

MEALS-UP EMPLOYEE HANDBOOK

Purpose

This manual is designed to acquaint you with Meals-Up and to provide you with information about working conditions, employee benefits, and company policies affecting your employment. It describes many of your responsibilities as an employee and outlines the programs developed by Meals-Up to benefit you. You should read each of this handbook's provisions carefully and direct any questions you have about Meals-Up's policies to your General Manager.

It is important to realize that no policy manual can anticipate every circumstance that will occur or every situation that will develop. As Meals-Up faces new and different situations, the need will arise from time to time to change the policies described in this manual, or to modify the way the policies are applied. Some of our policies are affected by federal and state law, which is also subject to change. For these reasons, Meals-Up reserves the right to revise, supplement, or rescind any portion of this manual as management deems appropriate, at its sole and absolute discretion. We will attempt to provide advance notice of any such changes, however, this is not always feasible. Therefore, Meals-Up retains the right to make changes to the manual without prior notice to employees. The most up-to-date copy of this handbook is available on Meals-Up's employee website.

Individualized Agreements

At the time of hire, the employee must sign an on-boarding agreement form which outlines the scope of their employment, benefit package, and any ancillary agreements outside or differentiating from this handbook.

Nature of Employment

Employment with Meals-Up is voluntarily entered into by both the employee and Meals-Up, and we hope that our relationship with our employees will be mutually satisfying and beneficial. However, we recognize that an employee may resign his/her employment at any time and for any reason. You as an employee should also understand that Meals-Up has a corresponding right to terminate your employment at any time, with or without cause.

While it is certainly not our intent or our practice to terminate employees arbitrarily, it is important that you understand that employees have no guarantee regarding the duration of their employment. Likewise, there is no limitation on the grounds for which employees can be terminated, except as prohibited by law.

Equal Employment Opportunity

Meals-Up supports and is committed to equal employment opportunity for all people. Meals-Up does not discriminate against applicants or employees on the basis of race, color, age, religion, ancestry, national origin, sex, or disability. By adoption of this policy, Meals-Up assures compliance with all state and federal laws, and reaffirms its continued commitment to Equal Employment Opportunity.

WORKING GUIDELINES:

90-Day Trial Period

1. A new employee must read and sign all appropriate documents relevant to the position prior to starting work.
2. New employees will serve a 90-day trial period commencing on the first day of work.
3. New employees will be evaluated a minimum of one time in writing within the 90-day period.
4. A new employee can be dismissed during their trial period or any time thereafter, if judged to be incapable of meeting Meals-Up's standards.

Definition of Status

All employees of Meals-Up are food service employees and may be required to work a variety of duties based on business needs - including administrative work.

Full-Time Employees: The General Manager designates full-time employees. Designation is based on factors including performance, availability, and business necessity. Designated full-time employees work an average of 40 hours or more per week in a 12-month period.

Part-Time Employees: Employees who work an average of less than 40 hours are part-time employees.

Scheduling

1. As an employee of Meals-Up, you may be required to work a variety of days and hours from week to week. It is necessary to have the majority of employees work when business is at its peak. Meals-Up is open 365 days of the year. Employees may be required to work on certain special days: even those designated as Holidays.
2. Each employee must complete an availability form when hired and whenever availability changes. Availability forms must be submitted two weeks prior to their effective date.
3. Management reserves the right to schedule employees based on business needs.
4. Requests for specific days off that vary from your normal availability must be submitted in writing at least two weeks in advance. All schedule requests are subject to management approval.
5. If you need a day off after the schedule is written, you will be required to find your own replacement whose skills are comparable to your own. These schedule changes must be reported to and approved by a manager.
6. Special rules regarding working hours apply to minor employees. Refer to the Minor Employee section of this handbook.

Reporting to Work

1. Employees must enter through the front door and clock in when they are ready to begin work. This does not include getting dressed, prepped, or otherwise ready for work.
2. You must be at your work area at your scheduled time. To facilitate this, you may punch in 5 minutes before your assigned starting time. The manager on duty must authorize a starting time that is earlier than this.
3. You are considered tardy for work if you fail to clock in within 5 minutes before your scheduled start time. If you determine that you will be late, you must call the manager on duty to report your delay.
4. All employees must punch in and out on the time clock. No employee is permitted to work if he/she is not punched in on the time clock. It is the employee's responsibility to punch in and out in order to maintain accurate records.
5. All employees who are paid by the hour are given a PIN number upon hire for entering their time on the time clock. Employees are not permitted to use another employee's pin number for any reason.

Parking

1. A specific area of the parking lot has been provided for your car.
2. Employees are not permitted to park in spaces that are reserved for Meals-Up's delivery vehicles.
3. Meals-Up assumes no responsibility for any automobile or its contents parked on its lot.

Reporting Off Work

The staffing of our business is critical and time consuming. Each person who is placed on the schedule is needed in order to make the shift for that day run smoothly. When a scheduled member of the staff is absent, it causes disruption to the workday for the manager and the staff. If you are unable to report for a scheduled shift, your supervisor must be notified. Failing to report as outlined, may result in disciplinary action.

1. Reporting off work must only be done for necessary and legitimate reasons.
2. If you are going to report off work, you must speak to the manager on duty.

A non-manager employee is not authorized to accept call-offs.

3. If possible, report off work at least 12 hours before the scheduled starting time or the night before for opening shifts.
4. When an employee who is a volunteer firefighter is called to a fire emergency prior to his or her shift, this is considered an emergency situation and will be excused.
5. A manager may request a doctor's excuse on emergency medical call offs. The doctor's excuse must include dates of appointment and duration that employee is unable to work or restricted from work.
6. Excessive absenteeism or failure to report to work may result in disciplinary action up to and including termination.
7. Meals-Up's will consider you to have voluntarily abandoned your job if you do not

report to work and fail to contact your manager for two consecutive days.

Health Awareness Food Employee Reporting Agreement

The purpose of this agreement is to ensure that Food Employees notify the Manager when they experience any of the conditions listed so the Manager can take appropriate steps to prevent the transmission of food borne illness.

Employee agrees to report to the Manager:

1. Future Symptoms and Lesions including:

- Diarrhea
- Fever
- Vomiting
- Jaundice
- Sore throat with fever
- Lesion containing pus on the hand, wrist, or an exposed body part (such as boils and infected wounds, however small)

2. Future Medical Diagnosis:

Whenever diagnosed as being ill with Typhoid fever (*Salmonella typhi*), Shigellosis (*Shigella* spp.), Shiga toxin-producing *Escherichia coli* infection (*Escherichia coli* 0157:H7), or Hepatitis A (Hepatitis A virus).

3. Future High-Risk Conditions:

- Exposure to or suspicion of causing any confirmed outbreak of Typhoid fever, Shigellosis, Shiga toxin-producing *Escherichia coli* infection, or Hepatitis A
- A household member diagnosed with Typhoid fever, Shigellosis, illness due to Shiga toxin-producing *Escherichia coli* infection, or Hepatitis A
- A household member attending or working in a setting experiencing a confirmed outbreak of Typhoid fever, Shigellosis, Shiga toxin-producing *Escherichia coli* infection, or Hepatitis A.

