



EMPLOYEE HANDBOOK
DONNA'S RESTAURANT AT
JACARANDA, INC.
DBA DONNA'S CARIBBEAN RESTAURANT

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Welcome

Welcome to **DONNA'S RESTAURANT AT JACARANDA, INC.** (the "Company"), doing business as **Donna's Caribbean Restaurant!** We are delighted that you have chosen to join our organization and hope that you will enjoy a long and successful career with us. As you become familiar with our culture and mission, we hope you will take advantage of opportunities to enhance your career and further the Company's goals.

You are joining an organization that has a reputation for outstanding leadership, innovation, and expertise. Donna's has served hundreds of thousands of people our unique authentic Caribbean food for over 27 years. Our employees use their creativity and talent to invent new solutions, meet new demands, and offer the most effective services/products in the restaurant industry. With your active involvement, creativity, and support, the Company will continue to achieve its goals. We sincerely hope you will take pride in being an important part of the Company's success.

Please take time to review the policies contained in this handbook. If you have questions, feel free to ask your supervisor or to contact the Human Resources (HR) department.

This handbook includes the most recent policies and procedures and is subject to change to comply with local, state and federal laws.

Be advised you will be required to sign an acknowledgement of this manual and other specific codes of conduct.

Only the CEO is authorized to make changes to this manual. Supervisors may not make promises to employees regarding modifying, dissolving, or exempting employees from abiding by rules found in the Manual.

All Company policies, practices, procedures, and benefits, whether or not described in this Handbook, may be changed, modified, or discontinued by the Company, in its sole discretion, at any time.

This Employee Handbook has been designed to help employees familiarize themselves with the Company's policies, procedures and business culture. In addition to what is set forth herein, there may be additional rules or policies to be followed as mandated by the Company's manager on site.

Nothing contained in this Handbook is intended to, nor does it create, a contract of employment for any duration. This handbook is not intended to address all situations and circumstances that could occur during your employment. Your employment can be terminated with or without cause and with or without notice at any time at the option of the Company. No employee of the Company has the authority to enter into any agreement for employment for any specified period of time or to make any agreement contrary to the foregoing.

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Employment at Will

Employment at the Company is on an at-will basis unless otherwise stated in a written individual employment agreement signed by the president of the Company.

This means that either the employee or the Company may terminate the employment relationship at any time, for any reason, with or without notice.

Nothing in this employee handbook creates or is intended to create an employment agreement, express or implied. Nothing contained in this, or any other document provided to the employee is intended to be, nor should it be, construed as a contract that employment or any benefit will be continued for any period of time. In addition, no Company representative is authorized to modify this policy for any employee or to enter into any agreement, oral or written, that changes the at-will relationship.

Any salary figures provided to an employee in annual or monthly terms are stated for the sake of convenience or to facilitate comparisons and are not intended to and do not create an employment contract.

Nothing in this statement is intended to interfere with, restrain, or prevent concerted activity as protected by the National Labor Relations Act (NLRA). Such activity includes employee communications regarding wages, hours, or other terms or conditions of employment. Company employees have the right to engage in or refrain from such activities.

Statement of Our Core Values

All Company employees are expected to support an inclusive workplace by adhering to the following conduct standards:

- Equality: treat others with dignity and respect at all times
- Do the Right Thing as if No One is Watching
- Collaboration: teamwork and employee participation, listening and evolving together, helping, and supporting each other
- Unity: seek out insights from employees with different experiences, perspectives, and backgrounds
- Positivity: passion, motivation, commitment, and determination to make it through
- Celebrate: providing an environment that fosters personal development and professional growth

Our Company will not tolerate discrimination, harassment or any behavior or language that is abusive, offensive, or unwelcome and violations are cause for disciplinary action up to and including termination of employment.

CODE OF ETHICS

Every employee should feel comfortable to speak his or her mind, particularly with respect to ethics concerns. Managers have a responsibility to create an open and supportive environment where employees feel comfortable raising such questions. We all benefit tremendously when employees exercise their power to prevent mistakes or wrongdoing by asking the right questions at the right times.

The Company will investigate all reported instances of questionable or unethical behavior. In every instance where improper behavior is found to have occurred, the Company will take appropriate action up to and including termination of employment. We will not tolerate retaliation against employees who raise genuine ethics concerns in good faith.

Employees are encouraged, in the first instance, to address such issues with their managers, as most problems can be resolved swiftly. If for any reason that is not possible or if an employee is not comfortable raising the issue with his or her manager then the HR Department should be contacted.

Our Company takes seriously the standards set forth in this code, and violations are cause for disciplinary action up to and including termination of employment.

Accountability

Each of us is responsible for knowing and adhering to the values and standards set forth in this Code of Ethics (set forth above) [the “Code”] and for raising questions if we are uncertain about Company policy. If we are concerned whether the standards are being met or are aware of violations of the Code, we must contact the Human Resources (“HR”) department.

Our Company takes seriously the Code and violations are cause for disciplinary action up to and including termination of employment.

CODE OF CONFIDENTIALITY AND PROPRIETARY INFORMATION

Integral to our Company’s business success is our protection of confidential Company information, as well as nonpublic information entrusted to us by employees, customers and other business partners. Confidential and proprietary information includes such things as the Company’s, and/or Donna’s Caribbean recipes and ingredients, pricing and financial data, customer names/addresses or nonpublic information about other companies, including current or potential supplier and vendors. You are not permitted to disclose confidential and nonpublic information without proper written authorization from the CEO. The CEO is the only authorized person to make such a disclosure decision.

Our Company takes seriously the standards set forth in this Code of Confidentiality, and violations are cause for disciplinary action up to and including termination of employment.

Equal Opportunity and Commitment to Diversity

Equal Opportunity

The Company provides equal employment opportunities to all employees and applicants for employment without regard to race, color, creed, ancestry, national origin, citizenship, sex or gender (including pregnancy, childbirth, and pregnancy-related conditions), gender identity or expression (including transgender status), sexual orientation, marital status, religion, age, disability, genetic information, service in the military, or any other characteristic protected by applicable federal, state, or local laws and ordinances. Equal employment opportunity applies to all terms and conditions of employment, including hiring, placement, promotion, termination, layoff, recall, transfer, leave of absence, compensation, and training.

The Company expressly prohibits any form of unlawful employee harassment or discrimination based on any of the characteristics mentioned above. Improper interference with the ability of other employees to perform their expected job duties is absolutely not tolerated.

The Company is committed to providing access, equal opportunity and reasonable accommodations to an otherwise qualified applicant or employee related to an individual's physical or mental disability, sincerely held religious beliefs and practices, and/or any other reason required by applicable law, unless doing so would impose an undue hardship upon the Company or cause a direct threat to these individuals or others in the workplace and the threat cannot be eliminated by reasonable accommodation.

Any employees with questions or concerns about equal employment opportunities in the workplace are encouraged to bring these issues to the attention of the HR manager. The Company will not allow any form of retaliation against individuals who raise issues of equal employment opportunity. Employees who feel they have been subjected to any such retaliation should bring it to the attention of the HR manager.

Retaliation means adverse conduct taken because an individual reported an actual or a perceived violation of this policy, opposed practices prohibited by this policy, or participated in the reporting and investigation process described below. "Adverse conduct" includes but is not limited to:

- (1) Shunning and avoiding an individual who reports harassment, discrimination, or retaliation;
- (2) Express or implied threats or intimidation intended to prevent an individual from reporting harassment, discrimination, or retaliation; *or*
- (3) Denying employment benefits because an applicant or employee reported harassment, discrimination, or retaliation or participated in the reporting and investigation process.

Other examples of retaliation include firing, demotion, denial of promotion, unjustified negative evaluations, increased surveillance, harassment, and assault.

Complaints of discrimination should be filed according to the procedures described in the Harassment and Complaint Procedure.

Americans with Disabilities Act (ADA) and Reasonable Accommodation

The Company is committed to the fair and equal employment of individuals with disabilities under the ADA. It is the Company's policy to provide reasonable accommodation to qualified individuals with disabilities unless the accommodation would impose an undue hardship on the Company or cause a direct threat to workplace safety, which such threat cannot be eliminated by reasonable accommodation(s) that do not create undue hardship for the Company.

In accordance with the ADA, reasonable accommodations will be provided to qualified individuals with disabilities to enable them to perform the essential functions of their jobs or to enjoy the equal benefits and privileges of employment. An employee with a disability may request an accommodation from the HR Department and engage in an interactive process so that the Company can determine what the employee needs and to identify possible reasonable accommodations. The Company may require further information in order to assess the need for accommodation. If requested, the employee is responsible for providing medical documentation regarding the disability and possible accommodations. All information obtained concerning the medical condition or history of an applicant or employee will be treated as confidential information, maintained in separate medical files, and disclosed only as permitted by law.

It is the policy of the Company to prohibit harassment or discrimination based on disability or because an employee has requested a reasonable accommodation. The Company prohibits retaliation against employees for exercising their rights under the ADA or other applicable civil rights laws. Employees should use the procedures described in the Harassment and Complaint Procedure to report any harassment, discrimination, or retaliation they have experienced or witnessed.

Commitment to Diversity

The Company is committed to creating and maintaining a workplace in which all employees have an opportunity to participate and contribute to the success of the business and are valued for their skills, experience, and unique perspectives. This commitment is embodied in Company policy and the way we do business at the Company and is an important principle of sound business management.

