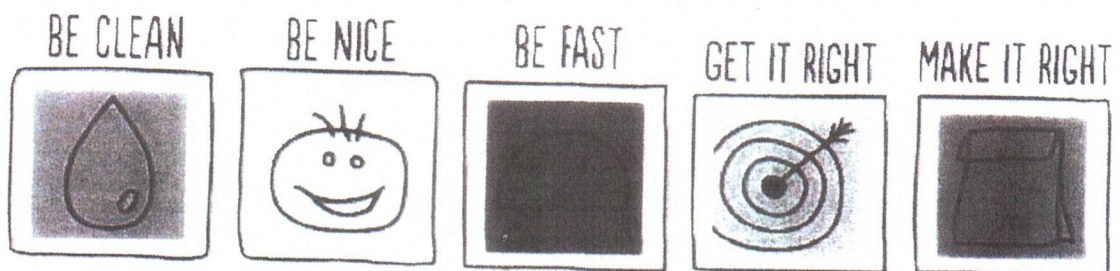


Employee Handbook

i'm lovin' it[®]



WELCOME TO OUR TEAM

Nor Cort Enterprises, Inc. is an independent, locally owned franchise of The McDonald's Corporation. You have joined one of the greatest brands in the world. We are confident that you will be an important asset to our team and will help us serve the highest quality food and create great experiences for our customers.

By joining Nor Cort Enterprises, Inc., you have opened up a world of opportunities. You will learn important life skills such as time management, the ability to teach and coach others and the ability to think on your feet. We will give you a flexible schedule and the opportunity to make friends. We look forward to having you on our team and contributing to the success of the restaurant as well as your own development.

ABOUT THIS HANDBOOK

This employee handbook contains information about the employment policies and practices of Nor Cort Enterprises, Inc. (hereafter referred to as the Company). We expect each employee to read this handbook carefully as it is a valuable reference for understanding your job and company.

This handbook, however, cannot anticipate every situation or answer every question about your employment. The contents of this handbook do not create an employment contract. In order to retain necessary flexibility, the Company reserves the right to change or revise policies, procedures, and benefits described in this handbook, other than the employment-at-will provisions, without notice, whenever the Company determines that such action is warranted. This handbook supersedes all previous handbooks and statements or policies published or distributed by the Company and all inconsistent written or oral statements.

EMPLOYMENT AT WILL

We sincerely hope that your employment relationship with the Company will be satisfying and mutually beneficial. Please be advised that your employment relationship with the Company is at will. This means that you are entirely free to resign at any time, either with or without a reason. It also means that the Company has the very same right as you and can terminate your employment at any time with or without cause or advance notice.

The at will nature of your employment may be modified or changed only in writing, addressed specifically to you, and expressly stating that you are no longer employed at will. Further, only an agreement making this statement, signed by the Company's Owner-Operator is valid. No one, including the Owner-Operator, has the authority to make any verbal statements which are legally binding on the Company with respect to altering your "at will" employment status.

Each employee must acknowledge in writing their receipt of these policies and their understanding of the fact that the handbook is not intended as either an express or an implied contract of employment, and their understanding of the fact that they are employed "at-will."

EMPLOYMENT ELIGIBILITY VERIFICATION **COMPLIANCE POLICY**

In compliance with the Immigration Reform and Control Act of 1986 ("IRCA") and any other applicable federal, state or local laws, the Company is committed to:

- Employing only those who are authorized to work in the US.
- Not discriminate on the basis of national origin or citizenship in hiring, recruiting or terminating employees.

Every employee of the Company must adhere to all aspects of this policy. Failure to comply with IRCA may subject the Company and any responsible individuals to civil monetary or criminal penalties. Violations of this policy may be grounds for employee discipline, up to and including termination of employment.

All employees must complete Section 1 of the Form I-9 no later than the first day of employment, and must present acceptable documents authorized by the USCIS proving identity and employment authorization no later than the third day after starting employment with the Company. The I-9 employment eligibility verification process must be completed for each new employee within the required time frame. There are no exceptions to this requirement.

The Company may not request more or different documents than are required to verify employment eligibility, reject reasonably genuine-looking documents, or specify certain documents over others with the purpose or intent of discriminating on the basis of citizenship status or national origin. U.S. citizens and all other work-authorized individuals are protected from unfair documentary practices.

Employees who do not complete the process within the required time frame will be terminated immediately.

The Company prohibits retaliation against applicants or employees who assert their rights under the anti-discrimination provisions of the Immigration and Nationality Act and/or IRCA.

Mission

...to be our guests' favorite place and way to eat and drink!

Values

...we place the guests' experience at the core of all we do

...we are committed to our people

...we believe in the McDonald's System

...we operate our business ethically

...we give back to our communities

...we grow our business profitably

...we strive continually to improve

Employee Pledge

...I promise to serve all guests fresh, Gold Standard food and beverages, with fast, friendly service in a clean and inviting restaurant—just as they expect from a McDonald's brand restaurant!



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All Employees MUST:

Rules and Regulations

Attitude * Appearance * Attendance

- ...put our guests first and treat them and other employees in a **friendly, respectful** and **courteous** manner while on working time.
- ...work hard, report to work on time, be reliable and follow correct Company procedures.
- ...wear proper work attire and project a professional image while working.
- ...wear all personal protective equipment when performing maintenance assignments.
- ...follow direction of and cooperate with management.
- ...follow the Attendance Policy
- ...park in designated areas.
- ...leave the restaurant if sent home for discipline action.
- ...smoke only when not working and in the designated area by the corral.
- ...check the communication board in the crew room regularly.
- ...be punched in and out after receiving permission from a manager at the start and end of a shift. Employees are ready to be punched-in once wearing full work attire and all personal belongings are stored in the crew room.
- ...immediately notify the manager if they become injured while at work or observe a hazardous situation (call 911 first if an emergency).
- ...submit requests for time off in writing at least two weeks in advance. Requests for time off are only requests and are not guaranteed. However, management does make its best effort to accommodate all requests off.

General Information

- All employees are hired on a part-time basis unless otherwise informed.
- The pay period is Monday through Sunday. Paychecks are distributed in the restaurant every Friday starting by 2:00 pm. No one other than the employee to whom the check is written will be allowed to pick up a paycheck unless the employee had given written authorization for another person to pick up his or her check. The Company does not permit advances against paychecks
- Employee personnel files are the property of *Nor-Cort Enterprises, Inc.*
- Any violation of the policies outlined in this handbook will result in disciplinary action. Employees with three or more written documentation with the last review period are not eligible for raises, employee meals, or other incentives.

Food Safety

Food safety is a top priority at the Company. All the Company's and local Health Department standards must be followed. Therefore, all employees must:

- Watch the food safety e-learning during orientation and follow all rules.
- Follow proper hand washing as outlined in the e-learning. *Proper hand washing is one of the most important things employees can do to help ensure that our customers receive safe food.*
- Wear clear gloves on both hands when preparing food.
- Wear blue gloves when handling raw product.
- Cover cuts or sores with a bandage and wear gloves over the bandage while at work.
- Report any illness or disease to the store manager that is suspected to be spread through food handling. These illnesses/diseases include, but are not necessarily limited to, Typhoid, Salmonella, Shigella, Hepatitis A, Norovirus, Campylobacter or E.coli. Call at least 4 hours prior to the start of your shift, and do not come to work.
- Do not come to work (follow the restaurant's call-in procedures) if suffering from diarrhea, fever, vomiting, jaundice, or fever accompanied by a sore throat (unless these symptoms are caused by a medical condition that your medical provider has confirmed will not cause food borne illness—for example a pregnancy-related condition such as "morning sickness", and you feel capable of working).

SECURITY

Security of Company facilities as well as the welfare of our employees and customers requires that every individual be constantly alert to security risks. In this regard please note the following:

- *Immediately notify your supervisor of suspicious persons, or persons acting in a suspicious manner, in or around the facility.
- *Immediately notify a supervisor of the loss of keys.
- *Do not lend keys to anyone who is not authorized to possess them.
- *Do not disclose computer passwords, electronic door codes, or any other security access information to anyone who is not authorized to possess that information.
- *Do not enter or use the manager's office if they are not part of the store management team.
- *Do not enter and leave the restaurant before opening & after closing of the store, except as part of the staggered opening and closing procedures. There should never be fewer than three employees in the restaurant.

Open Door Policy

We care about you and your experience. We are always looking for ways to make our restaurants a better place to work. We want you to be treated fairly and with respect. If at any time you feel we are not living up to these commitments . . .

- You are encouraged to talk to any member of the management team you wish.
- Talking directly with a manager is usually the most effective way to handle a question, suggestion or problem.
- If you are unable to resolve something with your Restaurant Manager, you may contact your supervisor, or you can speak with your Owner / Operator.

Retaliation

Employees are encouraged to report violations of any policies freely without fear of retaliation to store management and/or the Owner/Operator. Retaliation is prohibited.

NEW YORK STATE PAID SICK AND SAFE LEAVE POLICY

The Company will provide Paid Sick Leave ("PSL") to all employees in compliance with the New York State Sick Leave law ("NYSSL"). PSL can be used for sick or safe leave reasons for the employee or the employee's family member as described in this policy and as provided by law. For additional information, please consult with your General Manager, Area Supervisor/Director of Operations, or Human Resource Representative. PSL will be paid at an employee's regular rate of pay.

Leave begins accruing on September 30, 2020 (or the first day of employment if hired after September 30, 2020). Employees can use any accrued leave starting on January 1, 2021, and as accrued thereafter.

Accrual and Usage:

All employees are eligible for paid sick leave. Employees begin to accrue paid sick leave on September 30, 2020 or their first day of employment, whichever is later.

Employees accrue one hour of paid sick leave for every 30 hours worked, up to a maximum of 56 hours of paid sick leave per benefit year.

Our benefit year for NYSSL purposes begins on January 1st and ends on December 31st.

Employees may use their accrued PSL in a minimum of four-hour daily increments.

Carryover:

Accrued but unused PSL will be carried over into the next benefit year and will be available for immediate use.