Employees have read (or had explained to them) and understand the requirements concerning responsibilities under the FOOD CODE and this agreement to comply with: Reporting requirements specified above involving symptoms, diagnoses, and high-risk conditions specified; work restrictions or exclusions that are imposed upon employees; and good hygienic practices.

Failure to comply with the terms of this agreement could lead to action by Meals-Up's or the food regulatory authority that may jeopardize employment and may involve legal action against the employee.

Leaving Work

1. After the close of business, follow evening security procedures that are approved by your general manager.

Break Periods

1. Managers assign all break periods.
2. Breaks are to be taken in a pre-assigned area away from the kitchen.
3. Employees are responsible for keeping their break area clean.
4. Employees are only permitted to leave the store during their break if they are off the clock on an unpaid break and inform the shift manager when they are leaving and when they will return.
5. Special rules regarding break periods apply to minor employees. Refer to the Minor Employee section of this handbook.

Tip Reporting (Drivers, Etc.)

1. All tipped employees are required to enter accurate daily tips into the POS when punching out. This will act as their tip report for the IRS. They are to keep this slip for their daily records.
2. Failure to report tips will result in disciplinary action. This information is necessary to compute paychecks correctly.
3. Tipped employees are responsible for maintaining personal records of tips for IRS tax purposes.
4. The law requires you to report 100 percent of the tips you receive. Failure to report all tips may result in a tip allocation on your W-2.

Minor Employees

Certain requirements and restrictions apply to the employment of minors (ages 15, 16, or 17), including the types of duties and the number of hours they can work. Due to scheduling limitations, 14-year olds will not be hired.

1. Work Permits:

- a. A work permit issued by the School Administrator for the minor employee must be received before any minor can begin working at Meals-Up's. (A copy of the original work permit is acceptable.)
- b. In Pennsylvania, a work permit is required for all employees under 18 years of age.

NOTE: There is an exception in Pennsylvania for Emancipated Minors. An "emancipated minor" is a 17-year old who has graduated from high school or who has attained his/her academic potential, as determined by the Chief School Administrator. A written statement from the school district must be in the minor's personnel file if this exception is applied. Emancipated minors may be treated as adults, except the prohibited occupations restrictions still apply until the individual turns 18.

2. Minors are not permitted to perform "hazardous occupations." Below is a

list of the types of work prohibited.

Individuals under 18 are not permitted to:

1. go on the roof or do any roofing work
2. operate any power or electrical equipment; for example, garbage disposal, lawn mower, yogurt machine, mixer, etc.
3. drive a motor vehicle to perform Meals-Up's business; for example, he or she cannot drive to the grocery store for out-of-stock items

In addition, individuals under 16 are not permitted to:

1. do any work requiring the use of a ladder
2. do any cooking or baking
3. do any maintenance or repair of machines or equipment
4. work in freezers, meat coolers, or work in the preparation of meat for sale
5. load or unload goods to or from trucks

3. Hours of Employment – Pennsylvania

16 and 17 Year Olds

- a. School Weeks: No more than 8 hours per day, 28 hours Monday-Friday, and 16 hours per weekend. No work before 6:00 a.m. or after midnight (after 1 a.m. on nights preceding non-school days).
- b. Non-School Weeks: (Weeks when there are NO school days in that week): No more than 8 hours per day, 44 hours per week, or 6 days per week. No work before 6:00 a.m. or after 1 a.m.

15 Year Olds

- a. School Weeks: No work on school days. No more than 7 hours per non-school day. No work before 7:30 a.m. or after 6:30 p.m.
- b. Non-School Weeks (Weeks when there are NO school days in that week): No more than 7 hours per day or 5 days per week. No work before 7:30 a.m. or after 8:30 p.m.

4. Mandatory Breaks

- a. Pennsylvania: Minors (under 18 years old) must take a 30-minute break on or before completing 5 hours of continuous work.

Pay Periods

1. The payroll follows a two-week cycle commencing on Monday morning and ending the following Sunday night.
2. Meals-Up has up to a 10-day processing time between the day payroll ends and the actual date paychecks are issued. Meals-Up does not hold an employee's first paycheck. The following is an example of how a pay cycle works.

Pay Period Starts - January 6

Pay Period Ends - January 19

Checks Received - January 26th - January 29

Overtime

Overtime is paid to hourly employees for any hours worked in excess of 40 in one pay week at 1 ½ times the regular rate. Holiday hours or vacation hours are not included in the overtime calculation.

Paychecks

1. Employees may pick up their paychecks on payday between 2:00 p.m. and 4:00 p.m. and thereafter during non-peak business periods.
2. All employees must sign a roster sheet upon receipt of their check to verify that the check has been received.
3. Paychecks may only be picked up by the employee unless prior written notification is given.
4. Currently, Meals-Up offers a direct deposit plan. Direct deposit allows employees to have their paycheck deposited into a checking, savings, or credit union of their choice automatically on payday. The direct deposit money is available at your bank on the morning of each payday for your use. Check stubs will still be printed for your records only at your request.
5. If a paycheck is lost or stolen after the employee receives it, the employee is responsible for any check cancellation and reissue fees. Contact your manager immediately.
6. If a paycheck is in error for any reason, notify your manager or the Payroll Manager before cashing the check. Errors will be corrected on the next paycheck.
7. By law, Meals-Up is required to honor legal garnishments of employees' wages. These include child support, PHEAA student loan repayment, and income tax garnishments.
8. Meals-Up is required to withhold the local established wage tax, when applicable, through payroll deduction for the school district in which Meals-Up is located. If you live in a different school district, you may be responsible for paying all or a portion of your local taxes because no payroll tax may have been withheld from your check. Tax rates may vary by school district.
9. Each employee is responsible for any personal status changes that affect paychecks. Correct personal information will ensure that your files are up to-date. Report any change in your name, address, telephone number, direct deposit number, etc., to your manager immediately. To update tax filing status, complete a new W-4 form.
10. Upon termination or resignation, final paychecks will be issued during the next regular pay cycle, unless state laws dictate otherwise.
11. Retain copies of your check stubs for your records. These cannot be duplicated.

Hourly Crew Compensation Policy

1. Wage Increases and Evaluations

a. After hire, employees will be evaluated after 90 days of employment, then semi-annually thereafter.

Resignation

Voluntary resignations should be preceded by at least two working week's notice. A resignation must be in writing with reasons for leaving. Failure to give adequate notice will impact future considerations for rehire.

Your immediate supervisor reserves the right to waive the two-week notice, grant immediate resignation and acknowledge that adequate notice was given. Vacation time may not be used as part of the two-week notice.

Meals-Up may rehire past employees based on previous performance and work history. Rehired employees will be considered new employees with respect to seniority and benefits eligibility.

Dress and Professional Appearance

1. Employees must wear the attire as defined by work area.

Front of House:

Long-sleeved, solid polo or oxford shirt, white or black (logos are permitted as long as they are covered by employee name tag)

Must not be faded out, wrong style, wrong color, wrinkled, stained, untucked or loosely tucked.

Black dress slacks

Belt must be worn if there are belt loops – Belt must match shoes

No split seams or slacks that are too long and drag on the floor

black, non-skid approved safety shoes

Clean shaven

We reserve the right to require you to cover any visible tattoo.