IMMIGRATION LAW COMPLIANCE

The Company complies with the Immigration Reform and Control Act of 1986 and any applicable state law. The Company does not unlawfully discriminate on the basis of citizenship or national

origin. All new employees, as a condition of employment, must complete the Employment Eligibility and Verification Form I-9 and provide documentation that establishes their identity and eligibility for employment. Eligibility must be verified within three (3) days of employment. Former employees who are rehired must also complete the Form I-9 if they have not completed it with the Company within the past three (3) years, or if their previous I-9 is no longer valid. An employee may raise questions or complaints about immigration law or compliance without fear of unlawful retaliation.

Harassment and Complaint Procedure

It is the Company's policy to prohibit intentional and unintentional harassment of or against job applicants, contractors, interns, volunteers, or employees by another employee, supervisor, vendor, customer, or third party based on actual or perceived race, color, creed, religion, national origin, ancestry, citizenship status, age, sex or gender (including pregnancy, childbirth, and pregnancy-related conditions), gender identity or expression (including transgender status), sexual orientation, marital status, military service and veteran status, physical or mental disability, genetic information, or any other characteristic protected by applicable federal, state, or local laws. Such conduct will not be tolerated by the Company.

Furthermore, any retaliation against an individual who has complained about sexual or other harassment or retaliation against individuals for cooperating with an investigation of a harassment complaint is similarly unlawful and will not be tolerated. The Company will take all reasonable steps necessary to prevent and eliminate unlawful harassment.

The Company, in compliance with all applicable federal, state and local anti-discrimination and harassment laws and regulations, enforces this policy in accordance with the following definitions and guidelines:

Definition of "unlawful harassment." "Unlawful harassment" is conduct (verbal or nonverbal) that has the purpose or effect of creating an intimidating, a hostile, or an offensive work environment; has the purpose or effect of substantially and unreasonably interfering with an individual's work performance; or otherwise adversely affects an individual's employment opportunities because of the individual's membership in a protected class.

Unlawful harassment includes, but is not limited to, epithets; slurs; jokes; pranks; innuendo; comments; written or graphic material; stereotyping; or other threatening, hostile, or intimidating acts based on race, color, ancestry, national origin, gender, sex, sexual orientation, marital status, religion, age, disability, veteran status, or another characteristic protected by state or federal law.

Definition of "sexual harassment." While all forms of harassment are prohibited, special attention should be paid to sexual harassment. "Sexual harassment" can include all of the above actions, as well as other unwelcome conduct, and is generally defined under both state and

federal law as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature whereby:

- Submission to or rejection of such conduct is made either explicitly or implicitly a term or condition of any individual's employment or as a basis for employment decisions.
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, a hostile, or an offensive work environment.

Other sexually oriented conduct, whether intended or not, that is unwelcome and has the effect of creating a work environment that is hostile, offensive, intimidating, or humiliating to workers may also constitute sexual harassment.

While it is not possible to list all those additional circumstances that may constitute sexual harassment, the following are some examples of conduct that, if unwelcome, may constitute sexual harassment depending on the totality of the circumstances, including the severity of the conduct and its pervasiveness:

- Unwanted sexual advances, whether they involve physical touching or not;
- Sexual epithets; jokes; written or oral references to sexual conduct; gossip regarding one's sex life; comments about an individual's body; and comments about an individual's sexual activity, deficiencies, or prowess;
- Displaying sexually suggestive objects, pictures, or cartoons;
- Unwelcome leering, whistling, brushing up against the body, sexual gestures, or suggestive or insulting comments;
- Inquiries into one's sexual experiences; *and*
- Discussion of one's sexual activities.

All employees should take special note that, as stated above, retaliation against an individual who has complained about sexual or other harassment and retaliation against individuals for cooperating with an investigation of sexual or other harassment complaints violate the Company's policy.

Complaint procedure. If you believe you have been subject to or have witnessed unlawful discrimination, including sexual or other forms of unlawful harassment, or other inappropriate conduct, you are requested and encouraged to make a complaint. You may complain directly to your immediate supervisor or department manager, the HR director, or any other member of management with whom you feel comfortable bringing such a complaint. Similarly, if you observe acts of discrimination toward or harassment of another employee, you are requested and encouraged to report this to one of the individuals listed above.

All complaints will be investigated promptly, and confidentiality will be protected to the extent possible. A timely resolution of each complaint should be reached and communicated to the parties involved.

If the investigation confirms conduct that violates this policy, the Company will take immediate, appropriate, corrective action, including discipline, up to and including immediate termination.

No reprisal, retaliation, or other adverse action will be taken against an employee for making a complaint or report of discrimination or harassment or for assisting in the investigation of any such complaint or report. Any suspected retaliation or intimidation should be reported immediately to one of the persons identified above.

Nothing in this policy may prevent the complainant or the respondent from pursuing formal legal remedies or resolution through local, state or federal agencies or the courts, as applicable.

Insubordination

Insubordination in the workplace refers to an employee's intentional refusal to obey an employer's lawful and reasonable directive. Such a refusal would undermine a supervisor's level of respect and ability to manage and, therefore, is often a reason for disciplinary action, up to and including termination.

There are three factors in determining insubordination:

1. The employer gives the directive.
2. The employee acknowledges the directive.
3. The employee refuses to carry out the directive.

The directive itself may take the form of verbal or written instructions, the duties as described in a job description, and even an implied set of duties where no formal job description exists. Employee acknowledgments can be verbal, nonverbal (like nodding) or even the acceptance of a job offer. An employee's unwillingness to carry out a directive can manifest itself as a verbal refusal, a nonverbal refusal or an unreasonable delay in completing the work. Being verbally disrespectful is not a requirement here, as simply refusing to punch a time clock when directed to do so will constitute insubordination.

Employer policies prohibiting insubordination often go beyond disobedience to include rude and disrespectful behaviors, best described as insolence (defined as rude and disrespectful behaviors). These behaviors can include cursing, verbal or physical intimidation, personal insults, eye rolling or mocking, talking back, yelling, as well as speaking loudly or argumentatively in front of others (employees, managers, leadership, guests, customers, vendors, contractors, etc.). Over time, insolent behaviors can also affect a manager's level of respect and ability to manage. The Company expects employees to show professionalism and respect toward others. Failure to do so will result in discipline action up to including immediate termination of employment.

Conflicts of Interest and Confidentiality

Conflicts of Interest

The Company expects all employees to conduct themselves and Company business in a manner that reflects the highest standards of ethical conduct and in accordance with all federal, state, and local laws and regulations. This includes avoiding real and potential conflicts of interests.

A conflict of interest occurs when the interest of an employee or an outside party actually or potentially affect the interests of the Company or of its clients/customers. The Company recognizes and respects the right of individual employees to engage in activities outside of employment that are private in nature and do not in any way conflict with or reflect poorly on the Company.

It is not possible to define all the circumstances and relationships that might create a conflict of interest. If a situation arises in which there is a potential conflict of interest, the employee should discuss this with a manager for advice and guidance on how to proceed. The list below suggests some of the types of activities that indicate improper behavior, unacceptable personal integrity, or unacceptable ethics:

1. Simultaneous employment by another firm or restaurant that is a competitor of or supplier to the Company or other Donna's Caribbean Restaurants;
2. Carrying on Company business with a third party entity or firm in which the employee, or a close relative of the employee, has a substantial ownership or interest in;
3. Holding a substantial interest in, or participating in the management of, a third party entity or firm to which the Company makes sales or purchases with;
4. Borrowing money from customers or firms, other than recognized loan institutions, from which our Company buys services, materials, equipment, or supplies;
5. Accepting substantial gifts or excessive entertainment from an outside organization or agency;
6. Speculating or dealing in materials, equipment, supplies, services, or property purchased by the Company;
7. Participating in civic or professional organization activities in a manner that divulges confidential Company information;
8. Misusing privileged information or revealing confidential data to outsiders;
9. Using one's position in the Company or knowledge of its affairs for personal gains; *and*
10. Engaging in practices or procedures that violate antitrust laws, commercial bribery laws, copyright laws, discrimination laws, or other laws regulating the conduct of Company business.

Employee Privacy

It is the Company's goal to respect the individual privacy of its employees and at the same time maintain a safe and secure workplace. When issues of safety and security arise, you may be requested to cooperate with an investigation. The investigation may include the following

procedures to safeguard the Company and its employees: searches of personal belongings, searches of work areas, searches of private vehicles on Company premises, requirement of medical examinations, and the like. Failure to cooperate with an investigation is grounds for termination. Providing false information during any investigation may lead to discipline, including termination.

Employees are expected to make use of Company facilities only for the business purposes of the Company. Accordingly, materials that appear on Company hardware or networks are presumed to be for business purposes, and all such materials are subject to review by the Company at any time without notice to the employees. Employees do not have any expectation of privacy with respect to any Company property or material thereon. The Company regularly monitors its communications systems and networks as allowed by law. Monitored activity may include voice, e-mail, and text communications, as well as Internet search and browsing history. Employees who make excessive use of the communications system for personal matters are subject to discipline, including termination. Employees are expected to keep personal communication to a minimum and to emergency situations.

Video surveillance. As part of its security measures and to help ensure a safe workplace, the Company may use and/or reserves the right to position video cameras throughout the restaurant and surrounding areas. . Video cameras will not be used in private areas, such as restrooms, locker/dressing rooms, etc.