Additional leave will continue to accrue in the new benefit year regardless of how much PSL is carried over. However, employees are only allowed to use a maximum of up to 56 hours of PSL during any benefit year. This may result in an employee maintaining a PSL balance in excess of the amount they are permitted to use in a benefit year.

Example: If you carry over 10 hours of unused PSL from the previous year (Year 1) into the new benefit year (Year 2), you would have 10 hours of PSL available for immediate use at the start of Year 2. You would continue to accrue up to 56 more hours of PSL in Year 2, for a potential balance of 66 PSL hours in Year 2. However, you would be limited to actually using 56 hours of PSL in Year 2 (or any other benefit year). Any remaining time would be carried over into Year 3 and so on.

Permissible Uses of Sick Leave:

Employees can use accrued PSL for the employee's or the employee's family member's:

"Sick Leave"

- For mental or physical illness, injury, or health condition, regardless of whether it has been diagnosed or requires medical care at the time of the request for leave; or
- For the diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; or need for medical diagnosis or preventive care.

"Safe Leave"

- For an absence from work when the employee or employee's family member has been the victim of domestic violence as defined by the State Human Rights Law, a family offense, sexual offense, stalking, or human trafficking due to any of the following as it relates to the domestic violence, family offense, sexual offense, stalking, or human trafficking:
 - to obtain services from a domestic violence shelter, rape crisis center, or other services program.

- o to participate in safety planning, temporarily or permanently relocate, or take other actions to increase the safety of the employee or employee's family members.
- o to meet with an attorney or other social services provider to obtain information and advice on, and prepare for or participate in any criminal or civil proceeding.
- o to file a complaint or domestic incident report with law enforcement.
- o to meet with a district attorney's office.
- o to enroll children in a new school; or
- o to take any other actions necessary to ensure the health or safety of the employee or the employee's family member or to protect those who associate or work with the employee.

NOTE: The term "family member" is broadly defined to include an employee's child (biological, adopted or foster child, legal ward, or child of an employee standing in loco parentis), spouse, domestic partner, parent (biological, foster, step- or adoptive parent, a legal guardian of an employee, or a person who stood in loco parentis when the employee was a minor child), sibling, grandchild or grandparent; and the child or parent of an employee's spouse or domestic partner.

Procedures for Providing Notice:

Employees may use accrued PSL following a verbal or written request to their General Manager or Supervisor. Any verbal or informal request for PSL will be granted; however, employees are required to memorialize all time off requests by completing a Time Off Request Form. Completed Time Off Request Forms must be submitted to your General Manager or Supervisor as soon as practicable. You may obtain copies of the form from the General Manager.

Our company will never require the disclosure of confidential information relating to your reason for sick or safe leave as a condition to providing PSL.

No Payout upon Termination

The Company will not compensate employees for any accrued but unused PSL after employees terminate, resign, retire, or otherwise separate from employment with the Company.

No Retaliation:

The Company will not retaliate against any employee for exercising their rights to use PSL. Employees will be restored to their position of employment as it had been prior to taking PSL. Upon the request of an employee, we will provide a summary of the amounts of accrued and used PSL for any benefit year within three business days. PSL under this policy is generally in addition to any other State, federal, or local leave entitlement.

No Requirement to Find a Replacement:

The Company will never require you to search for or find a replacement employee for the hours you are scheduled to work and plan to use PSL.

Misuse of Sick Leave:

If, after an investigation, the company determines that any employee uses PSL for purposes other than those provided for under the law, or if an employee lies in connection with taking PSL, the company may take disciplinary action, up to and including termination.

Employee Break and Meal Policy

Balanced, Active Lifestyles ... it's what I eat and what I do I'm lovin' it.

Working in a McDonald's brand Restaurant is very exciting! Given the fast pace and high levels of energy required, breaks are provided to offer much-needed relief.

The Company takes seriously its obligations to pay you for all hours that you work and to follow all legal requirements with regard to rest and meal periods.

Depending on your shift and your restaurant, you may be entitled to rest and meal periods and may be required to clock out and in for those periods.

According to New York law, employees who work more than six hours or more in a day are required to take an unpaid meal period of at least 30 minutes sometime between 11 a.m. and 2 p.m. Employees must punch out at the start of their authorization meal periods, and must punch back in when they return from their break 30 minutes later.

The employee's meal period will be made a part of your schedule by the Manager and is expected to be taken by all non-exempt hourly employees as assigned. All breaks should be taken in the crew room. Check with the restaurant manager for details on other breaks. Failure to take an assigned meal period, and failure to punch out and back in for your meal period may be grounds for disciplinary action up to and including possible termination.

If you have any questions about rest and meal breaks, or concerns about whether they are being provided to you in accordance with this policy, please notify your General Manager or Owner-Operator as soon as possible. By working together this way, we can make sure you get to take the rest and meal periods during your shift.

Meal Options:

Free for Managers

Discounted for crew working 6 or more hours. Current policy posted in crew room.

Drinks during your shift are available upon request and with the permission of a member of the management team. These drinks (soft drinks or tap water) must be in a 12oz. cup and consumed immediately. **Cups are not permitted to be left in the kitchen or service areas.**

Any food or drink taken without permission or not rung up on the register will be considered theft, and will result in disciplinary action.

- All food must be consumed in the crew room and may only be removed from the premises if the employee has completed their shift.
- All food received under this policy is for the employee's personal consumption only.
- Employees must order from the "customer side" of the counter. All food must be entered into the cash register, be approved by a manager, and be assembled and presented by the employees working behind the counter. Under no circumstances will employees be allowed to prepare or assemble their own meals.
- **Employee meals are a privilege, not a right, and may be revoked at a manager's discretion for violation of company policies, including being more than 10 minutes late for a shift.**

LACTATION BREAK POLICY

Eligible Employees

All employees who are nursing mothers are eligible to take reasonable breaks under this policy to express breast milk for up to three years after the birth of the employee's child. The company requires all eligible employees who intend to take breaks under this policy to notify the General Manager or owner/operator of their intent prior to taking leave.

Lactation Breaks

Eligible employees may take a reasonable amount of break time to accommodate the employee's need to express breast milk for the employee's nursing child. Eligible employees should notify their manager of the frequency, timing and duration of lactation breaks they need to take.

Please contact the General Manager or owner/operator for information about the designated location for lactation breaks, which will be a room or other location, in close proximity to the work area, where an employee can express milk in privacy.

Compensation During Breaks

Lactation breaks under this policy are unpaid. However, employees who intend to use existing meal or rest break time to express breast milk should let their manager know and will be compensated in accordance with our policies. Employees who are required to record their time must clock in and out for their lactation breaks in accordance with our timekeeping policy. Uninterrupted lactation breaks do not count as hours worked.

Exempt employees may be provided break time with pay when necessary to comply with state and federal wage and hour laws.

Complaint Procedure

If you are subjected to any conduct that you believe violates this policy, you should promptly speak to, write or otherwise contact the owner/operator, who will ensure that a prompt investigation is conducted and take prompt corrective action, if appropriate.

No Retaliation

Our company expressly prohibits any form of discipline, reprisal, intimidation, retaliation or discrimination against any individual for requesting or taking lactation breaks, or filing a complaint for violations of this policy, the Fair Labor Standards Act or applicable New York or local law.

Our company is committed to enforcing this policy and prohibiting retaliation against employees who request or take break time under this policy, or who file a related complaint. However, the effectiveness of our efforts depends largely on individuals telling us about inappropriate workplace conduct. If employees feel that they or someone else may have been subjected to conduct that violates this policy, they should report it immediately to the owner/operator. If employees do not report retaliatory conduct, we may not become aware of a possible violation of this policy and may not be able to take appropriate corrective action.

Work Attire, Grooming & Appearance

***Remember...you're not ready for work without your smile and a positive attitude!!

Work Attire Components & Requirements

Garment	Detailed Specifications
Shirt	<p><u>Crew:</u> solid black polo shirt (tucked in)</p> <p><i>Employees may wear shirts issued by the Company or they may purchase their own which comply with the above requirements.</i></p> <p><i>Shirts must be clean. Employees may use the store washing machine to launder their work attire free of charge. Laundry detergent is available upon request from the General Manager.</i></p>
Belt	Must be plain black.
Pants	Must be black, clean, pressed, and not drag on the ground.
Hat/Visor; Nametag	Must be Company issued.
Shoes	Must be black with <u>slip-resistant</u> soles and closed toe.

Additional information:

- All local health department requirements must be followed.
- Work attire must be properly maintained. Please see the manager if you would like another work shirt. Employees will NEVER be asked to pay store management for any component of the work attire.
- During **cold weather**, black turtlenecks or long-sleeved shirts may be worn under their work attire, or, a McDonald's issued jacket, sweater, or sweatshirt may be worn over.
- Upon **termination** of employment, all Company issued work attire should be returned to the manager.
- **Hair** must be clean, restrained, off the face, and secured back or up.
- **Facial hair** close shaven & neat is permitted.
- **Cosmetics** (including hair coloring and colognes) may be worn, but must be subtle. No chipped nail polish or loose artificial nails.
- **Jewelry** must be moderate, in good taste and not excessive.
 - Small hoop (no bigger than the size of a quarter) or stud earrings may be worn.
 - No loose dangling bracelets, earrings, or necklaces.
- **Buttons, Tags and Other Items** that are pinned or otherwise attached to or displayed on the uniform other than those provided by the Company can detract from the brand image we strive to strengthen through our crew uniform. Accordingly, employees may not wear more than one button, in addition to those provided by the Company.

Your manager will inform you of additional requirements regarding acceptable attire. Certain employees may be required to wear safety equipment or clothing. Your supervisor must approve any deviations from these guidelines.

Accommodations to Work Attire, Grooming & Appearance Standards

Recognizing and respecting the diversity of applicants and our employees, there may be circumstances when accommodations to the Work Attire, Grooming & Appearance standards will be provided based on religious beliefs, gender identity, medical conditions or disability. Employees should see the General Manager if they require accommodations.