Facial hair must be freshly-shaven.

Beards and mustaches must be neat and trimmed.

Managers

Dresses, skirts, or business dress shorts of appropriate length (one inch above knee); Use discretion in wearing clothing that is a respectable business length

according to your height.

Dress slacks must be ankle length or longer (not rolled up).

Stockings or pantyhose must be neutral in color or match the color of the outfit worn.

Sleeveless tops or tank-top blouses are not permitted.

Kitchen Staff:

Socks are required

Safety Shoes

Clean chef's or dishwasher's jacket

2. All employees must be in appropriate dress at the time they clock in and at all times while on duty. Employees must report to and from work in full work attire.

3. Work attire must be laundered and presentable.

4. Meals-Up strives to maintain our image.

a. Employees must remove all visible pierced jewelry while at work.

Exception: Females are permitted to wear two small earrings in each ear if working in a non-food production area.

b. Meals-Up reserves the right to require covering of any visible tattoo while working.

5. Employees must maintain a high standard of personal hygiene and grooming when reporting to work.

6. Hair must be restrained in food production areas and the dish area.

Ponytails should be restrained twice, if necessary. All hair must be pulled away from face if it is below the earlobe. Hair must be restrained even if wearing a hat. Front of House Male Crew Members must have hair cut to a length above the shirt collar. Ponytails are not acceptable. Front of House Female Crew Members must have hair pulled away from face if it is below the earlobe. Ponytails should be restrained twice, if necessary.

7. Nail polish and artificial fingernails are not permitted in any food production area of the building. Employees working in non-food production areas may wear clear polish and acrylic nails.

8. Employees must wear approved safety shoes at all times while on duty. Shoes should follow the style guidelines for the work area.

Safety Shoe

1. All employees must be wearing slip-resistant shoes or overshoes at all times when working. Failure to wear slip-resistant shoes or overshoes will disqualify an employee from working.

Tobacco Use

Smoking is not permitted inside or outside of the building. This rule also applies to the use of any form of smokeless tobacco.

Telephone Use

1. The use of Meals-Up's telephone for personal calls without management's approval is not permitted.
2. Use of personal cell phones is not permitted while employees are on the clock.

Use of Personal Vehicle

When your personal vehicle must be used for company business you must:

1. Keep a record of your mileage.
2. Keep receipts for fuel, tolls, etc.
3. Complete and turn in an expense report each month to your supervisor for reimbursement.

Dating Policy

1. Meals-Up's employees must maintain high standards of professionalism and ethics in their personal relationships with other Meals-Up employees and/or managers in the workplace.
2. We ask that you carefully consider the consequences of dating a fellow employee, since it often results in unrest and turmoil in the workplace. This is particularly true with personal relationships involving a supervisor and a subordinate.
3. Therefore, in keeping with our commitment to operate our workplace with high employee morale, management requires that a supervisor notify upper management if a personal relationship develops between the supervisor and an employee under his/her direction and control. Failure to do so will result in disciplinary action up to and including possible discharge.
4. With personal relationships between co-workers, not involving a supervisor/subordinate, management reserves the right to take necessary measures when personal relationships negatively impact business operations or individual performance.

Safety

Your Safety at Meals-Up is very important. We strive to create a safe and healthy workplace free of hazards, but safety starts with you. We ask you to think of safety first before acting or reacting.

You are required to comply with all aspects of Meals-Up's Safety Program. If injured, you are required to report injuries, seek treatment, and comply with specific medical recommendations

in accordance with worker's compensation laws.

The following rules were developed to provide general guidelines for all employees to perform their jobs safely. It is every employee's responsibility to follow these rules and to encourage other employees to follow them as well. Willful violation of safety rules will result in disciplinary action up to and including termination. These rules are subject to change and will be reviewed periodically.

- a. If you are unsure how to safely perform any task, ask a manager for direction.
- b. If you feel that a task is beyond your physical capabilities, ask for help.
- c. Use common sense when performing any job.
- d. Know the location of your First Aid Kit, and notify management if any item needs replenished.
- e. Practice good housekeeping. All work areas must be neat, clean, and organized.
- f. Know the location of the following:
 - * Main water shut-off valve
 - * Main gas shut-off valve
 - * Main electrical breakers
 - * Hand-held fire extinguishers
 - * Fire alarm pull stations
- g. Do not block fire extinguishers and fire alarm pull stations.
- h. Immediately report any unsafe act or condition to your immediate supervisor whether or not an injury has occurred.
- i. Report any injury, whether personal, employee, or guest, to your immediate supervisor regardless of how minor.
- j. Do not run any equipment unless appropriate safety guards are in place and operational and you have been trained and certified in the proper operation of the equipment.
- k. Employees must wear appropriate personal protective equipment whenever required. These include but aren't limited to company-approved slip-resistant safety shoes, rubber gloves, splash-resistant goggles, hot mitts, cut-resistant gloves, protective aprons, etc.
- l. Employees must wear approved slip-resistant safety shoes at all times when working in the building.
- m. Employees must wear seat belts (both driver and passengers) while traveling in a motor vehicle on company business and abide by all traffic laws.
- n. Never distract the attention of another worker. Horseplay is a serious violation and will not be tolerated.
- o. Never run.
- p. Be cautious in congested areas and blind corners.
- q. Keep the floor clean, dry, unobstructed, and free of any trip and slip hazards. Always use "wet floor caution signs" whenever there is a spill or wet floor slip hazard.
- r. Follow all security guidelines outlined.
- s. Help the management team in its enforcement of safety rules. Report

weaknesses in safety rules, make suggestions for improvement, and teach fellow employees the safe way to perform a job. Play an active role in the Meals-Up safety program.

t. Keep all chemicals labeled, stored away from food, and covered when not in use.

u. Keep all storage areas clean, organized, and safe. Do not store unapproved chemicals or flammable liquids.

v. Keep all exits free from obstructions.

w. Keep all coolers clean, organized, and safe. Do not block cooler aisle ways. Do not store glass containers in coolers.

x. All products in coolers must be covered unless they are being cooled on the cooling shelf or a top shelf.

y. Keep electrical rooms clear and uncluttered. Electrical panels must be clear 36 inches from the panel to allow easy access for the management team or emergency personnel.

z. All garbage bags from restrooms must remain in the container and be taken to the dumpster to be discarded. At no time should the bag be removed from the container and carried by the employee. This policy prevents the employee from being exposed from any hazardous material that may have been discarded in a rest room garbage container.

Injury or Accident While Working

If you are injured or have an accident while working, it is your responsibility to report this to the manager on duty by the end of the shift. An Employee Accident Report will be completed.

Access to Personnel Files

If requested, employees will be permitted (subject to managers approval) to examine their personnel file and/or obtain a copy of the materials therein. Advance notice in writing is required.

Complaint Procedures

Complaints will be handled in such a way that they enhance working conditions and provide resolutions to employee problems. The procedures shall be used without fear of reprisal or employment security.

You are encouraged to discuss with management any and all problems that you may have in connection with your work. Remember that many times your manager may be unaware of certain problems, and unless you call them to his/her attention, they may go by unnoticed and uncorrected. If the situation is not resolved, the employee may contact the General Manager or Owners.