Privacy—Social Security Numbers

Policy and Procedure Regarding Use and Disclosure of Social Security Numbers

Purpose. This policy and procedure explains the Company’s general standards and practices for how Social Security numbers are gathered, stored, disclosed, and ultimately disposed of.

Policy. It is the Company’s policy that Social Security numbers obtained from employees, vendors, contractors, customers, or others are confidential information.

Social Security numbers will be obtained, retained, used, and disposed of only for legitimate business reasons and in accordance with the law and this policy.

Procedure. Documents or other records containing employee Social Security numbers generally will be requested, obtained, or created only for legitimate business reasons consistent with this policy. For example, Social Security numbers may be requested from employees for tax reporting purposes (i.e., Internal Revenue Service (IRS) Form W-4), for new hire reporting, or for purposes of enrollment in the Company’s employee benefit plans, amongst others.

Retention and access to Social Security numbers. All records containing Social Security numbers (whether partial or complete) will be maintained in secure, confidential files with limited access. Other employees may access and use such information as needed in the performance of their

Company duties. Upon written request, personal information may be provided to law enforcement officials, government agencies, any court, or law enforcement officials, as required under applicable law.

Unauthorized use/disclosure of Social Security numbers. Any employee who obtains, uses, or discloses Social Security numbers for unauthorized purposes or contrary to the requirements of this policy and procedure may be disciplined, up to and including termination of employment. The Company will cooperate with government investigations of any person alleged to have obtained, used, or disclosed Social Security numbers for unlawful purposes.

Employment Classification

In order to determine eligibility for benefits and overtime status and to ensure compliance with federal and state laws and regulations, the Company classifies its employees as shown below. The Company may review or change employee classifications at any time and without notice.

- 1) Every employee is designated as either exempt or non-exempt.

Exempt. Exempt employees are paid on a salary basis and are not eligible to receive overtime pay.

Nonexempt. Nonexempt employees are paid on an hourly basis and are eligible to receive overtime pay for overtime hours worked (after 40 actual worked hours in a pay week).

- 2) In addition, every employee will be further classified as either regular full-time or regular part-time.

Regular, full time. Employees who are not in a temporary status and work a minimum of 30 hours weekly and maintain continuous employment status. Generally, these employees are eligible for the full-time benefits package and are subject to the terms, conditions, and limitations of each benefits program.

Regular, part time. Employees who are not in a temporary status and who are regularly scheduled to work less than 30 hours weekly but at least 20 hours weekly and who maintain continuous employment status. Part-time employees are eligible for some of the benefits offered by the Company and are subject to the terms, conditions, and limitations of each benefits program.

Workweek, Hours of Work, Schedules

The Company's workweek is Sunday to Saturday. If you are a non-exempt employee, you must submit signed timesheets to your supervisor on the last workday of your week. If you are an exempt employee, you must identify sick time, personal time, bereavement time, holidays and vacation time, as applicable, taken in a record submitted to your supervisor. Paychecks will usually be distributed on Friday, but is subject to change without notice by the Company.

The regular schedule is a five (5) day week, with varying shifts. The work schedule is always posted in the office hallway.

Management may post schedules in advance, and you are responsible for the weekly work schedule your manager assigns to you. Since the schedule is subject to change, it is essential that you keep yourself informed of the hours you are scheduled to work. In the event you are unable to cover your assigned shift, you are required to immediately notify your manager and make a good faith effort to find coverage. Any shift swap must be approved in advance by your manager.

An office employee's work schedule is individually assigned based upon the nature of the employee's responsibilities, the Company's needs and the ability to ensure coverage during lunch and break periods.

Company provides a schedule template to assist with this process.

Our Company takes the standards set forth above seriously, and violations are cause for disciplinary action up to and including termination of employment.

Depending on the Company's need, the Company's restaurant may close as needed and on Sundays at the discretion of the Company. The owner(s) of the Company is the only authorized person to close or change hours of the Company's restaurant. In the event of a closure, non-exempt hourly employees will not be paid. Exempt employees under the Fair Labor Standards Act (hereinafter "FLSA") are required to be paid for the closure time period.

Meal and Rest Breaks

Employees may be given a 30-minute unpaid meal break each day in the discretion of the Company. If a non-exempt employee is required to work through a meal break, the non-exempt employee will be paid for the 30-minute period. Employees may be given two (2) fifteen (15)-minute rest periods each day at the discretion of the Company. Meal and rest breaks will be scheduled by the manager. The foregoing does not apply to employees who are considered as minors (under the age of 18), and the Company will provide meal and rest breaks to minor employees as required under applicable law.

Time Records

The Company expects and requires all non-exempt employees to accurately and timely record all hours worked. Federal and state laws require the Company to keep an accurate record of time worked in order to calculate employee pay and benefits. Time worked is all the time actually spent on the job performing assigned duties. Non-exempt employees must clock in and out at the beginning and end of the shift; for appointments; and for personal breaks, (other than as directed in connection with Meals and Rest Breaks, as applicable), meetings, etc. If you are unsure about whether you need to clock in or clock out, please consult your manager or supervisor.

Frequently forgetting or otherwise losing clock-in and/or out times may lead to disciplinary action, up to and including termination of employment.

Altering, falsifying, and/or tampering with time records, clocking in or out for another employee, and/or recording time on another employee's time record, may lead to disciplinary action, up to and including immediate termination of employment.

Authorized personnel will review time records daily. Any changes to an employee's time record must be approved by management and a time sheet signed by employee must be submitted to back up the change.

Questions regarding the timekeeping system or timecards should be directed to the Human Resource Department.

Working "off the clock" is a violation of Company policy. If you have been instructed to work off the clock by anyone, or instructed not to accurately record all time worked by anyone, you must immediately report this matter to the HR Department.

Working at another location and Time Sheets

The only Company approved Time Sheet is located at the cashier. If you are unable to locate the approved Time Sheet, ask your manger. When an employee floats (covers) at another location, a time sheet must be submitted to the manager in order for payroll to be recorded accurately and payroll expenses can be reimbursed to that location. It is the responsibility of the employee to notify their manager at their regular location of this, and the manger is then responsible to notify payroll. Overtime will be calculated pursuant to the FLSA.

Any corrections or time sheets not turned in by the deadline may result in pay corrections on the next pay cycle due to time sensitive deadlines.

Our Company takes seriously the standards set forth above, and violations are cause for disciplinary action up to and including termination of employment.

Overtime

When required due to the needs of the Company, you may be asked to work overtime. Overtime is actual hours worked in excess of 40 in a single workweek. Nonexempt employees will be paid overtime compensation at the rate of one and one-half their regular rate of pay for all hours over 40 actually worked in a single workweek. Paid leave, such as holiday, paid time off (PTO), bereavement time, and jury duty, will not be considered hours worked for purposes of performing overtime calculations. **All overtime work must be approved in advance by a supervisor or manager.**

Our Company takes seriously the standards set forth, and violations are cause for disciplinary action up to and including termination of employment.

Deductions from Pay/Safe Harbor Exempt Employees

The Company does not make improper deductions from the salaries of exempt employees and complies with the salary basis requirements of the FLSA. Employees classified as exempt from the overtime pay requirements of the FLSA will be notified of this classification at the time of hire or change in position.

Permitted deductions. The FLSA limits the types of deductions that may be made from the pay of an exempt employee. Deductions that are permitted include:

- Deductions that are required by law, e.g., income taxes;
- Deductions for employee benefits when authorized by the employee;
- Absence from work for 1 or more full days for personal reasons other than sickness or disability;
- Absence from work for 1 or more full days due to sickness or disability if the deduction is made in accordance with a bona fide plan, policy, or practice of providing compensation for salary lost due to such illness or disability;
- Offset for amounts received as witness or jury fees or for military pay;
- Unpaid disciplinary suspensions of 1 or more full days imposed in good faith for violations of workplace conduct rules; *and*
- Any full workweek in which the employee does not perform any work.
- Deductions for the cost of replacing or repairing and Company supplies, materials, equipment, money, uniforms, keys, other property that may be lost or damaged (other than normal wear and tear), failing to return Company property, or taking Company property without appropriate authorization from the Company during employment. No deduction will take your pay below minimum wage. Notwithstanding the above, such deductions shall only be made to the extent they are permitted in accordance with the Department of Labor and/or Fair Labor Standards Act regulations.

It is our intention to abide by applicable Federal, State, and Local wage and hour laws, as applicable.

During the week an exempt employee begins work for the Company or during the last week of employment, the employee will only be paid for actual hours worked. In addition, an employee may be paid only for hours worked during a period when the employee is using unpaid leave under the Family and Medical Leave Act (FMLA).

Improper deductions. If an employee classified as exempt believes that an improper deduction has been taken from the employee's pay, the employee should immediately report the deduction to the HR Department. The report will be promptly investigated, and if it is found that an improper deduction has been made, the Company will reimburse the employee for the improper deduction.

Paychecks

The Company's pay period for all employees is biweekly and paid every other Friday. If a payday falls on a federal holiday, employees will receive their paycheck on the preceding workday.

Access to Personnel Files

Employee files are maintained by the HR Department and are considered confidential. Managers and supervisors may only have access to personnel file information on a need-to-know basis. Personnel files are the property of the Company. Employees may inspect their own personnel files and may copy them but may not remove documents from their file. Inspections by employees must be requested in writing to the HR Department with reasonable advance notice, and will be scheduled at a mutually convenient time or as required under applicable law. Personnel files are to be reviewed in the HR Department. Representatives of government or law enforcement agencies, in the course of their duties, may be allowed access to file information.