ATTENDANCE AND SCHEDULE

WORK SCHEDULE

One of the greatest benefits of working for our organization is a flexible work schedule. Your schedule will be based on a number of factors, including your availability, the needs of the business, and your overall performance and versatility. Due to changes in restaurant needs and employee availability, your work schedule and number of hours will likely vary each week. You work as a team, and from time to time you will want or need time off, and so will your teammates. Sometimes this will happen unexpectedly. Nevertheless, it is important to provide as much notice as possible, and to accommodate others when you can. Accordingly, you may be asked to come to work on a shift that you were not originally scheduled to work—as others might be asked on your behalf. Obviously, the more notice we have, the less the other team members will be inconvenienced—and the less you will be inconvenienced when it is your turn. All of us value employees who are considerate of their teammates, who assist when needed and when they can, if they are asked to come in, or to work past their scheduled shift. But, out of respect for others, unexcused failures to abide by the procedures set forth below shall result in disciplinary action, up to and including termination.

WORK AVAILABILITY

If your availability changes, please notify us in writing at least two weeks in advance, unless that is not practicable. At different points throughout the year, we may ask you to update your availability in anticipation of vacations, school schedules, or holidays.

SCHEDULE POSTING

Work schedules for the following week will be posted before the beginning of the new work week. You are expected to know your work schedule and follow it. If you need to make a change to your schedule after it has been posted, please contact your General Manager as soon as is practicable, and please make your best effort to find a replacement.

CALL IN PROCEDURES

If you are unable to report for your shift, where practicable you should contact the restaurant a minimum of 2 hours before your shift begins, or if you're scheduled for the breakfast shift, the night before. In the event of illness of more than 3 consecutive shifts, your manager may request documentation demonstrating that your absence was for a medical reason or emergency. Obviously, a failure to report means that your teammates will have to pick up the slack, either by having to come in when they were not scheduled, or by having to work with less crew. Unexcused absences will result in disciplinary action, up to and including termination.

NO CALL/ NO SHOW

Should you fail to call in or report to work for a scheduled shift this will be considered an unexcused absence. If there are extenuating, emergency circumstances related to your failure to come to work and to call the restaurant, please contact your General Manager as soon as practicable. If you are a No Call No Show for more than two consecutive shifts, it will be presumed that you have abandoned your job.

TARDINESS

All employees should report to work on time for their assigned shift. Except in the case of an emergency, if you are going to be late, you must notify the manager in ADVANCE of your shift's start time. Employees who violate the attendance policy will be subject to discipline, up to and including termination.

FMLA/NY Paid Family Leave/Witness and Crime Victims/DISABILITY

If you are entitled to FMLA leave due to a serious medical condition or a serious medical condition of a family member, or to a reasonable accommodation due to disability, or a witness or crime victim, and you have acted in accordance with the provisions governing disability accommodations, witness and crime victim leave, or FMLA leave, you will not be subject to disciplinary action for attendance.

Hazard Communication Policy

This policy formally provides information regarding the Hazard Communication Standard, a federal law. This law requires employers to make each employee aware of the safety and health hazards associated with the chemical products used in the workplace.

- All employees are required to watch the OSHA training video on the e-learning computer and sign the OSHA book acknowledging the completion of the training.
- Materials that are considered hazardous by OSHA are listed in the OSHA written program, which is located in the Managers' Office and available to you upon request.
- Each of the hazardous products has a Material Safety Data Sheet (MSDS), which contains detailed information about any chemical product and its characteristics, health hazard warnings, safety precautions, and emergency and first aid procedures. Employees have the right to review the MSDS. To request the MSDS, please see the General Manager.
- For the safety of all employees, employees must receive proper training and instruction from a member of the management team prior to using any of the products listed in the OSHA book. A member of the management team will provide training with respect to the safe use of hazardous chemicals, but not limited to:
 - Proper use and storage of the products.
 - How to ensure that all products containing hazardous chemicals remain stored in their original container.
 - How to read the detailed information about hazardous chemical products on the MSDS.
- In addition, for the safety of all employees and customers, employees must:
 - Look for hazard warning labels and pay attention to those warnings.
 - Request proper training on how to use and safely handle products containing hazardous chemicals before using the product.
 - Properly use products as specified by the Company's training materials.
- Do not bring any chemical products not recommended by the Company into the restaurant.
- **Never mix any chemicals.**

Health And Safety

The health and safety of employees and others on Company property are of critical concern. We strive to attain the highest possible level of safety in all activities and operations. The Company also intends to comply with all health and safety laws applicable to our business.

To this end, the Company must rely upon our employees to ensure that work areas are kept safe and free of hazardous conditions. Employees should be conscientious about proper work place operating methods and potential dangerous conditions or hazards. Employees should report any unsafe conditions or potential hazards to a supervisor immediately; even if you believe you have corrected the problem. If you suspect a concealed danger is present on Company premises, or in a product, facility, piece of equipment, process or business practice for which the Company is responsible, bring it to the attention of your manager immediately.

Periodically, the Company may issue rules and guidelines governing work place safety and health. The Company may also issue rules and guidelines regarding the handling and disposal of hazardous substances and waste. All employees should familiarize themselves with these rules and guidelines as strict compliance will be expected. Contact your manager for copies of current rules and guidelines. Failure to strictly comply with rules and guidelines regarding health and safety or negligent work performance which endangers health and safety will not be tolerated.

Any work place injury, accident or illness must be reported to your managers as soon as possible, regardless of the severity of the injury or accident. If medical attention is required immediately, managers will assist employees in medical care, after which the details of the injury or accident must be reported.

Employee Personal Car Use for Business Purposes

Nor-Cort Enterprises Inc. and its affiliates are not responsible for damage or loss to employee personal vehicles and contents.

Employees are paid per mile for personal car use for business purposes, which is intended to cover gas, maintenance and insurance costs. Employees must receive prior approval from the General Manager to use their personal car for business purposes, and must notify the General Manager within one week if they are due mileage.

Only employees with the proper documentation on file may use a personal vehicle for business purposes. Using a personal car for business purposes is voluntary.

Employees using a personal car for business purposes must provide a copy of a valid driver's license and auto liability insurance (at least state minimum levels) and physical damage, collision and comprehensive to the General Manager, a copy of which is to be kept in the employee's personnel file.

Employees must be at least 18 years old. Seat belt use is mandatory. Employees may not use cell phone (calls or text) while driving. No unauthorized passengers. Employee is to accomplish specific assigned task without deviating from route for personal activity while performing task.

Cash Register Policy

Below are the responsibilities of all employees and managers as they pertain to the use of cash registers and the handling of register transactions in the restaurant.

Employees' Responsibilities:

- Place all bills face down on top of the drawer until after change is given to the customer.
- Have a manager enter codes and for promos, coupons, discounts, etc.
- Notify manager immediately if counterfeit bill detected. Do not accept counterfeit bills.

Manager's Responsibilities:

- Count cash drawer before starting crew person on register, and after the employee is done using the drawer.
- Document employee if cash shortage or overage exceeds \$5.00.
- Authorize promos, coupons, employee meals (on designated register only), refunds, and over-rings. All refunds and over-rings must be rung up at time of occurrence and be supported by receipt with signatures and explanation. Refund / over-ring receipts and coupons must be retained, reconciled and filed in the office.
- Randomly audit drawers.
- No drawer may have cash at the front counter unless someone is assigned to work it.

Joint (employee and manager) Responsibilities:

- Use restricted to one employee per drawer.
- All transactions must be rung up at time of sale.
- Undercharging or giving out free food is strictly prohibited and will result in termination.
- Change may not be made between drawers.
- Verify authenticity of all bills \$50 or greater. Must be verified by a manager.

Cash shortages and overages exceeding \$5.00 will result in written documentation, which will be reflected on the employee's performance review, and may result in disciplinary action up to and including termination.

Employees will never be asked to repay a cash shortage.

VOICE MAIL, E-MAIL, WORK PROVIDED APPS AND COMPUTER FILES

Company provided voice mail, e-mail, work provided apps, and computers are maintained by the Company in order to facilitate the Company's business. Therefore, all messages sent, received, composed and/or stored on these systems are the sole property of the Company.

Messages or communications on Company voice mail, e-mail, work provided apps or computer systems are subject to the same policies regarding harassment and discrimination as are any other workplace communications. Offensive, harassing or discriminatory content will not be tolerated. Content that is considered offensive includes, but is not limited to, any message which contains sexual implications, racial or gender slurs, or any other statement that offensively addresses someone's age, sex, sexual orientation, gender identification, pregnancy status, marital status, religious or political beliefs, ancestry, national origin, citizenship or disability.

Employees should have no expectation of privacy with respect to Company provided voice mail, work provided apps, e-mail and computer-based communications. Even when a message is erased, it may still be possible to retrieve it from a backup system. Therefore, employees should not rely on erasure of messages to guarantee that a message remains private. The Company reserves the right to listen to employee voice mail and read e-mail messages and messages exchanged on the work provided app, and to access employee computer files to ensure compliance with these rules. This may be done without notice to an employee and in the employee's absence.

Notwithstanding the Company's right to retrieve and review such material, such material should be treated as confidential by other employees and accessed only by the intended recipient. Employees are not authorized to retrieve any voice mail or e-mail messages that are not addressed to them.

Employees are prohibited from using passwords without prior authorization and registration. The existence of a password on voice mail, e-mail or computer systems is not intended to indicate that messages or other communications will remain private.

Employees are prohibited from loading any software onto a company provided computer where such action would violate the software license. Employees are prohibited from loading any software onto a company provided computer without the express approval of their manager or supervisor.

Online Communications Policy

- Do not comment on trade secrets and proprietary Company information (business, financial and marketing strategies) without the advance approval of the Owner/Operator.
- Do not make negative comments about our customers on any social media platform.
- Use of social media on Company equipment during working time is permitted, if your use is for legitimate, preapproved Company business. Please discuss the nature of your anticipated business use and the content of your message with the Owner/Operator. Obtain his or her approval prior to such use.
- Respect copyright, trademark and similar laws and use such protected information in compliance with applicable legal standards.
- This policy applies to any form of personal social networking, including without limitation, postings outside of work hours and through non-Company computer systems.
- Managers should not use Facebook or social media for work related communications.

