolved.

C. Controlled Substance Testing Procedures

Controlled substance testing will be conducted at a facility pre-selected by ARAMARK or its Provider. Specimen collection will be conducted in accordance with 49 CFR Part 40 and any applicable state law. The collection procedures have been designed to ensure the security and integrity of the specimen provided by each driver. The procedures will strictly follow federal chain of custody guidelines.

A controlled substance testing custody and control form (CCF) will be used to document the chain of custody from the time the specimen is collected at the testing facility until it is tested at the laboratory.

A collection kit meeting the requirements of Part 40, Appendix A must be used for the drug test.

The collection of specimen must be conducted in a suitable location and must contain all necessary personnel, materials, equipment, facilities, and supervision to provide for collection, security, and temporary storage and transportation of the specimen to a certified laboratory.

When the driver arrives at the collection site, the collection site employee will ask for identification. The driver may ask the collection site person for identification.

The driver will be asked to remove all unnecessary outer garments (coat, jacket) and secure all personal belongings. The driver may keep his/her wallet.

The driver will then wash and dry his/her hands. After washing hands, the driver must remain in the presence of the collection site person and may not have access to fountains, faucets, soap dispensers, or other materials that could adulterate the specimen.

The collection site person will select, or allow the driver to select, an individually wrapped or sealed container from the collection kit materials. Either the collection site person or the driver, with both individuals present, must unwrap or break the seal of the collection container. The seal on the specimen bottle may not be broken at this time. Only the collection container may be taken into the room used for urination.

The driver is then instructed to provide his/her specimen in a room that allows for privacy.

The specimen must consist of at least 45 mL of urine. Within 4 minutes after obtaining the specimen, the collection site person will measure its temperature. The acceptable temperature range is 90 to 100 degrees Fahrenheit. If the specimen temperature is outside the acceptable range, the collector must note this on the CCF and must immediately conduct a new collection using direct observation procedures outlined in Sec. 40.67. Both specimens must be sent to the lab for testing. The collector must notify both the Program Administrator and collection site supervisor that the collection took place under direct observation and the reason for doing so.

The collection site person will also inspect the specimen for color and look for signs of contamination or tampering. If there are signs of contamination or tampering, the collector must immediately conduct a new collection using direct observation procedures outlined in Sec. 40.67. Both specimens must be sent to the lab for testing. The collector must notify both the DER and collection site supervisor that the collection took place under direct observation and the reason for doing so.

The 45mL sample provided must be split into a primary specimen of 30 mL and a second specimen (used as the split) of 15 mL. The collection site person must place and secure the lids on the bottles, place tamper-evident bottle seals over the lids and down the sides of the bottles, and write the date on the tamper-evident seals. The driver then initials the tamper-evident bottle seals to certify that the bottles contain specimens he/she provided. All of this must be done in front of the driver.

All identifying information must be entered on the CCF by the collection site person.

The CCF must be signed by the collection site person, certifying collection was accomplished in accordance with the instructions provided. The driver must also sign this form indicating the specimen was his/hers.

The collector is responsible for placing and securing the specimen bottles and a copy of the CCF into an appropriate pouch or plastic bag.

At this point, the driver must contact ARAMARK's designated Provider before leaving the collection facility to provide information for tracking purposes and reporting purposes.

The collection site must forward the specimens to the lab as quickly as possible, within 24 hours or during the next business day.

Laboratory analysis: As required by the FMCSRs, only a laboratory certified by the Department of Health and Human Services (DHSS) to perform urinalysis for

the presence of controlled substances will be retained by ARAMARK. The laboratory will be required to maintain strict compliance with federally approved chain-of-custody procedures, quality control, maintenance, and scientific analytical methodologies.

All specimens are required to undergo an initial screen followed by confirmation of all positive screen results.

Results: According to the FMCSRs, the laboratory must report all test results directly to ARAMARK's designated medical review officer (MRO). All test results must be transmitted to the MRO in a timely manner, preferably the same day that the review by the certifying scientist is completed. All results must be reported.

The MRO is responsible for reviewing and interpreting all confirmed positive, adulterated, substituted, or invalid drug test results. The MRO must determine whether alternate medical explanations could account for the test results. The MRO must also give the driver who has a positive, adulterated, substituted, or invalid drug test an opportunity to discuss the results prior to making a final determination. After the decision is made, the MRO must notify the DER.