Employment of Relatives and Domestic Partners

Relatives and domestic partners may be hired by the Company if (1) the persons concerned will not work in a direct supervisory relationship, and (2) the employment will not pose difficulties for supervision, security, safety, or morale. For the purposes of this policy, "relatives" are defined as spouses, children, siblings, parents, grandparents, stepchildren, aunts, uncles, grandchildren, parents-in-law, brother-in-law, sister-in-law, daughters-in-law, and sons-in-law. Other relationships will be reviewed, as necessary. A "domestic partnership" is generally defined as a committed relationship between two individuals who are sharing a home or living arrangements. Relatives/domestic partners will be considered for employment only after undergoing review with HR Department.

Current employees who marry each other or become involved in a domestic partnership will be permitted to continue employment with the Company provided they don't work in a direct supervisory relationship with each other or otherwise pose difficulties as mentioned above. If employees who marry or live together do work in a direct supervisory relationship with each other, the Company will attempt to reassign one of the employees to another position for which the employee is qualified if such a position is available. If no such position is available, the employees will be permitted to determine which one of them will resign from the Company.

Separation from Employment

In all cases of voluntary resignation (one initiated by the employee), employees are asked to provide a written notice to their supervisors at least 10 working days in advance of the last day of work. The 10 days must be actual working days. Holidays and PTO will not be counted toward the 10-day notice. Employees who provide the requested amount of notice will be considered to have resigned in good standing and generally will be eligible for rehire.

Re-employment

If you resign under favorable conditions, you may be eligible, at the Company's sole discretion, for re-employment with the Company at a later date. Upon re-employment, however, you will not receive credit for your previous employment with the Company for purposes of seniority or benefits eligibility unless otherwise required by law.

Exit Interviews

The Company may request that you participate in an exit interview upon your separation from employment for any reason.

Final Paychecks

Employees are not paid severance pay upon their separation from employment. Any employee who resigns or otherwise leaves his or her employment voluntarily or is terminated will be paid his or her final pay on the next regularly scheduled payday following the effective date of the separation.

Return of Company Property

Should your employment with Company cease for any reason, you are required to return all Company property, including, without limitation: credit cards; equipment; documents; files; computers; vehicles; etc. This must be coordinated with your supervisor in advance of your last day of employment.

References

At its sole discretion, the Company will provide neutral references for employees who separate their employment with the Company. The neutral reference will include confirmation of employment dates and position only. Employees should not provide business references for former employees. Any requests for business references should be directed to the HR Department.

Workplace Safety

Drug-Free and Alcohol-Free Workplace

It is the policy of the Company to maintain a drug- and alcohol-free work environment that is safe and productive for employees and others having business with the Company.

Smoke-Free Workplace

Smoking is not allowed in the restaurant or work areas at any time. “Smoking” includes the use of any tobacco products (including chewing tobacco), electronic smoking devices, and e-cigarettes.

Smoking is only permitted during break times in designated outdoor areas. Employees using these areas are expected to dispose of any smoking debris safely and properly.

Workplace Violence Prevention

The Company is committed to providing a safe, violence-free workplace for our employees. Due to this commitment, we do not tolerate any physical confrontation or behaving in a threatening or violent manner. Threats, threatening language, or any other acts of aggression or violence made toward or by any employee will not be tolerated. A threat may include any verbal or physical harassment or abuse; attempts to intimidate others; menacing gestures; stalking; or any other hostile, aggressive, and/or destructive actions taken for the purposes of intimidation. This policy covers any violent or potentially violent behavior that occurs in the workplace or at Company-sponsored functions.

Any employee who witnesses or is the recipient of violent behavior should promptly inform their supervisor, manager, or HR Department. All threats will be promptly investigated. No employee will be subject to retaliation, intimidation, or discipline as a result of reporting a threat in good faith under this guideline.

Any individual engaging in violence against the Company, its employees, or its property will be prosecuted to the full extent of the law. All acts will be investigated, and the appropriate action will be taken. Any such act or threatening behavior may result in disciplinary action up to and including immediate termination.

Possession of weapons on Company property is strictly prohibited at all times, including our parking lots or Company vehicles. Additionally, while on duty, employees may not carry a weapon of any type. Weapons include, but are not limited to, handguns, rifles, automatic weapons, knives that can be used as weapons (excluding pocketknives, utility knives, and other instruments that are used to open packages or cut string and for other miscellaneous tasks), martial arts paraphernalia, stun guns, and tear gas. Any employee violating this policy is subject to discipline up to and including immediate termination.

The Company reserves the right to inspect all belongings of employees on its premises, including packages, briefcases, purses and handbags, gym bags, and personal vehicles on Company property. In addition, the Company (or others acting on behalf of the Company) may inspect the contents of lockers, storage areas, file cabinets, desks, and workstations at any time and may remove all property and other items that are in violation of Company rules and policies.

Workers' Compensation and Accidents

It is the Company's aim to provide you with a safe working environment. Your safety and health is of utmost importance to our operations. We make strenuous efforts to safeguard all operations by providing safety equipment and instructions, not only for job efficiency, but primarily for your and your fellow employees' protection. The Company provides workers' compensation insurance against injury or disease as a result of your occupation under the laws of the state in which you work. If you are injured on the job or while traveling on legitimate business for the Company, you are required to notify your supervisor immediately and complete all the necessary workers' compensation forms to be eligible for those benefits, subject to applicable legal requirements. Safety is everyone's responsibility. If you become aware of an unsafe situation, you must immediately advise your supervisor. With everyone's cooperation, we can have safe, accident-free operations throughout the restaurant. When you are performing certain operations, you must wear the proper personal safe equipment and follow all safety procedures. Remember, violations of a safety rule or safety instructions may be followed by disciplinary action, even though a resulting accident may not cause injury. This does not change the employee's at-will status. Ignorance of a rule or procedure will not be accepted as an excuse for any violation. If you are not sure, ask!

Employees are required to report all accidents immediately to their immediate supervisor, who shall in turn notify the HR Department as soon as reasonably practical, and in no case longer than twenty-four (24) hours. Accidents include injury on the job as well as damage to public/private property. The supervisor should complete the First Report of Injury form with input from the employee and return the form to the HR Department. The HR Department will file the claim with the insurance company. In cases of true medical emergencies, report to the nearest emergency room or call 911.

Workers' compensation is a "no-fault" system that provides compensation for medical expenses and wage losses to employees who are injured or who become ill because of employment. The Company pays the entire cost of workers' compensation insurance. The insurance provides coverage for related medical and rehabilitation expenses and a portion of lost wages to employees who sustain an injury on the job, subject to applicable legal and insurance policy requirements.

Workers' compensation benefits (paid or unpaid) will run concurrently with FMLA leave, if applicable, where permitted by state and federal law. In addition, employees will not be paid vacation or sick leave for approved absences covered by the Company's workers' compensation program, except to supplement the workers' compensation benefits such as when the plan only covers a portion of the employees' salary as allowed by state law.

Commitment to Safety

Protecting the safety of our employees and visitors is the most important aspect of running our business.

All employees have the opportunity and responsibility to contribute to a safe work environment by using commonsense rules and safe practices and by notifying management when any health or safety issues are present. All employees are encouraged to partner with management to ensure maximum safety for all.

The restaurant insists that each employee act in a safe manner in the restaurant. Unsafe actions by anyone will not be tolerated. If you have any questions about your personal safety, be sure to bring them to the attention of your immediate supervisor. If you have any suggestions or ideas on how to improve individual or restaurant safety, please bring these ideas to the attention of your immediate supervisor. For purposes of security, any employee who has been issued keys or access codes to any owned property may not duplicate those keys without the permission of the Company, through an authorized representative.

IMPORTANT! You must:

- Use safety equipment
- Wear safety clothing
- Not operate equipment for which you are not properly trained
- Warn co-workers/Help each other
- Report defective equipment and dangerous or unsafe conditions
- Report injuries and accidents
- Report unsafe conditions that will affect the public
- Take care of tools and equipment and they will take care of you

*****Remember: Think Safety*****

In the event of an emergency, notify the appropriate emergency personnel by dialing 9 for an outside line, then dialing 911 to activate the medical emergency services.

Any workplace injury, accident, or illness must be reported to the employee's supervisor as soon as possible, regardless of the severity of the injury or accident. A First Report of Injury **MUST** be filled out and sent to the Workers' Compensation Claims department and a copy to Human Resources.

Emergency Closings

At times, emergencies such as severe weather, fires, or power failures can disrupt the Company's operations. The decision to close any restaurant will be made by the manager on duty. When the decision is made to close any restaurant, employees will be notified by the manager on duty. Time off from scheduled work due to emergency closings will be unpaid for all non-exempt employees.

Visitors

In order to maintain security and safety for our employees, the Company has the following policy with respect to visitors:

Generally, friends and family members are not permitted to visit employees at the workplace while the employee is working unless for an emergency.

When employees have any doubt whether a person can visit, they should contact the HR Department.

Workplace Guidelines

Attendance

Absenteeism and tardiness place a burden on other employees and on the Company, and for this reason, the Company expects you to be at work on time and as scheduled.

All employees are encouraged to arrive five (5) minutes before scheduled shift, ready to work, every day they are scheduled to work.