Restrictions: (YOU MAY NOT do any of the following)

- Due to the potential for issues such as invasion of privacy (employee and customer), sexual or other harassment (as defined by our harassment/discrimination policy), protection of proprietary recipes and preparation techniques, employees may not take, distribute, or post pictures, videos, or audio recordings while on working time. Employees also may not take pictures or make recordings of work areas. An exception to the rule concerning pictures and recordings of work areas would be to engage in activity protected by the National Labor Relations Act including, for example, taking pictures of health, safety and/or working condition concerns or of strike, protest and work-related issues and/or other protected concerted activities.
- Use the Company's (or any of its affiliated entities) logos, marks or other protected information or property for any business/commercial venture without the Owner/Operator's express written authorization.
- Make knowingly false representations about your credentials or your work.
- Create a blog or online group related to the Company (not including blogs or discussions involving wages, benefits, or other terms and conditions of employment, or protected concerted activity) without the advance approval of the Owner/Operator. If a blog or online group is approved, it must contain a disclaimer approved by the Owner/Operator.
- Department Managers, General Managers, Area Supervisors, and office employees may not "friend" or otherwise "invite" crew members on any social media site.

Do Not Violate the Law and Related Company Policies:

- Be thoughtful in all your communications and dealings with others, including email and social media. Never harass (as defined by our anti-harassment policy), threaten, libel or defame fellow professionals, employees, customers, competitors or anyone else. In general, it is always wise to remember that what you say in social media can often be seen by anyone. Accordingly, harassing comments, obscenities or similar conduct that would violate Company policies is discouraged in general and is never allowed while using the Company's equipment or during your working time.

Discipline:

- All employees are expected to know and follow this policy. Nothing in this policy is, however, intended to prevent employees from engaging in concerted activity protected by law. If you have any questions regarding this policy, please ask the Owner/Operator before acting. Any violations of this policy are grounds for disciplinary action, up to and including immediate termination of employment.

CELL PHONES AND ELECTRONIC DEVICES

Cell phones and electronic devices may not be used while on working time. Cell phones must be silenced and out of the view of customers. Any emergency calls that the employee receives should come through the restaurant telephone. Employees may use cell phones while on break.

Violation of this policy will result in disciplinary action.

VIDEO SURVEILLANCE

In order to address safety and security concerns, the Company has installed video-only surveillance cameras. If there is any reported incident of theft, trespass, workplace violence, employee misconduct, workplace injury, or any type of safety violation (hereafter collectively referred to as "security incidents"), the Company will utilize its surveillance equipment as an investigatory tool. The Company will also make use of its surveillance equipment to deter any future security incidents.

The Company reserves the right to actively monitor, through its surveillance cameras, any areas for safety reasons (to protect against failure, breakage, or accident) or confidentiality reasons (to protect documents or other proprietary information). Although the video surveillance policy is intended to monitor for security incidents and other safety reasons at the Company, it is possible that such surveillance may monitor activities not related to the Company's business.

While employees have no expectation of privacy in any of the areas under video surveillance, the Company respects the privacy of its employees. Accordingly, there will be no video cameras installed in the Company's restrooms, locker rooms, break rooms or changing areas.

The video surveillance cameras and any images obtained from the surveillance are to be used solely for the purposes of this video surveillance policy. Any unauthorized use of these video cameras and/or images is strictly forbidden and may result in discipline, up to and including termination of employment.

BULLETIN BOARDS

Bulletin boards are reserved for the exclusive use of the Company for posting work-related notices or notices which must be posted pursuant to local, state and federal law. From time to time, special notices and information for employees will be posted by the Company on the bulletin boards. Please check the boards regularly for such notices. Employees are prohibited from posting any material on Company bulletin boards.

SOLICITATION AND DISTRIBUTION POLICY

For purposes of this policy, solicitation means requesting funds, purchases, services, membership in any organization, or commitments to outside organizations or causes. Distribution means handing out, dropping off, or leaving behind written material.

Solicitation by non-employees and distribution of literature for any purpose by non-employees is prohibited at all times anywhere on company property, including parking lots.

Solicitation by an employee is prohibited on company property, including parking lots, during the employee's working time or when the employee being solicited is on working time. Working time is the time employees are expected to be working and does not include rest, meal, or other authorized breaks. Solicitation by employees is also prohibited even when not on working time if such solicitation takes place at any time in the working areas of the restaurant. Solicitation is always prohibited in customer selling areas.

Distribution of literature by an employee is prohibited on company property, including parking lots, during the employee's working time, as defined above, or when the employee receiving the material is on working time. Distribution by employees is also prohibited even when not on working time if such distribution takes place in customer selling areas or in employees' working areas. Company property, including parking lots, must be kept clean and free of litter at all times.

EQUAL OPPORTUNITY EMPLOYMENT POLICY

The Company values a diverse workforce. The Company's vision for diversity and inclusion is to leverage the unique talents, strengths, and assets of our employees in order to provide the world's best quick service restaurant experience. We continuously strive to maintain an environment in which every employee feels accepted, rewarded, and valued as an integral part of the team. The Company is an equal opportunity employer and complies with all applicable federal, state and local fair employment practices laws. This policy ensures a practice of equal employment opportunity regardless of race (including traits historically associated with race, including but not limited to, hair texture and protective hairstyles), color, religion, creed, national origin or ancestry, ethnicity, familial status, marital status, domestic violence status, sex, sexual orientation, gender (including gender identity, gender nonconformity, gender expression, and status as a transgender or transsexual individual), pregnancy, childbirth, or related medical conditions, age, physical or mental disability, citizenship, past, current or prospective service in the uniformed services, pre-disposing genetic characteristic, genetic information, lawful source of income, an employee or their dependent's reproductive health decision making (including but not limited to the decision to use or access a particular drug, device or medical service) or any other characteristic protected under applicable federal, New York or local law.

POLICY REGARDING DISABILITY ACCOMMODATIONS INCLUDING PREGNANCY AND MEDICAL CONDITIONS RELATED TO PREGNANCY AND CHILDBIRTH

The Company makes every effort to ensure that qualified individuals with a disability, including pregnancy, or a medical condition related to pregnancy or childbirth, are not discriminated against with respect to the terms, conditions, or privileges of employment. The Company complies with the Americans with Disabilities Act (ADA), as amended by the ADA Amendments Act, New York State Human Rights Act (NYSHRL) and all applicable federal, state or local law. Under certain circumstances, these laws require employers to provide reasonable accommodations to qualified individuals with disabilities in various aspects of their employment.

Any employee or applicant who requires an accommodation to perform the essential functions of the job should contact the Store Manager, Supervisor, or Owner/Operator and request an accommodation. Once the Company is aware of the request for an accommodation, the Company will engage in an interactive process and a cooperative dialogue to identify possible accommodations that will enable the applicant or employee to perform the essential functions of the job. The Company will determine what limitation(s) may prevent the employee from performing the job, and identify possible accommodations that may resolve the limitation(s), seeking to find accommodations that are reasonable and do not impose undue hardship on the Company and do not present a possible direct threat to the health or safety of others in the workplace or to the individual. The interactive process and cooperative dialogue described in this policy is a collaborative process. An employee seeking an accommodation shall cooperate with the Company's requests in good faith.

Consistent with these requirements, the Company will reasonably accommodate qualified individuals with a disability including pregnancy or a medical condition related to pregnancy or childbirth if such accommodation would allow the individual to perform the essential functions of the job, unless doing so would create an undue hardship. Examples of reasonable accommodation for pregnancy or childbirth include bathroom breaks, breaks for water intake, periodic rest for those who stand for long periods of time, and assistance with manual labor.

NON-DISCRIMINATION & HARASSMENT POLICY

Non-Discrimination Policy

The Company strictly prohibits and does not tolerate discrimination against employees, applicants, customers, suppliers, vendors, consultants, or any other persons because of race (including traits historically associated with race, including but not limited to, hair texture and protective hairstyles), color, religion, creed, national origin or ancestry, ethnicity, familial status, marital status, domestic violence status, sex, sexual orientation, gender (including gender identity, gender nonconformity, gender expression, and status as a transgender or transsexual individual), pregnancy, childbirth, or related medical conditions, age, physical or mental disability, citizenship, past, current or prospective service in the uniformed services, pre-disposing genetic characteristic, genetic information, lawful source of income, an employee or their dependent's reproductive or sexual health decision making (including but not limited to the decision to use or access a particular drug, device or medical service) or any other characteristic protected under applicable federal, New York or local law. All employees and representatives are prohibited from

engaging in unlawful discrimination. This policy applies to all terms and conditions of employment, including, but not limited to, hiring, training, promotion, discipline, compensation, benefits and termination of employment.

Unlawful Harassment

The Company strictly prohibits and does not tolerate unlawful harassment against employees, applicants, customers, suppliers, vendors, consultants, or any other persons because of any of the protected categories mentioned above, or any other characteristic protected under applicable federal, state or local law. The Company's anti-harassment policy applies to the workplace and to employer-sponsored events.

Prohibited conduct includes, but is not limited to:

- Physical harassment (for example, assault or inappropriate physical contact).
- Verbal harassment (for example, epithets, derogatory statements, slurs, sexually-related comments or jokes, unwelcome sexual advances or requests for sexual favors).
- Non-verbal/visual harassment (for example, displaying sexually suggestive posters cartoons or drawings, sending inappropriate adult-themed gifts, leering or making sexual gestures).

All Company employees, other workers and representatives, including vendors, customers, and other restaurant visitors are prohibited from harassing employees based on that individual's sex, or gender (including pregnancy and status as a transgender or transsexual individual) and regardless of the harasser's sex or gender. For further information, see our detailed sexual harassment policy below.

Complaint Procedure

The Company is committed to enforcing these policies. However, the effectiveness of our efforts depends largely on individuals telling us about inappropriate workplace conduct. If you feel as though you have been subjected to any conduct that you believe violates these non-discrimination, harassment, or retaliation policies, you must promptly contact your restaurant's General Manager, or if you feel uncomfortable doing so, your Area Supervisor Joann Everling at [607-222-0568], or Owner-Operator Kris Sexton at [607-621-9261] as soon as possible after the offending conduct. If you have not received a satisfactory response after reporting any incident of what you perceive to be discriminatory conduct, please immediately contact the Owner-Operator at [607-621-9261]. These individuals will ensure that a prompt and thorough investigation is conducted. In addition, these individuals will promptly and thoroughly investigate any complaint by an applicant, customer, vendor or any other person.