If the MRO, after making and documenting all reasonable efforts, is unable to contact a tested driver, the MRO shall contact the DER instructing him/her to contact the driver. The DER will arrange for the driver to contact the MRO before going on duty.

The MRO may verify a positive, adulterated, substituted, or invalid drug test without having communicated with the driver about the test results if:

- * the driver expressly declines the opportunity to discuss the results of the test;
- * neither the MRO or DER has been able to make contact with the driver for 10 days; or
- * within 72 hours after a documented contact by the DER instructing the driver to contact the MRO, the driver has not done so.

Split Sample: As required by the FMCSRs, the MRO must notify each driver who has a positive, adulterated, or substituted, drug test result that he/she has 72 hours to request the test of the split specimen. If the driver requests the testing of the split, the MRO must direct (in writing) the lab to provide the split specimen to another certified laboratory for analysis.

If the analysis of the split specimen fails to reconfirm the results of the primary specimen, or if the split specimen is unavailable, inadequate for testing, or unstable, the MRO must cancel the test and report the cancellation and the reasons for it to the DER and the driver.

Specimen Retention: Long-term frozen storage will ensure that positive urine specimens will be available for any necessary retest. ARAMARK's designated drug testing laboratory will retain all confirmed positive specimens for at least 1 year in the original labeled specimen bottle.

D. Confidentiality/Recordkeeping

All driver alcohol and controlled substance test records are considered confidential (Sec. 382.401). For the purpose of this Policy, confidential recordkeeping is defined as records maintained in a secure manner, under lock and, accessible only to the Program Administrator.

If the Program Administrator is unavailable, the Program Administrator's designee(s) listed on Exhibit A, will have access to the alcohol and controlled substance records.

Driver alcohol and controlled substance test records will only be released in the following situations:

- * to the driver, upon his/her written request;
- * upon request of a DOT agency with regulatory authority over ARAMARK
- * upon request of state or local officials with regulatory authority over ARAMARK;
- * upon request by the United States Secretary of Transportation;
- * upon request by the National Transportation Safety Board (NTSB) as part of an accident investigation;
- * upon request by subsequent employers upon receipt of a written request by a covered driver;
- * in a lawsuit, grievance, or other proceeding if it was initiated by or on behalf of the complainant and arising from results of the tests; or
- * upon written consent by the driver authorizing the release to a specified individual; or
- * upon service of ARAMARK of subpoena or other court, administrative or other lawful order requiring disclosure.

All records will be retained for the time period required in Sec. 382.401.

E. Driver Assistance

Driver Education and Training (Sec. 382.601): All drivers will be given information regarding the requirements of Part 382 and this Policy by their supervisor. All drivers will be given a copy of this Policy.

Supervisor Training: According to the FMCSRs, all employees of ARAMARK designated to supervise drivers will receive training on this program. The training will include at least 60 minutes on alcohol misuse and 60 minutes on drug use.

The training content will include the physical, behavioral, speech, and performance indicators of probable alcohol misuse and drug use. The training allows supervisors to determine reasonable suspicion that a driver is under the influence of alcohol or drugs.

Referral, Evaluation, and Treatment (Sec. 382.605): According to the FMCSRs, a list of substance abuse professionals (or "SAP's") will be provided to all drivers who fail an alcohol test or test positive for drugs.

ARAMARK authorized SAP's and counseling and treatment programs may be identified through ARAMARK's Employee Assistance Program, which is described on Exhibit D.

The Program Administrator will be responsible for designating the appropriate SAP who, in conjunction with the driver's physician, will diagnose the problem and recommend treatment.

According to the FMCSRs, prior to returning to duty for ARAMARK a driver must be evaluated by a SAP and must complete the treatment recommended by the SAP. Successful completion of a return to duty test and all follow-up tests is mandatory.

A driver who fails to complete an evaluation by the SAP, treatment recommended by the SAP, a return to duty test, or a follow-up test will be terminated from all employment.