If unable to arrive at work on time, or if an employee will be absent for an entire day, the employee must contact the supervisor as soon as possible. (minimum two hours' notice before shift) Voicemail, text, and e-mail messages are not acceptable except in certain emergency circumstances.

Our Company takes seriously the standards set forth herein, and violations are cause for disciplinary action up to and including termination of employment.

Failure to show up or call in for a scheduled shift without prior approval also may result in discipline up to and including immediate termination. If an employee fails to report to work or call in to inform the supervisor of the absence for 3 consecutive days or more, unless earlier terminated, the employee will be considered to have voluntarily resigned employment.

Walking off the job also constitutes job abandonment and employee will resign his position or be considered as terminated by the Company.

If you must leave a shift early, you are required to obtain authorization from a supervisor, although nothing in this policy is intended to interfere with an employee's rights under Section 7 of the NLRA. The Company shall, in accordance with applicable law, make any necessary exceptions to this policy to comply with any applicable laws.

Employees are encouraged to arrive to work fifteen (5) minutes before their shift begins and are paid for any time they are required to be on work premises (such as for mandatory

meetings). In the event that you are not needed at the time of your arrival, you will be given a specific time to return to work.

Excessive absenteeism or tardiness will result in discipline action up to and including immediate termination.

Job Performance

Communication between employees and supervisors or managers is very important. Discussions regarding job performance are ongoing and often informal. Employees should initiate conversations with their supervisors if they feel additional ongoing feedback is needed.

Generally, formal performance reviews may be conducted annually. These reviews may include a written performance appraisal and discussion between the employee and the supervisor about job performance and expectations for the coming year. Verbal and written counseling sessions may be included in the appraisal.

Rating scales and point systems may also be used in performance reviews to indicate an employee's level of performance or achievement.

Outside Employment

Employees generally are permitted to work a second job as long as it does not interfere with their job performance or create a conflict of interest with the Company's business. Unless an alternative work schedule has been approved by the Company, employees will be subject to the Company's scheduling demands, regardless of any existing outside work assignments.

Employees are not permitted to use the Company's supplies, workspace, or other materials when engaged in outside employment.

Employees with a second job are expected to work their assigned schedules. A second job will not be considered an excuse for poor job performance, absenteeism, tardiness, leaving early, refusal to travel, or refusal to work overtime or different hours. In addition, employees who have accepted outside employment may not use paid sick time to work on the outside job. However, an employee on a leave of absence may continue to work in the outside job if this employment has been approved by the Company under this policy and the employee's reason for leave does not preclude the outside employment.

If outside work activity causes or contributes to job-related problems, it must be discontinued, or the employee may be subject to disciplinary action up to and including immediate termination.

EMPLOYEE THEFT

Theft of any kind will not be tolerated and may lead to termination of employment. For purposes of this policy, theft includes, but is not limited to:

- theft of Company property, Company goods, or personal belongings;
- failure to ring up merchandise delivered to a guest (sliding);
- consumption of goods or drinks without paying for it (grazing); and/or
- falsely inflating a guest check and/or adding gratuity to a bill without the approval of the guest and manager on duty.

CUSTOMER COMPLAINTS AND GRATUITY

We strive to provide our guests with an excellent customer experience. If you receive a customer complaint, remain calm and polite, and immediately consult with your manager. Additionally, approaching a guest regarding the amount of gratuity is prohibited. Employees are also prohibited from altering or otherwise tampering with the amount of gratuity left (or not left) by a guest.

OFF-DUTY CONDUCT

Employees are expected to comply with the following, off-duty conduct rules:

- Employees are allowed to consume alcoholic beverages while in the restaurant as a guest only with the permission of the manager on duty;
- Employees may not consume more than four (4) alcoholic beverages per day at the restaurant;
- employees may not redeem coupons for toys;
- employees may not play Midway games;
- employees are not allowed to sit in the bar area;
- employees must refrain from interfering with employees who are on the clock performing work duties; and
- bartenders' girlfriends or boyfriends are not allowed to sit at their bar.

Dress and Grooming

The Company provides a casual yet professional work environment for its employees. Even though the dress code is casual, it is important to project a professional image to our customers, visitors, and coworkers. All employees are expected to dress in a manner consistent with good hygiene, safety, and good taste. Please use common sense.

Certain employees may be required to meet special dress and grooming requirements, such as wearing uniforms or safety equipment/clothing, depending on the nature of their job. Any questions or complaints regarding the appropriateness of attire should be directed to the HR Department. Decisions regarding attire will be made by the HR Department and not by individual departments or managers.

Dress, grooming, and personal cleanliness standards contribute to a positive morale.

During business hours, and at the start of their shifts, employees are expected to be clean, neat, and professional in appearance. Deodorant should be used and perfume, cologne or aftershave, while allowed, must be kept to a minimum. Additional guidelines include the following:

- extremes in design, fit, color, or material should be avoided;
- perfume, cologne and aftershave lotion should be used moderately or avoided altogether, as some individuals may be sensitive to strong fragrances;
- excessive makeup is not permitted;
- jewelry should not be functionally restrictive, dangerous to job performance or excessive;
- mustaches and beards must be clean, well-trimmed and neat;
- hair is expected to be clean, hairstyles are expected to be in good taste, and must be secured behind the shoulders;
- fingernails should be clean and trimmed; excessively long fingernails are Prohibited;
- torn or soiled clothes, or tight fitting are not acceptable; and
- employees may not wear shorts.

Employees are also expected to meet specific uniform requirements, and may not wear their uniform shirts in the restaurant or bar when the employee is off duty, meaning not scheduled to work. Any employee who reports to work dressed inappropriately may be asked to leave work and to return after appropriate dress has been obtained, and the time spent at home changing may be unpaid. Employees who fail to observe the standards included herein may be subject to disciplinary action up to and including termination. The Company may make exceptions to this policy as a reasonable accommodation.

Social Media Acceptable Use

The Company encourages employees to share information with coworkers and with those outside the Company for the purposes of gathering information, generating new ideas, and learning from the work of others. Social media provides inexpensive, informal, and timely ways to participate in an exchange of ideas and information. However, information posted on a website is available to the public, and therefore, the Company has established the following guidelines for employee participation in social media.

Note: As used in this policy, “social media” refers to blogs, forums, and social networking sites, such as Twitter, Facebook, LinkedIn, YouTube, Instagram, and Snapchat, among others.

Off-duty use of social media. Employees may maintain personal websites or weblogs on their own time using their own facilities. Employees must ensure that social media activity does not interfere with their work. In general, the Company considers social media activities to be personal endeavors, and employees may use them to express their thoughts or promote their ideas. In addition, employees may not post on a personal blog or webpage or participate on a

social networking platform for personal purposes during work time or at any time with Company equipment or property.

Respect. Demonstrate respect for the dignity of the Company, its owners, its customers, its vendors, and its employees. A social media site is a public place, and employees should avoid inappropriate comments. For example, employees should not divulge the Company's confidential information such as trade secrets, client lists, or information restricted from disclosure by law on social media sites. Similarly, employees should not engage in harassing or discriminatory behavior that targets other employees or individuals because of their protected class status or make defamatory comments or engage in other behavior that violates the Company's policies.

Post disclaimers. Employees who identify themselves as Company employees or discuss matters related to the Company on a social media site must include a disclaimer on the front page stating that it does not express the views of the Company and that the employees are expressing only personal views—for example: "The views expressed on this website/Weblog are mine alone and do not necessarily reflect the views of my employer." Place the disclaimer in a prominent position, and repeat it for each posting expressing an opinion related to the Company or the Company's business. Employees must keep in mind that if they post information on a social media site that is in violation of Company policy and/or federal, state, or local law, the disclaimer will not shield them from disciplinary action.

Competition. Employees should not use social media to criticize the Company's competition and should not use it to compete with the Company.

Confidentiality. Do not identify or reference Company clients, customers, or vendors without express permission. Employees may write about their jobs in general but may not disclose any confidential or proprietary information. For examples of confidential information, please refer to the confidentiality policy. When in doubt, ask before publishing.

New ideas. Please remember that new ideas related to work or the Company's business belong to the Company. Do not post them on a social media site without the Company's written permission.

Trademarks and copyrights. Do not use the Company's or others' trademarks on a social media site or reproduce the Company's or others' material without first obtaining written permission.

Legal. Employees are expected to comply with all applicable laws, including, but not limited to, Federal Trade Commission (FTC) guidelines and copyright, trademark, and harassment laws.

Discipline. Violations of these policies may result in discipline up to and including immediate termination of employment.

Nothing in this policy is meant to, nor should it be interpreted to, in any way limit your rights under any applicable federal, state, or local laws, including your rights under the NLRA.

Our Company takes seriously the standards set forth, and violations are cause for disciplinary action up to and including termination of employment.

Bulletin Boards

All required governmental postings are posted on the boards located in the break room. These boards may also contain general announcements.

Solicitation

Employees should be able to work in an environment that is free from unnecessary annoyances and interference with their work. In order to protect our employees and visitors, solicitation by employees is strictly prohibited while either the employee being solicited or the employee doing the soliciting is on “working time.” “Working time” is defined as time during which an employee is not at a meal, on break, or on the premises immediately before or after a shift.

Employees are also prohibited from distributing written materials, handbills, or any other type of literature on working time and, at all times, in “working areas,” which include all office areas. “Working areas” do not include break rooms, parking lots, or common areas shared by employees during nonworking time.