Note: You should report any incidents of harassment or discrimination immediately to your General Manager, or the Owners.

Behaviors That Will Result in Disciplinary Action

Failure to comply with any rules, guidelines, or procedures in this handbook will result in disciplinary action. The following is a list of behaviors that may not be included in other sections of this handbook. These behaviors, if they occur, will result in disciplinary action. This list is not exhaustive of the types of behavior that may result in disciplinary action, but rather is provided as a guide to employees to identify areas of concern to management. Management retains the right to discipline, including dismissal, for any behavior, whether related to job performance or otherwise, which adversely affects the reputation or business activities of our company.

1. Criticizing, condemning, or complaining in a manner that affects employee morale
2. Insubordination - refusal to accept a proper job as instructed by your supervisor or failure to carry out directives of management
3. Violation of Safety or Security Policies
4. Violation of Sanitation Policies
5. Falsification of company records (this includes applications, time clock edits, and work records)
6. Violation of Unlawful Harassment Policy

Disciplinary Suspension

Performance Problems and Attendance Violations

Employees who are in violation of attendance policy or are experiencing ongoing performance problems may be suspended as part of a progressive discipline process for a full week, which will be unpaid, for more serious violations of the attendance policy or ongoing problems relating to performance.

Safety Violations, Willful Misconduct, and Serious Violations of Workplace Conduct Rules

Employees who are in violation of safety rules of major significance may be suspended from 3 days up until 5 days.

Employees may also receive an unpaid suspension for infractions of workplace conduct rules, such as rules prohibiting sexual harassment, workplace violence or drug or alcohol use or for violations of state or federal laws. This provision refers to serious misconduct, not performance or attendance issues. Suspensions will be unpaid.

BENEFITS

Meal Discounts

1. All employees (kitchen, corporate, and support) are eligible for meals (subject to current managerial approval) when on duty directly before, during, or after their shift.

Holidays

1. Meals-Up does not close for holidays Employees must be prepared to work on those holidays including:

New Year's Day

Independence Day
Labor Day
Thanksgiving Day
Christmas Day
Easter Sunday

2. It is not Meals-Up's policy to pay holiday pay; however, full-time employees will be given preference in scheduling during holiday weeks.

All Employees

With management approval, all employees may be eligible for a leave of absence without pay for personal reasons for a maximum of 4 weeks. All benefits cease and vacation time is not earned during the personal leave of absence. If employee does not return to work at the end of 4 weeks, employment will be terminated.

Jury Duty

All Employees

Employees may request a leave of absence for Jury Duty.

POLICIES

Workplace Violence Policy

Meals-Up provides a safe workplace for all employees. All employees should review and understand all provisions of this workplace violence policy to ensure a safe workplace and to reduce the risk of violence.

Prohibited Conduct

Meals-Up does not tolerate any type of workplace violence committed by or against employees. Employees are prohibited from making threats or engaging in violent activities. This list of behaviors, while not inclusive, provides examples of conduct that is prohibited.

1. Causing physical injury to another person
2. Making threatening remarks
3. Aggressive or hostile behavior that creates a reasonable fear of injury to another person or subjects another individual to emotional distress
4. Intentionally damaging employer property or property of another employee
5. Possession of a weapon while on company property or while on company business
6. Committing acts motivated by, or related to, sexual harassment or domestic violence

Reporting Procedures

Any potentially dangerous situations must be reported immediately to a manager or the Human Resources Department. Reports can be made anonymously, and all reported

incidents will be investigated. Reports or incidents warranting confidentiality will be handled appropriately and information will be disclosed only on a need-to-know basis. All parties involved in a situation will be counseled, and the results of investigations will be discussed with them. Meals-Up will actively intervene at any indication of a possibly hostile or violent situation.

Individual Situations

While Meals-Up does not expect employees to be skilled at identifying potentially dangerous persons, employees are expected to exercise good judgment and to inform the manager if any employee exhibits behavior that could be a sign of potentially dangerous situations. Such behavior includes:

1. Discussing weapons or bringing them to the workplace
2. Displaying overt signs of extreme stress, resentment, hostility, or anger
3. Making threatening remarks
4. Sudden or significant deterioration of performance
5. Displaying irrational or inappropriate behavior

Dangerous/Emergency Situations

Employees who confront or encounter an armed or dangerous person should not attempt to challenge or disarm the individual. Employees should remain calm, make constant eye contact and talk to the individual. If a manager can be safely notified of the need for assistance without endangering the safety of the employee or others, such notice should be given. Otherwise, cooperate and follow the instructions given.

Enforcement

Threats, threatening conduct, or any other acts of aggression or violence in the workplace will not be tolerated. Any employee determined to have committed such acts will be subject to disciplinary action, up to and including termination. Non-employees engaged in violent acts on the employer's premises will be reported to the proper authorities and fully prosecuted.

Unlawful Harassment

1. Statement of Philosophy

a. Meals-Up is proud of its tradition of an open and friendly work environment in which all individuals are treated with respect and dignity. Each individual has the right to work in a professional atmosphere that promotes equal opportunity and prohibits unlawful harassment. The goal of this harassment policy is to prevent harassment from occurring, and to provide for procedures for implementing this policy. Meals-Up will not tolerate harassment of its employees by anyone under its control.

b. To ensure such an environment, Meals-Up will not tolerate verbal or physical conduct by an employee or non-employee who harasses,

disrupts, or interferes with another's work performance or which creates an intimidating, offensive, or hostile work environment.

Each supervisor has a responsibility to maintain a workplace free of such conduct since such conduct constitutes unlawful harassment.

c. Unlawful harassment is a form of discrimination prohibited by the Pennsylvania Human Relations Act, 42 P.S. § 951, et seq.; Title VII of the Civil Rights Act, 42 U.S.C. § 2000e et seq; and the Americans With Disabilities Act, 42 U.S.C. § 12101 et seq. The term (unlawful harassment) includes, but is not limited to verbal, graphic, or physical conduct relating to an individual's race, color, religion, ancestry, age (40 and above), sex, national origin, handicap or disability. Special attention is called to the prohibition of sexual harassment.

d. Unlawful harassment is a form of employee misconduct that undermines the integrity of the employment relationship and will not be tolerated. This behavior is unacceptable in the workplace itself and in work-related settings as well. Employees must be allowed to work in an environment free from harassment. Consequently, employees who violate this policy will be subject to disciplinary action, up to and including discharge.

2. Dissemination of Policy

This policy will be disseminated to all employees and it will be displayed prominently at the place of employment. All supervisors are responsible for knowing of its existence and substance and are responsible for its implementation. The policy covers all individuals in the workplace.