F. Self-Identification Program and Employee Assistance Program

ARAMARK will not take disciplinary action against a driver who makes a voluntary admission of alcohol misuse or controlled substance use if:

- * the admission is in accordance with ARAMARK's voluntary self-identification program;
- * the driver does not self-identify in order to avoid Part 382 testing;
- * the driver makes the admission of alcohol misuse or controlled substances use prior to performing a safety-sensitive function; and
- * the driver does not perform a safety-sensitive function until ARAMARK is satisfied that the driver has been evaluated and has successfully completed education or treatment requirements in accordance with the self-identification program guidelines.

The driver will be allowed to return to safety-sensitive duties upon successful completion of an education or treatment program, as determined by a substance abuse evaluation expert (SAP). Also, the driver must undergo:

- * a return-to-duty test with a result indicating an alcohol concentration of less than 0.02; and/or
- * a return-to-duty controlled substances test with a verified negative test result.
- * any follow-up testing required by the SAP.

Employee drivers are encouraged to contact and participate in ARAMARK's Employee Assistance Program. The details of such Plan are described on **Exhibit D** attached hereto.

G. Discipline

ARAMARK may not stand-down a driver before the MRO has completed his/her verification process unless ARAMARK has applied for and has received an FMCSA issued waiver.

According to the FMCSRs, no person who has failed an alcohol or drug test, or refused to test, will be allowed to perform safety-sensitive functions until the referral, evaluation, and treatment requirements have been complied with. The following company disciplinary measures apply to all reasonable suspicion, post-accident, and random tests.

Controlled Substance Positive Test Result: Upon notification that a driver has a drug test result of positive, adulterated, or substituted, the driver will be given the option of requesting a test of the split sample within 72 hours. If the driver has requested a test of the split sample, the driver will be suspended from all safety sensitive functions until the results of a split sample test are obtained.

If the driver doesn't request a split sample test or the split sample test confirms the initial positive, adulterated, or substituted, drug test result, the driver will be terminated from employment as a CMV driver. (This includes CMV drivers of vehicles between 10,001-26,000 lbs gross combination vehicle weight).

If the split sample testing disputed the initial test results or if the initial test results are designated invalid, the driver will be reinstated.

Refusal to Test: A driver's refusal to test for alcohol or controlled substances will be considered a positive test result. Adulteration or tampering with a urine or breath sample is considered conduct that obstructs the testing process and is considered a refusal to test. A driver whose conduct is considered a refusal to test will be terminated from employment.

Failed Alcohol Test Result: Upon notification that a driver has failed an alcohol test (0.04% BAC or greater), the driver will be terminated from employment as a CMV driver. (This includes CMV drivers of vehicles between 10,001-26,000 lbs gross combination weight) Upon notification that a driver tested 0.02% BAC or greater, but less than 0.04% BAC in initial and confirmatory tests for alcohol, the

driver will be removed from all safety-sensitive functions for at least 24 hours, and will be subject to discipline, including but not limited to, termination of employment

H. Employee Frequently Asked Questions

As an employee performing safety-sensitive functions in the transportation industry, you are responsible for providing a safe work environment for your co-workers and the traveling public. Creating a safe work environment not only means following established work rules but also following the DOT's rules on drug use and alcohol misuse.

The following questions and answers will help you better understand the DOT's drug and alcohol testing regulations, as well as, provide resources in the event you or your co-worker need help with a drug or alcohol abuse problem.

Why am I being tested?

After several significant transportation accidents, Congress passed the Omnibus Transportation Employee Testing Act of 1991, because they recognized the safety need for ensuring drug- and alcohol-free transportation employees. The "Act" required DOT Agencies to implement drug testing of safety-sensitive transportation employees in the aviation, trucking (including school bus drivers, and certain limousine and van drivers), railroads, mass transit, and pipelines industries. In 1994, DOT added alcohol testing requirements to its regulations.

What are the drug & alcohol testing rules and where do I find them?

The DOT agencies (the Federal Aviation Administration [aviation], the Federal Motor Carrier Safety Administration [trucking], the Federal Railroad Administration [rail], the Federal Transit Administration [mass transit] and the Pipeline and Hazardous Materials Safety Administration [pipeline]) and the United States Coast Guard (USCG) [maritime] each have industry specific regulations which in total cover approximately 12.1 million transportation employees who perform safety-sensitive functions. These regulations spell out who is subject to testing, when and in what circumstances. These regulations can be found on the DOT web site at

<http://www.dot.gov/ost/dapc/oamanagers.html>.