Nonemployees may not trespass or solicit or distribute materials anywhere on Company property at any time.

Nothing in this policy is meant to, nor should it be interpreted to, in any way limit your rights under any applicable federal, state, or local laws, including your rights under the NLRA.

Computers, Internet, E-Mail, and Other Resources

The Company provides a wide variety of communication tools and resources to employees for use in running day-to-day business activities. Whether it is the telephone, voicemail, scanner, Internet, intranet, e-mail, text messaging, portable electronic devices, or any other Company-provided technology, use should be reserved for business-related matters during working hours. All communication using these tools should be handled in a professional and respectful manner.

Employees give permission to use their emails, phones, and to receive and send text to communicate with the Company.

Employees should not have any expectation of privacy in their use of Company computer, phone, portable electronic devices, or other communication tools. All communications made using Company-provided equipment or services, including e-mail and Internet activity, are subject to inspection by the Company. Employees should keep in mind that even if they delete an e-mail, a voicemail, or another communication, a copy may be archived on the Company’s systems.

Employee use of Company-provided communication systems, including personal e-mail and Internet use, that is not job-related has the potential to drain, rather than enhance, productivity and system performance. You should also be aware that information transmitted through e-mail and the Internet is not completely secure or may contain viruses or malware, and information you transmit and receive could damage the Company’s systems, as well as the reputation and/or competitiveness of the Company. To protect against possible problems, delete any e-mail

messages before opening that are received from unknown senders and advertisers. It also is against Company policy to turn off antivirus protection software or make unauthorized changes to system configurations installed on Company computers. Any violation of this policy may result in immediate termination.

The Company encourages employees to use e-mail only to communicate with fellow employees, suppliers, customers, or potential customers regarding Company business. Internal and external e-mails are considered business records and may be subject to federal and state recordkeeping requirements, as well as to discovery in the event of litigation. Be aware of this possibility when sending e-mails within and outside the Company.

All use of Company-provided communications systems, including e-mail and Internet use, should conform to our Company guidelines/policies, including but not limited to the Equal Opportunity, Harassment, Confidential Information, and Conflicts of Interest. So, for example, employees should not engage in harassing or discriminatory behavior that targets other employees or individuals because of their protected class status or make defamatory comments. Similarly, employees should not divulge confidential information such as trade secrets, client lists, or information restricted from disclosure by law on social media sites.

Because e-mail, telephone and voicemail, and Internet communication equipment are provided for Company business purposes and are critical to the Company's success, your communications may be accessed without further notice by IT department administrators and the Company to ensure compliance with this guideline.

The electronic communication systems are not secure and may allow inadvertent disclosure, accidental transmission to third parties, etc. Sensitive information should not be sent via unsecured electronic means.

Employees should pay particular care to the use and security of portable electronic devices when used for business-related purposes, such as laptops, tablets, smartphones, and other data storage media, whether provided by the employer or the employee. Lost or stolen portable electronic devices containing Company information may cause breaches of security that result in the loss of Company confidential commercial data, the loss of vital research data, the unauthorized disclosure of sensitive employee data, lawsuits against the individual, and lawsuits against the Company. Employees should use appropriate password protections for such devices and physically secure them as recommended by IT department administrators.

Office telephones are for business purposes. While the Company recognizes that some personal calls are necessary, these should be kept as brief as possible and to a minimum. Generally, personal use of the Company's cell phones, long-distance account, or toll-free numbers is strictly prohibited. Abuse of these privileges is subject to corrective action up to and including termination.

The Company reserves the right to monitor customer calls to ensure employees abide by Company quality guidelines and provide appropriate levels of customer service. Should the

subject matter of any telephone conversation become personal while monitoring is taking place, monitoring of the call will immediately be discontinued.

Violations of these policies may result in discipline up to and including immediate termination of employment.

Nothing in this policy is meant to, nor should it be interpreted to, in any way limit your rights under any applicable federal, state, or local laws, including your rights under the NLRA.

Workplace Gossip

Gossip is defined as a rumor or talk of a personal, sensational, or intimate nature. At its worst, gossip involves vicious rumors that create animosity among co-workers and disruptions in the workforce. Gossip rarely is a form of flattery, and can cause irreparable damage. In order to have a professional and gossip-free workplace:

- Malicious personal gossip will not be tolerated. Attacking other employees whether out of dislike for an individual or for personal gain can create animosity, tension and organizational dissension. Such employees may be subject to discipline.
- Employees who spend considerable time gossiping will be made aware that their behavior is not acceptable and that they are wasting valuable Company time and money. Such employees may be subject to discipline.
- Nothing herein is meant to limit employees' rights protected by the National Labor Relations Act (NLRA).

Disciplinary Procedure

The Company expects employees to comply with the Company's standards of behavior and performance and to correct any noncompliance with these standards.

Under normal circumstances, the Company endorses a policy of progressive discipline in which it attempts to provide employees with notice of deficiencies and an opportunity to improve. It does, however, retain the right to administer discipline in any manner it sees fit. This policy does not modify the status of employees as employees at will or in any way restrict the Company's right to bypass the disciplinary procedures suggested.

The Company may take the following steps in the discipline procedure. All steps should be documented in the employee's personnel file where reasonably possible.

Step 1: Informal Discussion. When a performance problem is first identified, the nature of the problem and the action necessary to correct it may be thoroughly discussed with the employee.

Step 2: Counseling. If a private informal discussion with the employee has not resulted in corrective action, following a thorough investigation, the supervisor may meet with the

employee and (a) review the problem, (b) permit the employee to present information regarding the problem, (c) advise the employee that the problem must be corrected, (d) inform the employee that failure to correct the problem will result in further disciplinary action that may include discharge, and (e) issue a counseling notice to the employee.

Step 3: Reprimand. If satisfactory performance and corrective action are not achieved under Steps 1 and 2, the supervisor and a representative from the HR Department may meet with the employee in private and proceed via Step 2- (a) through (e) above and issue a reprimand notice to the employee.

Step 4: Suspension. Supervisors have the authority to temporarily remove employees from the workplace, with or without pay, if approved in advance by the Manager and District Manager. An exempt employee generally may not be suspended without pay for less than a full day, and the suspension must be related to written workplace conduct rules applicable to all employees, such as a written policy prohibiting sexual harassment or workplace violence.

Step 5: Failure to improve. Failure to improve performance or behavior after the written warning or suspension can result in termination.

The progressive disciplinary procedures described above also may be applied to an employee who is experiencing a series of unrelated problems involving job performance or behavior.

Where the Company in its sole discretion determines it is necessary, the procedures contained above may be disregarded and immediate termination of employment may result.

Time Off and Leaves of Absence

Holidays

The Company observes and allows time off with pay for full time exempt employees for the following holidays:

- Thanksgiving Day
- Christmas Day

Any additional holidays will be designated by the Company at the start of each calendar year.

To receive holiday pay, an eligible nonexempt employee must be at work.

Religious observances. Employees who need time off to observe religious practices or holidays not already scheduled by the Company should speak with their supervisor. Depending upon business needs, the employee may be able to work on a day that is normally observed as a holiday and then take time off for another religious day. Employees may also be able to switch a scheduled day with another employee, take vacation time, or take off unpaid days. The Company will seek to reasonably accommodate individuals' religious observances. Employees may request

unpaid time off from work for the observance of religious holidays by notifying his or her immediate supervisor at least ten (10) days in advance of the required time off.

Vacation

The Company recognizes the importance of time off from work to relax, spend time with family, and enjoy leisure activities. The company provides paid vacation time to full-time employees for this purpose, and such full-time employees are encouraged to take vacation during the year.

Full-time Exempt Employees will accrue paid vacation according to the following schedule

<u>Service Period</u>	<u>Monthly Vacation Accrual</u>
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Calendar Year	1.54 hours per pay period (equals 5 vacation days per year)
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Employees may not take paid vacation until they actually have earned or accrued the vacation time. New employees accrue paid vacation at the start of employment but do not become eligible to use accrued vacation until after completion of at least 3 months of employment.

Generally, employees should submit vacation plans to their supervisor at least 4 weeks in advance of the requested vacation date. Managers have the right to designate when some or all of vacations must be taken.

Vacation must be used in the year it is earned. Employees will not be permitted to carry over accrued vacation to the following calendar year. Unused vacation will be forfeited.

Employees whose employment terminates will not be paid for unused vacation time that has accrued during the calendar year of the termination.

Part Time Employees are not entitled to vacation time. Exempt employees may take vacation time only in full day increments.

Sick Leave

The Company provides full-time employees with paid sick days. Full-time employees become eligible for sick days after completing 90 days of employment.

Full-time Exempt Employees accrue sick days as follows:

<u>Service Period</u>	<u>Monthly Sick Accrual</u>
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Exempt Calendar Year	1.54 hours per pay period (equals 5 sick days per year)
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Non-Exempt Calendar Year	.93 hours per pay period (equals 3 sick days per year)
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Sick days are not intended to be used as a substitute for vacation days, but sick days may be used if an employee needs to provide care for a family member who is ill. Sick days may also be used if an employee needs time off for scheduled medical procedures.

If the need for sick leave is foreseeable, employees are required to give at least 30 days' advance notice (e.g., a planned medical treatment) whenever possible. If the need for sick leave is not foreseeable, employees are asked to notify their supervisor as soon as is practical.