3. Definition of Harassment

Harassment includes, but is not limited to slurs, jokes, or other verbal, graphic, or physical conduct relating to an individual's race, color, religion, age, gender, national origin, disability or other immutable characteristic protected by local, state, or federal law. Ethnic harassment includes the use of derogatory words or phrases characterizing a given racial or ethnic group. Sexual harassment includes, but is not limited to:

a. Unwelcome sexual advances, requests for sexual favors in exchange for favorable treatment or continued employment or any employment benefit, and all other verbal or physical conduct of a sexual or offensive nature, especially where:

- i. submission to such conduct is made either explicitly or implicitly a term or condition of employment;
- ii. submission to or rejection of conduct is used as the basis for decisions affecting an individual's employment;
- iii. such conduct has the purpose or effect of creating an intimidating, hostile, or offensive work environment.

b. Offensive comments, jokes, innuendoes, epithets, derogatory or

obscene comments, slurs, or sexual invitations, obscene comments or gestures or verbal abuse, graphic or suggestive language about an individual's dress or body, and all other sexually oriented or offensive statements.

c. Visual conduct such as derogatory or sexually oriented posters, photographs, cartoons, drawings or gestures or other displays in the workplace of a sexually suggestive or offensive nature.

d. Any and all other words or conduct which have the effect of unreasonably interfering with an individual's performance or creating a hostile or offensive work environment.

4. Complaint Procedure

a. The policy encourages individuals who believe they are being harassed to firmly and promptly notify the offender that his/her behavior is unwelcome.

b. All Complaints of unlawful harassment, as defined in this Policy, will be investigated promptly and in an impartial and confidential manner by or under the direction of the harassment investigator.

c. Procedures

i. Any administrator, supervisor, or employee who believes that the actions or words of an administrator, supervisor, employee, or non-employee constitute unlawful harassment, has a responsibility to report or complain to the appropriate administrative supervisor or to the investigator within seven (7) days of the occurrence of the allegation, so the charges can be investigated in a timely fashion. Formal complaints must be in writing.

ii. Employees who want to make the investigator aware of a potential unlawful harassment situation, but not file a formal complaint, should be aware that these allegations may be investigated.

iii. It shall be the responsibility of the investigator to promptly and thoroughly investigate any and all unlawful harassment complaints received or referred by other employees.

iv. In the case of unlawful harassment complaints lodged by staff members with a supervisor, the supervisor may, at the complainant's request, attempt to resolve the problem informally. If an informal resolution satisfactory to the complainant is reached, no further investigation or action by the Employer is required.

v. All other complaints not formally resolved to the complainant's satisfaction will be referred to the investigator who will initiate an investigation that may include, but not be limited to, the following:

Interview of the Complainant;
Interview of the Accused;
Interview of any other person with personal knowledge of the allegation of the complaint; and
Compliance with all state and federal mandates, statutes and laws.

d. Both the charging party and the person accused of unlawful harassment will be given every opportunity to express themselves during the investigation. They may, if so desired, approach the investigator either during the investigation or after they receive the notice of the findings. No attorneys are to be present.

e. All employees should be aware that the privacy of the charging party and the person accused of unlawful harassment will be kept as confidential as possible, consistent with the Employer's legal obligations and the necessity to investigate allegations and to take disciplinary action. Investigative files will be kept separate from the regular personnel files. In all cases, the charging party and the person accused will be advised of the findings and conclusions.

5. Disposition of Complaint

a. In all cases investigated by the investigator, the results of the investigation shall be reported in writing. Such report should include a conclusion and summary of facts upon which such conclusion is based, and a determination as to remediation, if appropriate.

b. If the investigator concludes that unlawful harassment has occurred, he or she shall determine the appropriate remediation and/or discipline up to and including dismissal.

c. If the investigator concludes that no unlawful harassment has occurred, the parties shall be so notified. Under no circumstances shall any record of a complaint which is found to be without basis be released to any person other than the complainant, and the accused, without consent of the accused, except by Order of Court.

d. If the investigation is inconclusive, the investigator shall so state in the report.

e. Neither the charging party nor the person accused will receive a copy of the final report; however, the findings will be reviewed at the request of either party.

f. Either party may, if so desired, have his/her comments filed along with the final report.

g. If the investigator finds on behalf of the charging party, then a disposition of the matter will be included with the investigator's final report.

h. Retaliation taken against individuals who bring unlawful harassment

charges, or individuals who assist in investigating such charges, is strictly prohibited.

i. Unlawful harassment charges that are, or have been, in litigation, are beyond the scope of the investigator.

j. Any form of unlawful harassment is strictly forbidden under this Policy. Employees who violate this Policy will be subject to disciplinary action, up to and including termination from employment.

k. If the investigator concludes that the accused is not guilty of unlawful harassment, and the complaint was fraudulently made or lodged in bad faith, then it may determine the appropriate discipline up to and including dismissal of the complainant, subject to any limitations of law. In addition, if the investigator concludes that the accused retaliated against the complainant in any way because of the complaint, then it may determine the appropriate discipline, up to and including dismissal of the accused, subject to limitations of law.

Ethics and Integrity

In our business dealings, we may be faced with ethical and legal questions. This is a guide to general questions and concerns that may arise. Since it is difficult, if not impossible to include every situation that may occur, it is imperative that you consult your immediate supervisor if you have any question regarding your latitude for decisions in this area.

Communication

If you are aware of an unlawful or unethical situation, you are responsible for reporting it to your immediate supervisor when possible. You may also report to higher levels of management. Reports of unlawful or unethical practices will be investigated promptly. Meals-Up will not tolerate any threats or acts of retribution toward you for reporting these incidents.

Workplace

We work hard to earn and maintain high standards and respect for our business name. You are a very important part of this. We expect you to deal honestly and fairly with our guests, other employees, suppliers, and the community. Any actions on or off the job that Meals-Up's management determines adversely affect your performance, the performance of other employees, or the legitimate business interests of our company will be addressed. If it is determined that the employee has engaged in unlawful or unethical behavior, disciplinary action will be taken up to and including dismissal.

Privacy

Your personnel file contains personal as well as business-related information. Access to these files is restricted to those people who "need to know". Personal information will

not be released without your approval except to verify employment or when responding to a legitimate investigative or legal requirement. You may review your personnel file at any time upon giving a reasonable notice. Since we are required by law to maintain certain employment records, no documents may be removed from your file.

Fraud, Theft, or Embezzlement

Meals-Up will not tolerate dishonest practices. This includes but is not limited to hours worked, expense reports, deception of numbers, unlawful taking of property of Meals-Up, its employees, guests, or suppliers. Disciplinary action will be taken against any offender up to and including dismissal. Applicable evidence will be turned over to the proper authorities for prosecution under the law. Full restitution will be required. Documentation will be entered into your personnel file.

Suppliers/Contractors

We are committed to being aggressive in pursuing the best products and services for our dollar spent. This must be the guiding factor in dealing with suppliers and contractors. Personal relationships or the potential for personal gain must be set aside to make objective decisions. We expect you to be fair and impartial in your dealings with outside concerns.

Use of Company Name

Employees may not represent themselves as an agent or employee of Meals-Up for personal or financial gain unless the same benefits are available to all Meals-Up employees; i.e., a Meals-Up's corporate discount to anyone joining Sam's Club.

Confidential Information

Many of you will come in contact with proprietary and confidential information. It is incumbent upon each of us to maintain strict confidence with such information entrusted to us. Competitors or other groups may attempt to learn about matters, which could be used to the detriment of the company and all employees. Releasing confidential information to unauthorized individuals will result in immediate termination. Employee payment and rates is considered confidential, and discussion of such matters between employees, or between employees and non-employees will result in disciplinary action and possible termination.