If you are an employer in the aviation, trucking, railroad, mass transit, pipeline or maritime industries, or if you have employees who perform DOT identified safety-sensitive positions, you must implement whichever regulation(s) apply.

If you are an employee in the aviation, trucking, railroad, mass transit, pipeline or maritime industries, or if you work in a DOT identified safety-sensitive position, you must comply with whichever regulation(s) apply.

The DOT also has procedures which apply to all transportation employees Federal testing which can be found in another regulation, referred to here as "Part 40." Each of the DOT agencies and the USCG follow Part 40 by including its procedures in their regulations. Part 40 states: what specimens are collected; who performs the drug and alcohol tests; how to conduct those tests; what procedures to use when testing, and the mandatory return to duty requirements of an employee returning to safety-sensitive service following a DOT drug and/or alcohol rule violation. Part 40 can be found on our web site at http://www.dot.gov/ost/dapc/NEW_DOCS/part40.html.

Should I refuse a test if I believe I was unfairly selected for testing?

A good rule of thumb is "comply, then complain." If you are instructed to submit to a DOT drug and/or alcohol test and you don't agree with the reason or rationale for the test, you should take the test.

Don't interfere with the testing process or refuse the test. Instead, after the test express your concerns about the testing event to your employer (for example, a detailed letter to your company or by an agreed upon grievance procedure if you are a member of labor organization). You can also express your concern to the Drug and Alcohol Program Manager (DAPM) for the DOT agency that regulates you and your employer. The DAPM contact information can be found on our web site at <http://www.dot.gov/ost/dapc/oamanagers.html>.

What will happen to me if the laboratory identifies my specimen as positive for one or more drugs, or as adulterated or substituted?

You will have the opportunity to speak directly with a Medical Review Officer (MRO). During your interview you will have an opportunity to provide information and/or medical documentation to explain/support why your specimen was positive, adulterated or substituted. Based on the information you provide, the MRO will "verify" your result by determining whether or not there is a legitimate medical reason for your test result. The MRO will report your result to your employer only after making this determination.

During the interview the MRO will ask if you would like to verify the laboratory's result by having your split or "B" specimen (your primary specimen is the "A" sample) sent to another laboratory for analysis. You will have 72 hours from the time the MRO verifies your result to request an analysis of your "B" specimen. Who pays for the analysis is between you and your employer, but the MRO cannot reject or hold up your request because of payment issues.

What will happen to me if I violate a DOT drug & alcohol rule (e.g. test positive, or refuse a test)?

Your employer is required to immediately remove you from performing safety-sensitive functions. You will not be permitted to return to DOT regulated safety-sensitive functions until you have:

- Undergone an evaluation by a Substance Abuse Professional (SAP). Your employer must provide you with a list of SAPs that you can use;
- Successfully completed any course, counseling or treatment prescribed by the SAP prior to returning to service;
- Undergone a follow up evaluation by the same SAP to determine your compliance with their recommendations; AND
- Provided a breath and/or urine specimen that tests negative for drugs and/or alcohol prior to returning to DOT regulated safety-sensitive functions.

You will also be subject to unannounced testing for drugs and/or alcohol for at least 6 times during the first 12 months of active service with the possibility of unannounced testing for up to 60 months (as prescribed by the SAP).

Will I lose my job if I violate a DOT Agency drug and alcohol rule?

All employment decisions belong solely to the employer. DOT regulations do not address employment actions such as hiring, firing or leaves of absence. DOT and USCG regulation may prohibit you from performing your safety-sensitive functions after a positive test result or refusal to submit to testing. You should be aware that a positive, adulterated or substituted DOT drug or alcohol test may trigger consequences based on company policy or employment agreement.

Are my results confidential?

Your test results are confidential. An employer or service agent (e.g., a testing laboratory, Medical Review Officer or Substance Abuse Professional) is not permitted to disclose your test result(s) without your written consent. In certain situations, however, your test information may be released without your consent; such as, legal proceedings, grievances, or administrative proceedings brought on by you or on your behalf, which resulted from a positive, adulterated, substituted test result or refusal. When your employer releases your drug and alcohol testing records, the employer must notify you in writing.