Your complaint should be as detailed as possible, including the names of all individuals involved and any witnesses. The Company will investigate the facts and circumstances of all claims of perceived discrimination, harassment or retaliation and will take prompt corrective action, if appropriate. Complaint forms can be obtained from GM's office and a copy is in your crew room.

No Retaliation

The Company strictly prohibits and does not tolerate unlawful retaliation against any employee by any employee. All forms of unlawful retaliation are prohibited, including any form of discipline, reprisal, intimidation or other form of retaliation for participating in any activity protected by law. Examples of protected activities include:

- Lodging a good faith internal complaint (written or oral) with human resources or management specifically opposing unlawful discrimination or harassment, or complaining about violations of wage and hour law (for example, if an employee believes he has been sexually harassed or not paid overtime he is owed).
- Filing a good faith complaint of unlawful discrimination or harassment with the US Equal Employment Opportunity Commission (EEOC) or any similar state or local agency, or in court.
- Participating in The Company's internal investigation into allegations of discrimination or harassment.
- Supporting another employee's internal or administrative complaint of unlawful discrimination or harassment (by, for example, testifying or providing an affidavit in support of a co-worker who has filed a discrimination complaint with the EEOC).
- Requesting an accommodation under the Americans with Disabilities Act or state anti-discrimination statutes.
- Requesting or taking leave under the Family and Medical Leave Act, New York Paid Family Leave Benefits Law, or filing workers compensation claims.

The examples above are illustrative only, and not exhaustive. No form of retaliation for any protected activity will be tolerated.

Zero Tolerance

Any employee, regardless of position or title, whom The Company determines has engaged in discriminatory, harassing, or retaliatory conduct in violation of this policy, will be subject to discipline, up to and including termination of employment.

Zero Tolerance Policy Regarding Employee Treatment Of Customers, Suppliers And Vendors

Our employees are prohibited from discriminating against or harassing customers, suppliers and vendors, based on race, color, sex, religion, national origin, age, disability, sexual orientation, or any other unlawful reason, both during work-related activities and at company-sponsored training or functions. Management employees who witness or receive reports of discriminatory or harassing behavior are required to take appropriate action, including immediately reporting such behavior to his or her Supervisor, the Human Resource representative or directly to the Owner/Operator. Any employee who receives a complaint of discrimination from a customer, supplier or vendor must bring the complaint to the attention of his/her manager immediately. These individuals will ensure that a prompt and thorough investigation is conducted.

REPRODUCTIVE HEALTH DECISION MAKING

All employees have the right to be free of discrimination or retaliation based on the employee's or the employee's dependent's reproductive health decision making, which includes, but is not limited to, the decision to use or access a particular drug, device, or medical service. Pursuant to New York Law Labor Law, Section 203-e, the Company will not:

- Access an employee's personal information regarding the employee's (or the employee's dependent's) reproductive health decisions, without the employee's prior informed affirmative written consent;
- Discriminate or take any retaliatory personnel action against an employee with respect to compensation, terms, conditions or privileges of employment because of or based on the employee's (or the employee's dependent's) reproductive health decisions; or
- Require an employee to sign a waiver or other document that purports to deny employees the right to make their own reproductive health care decisions.

An employee who believes his or her rights under the law have been violated, should follow the complaint procedures detailed in the Company's Non-Discrimination policy. The law also permits the employee to bring a civil action in any court of competent jurisdiction. Remedies include, but are not limited to, back pay, benefits, and reasonable attorneys' fees and costs, as well as injunctive relief and/or reinstatement. Additionally, a court may award liquidated damages unless an employer proves a good faith basis to believe that its actions were in compliance with the law.

The law also provides for an additional award of civil penalties against any employer that retaliates against an employee for bringing a complaint under the law. Retaliation is defined as discharging, suspending, demoting, or otherwise penalizing an employee for making or threatening to make a complaint to an employer, a co-worker, or to a public body or for instituting a proceeding, providing information to or testifying before any public body conducting an investigation, hearing or inquiry into any such violation."

SEXUAL HARASSMENT POLICY

On an annual basis, the Company will provide employees with training on sexual harassment to include an explanation of sexual harassment and specific examples of inappropriate conduct, detailed information concerning federal, state and local laws and the remedies, and an explanation of employee's external rights of redress and the available administrative and judicial forums for bringing complaints.

The Company is committed to maintaining a workplace free from sexual harassment. Sexual harassment is a form of workplace discrimination. The Company has a zero-tolerance policy for any form of sexual harassment, and all employees are required to work in a manner that prevents sexual harassment in the workplace. This Policy is one component of the Company's commitment to a discrimination-free work environment.

Sexual harassment is against the law and all employees have a legal right to a workplace free from sexual harassment, and employees are urged to report sexual harassment by filing a complaint internally with the Company. Employees can also file a complaint with a government agency or in court under federal, state or local anti-discrimination laws.

Policy:

1. The Company Policy applies to all employees, applicants for employment, interns, whether paid or unpaid, contractors and persons conducting business with the Company. In the remainder of this policy, the term "employees" refers to this collective group.
2. Sexual harassment will not be tolerated. Any employee or individual covered by this policy who engages in sexual harassment or retaliation will be subject to remedial and/or disciplinary action, up to and including termination (e.g. counseling, suspension, termination).
3. Retaliation Prohibition: No person covered by this Policy shall be subject to adverse employment action because the employee reports an incident of sexual harassment, provides information, or otherwise assists in any investigation of a sexual harassment complaint. The Company has a zero-tolerance policy for such retaliation against anyone who, in good faith complains or provides information about suspected sexual harassment. Any employee of the Company who retaliates against anyone involved in a sexual harassment investigation will be subjected to disciplinary action, up to and including termination. Any employee, paid or unpaid intern, or non-employee working in the workplace who believes they have been subject to such retaliation should inform a supervisor, manager, or Human Resources. Any employee, paid or unpaid intern or non-employee who believes they have been a victim of such retaliation may also seek relief in other available forums, as explained below in the section on Legal Protections.
4. Sexual harassment is offensive, is a violation of our policies, is unlawful, and may subject the Company to liability for harm to targets of sexual harassment. Harassers may also be individually subject to liability. Employees of every level who engage in sexual harassment, including managers and supervisors who engage in sexual harassment or who allow such behavior to continue, will be penalized for such misconduct.
5. The Company will conduct a prompt, thorough and confidential investigation that ensures due process for all parties, whenever management receives a complaint about sexual harassment, or otherwise knows of possible sexual harassment occurring. Effective corrective action will be taken whenever sexual harassment is found to have occurred. All employees, including managers and supervisors, are required to cooperate with any internal investigation of sexual harassment.
6. All employees are encouraged to report any harassment or behaviors that violate this policy. The Company will provide all employees a complaint form for employees to report harassment and file complaints.
7. Managers and supervisors are required to report any complaint that they receive, or any harassment that they observe to Human Resources.
8. This policy applies to all employees, paid or unpaid interns, and non-employees and all must follow and uphold this policy. This policy must be posted prominently in all work locations (for example, in a main office or crew room) and be provided to employees upon hiring.

WHAT IS "SEXUAL HARASSMENT"?

Sexual harassment is a form of sex discrimination and is unlawful under federal, state, and (where applicable) local law. Sexual harassment includes harassment on the basis of sex, sexual orientation, gender identity and the status of being transgender.

Sexual harassment includes unwelcome conduct which is either of a sexual nature, or which is directed at an individual because of that individual's sex when:

- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment, even if the reporting individual is not the intended target of the sexual harassment;
- Such conduct is made either explicitly or implicitly a term or condition of employment; or
- Submission to or rejection of such conduct is used as the basis for employment decisions affecting an individual's employment.

A sexually harassing hostile work environment includes but is not limited to words, signs, jokes, pranks, intimidation or physical violence which are of a sexual nature, or which are directed at an individual because of that individual's sex. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory statements or sexually discriminatory remarks made by someone which are offensive or objectionable to the recipient, which cause the recipient discomfort or humiliation, which interfere with the recipient's job performance.

Sexual harassment also occurs when a person in authority tries to trade job benefits for sexual favors. This can include hiring, promotion, continued employment or any other terms, conditions or privileges of employment. This is also called "quid pro quo" harassment.

Any employee who feels harassed should report so that any violation of this policy can be corrected promptly. Any harassing conduct, even a single incident, can be addressed under this policy.

Examples of Sexual Harassment

The following describes some of the types of acts that may be unlawful sexual harassment and that are strictly prohibited:

- Physical assaults of a sexual nature, such as:
 - Touching, pinching, patting, grabbing, brushing against another employee's body or poking another employee's body;
 - Rape, sexual battery, molestation or attempts to commit these assaults.
- Unwanted sexual advances or propositions, such as:
 - Requests for sexual favors accompanied by implied or overt threats concerning the target's job performance evaluation, a promotion or other job benefits or detriments;
 - Subtle or obvious pressure for unwelcome sexual activities.
- Sexually oriented gestures, noises, remarks, jokes or comments about a person's sexuality or sexual experience, which create a hostile work environment.
- Sex stereotyping occurs when conduct or personality traits are considered inappropriate simply because they may not conform to other people's ideas or perceptions about how individuals of a particular sex should act or look
- Sexual or discriminatory displays or publications anywhere in the workplace, such as:
 - Displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials or other materials that are sexually demeaning or pornographic. This includes such sexual displays on workplace computers or cell phones and sharing such displays while in the workplace.
- Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity and the status of being transgender, such as:
 - Interfering with, destroying or damaging a person's workstation, tools or equipment, or otherwise interfering with the individual's ability to perform the job;
 - Sabotaging an individual's work;
 - Bullying, yelling, name-calling.

Who can be a target of sexual harassment?