Electronics Policy

Purpose

To remain competitive, better serve our customers, and give our talented workforce the best tools to do their jobs. Meals-Up's continues to adopt and make use of new means of communication and information exchange. This means that many of our employees have access to one or more forms of electronic media and services, including but not limited to, computers, e-mail, telephones, cell phones, voice mail, fax machines, external electronic bulletin boards, wire services, on-line services, the Internet, and the

World Wide Web.

Meals-Up's encourages the use of these media and associated services because they can make communication more efficient and effective and because they are valuable sources of information about vendors, customers, technology, and new products and services. However, all employees and everyone connected with the organization should remember that electronic media and services provided by the company are company property and their purpose is to facilitate and support company business. This policy cannot lay down rules to cover every possible situation. Instead, it is designed to express Meals-Up's philosophy and set forth general principles employees should apply when using electronic media and services. The following procedures apply to all electronic media and services that are:

1. Accessed on or from company premises
2. Accessed using company computer equipment or via company-paid access methods
3. Used in a manner that identifies the individual with the company

Prohibited Communications

Electronic media cannot be used for knowingly transmitting, retrieving, or storing any communication that is:

1. Discriminating or harassing
2. Derogatory to any individual or group
3. Obscene
4. Defamatory or threatening
5. Considered a chain letter
6. Engaged in for any purpose that is illegal or contrary to Meals-Up's policy or business interests

Personal Use

Electronic media and services are provided by Meals-Up primarily for employees' business use. Limited, occasional, or incidental use of electronic media (sending or receiving) for personal, nonbusiness purposes is understandable and acceptable. However, employees are expected to demonstrate a sense of responsibility and not abuse this privilege. It is not appropriate to subscribe to non-business related mailing lists where information is automatically sent to your e-mail address.

Access to Employee Communications

Meals-Up does not routinely access or monitor employee communications directly. However, individual use patterns – for example, telephone numbers dialed, sites accessed, call length, and time at which calls are made – may be monitored for the following purposes:

1. Cost analysis
2. Resource allocation
3. Optimum technical management or information resources

4. Detecting patterns of use that indicate employees are violating Meals-Up's policies or engaging in illegal activity

Meals-Up reserves the right, at its discretion, to review any employee's electronic files and messages to the extent necessary to ensure electronic media and services are being used in compliance with the law, this policy, and other Meals-Up Policies.

Employees should not assume electronic communications are totally private.

Accordingly, if you have sensitive information to transmit, you should use other means.

Please keep in mind that courts can subpoena electronic data, history and communications in the process of an investigation or lawsuit. This means that all data, history and communications (emails sent, websites visited) stored on individual computers or shared network servers could be obtained and potentially made public. It is important to note that information that was previously deleted can remain on your computer or company network servers and can be accessed and recreated. It is each user's responsibility to use discretion when using company equipment and when communicating electronically and to understand that using this resource does not ensure confidentiality.

Security/Appropriate Use

Employees must respect the confidentiality of other individuals' electronic communications. Except in cases in which explicit authorization has been granted by company management, employees are prohibited from engaging in, or attempting to engage in:

1. Monitoring or intercepting the files or electronic communications of other employees or third parties
2. Hacking or obtaining access to systems or accounts they are not authorized to use
3. Using other people's log-ins or passwords
4. Breaching, testing, or monitoring computer or network security measures

No e-mail or other electronic communications can be sent that attempt to hide the identity of the sender or represent the sender as someone else.

Electronic media and services should not be used in a manner that is likely to cause network congestion or significantly hamper the ability of other people to access and use the system.

Please use discretion when sending electronic messages to "groups". Limit addresses to those who the information pertains to.

Anyone obtaining electronic access to other companies' or individuals' materials must respect all copyrights and cannot copy, retrieve, modify, or forward copyrighted materials except as permitted by the copyright owner.

Participation in On-Line Forums

Employees should remember that any messages or information sent on company provided facilities to one or more individuals via an electronic network - for example, Internet mailing lists, bulletin boards, and on-line services - are statements identifiable

and attributable to Meals-Up.

Meals-Up recognizes that participation in some forums might be important to the performance of an employee's job. For instance, an employee might find the answer to a technical problem by consulting members of a newsgroup devoted to the technical area.

Policy Violations

Employees violating Meals-Up's electronic media or services policy are subject to discipline, up to and including termination. Employees using the electronic media or services for defamatory, illegal, or fraudulent purposes and employees who break into unauthorized areas of Meals-Up's computer system also are subject to civil liability and criminal prosecution.

Drug and Alcohol Testing Policy

The objective of this policy is to inform employees of this company's position on the use and abuse of drugs, alcohol and/or other controlled substances, and to advise them of the actions which will be imposed for violations of these Guidelines.

These drug and alcohol testing rules are intended to protect the safety of the workers and general public by ensuring that employees do not use drugs or misuse alcohol. This policy is not, does not represent, and should not be taken as a contract for employment. Violation of this policy may result in disciplinary action up to and including termination.

Definitions Used In This Policy

Accident -- For the purpose of this Policy an accident is defined as an incident involving an employee in which there is either a "fatality" or an injury to any person, as a result of the accident, requiring treatment away from the workplace or scene of the accident, or damage to a Company vehicle whereby it is disabled and is required to be towed from the scene of the accident.

Alcohol means any alcoholic beverage (beer, wine, liquor, etc.) or over-the-counter or prescription medication containing alcohol, the consumption of which may affect the behavior, performance and actions of the employee to the extent that he may pose a threat to the safety of himself or others, and/or manifests itself with a blood alcohol level of .02 or greater.

Controlled substances or Illegal drugs means any controlled substance or drug, the sale, possession or consumption of which is illegal. The term includes prescription drugs not legally obtained and prescription drugs not being used in the manner, combination or quantity prescribed. It also includes any drug or substance listed under the controlled substance Drug Device and Cosmetic Act 64. Drugs specifically being tested for include amphetamines, marijuana, opiates, cocaine, and phencyclidine (PCP).

Medical Review Officer means a licensed doctor of medicine or osteopathy with knowledge of drug abuse disorders that is employed or used by the Company to review drug test results, and maintain drug testing files for applicants and employees subject to

testing. The Medical Review Officer is familiar with the characteristics of drug tests (sensitivity, specificity, and predictive value), the laboratories running the tests and the medical conditions and work exposures of the employees. The role of the Medical Review Officer will be to review and interpret the positive test results.

Negative Test Result in drug testing, means a result, reviewed by an MRO and determined to have no evidence of prohibited drug use. In alcohol testing, means a confirmation test result of less than 0.02.

Positive Test Result in drug testing, means a drug test result reviewed by a MRO and verified to have evidence of prohibited drug use. In alcohol testing, means a confirmation test result of 0.02 or greater.

Substance Abuse Professional" or ("SAP") means 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 and clinical experience in the diagnosis and treatment of alcohol and drug-related disorders.

Under the Influence means, for the purpose of this Policy, the employee is affected by a drug or alcohol, or the combination of a drug and alcohol, in any detectable manner. A determination of whether an employee is under the influence of drugs or alcohol will be based on specific contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the employee.