Will my results follow me to other employers?

Yes, your drug and alcohol testing history will follow you to your new employer. Employers are required by law to provide certain records of your DOT drug and alcohol testing history to your new employer, only when you sign a specific

written release regarding that information. This is to ensure that, when necessary, you complete the return-to-duty process and your follow up testing program.

What should I do if I believe I or my co-worker has an alcohol or substance abuse problem?

Most every community in the country has resources available to confidentially assist you through the evaluation and treatment of your problem. If you would like to find a treatment facility close to you, check with your local yellow pages, local health department or visit the U.S. Department of Health and Human Services treatment facility locator at <http://findtreatment.samhsa.gov>. This site provides contact information for substance abuse treatment programs by state, city and U.S. Territory.

Also, many work-place programs are in place to assist employees and family members with substance abuse, mental health and other problems that affect their job performance. While these may vary by industry, here is an overview of programs that may be available to you:

Employee Assistance Programs (EAPs)

While not required by DOT agency regulations, EAPs may be available to you as a matter of company policy. EAPs are generally provided by employers or unions. EAP programs vary considerably in design and scope. Some focus only on substance abuse problems, while others take a broad brush approach and include your health and family problems. Some programs include prevention, and health and wellness activities. Some are linked to your health benefits. With limited exceptions, these programs offer full privacy and confidentiality. Information on ARAMARK's Employee Assistance Program is set forth on Exhibit D.

Set forth on Exhibit C are the following forms used by ARAMARK in the administration of this Policy, and all such forms, like this Policy, are subject to revision by ARAMARK at any time and from time to time:

Post Accident Testing Determination Form

If a driver is selected for testing JJ Keller will provide all necessary forms.

List of Exhibits

<u>Exhibit A</u>	Effective Date, Locations Covered and Program Administrator(s)
<u>Exhibit B</u>	ARAMARK's Designated Provider(s)
<u>Exhibit C</u>	Copies of Forms used in Administration of Policy
<u>Exhibit D</u>	Employee Assistance Program Details
<u>Exhibit E</u>	Employee Acknowledgement

EXHIBIT A

EFFECTIVE DATE, LOCATIONS COVERED AND PROGRAM ADMINISTRATOR

The effective date of this Policy is: January 1, 2009

The locations covered by this Policy are:

This Policy applies to all locations which require operation of a commercial motor vehicle (or "CMV") that requires the holder to have a commercial driver's license (or "CDL") and to employees or third parties who, in the course of their employment or business or contractual relationship with ARAMARK, operate a CMV (that requires a commercial driver's license) owned, leased, or rented by or on behalf of ARAMARK. This Policy does not apply to drivers of non-commercial motor vehicles.

The Program Administrator is:

**Vice President Fleet Services,
ARAMARK Supply Chain Management
12th Floor
1101 Market Street
ARAMARK Tower
Philadelphia, PA 19107**

As of the Effective Date of this Policy, pending identification of the individual who will hold the position, Vice President, Fleet Services, all communications should be directed to:

Gordon Campbell
Vice President, Indirect Sourcing
ARAMARK Supply Chain Management
12th Floor
1101 Market Street
Philadelphia, PA 19107

215 238 3286 telephone / 215 238 8113 fax / campbell-gordon@aramark.com

Karen Sivel, Administrative Assistant
215 238 3680 telephone / 215 238 8113 fax / sivel-karen@aramark.com

EXHIBIT B

ARAMARK DESIGNATED PROVIDER(S)

J.J. Keller & Associates Inc.

As of the Effective Date of this Policy, J.J. Keller & Associates, Inc. is the preferred applicant screening services vendor for ARAMARK

J.J. Keller & Associates, Inc. focuses on helping ARAMARK to be compliant with specific ARAMARK policies and procedures, client required guidelines and DOT regulations. It is our goal to provide ARAMARK the information to make a well-educated hiring decision.