Sexual harassment can occur between any individuals, regardless of their sex or gender. New York Law protects

employees, paid or unpaid interns, and non-employees, including independent contractors, and those employed by companies contracting to provide services in the workplace. Harassers can be a superior, a subordinate, a co-worker or anyone in the workplace, including an independent contractor, contract worker, vendor, client, customer or visitor.

Where can sexual harassment occur?

Unlawful sexual harassment is not limited to the physical workplace itself. It can occur while employees are traveling for business or at employer sponsored events or parties. Calls, texts, emails, and social media usage by employees can constitute unlawful workplace harassment, even if they occur away from the workplace premises, on personal devices, or during non-work hours.

RETALIATION

Unlawful retaliation can be any action that could discourage a worker from coming forward to make or support a sexual harassment claim. Adverse action need not be job-related or occur in the workplace to constitute unlawful retaliation (e.g., threats of physical violence outside of work hours).

Such retaliation is unlawful under federal, state, and (where applicable) local law. The New York State Human Rights Law protects any individual who has engaged in "protected activity." Protected activity occurs when a person has:

- made a complaint of sexual harassment, either internally or with any anti-discrimination agency;
- testified or assisted in a proceeding involving sexual harassment under the Human Rights Law or other anti-discrimination law;
- opposed sexual harassment by making a verbal or informal complaint to management, or by simply informing a supervisor or manager of harassment;
- reported that another employee has been sexually harassed; or
- encouraged a fellow employee to report harassment.

Even if the alleged harassment does not turn out to rise to the level of a violation of law, the individual is protected from retaliation if the person had a good faith belief that the practices were unlawful. However, the retaliation provision is not intended to protect persons making intentionally false charges of harassment.

REPORTING SEXUAL HARASSMENT

Preventing sexual harassment is everyone's responsibility. The Company cannot prevent or remedy sexual harassment unless it knows about it. Any employee paid or unpaid intern or nonemployee who has been subjected to behavior that may constitute sexual harassment is encouraged to report such behavior to a supervisor, manager. Anyone who witnesses or becomes aware of potential instances of sexual harassment should report such behavior to a supervisor, manager or.

Reports of sexual harassment may be made verbally or in writing. A form for submission of a written complaint is attached to this Policy, and all employees are encouraged to use this complaint form. Employees who are reporting sexual harassment on behalf of other employees should use the complaint form and note that it is on another employee's behalf.

Employees, paid or unpaid interns or non-employees who believe they have been a victim of sexual harassment may also seek assistance in other available forums, as explained below in the section on Legal Protections.

SUPERVISORY RESPONSIBILITIES

All supervisors and managers who receive a complaint or information about suspected sexual harassment, observe what may be sexually harassing behavior or for any reason suspect that sexual harassment is occurring, **are required** to report such suspected sexual harassment to the Humans Resources office.

In addition to being subject to discipline if they engaged in sexually harassing conduct themselves, supervisors and managers will be subject to discipline for failing to report suspected sexual harassment or otherwise knowingly allowing sexual harassment to continue.

Supervisors and managers will also be subject to discipline for engaging in any retaliation.

COMPLAINT AND INVESTIGATION OF SEXUAL HARASSMENT

All complaints or information about suspected sexual harassment will be investigated, whether that information was reported in verbal or written form. Investigations will be conducted in a timely manner, and will be confidential to the extent possible.

An investigation of any complaint, information or knowledge of suspected sexual harassment will be prompt and thorough, commenced immediately, and completed as soon as possible. The investigation will be confidential to the extent possible. All persons involved, including complainants, witnesses and alleged harassers will be accorded due process to protect their rights to a fair and impartial investigation.

Any employee may be required to cooperate as needed in an investigation of suspected sexual harassment. The Company will not tolerate retaliation against employees who file complaint, support another's complaint or participate in any investigation regarding a violation of this policy.

While the process may vary from case to case, investigations will be done in accordance with the following steps:

- Upon receipt of complaint, management will conduct an immediate review of the allegations, and take any interim actions, (e.g., instructing the respondent to refrain from communications with the complainant) as appropriate. If complaint is verbal, encourage the individual to complete the "Complaint Form" in writing. If he or she refuses, prepare a Complaint Form based on the verbal reporting.
- If documents, emails or phone records are relevant to the allegations, take steps to obtain and preserve them.
- Request and review all relevant documents, including all electronic communications.
- Interview all parties involved, including any relevant witnesses;
- Create a written documentation of the investigation (such as a letter, memo or email), which contains the following:
 - A list of all documents reviewed, along with a detailed summary of relevant documents;
 - A list of names of those interviewed, along with a detailed summary of their statements;
 - A timeline of events;
 - A summary of prior relevant incidents, reported or unreported; and
 - The final resolution of the complaint, together with any corrective actions action(s).
- Keep the written documentation and associated documents in the employer's records.
- Promptly notify the individual who complained and the individual(s) about whom the complaint was made of the final determination and implement any corrective actions identified in the written document.
- Inform the individual who reported of the right to file a complaint or charge externally as outlined in the next section.

LEGAL PROTECTIONS AND EXTERNAL REMEDIES

Sexual harassment is not only prohibited by the Company but is also prohibited by state, federal, and, where applicable, local law.

Aside from the internal process at the Company, employees may also choose to pursue legal remedies with the following governmental entities at any time. While a private attorney is not required to file a complaint with a governmental agency, you may seek the legal advice of any attorney.

In addition to those outlined below, employees in certain industries may have additional legal protections.

State Human Rights Law (HRL)

The Human Rights Law (HRL), codified as N.Y. Executive Law, art. 15, § 290 et seq., applies to employers in New York State with regard to sexual harassment, and protects employees, paid or unpaid interns and non-employees regardless of immigration status. A complaint alleging violation of the Human Rights Law may be filed either with the Division of Human Rights (DHR) or in New York State Supreme Court.

Complaints with DHR may be filed any time within one year of the harassment. If an individual did not file at DHR, they can sue directly in state court under the HRL, within three years of the alleged sexual harassment. An individual may not file with DHR if they have already filed a HRL complaint in state court.

Complaining internally to the Company does not extend your time to file with DHR or in court. The one year or three years is counted from date of the most recent incident of harassment.

You do not need an attorney to file a complaint with DHR, and there is no cost to file with DHR.

DHR will investigate your complaint and determine whether there is probable cause to believe that sexual harassment has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If sexual harassment is found after a hearing, DHR has the power to award relief, which varies but may include requiring your employer to take action to stop the harassment, or redress the damage caused; including paying monetary damages, attorney's fees and civil fines.

DHR's main office contact information is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458, (718) 741-8400 or visit www.dhr.ny.gov.

Contact DHR at (888) 392-3644 or visit dhr.ny.gov/complaint for more information about filing a complaint. The website has a complaint form that can be downloaded, filled out, notarized and mailed to DHR. The website also contains contact information for DHR's regional offices across New York State.

Civil Rights Act of 1964

The United States Equal Employment Opportunity Commission (EEOC) enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act (codified as 42 U.S.C. § 2000e et seq.). An individual can file a complaint with the EEOC anytime within 300 days from the harassment. There is no cost to file a complaint with the EEOC. The EEOC will investigate the complaint, and determine whether there is reasonable cause to believe that discrimination has occurred, at which point the EEOC will issue a Right to Sue letter permitting the individual to file a complaint in federal court.

The EEOC does not hold hearings or award relief, but may take other action including pursuing cases in federal court on behalf of complaining parties. Federal courts may award remedies if discrimination is found to have occurred. In general, private employers must have at least 15 employees to come within the jurisdiction of the EEOC.

An employee alleging discrimination at work can file a "Charge of Discrimination." The EEOC has district, area, and field offices where complaints can be filed. Contact the EEOC by calling 1-800-669-4000 (TTY: 1-800-669-6820), visiting their website at www.eeoc.gov or via email at info@eeoc.gov.

If an individual filed an administrative complaint with DHR, DHR will file the complaint with the EEOC to preserve the right to proceed in federal court.

Local Protections

Many localities enforce laws protecting individuals from sexual harassment and discrimination. An individual should contact the county, city or town in which they live to find out if such a law exists. For example, employees who work in New York City may file complaints of sexual harassment with the New York City Commission on Human Rights. Contact their main office at Law Enforcement Bureau of the NYC Commission on Human Rights, 40 Rector Street, 10th Floor, New York, New York; call 311 or (212) 306-7450; or visit www.nyc.gov/html/cchr/html/home/home.shtml.

Contact the Local Police Department

If the harassment involves unwanted physical touching, coerced physical confinement or coerced sex acts, the conduct may constitute a crime. Contact the local police department.

FMLA - NEW YORK PAID FAMILY LEAVE

The Company provides leave according to the Family and Medical Leave Act of 1993 (FMLA), which provides for unpaid, job-protected A at least 1,250 hours in the last 12 months; and (3) be employed at a work site that has 50 or more employees within 75 miles. If you have any questions about your eligibility for FMLA leave, please contact the owner/operator or HR Department.

To qualify for paid family leave, you must have worked for the company for 26 or more consecutive weeks if you work a regular work schedule of 20 or more hours per week. Employees with a regular work schedule of less than 20 hours per week are eligible after they have worked for the company for 175 days in a 52-consecutive-week period.

Leave Policy

If eligible, you may take up to 12 or 26 weeks of family or medical leave under the FMLA, whichever is applicable (as explained below), within the relevant 12-month period defined below. If eligible for paid family leave, you may take up to *10 weeks of family leave (in the year 2019) within a 52-week calendar year. While you are on leave, the company will maintain your group health insurance coverage at the same level and under the same circumstances as when you were actively working, as explained more fully under the section titled, *Medical and Other Benefits*. Upon returning from approved FMLA leave, you have the right to be restored to the same job or an equivalent position, subject to the terms, limitations, and exceptions provided by law.

Leave Entitlement

You may take **up to 12 weeks** of unpaid FMLA leave in a 12-month period, which uses a "rolling" method that is measured backward from the date you use any FMLA leave for any of the following reasons:

- The birth of a son or daughter and in order to care for such son or daughter (leave to be completed within one year of the child's birth).
- The placement of a son or daughter with you for adoption or foster care and in order to care for the newly placed son or daughter (leave to be completed within one year of the child's placement).
- To care for a spouse, son, daughter, or parent with a serious health condition.
- To care for your own serious health condition, which renders you unable to perform any of the essential functions of your position.
- A qualifying exigency of a spouse, son, daughter, or parent who is a military member on covered active duty or called to covered active duty status (or has been notified of an impending call or order to covered active duty).