Alcohol Prohibitions: Prohibited Conduct

All employees are strictly prohibited from:

1. Reporting or remaining on duty when the employee's BAC indicates a 0.02 or greater alcohol concentration.
2. Employees are prohibited from using alcohol while on duty, on Company time or on Company premises.
3. If an employee tests positive for alcohol, and is not terminated, performing Company duties is prohibited until the employee successfully completes any alcohol treatment program as prescribed by the SAP (Substance Abuse Professional), and the SAP recommends the employee return to work.
4. Employees may not refuse to submit to any alcohol test required under this policy.
5. Employees are prohibited from engaging in the unlawful or unauthorized possession manufacture, distribution or sale of alcohol on Company premises, in Company vehicles, or while engaged in Company activities.

Drug Prohibitions: Prohibited Conduct

All employees are strictly prohibited from:

1. Illegal or illicit drug use while on duty or while off duty is prohibited.
 - a. Employees are prohibited from reporting for duty, or remaining on duty when the employee uses any drugs, on or off the job, except when the use is pursuant to a doctor's orders and the doctor has advised the employee that the substance does not adversely affect

the employee's ability to safely perform his/her duties. The employee must also alert Company officials to the use of prescription medications that may impair performance and/or pose a safety hazard.

b. Prescription medications that cause an employee to be under the influence as defined above, and which are not taken according to specific instructions of the employee's prescribing physician, will result in a violation of this policy.

2. If an employee tests positive for drugs, and is not terminated, performing Company duties is prohibited until the employee successfully completes any drug treatment program as prescribed by the SAP (Substance Abuse Professional), and the SAP recommends the employee return to work.

3. Refusal to submit to a required drug test is prohibited.

4. Employees are prohibited from engaging in the unlawful or unauthorized manufacture, distribution, sale or possession of drugs on Company premises, in Company vehicles or while engaged in Company activities.

Drug and Alcohol Testing Procedures

As required by this policy, employees may be subject to drug and/or alcohol testing in the following situations:

Pre-employment Testing (Drugs only; Hair Testing only; Management Personnel Only)

Reasonable Suspicion Testing (All employees)

Post-Accident Testing (All employees)

Return-to-Duty Testing (All employees)

Follow-up Testing (All employees)

1. Pre-Employment Testing (Management Positions): Drugs only

a. Each applicant to whom the Company has extended a conditional offer of employment must submit to controlled substance testing after the offer of employment but before performing job duties. The employment offer may be conditional upon the passage of the drug test. Any applicant refusing to be tested will not be hired.

b. Current hourly employees being promoted to either a salaried position or an hourly management position may also be tested for drugs.

c. Any applicant testing positive for drugs will not be hired.

2. Reasonable Suspicion Testing: Drugs and Alcohol

a. Where there is reasonable suspicion that an employee is using drugs, or is under the influence of alcohol, the Company will require the employee to be tested for the use of controlled substances and/or alcohol.

b. Supervisors must require an employee to submit to a drug and alcohol test where there is reasonable suspicion to believe that the

drug and alcohol rules have been violated.

c. Determination to test will be based on "specific contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the employee and/or the employee's job performance."

d. The employee must submit to reasonable suspicion drug and alcohol testing when requested to do so by the Company.

e. Alcohol testing is authorized only if the observations are made during, just before or just after the employee's workday. The employee, likewise, can only be tested for alcohol during, just before, or just after the performance of job duties.

f. The supervisor or other designated Company official will "transport" the employee to the collection site for a Breath and/or Urine Sample. The employee will not be allowed to drive himself.

g. If the results of a reasonable suspicion alcohol and/or drug test are negative, the employee will be compensated for all time lost from work, which is directly attributable to the request to take the test.

3. Post-Accident Testing/Drugs and Alcohol

a. When tests must be administered: Post-accident alcohol tests should be administered ASAP after the accident and no later than four (4) hours, following the accident.

b. Employee's Responsibility:

i. All employees will be drug and alcohol tested, as soon as practicable, following an accident (as previously defined) involving the employee, when the accident results in either: (a) fatality, (b) bodily injury to a person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident, (c) one or more motor vehicles incurring disabling damage as a result of the accident, requiring the vehicle to be transported away from the scene by a tow truck or other vehicle.

ii. An employee who is subject to post-accident testing must remain readily available for a drug and alcohol test, or the Company may consider the employee to have refused to submit to testing.

iii. The employee subject to post-accident testing must refrain from consuming alcohol for eight hours following the accident, or until he/she submits to an alcohol test, whichever comes first.

4. Return-to-Duty Testing: In the case of a positive Drug or Alcohol Test:

a. Under this policy, if an employee is given the opportunity to return to work, after having engaged in prohibited conduct regarding alcohol misuse and/or illegal drug use, he shall meet all Substance Abuse

Professional requirements and undergo a return-to-duty alcohol test indicating a breath alcohol concentration of less than 0.02 or a controlled substance test with a negative result, before the employee returns to duty.

b. In either event, if a return-to-duty test is required, the employee must also have been evaluated by a substance abuse professional (SAP) and have participated in and satisfactorily completed any assistance or rehabilitation program prescribed.

5. Follow-Up Testing:

Following a determination that an employee is in need of assistance in resolving problems associated with alcohol misuse and/or use of controlled substances, the employee shall be subject to a minimum of six random follow-up controlled substance and/or alcohol tests in the first 12 months, as directed by the substance abuse professional.

6. Confirmation Reanalysis of Test Results

a. Positive Drug Tests

i. All positive urine drug test results will be confirmed by gas chromatography and mass spectrometry (GC/MS). All confirmed positive drug test results will be reviewed by an MRO (Medical Review Officer) to determine whether there is any legitimate explanation for the positive test result. This review may include a medical interview, review of the employee's medical history, or review of any other relevant biomedical factors and all medical records made available by the tested employees.

ii. Employees testing positive will be given the opportunity to discuss with the MRO any legitimate explanation for the positive test result. If the MRO determines that there is a legitimate medical explanation for the confirmed positive test result, the MRO will report the test result to the Company as negative. If the MRO determines that there are no legitimate explanations for the confirmed positive test result, the results will be verified by the MRO.

iii. The MRO may verify a test as positive without having communicated directly with the employee when: the employee expressly declines the opportunity to discuss the test, or the designated Company representative has successfully contacted the employee and instructed the employee to contact the MRO and more than five (5) days have passed since the employee was contacted by the Company's representative.

iv. Upon request by the employee or applicant (within 72 hours of being notified results), any employee or applicant testing

positive for controlled substances will be given a reliable confirmatory urinalysis retest of the sample by a D.H.H.S. Certified Lab. All costs for the re-test shall be paid for by the employee unless the test proves negative. Confirmed positive test results shall be reported to the Medical Review Officer. If reanalysis fails to detect the presence of the previously confirmed drug the MRO must cancel the tests and report the cancellation to employer and employee. Actions required from the first positive test are not "stayed" pending the split specimen's result.

b. Positive Alcohol Tests

If the result of the screening test is an alcohol concentration of .02 or greater, a confirmation test will be performed. The confirmation test will be conducted within 30 minutes from the end of the screening test. The confirmation test result is the final result upon which any discipline or other action under the Company's policy shall be based.

7. Inability to Provide Adequate Amount of Specimen / Sample

a. Drugs: The employee must provide at least 45 milliliters of urine for a drug test.