Contact Information:

Amy Krumenauer
Manager, Employee Services
J.J. Keller & Associates, Inc.
P.O. Box 368, Neenah, WI 54957-0368
akrumenauer@jkkeller.com

Robert Johnson
Supervisor Driver Services – Major Accounts
J.J. Keller & Associates, Inc.
P.O. Box 368, Neenah, WI 54957-0368
rjohnson@jkkeller.com

EXHIBIT C

FORMS USED IN ADMINISTRATION OF THIS POLICY

POST ACCIDENT TESTING DETERMINATION

Driver's Name: _____ ID: _____ Facility: _____

Date of Accident: _____ Time of Accident: _____ Location: _____

Time Driver Instructed to be Tested: _____ Time Driver was Tested: _____

Does vehicle meet the definition of a commercial motor vehicle? YES NO

If no, do NOT conduct a DOT Drug or Alcohol Test.

If yes, check the type of commercial motor vehicle.

- Vehicle has a gross combination weight rating of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds; or
- Vehicle has a gross vehicle weight rating of 26,001 or more pounds; or
- Vehicle is designed to transport 16 or more passengers, including the driver; or
- Vehicle is of any size and is used in the transportation of hazardous materials requiring placards.

**If driver was operating a CMV, did accident involve a human fatality?
If yes, then a DOT Drug and Alcohol Test is required.**

```

graph TD
    A{IF NO: ** Did the driver receive a citation?} -- YES --> B{INJURY: Did anyone receive immediate medical treatment away from the scene of the accident?}
    A -- NO --> C[Do NOT conduct a DOT Drug or Alcohol Test.]
    B -- YES --> D[* DOT Drug & Alcohol Test Required]
    B -- NO --> E{DAMAGES: Did any vehicle incur disabling damages?}
    E -- YES --> F[* DOT Drug & Alcohol Test Required]
    E -- NO --> G[Do NOT conduct a DOT Drug or Alcohol Test.]
    
```

NOTES

- * Test must be conducted immediately -- alcohol test within 8 hours; drug test within 32 hours.
- ** A DOT Alcohol Test is not authorized if the driver does not receive a citation within 8 hours.
- ** A DOT Drug Test is not authorized if the driver does not receive a citation within 32 hours.

It was determined that a DOT Drug & Alcohol Test was not necessary for the following reasons: _____

It was determined that a DOT Drug & Alcohol Test was necessary for the following reasons: _____

If an alcohol test was not completed within 2 hours, provide reason: _____

If a drug test was not completed within 32 hours, provide reason: _____

Completed By: _____ Name: _____ Title: _____ Date: _____

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ATTENTION: DRIVER'S INVOLVED IN A MOTOR VEHICLE ACCIDENT

Review this Part of the Department of Transportation regulations for compliance with alcohol and controlled substance testing post-accident requirements.

§382.303 Post-accident testing.

(a) As soon as practicable following an occurrence involving a commercial motor vehicle operating on a public road in commerce, each employer shall test for alcohol for each of its surviving drivers:

(1) Who was performing safety-sensitive functions with respect to the vehicle, if the accident involved the loss of human life; or

(2) Who receives a citation within 8 hours of the occurrence under State or local law for a moving traffic violation arising from the accident, if the accident involved:

(i) Bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or

(ii) One or more motor vehicles incurring disabling damage as a result of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.

(b) As soon as practicable following an occurrence involving a commercial motor vehicle operating on a public road in commerce, each employer shall test for controlled substances for each of its surviving drivers:

(1) Who was performing safety-sensitive functions with respect to the vehicle, if the accident involved the loss of human life; or

(2) Who receives a citation within thirty-two hours of the occurrence under State or local law for a moving traffic violation arising from the accident, if the accident involved:

(i) Bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or

(ii) One or more motor vehicles incurring disabling damage as a result of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.

(c) The following table notes when a post-accident test is required to be conducted by paragraphs (a)(1), (a)(2), (b)(1), and (b)(2) of this section:

Type of accident involved	Citation issued to the CMV driver	Test must be performed by employer
i. Human fatality	YES	YES
	NO	YES
ii. Bodily injury with immediate medical treatment away from the scene	YES	YES
	NO	NO

Type of accident involved	Citation issued to the CMV driver	Test must be performed by employer
iii. Disabling damage to any motor vehicle requiring tow away	YES	YES
	NO	NO

(d)(1) **Alcohol tests.** If a test required by this section is not administered within two hours following the accident, the employer shall prepare and maintain on file a record stating the reasons the test was not promptly administered. If a test required by this section is not administered within eight hours following the accident, the employer shall cease attempts to administer an alcohol test and shall prepare and maintain the same record. Records shall be submitted to the FMCSA upon request.