The Company reserves the right to require a satisfactory statement of a health care provider whenever an employee misses work due to an illness or injury. The employee may be asked to provide a physician's statement that verifies that an illness or injury existed, its beginning and ending dates, and the employee's ability to return to work. When requested, such verifications and releases may be a condition to receiving sick leave benefits and returning to work. Although a physician's statement normally will not be requested for absences of three working days or less, the Company may request such a statement in situations where it determines that a physician's statement is warranted.

Sick leave must be used in the year it is earned. Employees will not be permitted to carry over accrued sick leave to the following calendar year. Unused sick leave will be forfeited.

Except as required by state law, unused sick days are forfeited when an employee's employment ends for any reason.

Family and Medical Leave

The Company grants unpaid leaves of absence to qualified workers for certain medical and family-related reasons in accordance with the federal Family and Medical Leave Act ("FMLA") to the extent that the Company meets the minimum compliance requirements of the FMLA. The Company also abides by any state and local leave laws applicable to the Company. The more generous of the laws will apply to the employee if the employee is eligible under both federal and state laws.

Please note there are many requirements, qualifications, and exceptions under these laws, and each employee's situation is different. Contact the HR Department to discuss options for leave.

The FMLA requires private employers with 50 or more employees to provide eligible employees up to 12 weeks of unpaid, job-protected leave in any 12-month period for certain family and medical reasons further described below. The 12-month period is a rolling period measured backward from the date an employee uses any FMLA leave, except for leaves to care for a covered service member with a serious illness or injury where the leave entitlement is 26 weeks in a single 12-month period measured forward from the date an employee first takes that type of leave.

Basic leave entitlement. The FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to eligible employees for the following reasons (which may be subject to further conditions as established under FMLA): (1) the birth of a son or daughter of the employee and in order to care for such son or daughter; (2) the placement of a son or daughter with the employee for adoption or foster care; (3) to care for the spouse, or a son, daughter, or parent, of the employee, if such spouse, son, daughter, or parent has a serious health condition; or (4) a serious health condition that makes the employee unable to perform the functions of the employee's position.

Military family leave entitlements. Eligible employees with a spouse, child, or parent who is a member of the Armed Forces (including the National Guard and Reserves) and who is on covered active duty or has been notified of an impending call or order to covered active duty may use their 12-week leave entitlement to address certain “qualifying exigencies” as further defined under the FMLA. Qualifying exigencies may include addressing issues that arise from (1) short notice of deployment (limited to up to 7 days of leave); (2) attending certain military events and related activity; (3) arranging childcare and related activities; (4) addressing certain financial and legal arrangements; (5) attending certain counseling sessions; (6) spending time with covered military family members on short-term temporary rest and recuperation leave (limited to up to 15 calendar days of leave) as more particularly provided by the FMLA; (7) post-deployment activities; (8) arranging care for or providing care to a parent who is incapable of self-care; and (9) any additional activities agreed upon by the Company and employee that arise out of the military member’s active duty or call to active duty.

The FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered service member during a single 12-month period. A covered service member is a current member of the armed forces, including a member of the National Guard or reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the service member medically unfit to perform the duties of the service member’s office, grade, rank, or rating and for which the service member is undergoing medical treatment, recuperation, or therapy; is in outpatient status; or is on the temporary disability retired list.

Benefits and protections during FMLA leave. To the extent that the FMLA applies to the Company, during FMLA leave, the Company will maintain the employee’s health coverage under any “group health plan” on the same terms as if the employee had continued to work. Upon return from FMLA leave, most employees will be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms. However, an employee on FMLA leave does not have any greater right to reinstatement or to other benefits and conditions of employment than if the employee had been continuously employed during the FMLA leave period.

Certain highly compensated key employees also may be denied reinstatement when necessary to prevent “substantial and grievous economic injury” to the Company’s operations. A “key” employee is an eligible salaried employee who is among the highest-paid 10 percent of the Company’s employees within 75 miles of the worksite. Employees will be notified of their status as key employees, when applicable, after they request FMLA leave.

Use of FMLA leave cannot result in the loss of any employment benefit that accrued before the start of an employee’s leave.

Employee eligibility. To the extent the FMLA applies to the Company, the FMLA defines eligible employees as employees who (1) have worked for the Company for at least 12 months; (2) have

worked for the Company for at least 1,250 hours in the previous 12 months; and (3) works at a location where the employer has at least 50 employees within 75 miles. **Definition of “serious health condition.”** A serious health condition is an illness, an injury, an impairment, or a physical or mental condition that involves either inpatient care in a hospital, hospice, or residential medical care facility; or continuing treatment by a healthcare provider.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity (i.e., inability to work, attend school or perform other regular daily activities due to the serious health condition, treatment therefore, or recovery there from) of more than 3 consecutive calendar days combined with at least 2 visits to a healthcare provider or 1 visit and a regimen of continuing treatment, incapacity due to pregnancy or prenatal care, or incapacity due to a chronic condition. Other conditions may meet the definition of “continuing treatment.”

Use of leave. An employee does not need to use this leave entitlement in one block. Leave can be taken intermittently or on a reduced work schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the employer’s operations. Leave due to qualifying exigencies also may be taken on an intermittent or a reduced work schedule basis.

Substitution of paid leave for unpaid leave. Employees may choose or employers may require the use of accrued paid leave while taking FMLA leave. Accordingly, the Company may require employees to use any accrued paid vacation, personal, and sick days during an unpaid FMLA

Employee responsibilities. To the extent the Company is subject to the FMLA, employees must provide 30 days’ advance notice of the need to take FMLA leave when possible and practical to do so. When 30 days’ notice is not possible, employees must provide notice as soon as practicable and generally must comply with the Company’s normal call-in procedures. The Company may delay leave to employees who do not provide proper advance notice of the foreseeable need for leave, absent unusual circumstances preventing the notice.

Employees must provide sufficient information for the Company to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions, the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a healthcare provider, or circumstances supporting the need for military family leave. Employees also must inform the Company if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees also may be required to provide a certification and periodic recertification supporting the need for leave. The Company also may require a second and, if necessary, a third opinion (at the Company’s expense) and, when the leave is a result of the employee’s own serious health condition, a fitness-for-duty report to return to work. The Company also may delay or deny approval of leave for lack of proper medical certification.

Company responsibilities. The Company will inform employees requesting leave whether they are eligible under the FMLA. If they are, the notice will specify any additional information

required, as well as the employees' rights and responsibilities. If employees are not eligible, the Company will provide a reason for the ineligibility.

The Company will inform employees if leave will be designated as FMLA-protected and the amount of leave counted against the employees' FMLA leave entitlement. If the Company determines that the leave is not FMLA-protected, the Company will notify the employees.

Other provisions. Under an exception to the FLSA in the FMLA regulations, hourly amounts may be deducted for unpaid leave from the salary of executive, administrative, and professional employees; outside sales representatives; certain highly skilled computer professionals; and certain highly compensated employees who are exempt from the minimum wage and overtime requirements of the FLSA, without affecting the employees' exempt status. This special exception to the "salary basis" requirements for the FLSA's exemptions extends only to eligible employees' use of FMLA leave.

Employees may not perform work for self-employment or for any other employer during an approved leave of absence, except when the leave is for military or public service or when the Company has approved the employment under its Outside Employment policy and the employees' reason for FMLA leave does not preclude the outside employment.

Unlawful acts by employers. The FMLA makes it unlawful for any employer (1) to interfere with, restrain, or deny the exercise of any right provided under the FMLA or (2) to discharge or discriminate against any person for opposing any practice made unlawful by the FMLA or for involvement in any proceeding under or relating to the FMLA.

Enforcement. An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer.

The FMLA does not affect any federal or state law prohibiting discrimination or supersede any state or local law or collective bargaining agreement that provides greater family or medical leave rights.

Military Leave

The Company supports the military obligations of all employees and grants leave for U.S. uniformed service in accordance with applicable federal and state laws. Any employee who needs time off for uniformed service should immediately notify the HR Department and the employee's supervisor, who will provide details regarding the leave. If military necessity prevents such notice or it is otherwise impossible or unreasonable, a family member should notify the supervisor as soon as possible.

Upon return from military leave, employees will be granted the same seniority, pay, and benefits as if they had worked continuously. Failure to report for work within the prescribed time after completion of military service will be considered a voluntary termination.

All employees who enter military service may accumulate a total absence of 5 years and still retain employment rights.

Bereavement Leave

Full Time Exempt Employees with more than 90 days' service may take up to 3 days of paid bereavement leave upon the death of a member of their immediate family. "Immediate family members" are defined as an employee's spouse, domestic partner, parents, siblings, children, grandparent, aunts, uncles, and first cousins.

The Company may require verification of the need for the leave. The employee's supervisor and the HR Department will consider this time off on a case-by-case basis.

Payment for bereavement leave is computed at the regular hourly rate to a maximum of 8 hours for 1 day. Time off granted in accordance with this policy shall not be credited as time worked for the purpose of computing overtime.

Jury Duty/Court Appearance

The company supports employees in their civic duty to serve on a jury. Employees must present any summons to jury duty to their supervisor as soon as possible after receiving the notice to allow advance planning for an employee's absence.