If the employee is unable to provide such a quantity of urine then the employee will be instructed to drink a set amount of fluid and after a period of up to three hours, again attempt to provide a complete specimen. For a Pre-employment Drug Test, if an applicant is still unable to provide an adequate specimen this will constitute a refusal to test and the applicant will be considered ineligible for employment with the Company.

For all other types of drug testing, if the employee is still unable to provide an adequate specimen, the MRO will refer the employee for a medical evaluation. If the MRO determines that there is no legitimate medical explanation for the employee's failure to provide an adequate amount of urine, this will constitute a refusal to test and be handled in the same manner as a positive test.

b. Alcohol: Each employee shall blow forcefully into the mouthpiece of the EBT for at least six (6) seconds or until the EBT indicates that an adequate amount of breath has been obtained.

If an applicant fails to provide, or is unable to provide an adequate breath sample, this will constitute a refusal to test rendering the applicant ineligible for employment with the Company.

If an employee fails to provide or claims that he or she is unable to provide a sufficient amount of breath sample to permit a valid breath test because of a medical condition, the Company will require the employee to be evaluated by a physician. If the physician determines that the employee's alleged medical condition could not

preclude the giving an adequate breath sample, this will be considered a refusal to test.

8. Specimen Adulteration: MRO / Company Guidelines

In the event the MRO receives a laboratory report indicating the possibility of specimen adulteration, the MRO shall follow procedures outlined below to review and interpret the laboratory report.

a. Specific Gravity < 1.003 and Creatinine < 0.2 G / L : The MRO will report the laboratory findings, including negative and cancelled tests, to the SAPM (Substance Abuse Program Manager). The Company may require the donor's next urine specimen to be collected under direct observation procedures. A dilute (specific gravity < 1.003 And creatinine < 0.2 G / L) may require the individual to submit to another urine specimen collection and test.

b. Specimen not suitable:

In specimen not suitable reports, the MRO should first discuss the test result with the appropriate laboratory forensic toxicologist to obtain more facts or documentation. The MRO should then contact the employee/applicant and inform him/her that the urine specimen was not suitable for testing, and will inquire whether medication (e.g. non-steroidal anti-inflammatory agents) or another medical explanation may account for the specimen's unsuitability. If no acceptable explanation for the unsuitability is provided, the MRO will inform the employee/applicant that another urine specimen will be collected under direct observation procedures. The MRO will also report the result to the Company and inform the Company that another urine specimen collection under direct observation is required. If there is an acceptable explanation for the unsuitability the MRO will report the specimen as cancelled.

c. Specimen adulterated:

The MRO will report the result as "specimen adulterated" to the Human Resource Director and inform the Human Resources Director that the laboratory finding constitutes a refusal to submit to testing. Under this policy, this requires that the employee be removed from performing any job function.

Consequences to Employees Engaging in Prohibited Conduct

Employee's who are observed engaging in prohibited behavior or tested at .02 or greater for alcohol or positive for controlled substances, are subject to the following consequences:

1. If results are positive – first violation:

Disciplinary action will occur up to and including termination.

2. If a decision is made to continue employment:

a. EAP professionals will provide an assessment to develop a mandatory rehabilitation program and monitor employee's progress.

b. Leave of absence will be granted upon employee's request under the guidelines of the Leave of Absence Policy.

c. Retesting program upon EAP's certification of a rehabilitation program – this will include testing for at least one year.

3. Financial Consequences:

a. Only first offenders will receive financial assistance.

b. Meals-Up will pay for the expense of all initial testing.

c. Benefits will continue/discontinue under the guidelines of the Leave of Absence Policy.

d. All uninsured medical and related expenses are the responsibility of the employee during rehabilitation.

e. Refer to current medical insurance booklet for inpatient/outpatient coverage for drug treatment.

f. Expenses of ongoing screening as part of the rehabilitation program will be the responsibility of the employee.

4. If results are positive – second violation:

Termination with possible reinstatement after six months and evidence of rehabilitation treatment.

5. If results are positive – third violation:

Final termination – no consideration for rehire.

6. Confidentiality:

Any information regarding positive test results will be processed through the Director of Human Resources. Only those with a need to know (for example, immediate supervisor for scheduling changes, Employee Assistance Program counselor for assessment) will have access to this confidential information.

Refusal to submit to an Alcohol or Drug Test

Refusal to submit to an alcohol or drug test will result in immediate termination. Refusal to submit to an alcohol or controlled substance (drug) test means that an employee:

1. Fails to provide adequate breath for testing without a valid medical explanation,

2. Fails to provide adequate urine for controlled substance testing without a valid medical explanation,

3. Engages in uncooperative conduct that clearly obstructs the testing process,

4. Refuses to sign the drug or alcohol testing form(s),

5. Misuses alcohol between initial and confirmatory test and/or refuses to take the confirmatory test.*

6. Arrive late or does not arrive at all, at the collection site, without an acceptable and verifiable excuse.

7. Provides an adulterated specimen (as verified by the testing lab or collection site or MRO) to be tested. (includes soap and other substances)

Certified Laboratories

All urine drug tests conducted pursuant to this policy shall be performed by laboratories that meet the certification requirements under the Department of Health and Human Services' Mandatory Guidelines for Federal Drug Testing Programs (SAMHSA Certified Labs).

Compensation for Tests

All time spent providing a breath and/or urine sample, including travel time to and from the collection site in order to comply with post-accident, or negative reasonable suspicion tests, shall be considered as work time, and the employee will receive his or her regular compensation for such time.

Cost of Testing

1. The cost of the initial urine drug and breath alcohol testing, unless otherwise provided for in the Agreement, shall be borne by the Company.
2. The costs of any confirmatory drug tests sent to another DHHS/SAMHSA certified lab, as requested by the employee will be paid for by that employee. However, if the tests prove negative, costs shall be borne by the Company.
3. Costs of any Return-to-Duty and/or Follow-Up Testing performed will be paid for by the employee.

Compliance as a Condition of Employment

All employees are hereby advised that full compliance with the Company's controlled substance and alcohol policies shall be a pre-condition of employment and a condition of continued employment at this Company. Any employee who violates this policy shall be subject to discipline up to and including immediate discharge, even for the first offense.

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This policy supersedes any written policies issued as, or included in, manuals, handouts, or individual policies, prior to this date. This policy is effective Immediately upon receipt by the employee. This policy is subject to changes, revisions, etc., without prior notice, depending on policy requirements.

Leave of Absence Prior to Testing

1. Employee shall be permitted to take an unpaid leave of absence for the purpose of undergoing treatment pursuant to an approved program of alcoholism or drug use. The leave of absence must be requested prior to the commission of any act subject to disciplinary action and may not occur on the day of a random drug or alcohol test.
2. Such leave of absence shall be granted on a one-time basis and shall be for a maximum of ninety (90) days, unless extended by mutual agreement.
3. Employees requesting to return to work from a leave of absence for drug or alcohol use shall be required to submit to future random drug and/or alcohol testing for up to 60 months. Failure to do so will subject the employee to discipline including discharge without the receipt of a prior warning letter.
4. The provisions of this Section shall not apply to probationary employees.

5. Any other costs not covered by the insurance carrier will be the responsibility of the employee.