(2) **Controlled substance tests.** If a test required by this section is not administered within 32 hours following the accident, the employer shall cease attempts to administer a controlled substances test, and prepare and maintain on file a record stating the reasons the test was not promptly administered. Records shall be submitted to the FMCSA upon request.

(e) A driver who is subject to post-accident testing shall remain readily available for such testing or may be deemed by the employer to have refused to submit to testing. Nothing in this section shall be construed to require the delay of necessary medical attention for injured people following an accident or to prohibit a driver from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident, or to obtain necessary emergency medical care.

(f) An employer shall provide drivers with necessary post-accident information, procedures and instructions, prior to the driver operating a commercial motor vehicle, so that drivers will be able to comply with the requirements of this section.

(g)(1) The results of a breath or blood test for the use of alcohol, conducted by Federal, State, or local officials having independent authority for the test, shall be considered to meet the requirements of this section, provided such tests conform to the applicable Federal, State or local alcohol testing requirements, and that the results of the tests are obtained by the employer.

(2) The results of a urine test for the use of controlled substances, conducted by Federal, State, or local officials having independent authority for the test, shall be considered to meet the requirements of this section, provided such tests conform to the applicable Federal, State or local controlled substances testing requirements, and that the results of the tests are obtained by the employer.

(h) **Exception.** This section does not apply to:

(1) An occurrence involving only boarding or alighting from a stationary motor vehicle; or

(2) An occurrence involving only the loading or unloading of cargo; or

(3) An occurrence in the course of the operation of a passenger car or a multipurpose passenger vehicle (as defined in §571.3 of this title) by an employer unless the motor vehicle is transporting passengers for hire or hazardous materials of a type and quantity that require the motor vehicle to be marked or placarded in accordance with §177.823 of this title.

EXHIBIT D

EMPLOYEE ASSISTANCE PROGRAM

- Confidential help is available for you and your family members, 24 hours a day, 7 days a week, 365 days a year
- EAP services include counseling for mental health issues, or drug or alcohol abuse counseling (first 5 visits free)
- Coverage is automatic and begins on your first day of employment
- Most EAP services are fully company-paid.

Questions?

CIGNA Behavioral Health

1-888-636-6717 or www.cignabehavioral.com

- Click on “are you a MEMBER?” in the center of the page
- On the left, enter “aramark” as the Employer ID and “employee” as the PIN

EXHIBIT E

EMPLOYEE ACKNOWLEDGEMENT

I, the undersigned person, being of full legal age and capacity, do hereby agree and acknowledge that I have been provided with a copy of the ARAMARK Drug and Alcohol Testing Policy, that I understand and agree to the terms of such Policy, and that I specifically agree to comply with all the terms of such Policy, in connection with my application for employment with ARAMARK, and if hired, during my employment with ARAMARK. I further acknowledge and agree that ARAMARK may at any time, and from time to time, modify the terms of the Policy.

Nothing in this acknowledgement form, in the Policy or otherwise, alters the status of my employment with ARAMARK, as an "at-will" employee.

In witness whereof, I have hereunto set my hand and seal on the date below written.

Employee Signature: _____

Employee Name (Print or type): _____

Employee Address (Print or type): _____

Date Signed (Print or type):

To be Completed by Manager:

Business Unit Name: _____

Market Center / Account Name: _____

Component / Profit Center

Number: _____

Telephone Number: _____

FAX Number: _____

Manager Name: _____

PLEASE FAX A SIGNED COPY OF THIS ACKNOWLEDGEMENT TO:

J.J. Keller & Associates, Inc.

7273 State Road 76

Neenah, WI, 54956

Attention: Rob Johnson – MS # 1520

FAX: 877-781-0069 / Telephone: 888-720-8583

E-mail: aramark@jjkeller.com