The Company encourages employees to fulfill their civic duties, and therefore provides unpaid leave for jury duty. We request you bring in a copy of your jury summons notice as soon as you receive it so that we may keep it on file. If you are called for jury duty during a particularly busy period or under certain circumstances, we may ask you to request a postponement. The Company will provide additional documentation in this regard if it is necessary to obtain such postponement. Jury duty can last from one day to several months, or more. While serving on jury duty, you are expected to periodically call in to your immediate supervisor or manager to keep him or her apprised of your status. At the completion of jury duty, you are required to furnish evidence of service from the court.

Time for appearance in court for personal business will be the individual employee's responsibility. Normally, personal days or vacation days may be used for this purpose.

If an employee does not return to work immediately after an approved leave for jury duty, the Company will assume that the employee has voluntarily resigned his or her position.

Time Off for Voting

The Company recognizes that voting is a right and privilege of being a citizen of the United States and encourages employees to exercise their right to vote. In almost all cases, you will have sufficient time outside working hours to vote. In the event of a scheduling conflict, you should notify your immediate supervisor or manager in advance so your schedule can be adjusted, subject to Company approval, if necessary and appropriate.

Subpoenas

Any employee subpoenaed to appear as a witness in a civil or criminal matter will be permitted unpaid time off to appear. An employee who is required to appear in court must present the subpoena to his or her supervisor as soon as possible. Employees may use any available paid leave benefits to receive compensation for the period of the absence due to witness duty.

Employee Benefits

The Company recognizes the value of benefits to employees and their families.

Medical, Dental, and Vision Insurance

Refer to HR Department for details of such benefits

Additional Policies

Lactation Break

The Company will provide a reasonable amount of break time to accommodate a female employee's need to express breast milk for the employee's infant child up until twelve (12) months of age. If possible, the break time should be taken concurrently with other break periods already provided. If this time does not run concurrently with normally scheduled rest periods, employees should clock out for this time and such time will be unpaid. The Company will also make a reasonable effort to provide the employee with the use of a room or other location in close proximity to the employee's work area for the employee to express milk in private. Employees should notify their immediate supervisor if they are requesting time to express breast milk under this policy.

Registered / Licensed / Certified Employees

Your job with the Company may require that you obtain and maintain certain licensures or certifications, and it is your responsibility to pay for these requirements and keep them current. Upon hire and with each renewal, registered, licensed, or certified employees will be required to provide proof of their status to the HR Department, along with a copy of the license/certification to be maintained in your personnel file. Failure to maintain appropriate licensures/certifications is grounds for disciplinary action, up to and including termination.

Mail

Employees should not use the Company's address for receiving personal mail.

Lost & Found

If you lose or find an article, you must immediately report it to the manager on duty, and lost property must be turned in to the manager on duty. If a guest returns to claim lost property, notify the manager on duty immediately. For the lost item to be claimed, you must see a driver's license or other form of picture identification. If this identification is in the item, ask the customer to present the I.D. when the item is returned. If you have reason to suspect theft, contact the manager on duty as soon as possible. The Company cannot accept responsibility for articles lost or found, either by you or by a customer.

Employee Discount Policies

All Company employees receive 30% off any food item any time during their employment. Each employee may have up to one (1) guest and receive the 30% discount off of the entire ticket, excluding alcohol. Back of House (Kitchen) employees receive 100% comp meals, excluding alcohol, one (1) hour prior to or one (1) hour after each scheduled shift worked pursuant to Company limits. Employee meals may not be taken to go without the manager on duty's approval, and employees who are given comp meals may not give them away. Any leftover food or kitchen scraps will be discarded and should never be taken out of the building. All employee discounts must be signed by the employee. A beverage must be rung up with ALL employee meals. All guest/customer comps must be labeled and signed by the manager on duty and have an explanation.

Counterfeit Money

In accordance with their training, employees are expected to make all reasonable efforts to identify counterfeit money during their shifts and to prevent its use. Any employee who fails to comply with this policy may be subject to reimburse funds where allowed under applicable law and disciplinary action, up to and including termination of employment.

Corporate Keys

Management-level employees are provided with keys to access the restaurants, and are prohibited from making duplicate keys or loaning them to anyone for use or duplication without prior written authorization from management. Employees with restaurant keys are expected to safeguard the keys at all times, and must immediately report lost or stolen keys to their manager.

All keys must be returned to the Company upon request or upon the termination of employment for any reason.

Use of Company Property Policy

This policy is to ensure that all property maintained the Company is kept in the best possible working condition and to ensure proper use of such property and the Company's networks.

"Property," as the term is used in this policy, is defined as any piece of equipment, furnishing, vehicle, building or supply leased, owned, donated or otherwise in the custodial care of the Company or any person acting as its agent.

General Guidelines on the Use of Company Property: All employees must maintain his or her work environment in an orderly fashion and follow all Company rules to ensure its proper use and maintenance.

Any employee who is found to have neglected or misused Company property (including but not limited to any food and beverage in the truck) may be subject to disciplinary action up to and including termination. If an employee's misuse of Company property damages the property (including but not limited to any food and beverage in the truck), the Company reserves the right to require the employee to pay all or part of the cost to repair or replace the property, according to Federal, State, and Local laws. Misappropriation Company property is grounds for immediate termination and possible criminal action.

Use of Company Vehicles: Any employee for whom driving is an essential job duty must be authorized and approved by the CEO of the Company to drive Company vehicles. It is the responsibility of the employee driver of a Company vehicle to ensure that the vehicle is in full operational condition before each use. The employee driver will sign a vehicle log report noting any problems with, or damage to, the vehicle before each use. Should the employee return the vehicle to the Company with damage to the vehicle, the vehicle log report will be used as support evidence of the condition of the vehicle before it was used by the employee driver. Any vehicle found to be unsafe will be removed from the operational fleet until appropriate maintenance or repairs have occurred. There is no use of a Company vehicle for personal use and the Company shall in no event be liable for any damages or other liability resulting from unauthorized use of a Company vehicle. Driver must stay on delivery route. Misuse of Company vehicle is grounds for immediate termination.

The following rules apply to employees who drive Company vehicles (such as the catering van) and/or who drive their personal vehicles for Company business:

- valid insurance must be maintained at all times, and proof of insurance must be maintained in the vehicle;
- any and all accidents, vehicle damage, traffic tickets, and citations, no matter how minor, must be immediately reported to management;
- vehicles must be maintained in good working order;
- employees may not run personal errands or transport non-employees in Company vehicles while driving;
- employees may not transport non-employees in personal vehicles while driving on Company business;
- employees shall maintain a valid driver's license, and shall immediately inform management if their driver's license is suspended or revoked for any reason;
- employees must immediately report any DWI/DUIs or similar offenses to management;
- employees must advise management if they have reason to believe that a Company vehicle requires maintenance of any kind; and
- Employees may not talk on cellphones or text while driving on Company business.

Our Company takes seriously the standards set forth in the Employee Handbook and violations are cause for disciplinary action up to and including immediate termination of employment.

Employment at the Company is on an at-will basis unless otherwise stated in a written individual employment agreement signed by the president of the Company. This means that either the employee or the Company may terminate the employment relationship at any time, for any reason, with or without notice.

In the event of any conflict between the provisions contained herein and any applicable law, rule or regulation (county, state or federal) [collectively "Laws"], the provisions in such applicable Laws shall govern. To the extent that any provisions herein are in violation of any such Law, such provision shall be stricken in its entirety and will not be enforceable.

EMPLOYEE HANDBOOK ACKNOWLEDGMENT AND RECEIPT

I hereby acknowledge receipt of the employee handbook of the Company. I understand and agree that it is my responsibility to read and comply with the policies in the handbook, and that I have read a complete copy of the handbook.

I understand that the handbook and all other written and oral materials provided to me are intended for informational purposes only. The handbook, Company practices, and other communications do not create an employment contract or term. I understand that the policies and benefits, both in the handbook and those communicated to me in any other fashion, are subject to interpretation, review, removal, and change by management at any time without notice.

I further understand that I am an at-will employee and that neither this document nor any other communication shall bind the Company to employ me now or hereafter and that my employment may be terminated by me or the Company without reason at any time. I understand that no representative of the Company has any authority to enter into any agreement for employment for any specified period of time or to assure any other personnel action or to assure any benefits or terms or conditions of employment or make any agreement contrary to the foregoing.

I also understand and agree that this agreement may not be modified orally and that only the president of the Company may make a commitment for employment. I also understand that if such an agreement is made, it must be in writing and signed by the president of the Company.

Employee's Name in Print

Signature of Employee

Date Signed by Employee

TO BE PLACED IN EMPLOYEE'S PERSONNEL FILE

EMPLOYEE ACKNOWLEDGMENT AND RECEIPT OF HARASSMENT POLICY

I have read and understand the Company's Harassment and Sexual Harassment Policy as detailed in the handbook. My signature below confirms my knowledge, acceptance, and agreement to comply with the policy.

Employee's Name in Print

Signature of Employee

Date Signed by Employee

TO BE PLACED IN EMPLOYEE'S PERSONNEL FILE

EMPLOYEE SAFETY ACKNOWLEDGEMENT FORM

By my signature, I acknowledge that I have read, understand and agree to abide by all the safety rules, regulations, and requirements in the handbook. Additionally, I understand that failure to abide by these safety requirements may result in disciplinary action up to and including termination without prior warning.

Employee's Name in Print

Signature of Employee

Date Signed by Employee

TO BE PLACED IN EMPLOYEE'S PERSONNEL FILE