You may take **up to 26 weeks** of unpaid FMLA leave in a single 12-month period, beginning on the first day that you take FMLA leave to care for a spouse, son, daughter, or next of kin who is a covered service member and who has a serious injury or illness related to active duty service, as defined by the FMLA's regulations (known as military caregiver leave).

You may take up to *10 weeks of New York Paid Family Leave (in the year 2019) in a 52-week calendar period for any of the following reasons:

- To participate in providing care, including physical or psychological care, for a family member with a serious health condition.
- To bond with your son or daughter during the first 12 months after the child's birth.

- To prepare for or bond with an adopted or foster child. Leave must end no later than 12 months after the placement of the child.
- A qualifying reason as provided for under the FMLA when your spouse, domestic partner, child or parent is deployed on active military duty or has been notified of an impending call or order to active military duty.

*Beginning January 1, 2021, eligible employees may take up to 12 weeks of paid leave in a 52 week period.

Should you be eligible for leave under both the FMLA and the NYPFL, your leave under both of these laws will run concurrently.

Employees who are also eligible for New York State disability benefits can only receive a combined amount of 26 weeks of disability and paid family leave benefits during a 52-week calendar period.

Both Spouses Employed by the Company

Spouses who are both employed by the company and eligible for FMLA leave may be limited to:

- A combined total of 12 weeks of leave during the 12-month period if leave is requested:
 - for the birth of a son or daughter and in order to care for such son or daughter;
 - for the placement of a son or daughter with the employee for adoption or foster care and in order to care for the newly placed son or daughter; or
 - to care for an employee's parent with a serious health condition.
- A combined total of 26 weeks in a single 12-month period if the leave is either for:
 - military caregiver leave; or
 - a combination of military caregiver leave and leave for other FMLA-qualifying reasons.

If both spouses request the same period of paid family leave to bond with the same child, the company may deny one spouse's request.

Notice of Leave

If your need for FMLA or paid family leave is foreseeable, you must give the company at least 30 days' prior written notice. If this is not possible, you must at least give notice as soon as practicable (within one to two business days of learning of your need for leave). Failure to provide such notice may be grounds for delaying FMLA-protected and paid family leave, depending on the particular facts and circumstances.

Additionally, if you are planning a medical treatment or a series of treatments or you are taking military caregiver leave, you must consult with the company first regarding the dates of such treatment to work out a schedule that best suits the needs of both the employee or the covered military member, if applicable, and the company.

Where the need for leave is not foreseeable, you are expected to notify the company within one to two business days of learning of your need for leave, except in extraordinary circumstances. The Company has Family and Medical Leave Act and paid family leave request forms available from your GM or Supervisor. Please submit a written request, using this form, when requesting leave.

Certification of Need for Leave

If you are requesting leave because of your own or a covered relation's serious health condition, you and the relevant health care provider must supply appropriate medical certification. You may obtain Medical Certification forms from Company Office. When you request leave, the Company will notify you of the requirement for medical certification and when it is due (at least 15 days after you request leave). If you provide at least 30 days' notice of medical leave, you should also provide the medical certification before leave begins. Failure to provide requested medical certification in a timely manner may result in denial of FMLA-covered leave until it is provided.

The company at its expense, may require an examination by a second health care provider designated by the company. If the second health care provider's opinion conflicts with the original medical certification, the company at its expense, may require a third, mutually agreeable, health care provider to conduct an examination and provide a final and binding opinion. The company may require subsequent medical recertification. Failure to provide requested certification within 15 days, if such is practicable, may result in delay of further leave until it is provided.

The company also reserves the right to require certification from a covered military member's health care provider if you are requesting military caregiver leave and certification in connection with military exigency leave.

If you are requesting paid family leave, you must complete a Request for Paid Family Leave form and provide supporting documentation of the need for leave and submit it to Company Office within 30 days of the first day of leave.

Reporting While on Leave

If you take leave because of your own serious health condition or to care for a covered relation, you may be required to contact the company periodically regarding the status of the condition and your intention to return to work. In addition, you must give notice as soon as practicable (within two business days if feasible) if the dates of leave change or are extended or initially were unknown.

FMLA Leave Is Unpaid

FMLA leave is unpaid. You [may/will be required to] substitute any accrued and unused [vacation/paid time off/sick days/personal days] for unpaid FMLA leave as described below:

- If you request leave because of a birth, adoption, or foster care placement of a child, any accrued and unused paid will first be substituted for unpaid family/medical leave and run concurrently with your FMLA leave.
- If you request leave because of your own serious health condition, or to care for a covered relation with a serious health condition, any accrued paid vacation will be substituted for any unpaid family/medical leave and run concurrently with your FMLA leave.

The substitution of paid leave time for unpaid FMLA leave time does not extend the 12 or 26 weeks (whichever is applicable) of the FMLA leave period. In no case can the substitution of paid leave time for unpaid leave time result in your receipt of more than 100% of your salary. Your FMLA leave runs concurrently with other types of leave, for example, accrued vacation time that is substituted for unpaid FMLA leave and any state family leave laws, to the extent allowed by state law.

Paid Family Leave

While on family leave, beginning on January 1, 2019, you will be entitled to 55% of your average weekly wages, not to exceed 55% of the state average weekly wage, which is scheduled to increase as follows:

On January 1, 2020, employees are entitled to 60% of their average weekly wage, not to exceed 60% of the state average weekly wage.

On January 1, 2021, employees are entitled to 67% of their average weekly wage, not to exceed 67% of the state average weekly wage.

You may use any accrued but unused paid time off to supplement your paid family leave benefits up to your full wages.

Supplementation with accrued but unused paid time off does not extend the length of the paid family leave period. In no case can the use of paid time off result in your receipt of more than 100% of your salary.

Medical and Other Benefits

During approved FMLA or paid family leave, the company will maintain your health benefits as if you continued to be actively employed. If paid leave is substituted for unpaid FMLA leave, the company will deduct your portion of the health plan premium as a regular payroll deduction. If your leave is unpaid, you must pay your portion of the premium through (Contact Supervisor) Your health care coverage will cease if your premium payment is more than 30 days late. If your payment is more than 15 days late, we will send you a letter to this effect. If we do not receive your premium payment within 15 days after the date of this letter, your coverage may cease. If you elect not to return to work for at least 30 calendar days at the end of the leave period, you will be required to reimburse the company for the cost of the health benefit premiums paid by the company for maintaining coverage during your unpaid leave, unless you cannot return to work because of a serious health condition or other circumstances beyond your control. If on NYPFL leave, the Company will continue to deduct your portion of the health plan premium as a regular payroll deduction.

Exemption for Key Employees

Key employees, defined as salaried and FMLA-eligible employees who are among the highest paid 10% of all employees at a worksite or within 75 miles of that worksite, may not be returned to their former or an equivalent position following FMLA leave if restoration of employment will cause substantial and serious economic injury to the operations of the company. This fact-specific determination will be made by the company on a case-by-case basis. The company will notify you if you qualify as a key employee, if the company intends to deny reinstatement and of your rights in such instances.

Intermittent and Reduced Schedule Leave

If medically necessary, FMLA leave occasioned by a serious health condition may be taken intermittently (in separate blocks of time due to a serious health condition) or on a reduced leave schedule (reducing the usual number of hours you work per workweek or workday). FMLA leave may also be taken intermittently or on a reduced leave schedule for a qualifying exigency relating to covered military service.

If leave is unpaid, the company will reduce your salary based on the amount of time actually worked. In addition, while you are on an intermittent or reduced schedule leave, the company may temporarily transfer you to an available alternative position that better accommodates your leave schedule and has equivalent pay and benefits.

Paid family leave may be taken intermittently in full day increments.

Returning From Leave

If you take leave because of your own serious health condition (except if you are taking intermittent leave), you are required, as are all employees returning from other types of medical leave, to provide medical certification that you are fit to resume work. Otherwise, you will not be permitted to resume work until it is provided.

Unlawful Acts by Employers under the FMLA

FMLA makes it unlawful for any employer to:

- interfere with, restrain, or deny the exercise of any right provided under FMLA; and
- discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

Enforcement of FMLA

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

FMLA does not affect any Federal or State law prohibiting discrimination, or supersede any State or local law or collective bargaining agreement which provides greater family or medical leave rights.

Employees are protected from discrimination and retaliation for requesting or taking Paid Family Leave.

If your employer terminates your employment, reduces your pay and/or benefits, or disciplines you in any way as a result of you requesting or taking Paid Family Leave, send your employer's designated Paid Family Leave contact a formal request for job reinstatement using the *Formal Request For Reinstatement Regarding Paid Family Leave (Form PFL-DC-119)*, which can be found in the forms section of ny.gov/PaidFamilyLeave. **File the completed form** with your employer and send a copy to:

Paid Family Leave, P. O. Box 9030, Endicott, NY 13761-9030

If your employer fails to comply with the request for reinstatement within 30 days, you may file a Paid Family Leave discrimination complaint with the Workers' Compensation Board using *Paid Family Leave Discrimination Complaint (Form PFL-DC-120)*, which is also available on the Paid Family Leave website. Once your complaint is received, the Board will assemble your case and schedule a preliminary hearing in front of a Workers' Compensation Law Judge.

CONFIDENTIAL COMPANY INFORMATION

The Company's confidential and proprietary information is vital to its current operations and future success. Each employee should use all reasonable care to protect or otherwise prevent the unauthorized disclosure of such information.

In no event should employees disclose or reveal confidential information within or outside the Company without proper authorization or purpose. Employees who improperly use or disclose the Company's confidential and/or proprietary information may be subject to discipline, up to and including termination of employment.

Confidential or proprietary information includes, but is not limited to, non-public information regarding the Company's business methods and plans, databases, systems, technology, know-how, marketing plans, business development, products, services, financial statements, financial projections, financing methods, pricing strategies, customer sources, employee health/medical records, system designs, customer lists and methods of competing.

Dating, Nepotism and Fraternization Policy

Nor-Cort Enterprises, Inc. is committed to fostering a professional work environment. Every restaurant and staff employee of *Nor-Cort Enterprises, Inc.* has a responsibility to maintain such an environment and avoid situations that may create a conflict of interest. Certain personal relationships between employees, such as those in a reporting capacity, may cause problems in the workplace, including a lack of objectivity towards the subordinate's job performance, the perception of favoritism by other employees (whether justified or not), and potential sexual harassment complaints. Further, dating or fraternizing between managerial employees and any crew employee who is a minor and whom they supervise may raise legal and parental concerns.

Accordingly, the following guidelines govern dating, nepotism and fraternizing for employees of *Nor-Cort Enterprises, Inc.*

Guidelines

- **Dating.** Employees who have a direct reporting relationship to each other are prohibited from dating each other.
- **Nepotism.** Claims of favoritism, a conflict of interest, or problems with supervision, safety, security, or morale may exist when relatives have a direct or indirect reporting relationship to each other. As a result, nepotism is prohibited in the restaurant. Generally, relatives may not have a direct or indirect reporting relationship to each other. Any exceptions to this policy to minimize the problems of supervision, safety, security, or morale can only be made by the Area Supervisor, Director of Operations, or the Owner. **Fraternization between Restaurant Management and Crew Employees.** Managers are prohibited from taking any action which would compromise their ability to effectively supervise and/or discipline the employees under their direction. In addition, the Company prohibits managers from purchasing alcohol for any underage crew members, and for any crew members who work in the same restaurant.

Employee Obligations

*Any employee who enters into or plans to enter into a dating or romantic relationship that violates this policy must advise his/her General Manager immediately.

*Relatives who experience a change in employment status and find themselves in a direct reporting relationship to each other must advise the Area Supervisor, Director of Operations, or the Owner immediately.

*In order to address a violation of this policy and to minimize problems of supervision, safety, security, or morale, the Company may take such steps as it deems reasonable and appropriate to correct the violation, including but not limited to transferring or reassigning one or both of the employees involved, demoting the management level employee, or terminating the management level employee.

Employees who violate this Dating, Nepotism and Fraternization Policy will be disciplined up to and including termination.

The Policy Against Discrimination and Harassment applies to all work-related situations. Unwelcome advances of a sexual nature toward any individual in a work-related situation always are prohibited.

Questions and Answers about the Dating, Nepotism and Fraternization Policy

What is "dating"?

"Dating" includes both the usual conversational, common sense meaning of the word, as well as any sexual relationship or encounter.

Who is included in a person's "immediate family"?

Under this policy, "immediate family" includes father, mother, sister, brother, child, parent, grandparent, first cousins, spouse, significant other (such as unmarried couples who live together), step-parent and step-child relationships, in-law relationships and analogous relationships with relatives of an employee's significant other. This policy covers all family-like relationships, regardless of blood or legal relationships. Managers who have any questions about the application of this policy to an employee or applicant should contact the Owner/Operator.

What is a "restaurant management employee"?

For the purposes of this policy, a "restaurant management employee" includes floor supervisors, swing managers, certified swing managers, manager trainees, and all salaried restaurant management.

What does "in public" mean?

Some examples of being "in public" include going to a restaurant, bowling alley, amusement park, sporting event, or ice skating rink.

Do the fraternization guidelines prohibit two management employees who work in the same restaurant from socializing with each other?

No. The fraternization guidelines do not prohibit two management employees from socializing with each other. Of course, each manager must ensure that any such socializing does not violate other restaurant guidelines or policies such as the dating guidelines or the Policy against Discrimination and Harassment.

Wage and Hour Policies

Federal and State Wage and Hour Laws

Federal and state wage and hour laws require that employees are paid for all hours worked.

Attending or participating in meetings, orientation, training, store decorating, and other similar tasks that benefit the restaurant is considered work, and all time spent by employees on these tasks must be paid.

Employees must be paid for time spent on "homework" if it is mandated by the Company. Non-salaried employees must complete all homework, training and/or other work in the restaurant. **Any exceptions must receive prior permission granted in writing by the Owner/Operator.**

Travel time for work-related business must be paid if it occurs during an employee's normal working hours. If travel occurs all within one day, then employees are paid for travel time only if it exceeds their normal commuting time to and from work. Employees must be paid for all time spent performing work when traveling.

Punching In And Out

Your management team is committed to treating you fairly and with respect. We want to ensure that you are paid for all hours worked, and that our pay practices comply in all respects with all state, federal and local laws. This means that you are entitled to be paid for all time worked, including any overtime. You must always be punched in when you are working. Working off the clock is never permitted. If for any reason, you have not been paid for all hours that you have worked, you should immediately contact your General/Restaurant Manager, or your Owner/Operator and they will assist you in receiving pay for all hours worked.

To make sure that you get paid for all hours that you work, you must clock in before you begin any work and you must clock out only when you have finished all of your work for the day. Do not punch out until your last task is completed. Because it is important that you receive pay for all hours that you work, you must never punch in or out for anyone else and you must never let anyone punch in or out for you.

All employees are required to obtain permission from the shift manager with responsibility for running the floor to punch in on the time clock. Employees should request permission at their scheduled start time, when they are ready and dressed to begin work, and punch out when they complete their shift and have finished their work. No work of any kind should be performed by employees before they have punched in or after they have punched out. In addition, employees must punch out for all breaks and should not perform any work while they are punched out for a break.

possible so that the issue can be resolved and you can receive all of the pay you have earned without any delay.

Standby Time and Working Off The Clock

Employees may not work off-the-clock for any reason nor may employees be placed on standby for any reason whatsoever. Standby time is any time when an employee is required to be in the restaurant without being paid.

Overtime Pay

As necessary, employees may be required to work overtime. A supervisor must previously authorize all overtime work. The Company provides compensation for all overtime hours worked by non-exempt employees in accordance with state and federal law.

For overtime purposes for non-exempt employees, overtime is over 40 hours.

Exempt employees are expected to work as much of each work day as is necessary to complete their job responsibilities. No overtime or additional compensation is provided to exempt employees.

Notice and Acknowledgement of Pay Rate and Payday

New York State requires that a written notice of an employee's hourly rate of pay, hourly overtime pay rate, and regular payday must be provided at the time of hiring.

Additionally, by February 1 of each subsequent year of employment, and at every wage change, employees must receive an updated notice. The employee must also be notified seven days in advance if the employer changes pay or other terms contained in the notice.

Federal and State Child Labor Laws

Both federal and state laws restrict the duties a minor can perform and a minor's work schedule. New York State imposes restrictions beyond federal law as to the hours and duties that can be worked by minors.

All minor laws must be strictly followed. Failure to follow the laws will result in disciplinary action up to and including termination for the manager and employee in violation.

Work Permit

New York State requires that anyone under 18 (minors) must show an employment certificate before they may begin work, commonly referred to as "working papers." Work permits can be obtained from a student's public high school or school district office. Employees under age 18 must provide proof of age. A copy of the work permit must be kept in our files permanently unless required to be return original to proper authority upon termination of employment or as age advances to next work permit requirement.

Compliance with the Policy and Reporting Requirements

Employees are required to comply with all state and federal wage and hour laws, as well as the Company's policies on wage and hour compliance.

WORKPLACE VIOLENCE POLICY

The Company prohibits and will not tolerate any form of workplace violence or abusive conduct by an employee, supervisor, or third party, including vendors or customers both at the workplace and at employer-sponsored events.

As a Company, we are firmly committed to providing a workplace that is free from acts of violence or threats of violence. Although some kinds of violence result from societal problems that are beyond our control, we believe that measures can be adopted to increase protection for employees and to provide a secure workplace. In keeping with this commitment, we have established a strict policy that prohibits any employee from threatening or committing any act of violence in the workplace.

Employees are required to report any incident involving a threat or act of violence or abusive conduct immediately to their General Manager, the Office, Director of Operations, or the Owner. The matter will be immediately investigated and appropriate corrective action will be taken. This may include the imposition of disciplinary action upon any employee violates this policy, up to and possibly including immediate termination.

STANDARDS OF CONDUCT

The Company is committed to guarding employee security, personal safety, and welfare as well as Company assets and operations. Disciplinary action will be taken for engaging in prohibited conduct and it may call for any of the following four steps—verbal warning, written warning, suspension, or termination of employment—depending on the severity of the conduct and number of occurrences. The use of progressive discipline is at the Company's sole discretion and does not alter the Company's policy of at-will employment. There may be circumstances when one or more steps are bypassed, at management's sole discretion. The usual progressive disciplinary procedure followed for an offense is as follows:

VERBAL WARNING: An informal warning where supervisor informs the employee of a violation of Company rules. The supervisor may document the verbal warning, depending on severity of offense and the notice of the verbal warning will be filed in the employee's personnel file.

WRITTEN WARNING: In situations where a more formal or serious warning is merited, a written summary of the prohibited conduct is given to the employee. A written warning details the violation of Company rules, the required changes in behavior the employee must make and the time frame within which to do so. The employee will sign and receive a copy of this warning. The warning will be filed in the employee's personnel file.

SUSPENSION: An employee may be suspended without pay for failure to follow the terms of a written warning or for a serious policy violation or pending investigation of an alleged breach of serious policy.

TERMINATION: The final step in the disciplinary process.

This list of prohibited conduct is illustrative only. Other types of conduct detrimental to security, personal safety, employee welfare, or the Company's interests may also be prohibited.

*Falsified time records, employment applications, hiring documents, or intentionally and maliciously falsifying Company business records.

*Recording the work time of another employee or allowing any other employee to record your work time, or allowing falsification of any time card, either your own or another's.

*Possessing, distributing, selling, transferring, using or being under the influence of alcohol, an illegal drug, or abusing a controlled substance during work time.

*Theft, deliberate or careless damage of any Company property or the property of any employee or customer.

CONCLUSION

Many Company policies and employee benefits have been treated only briefly in this handbook. If you have any questions or want more information, your General Manager or Area Supervisor will be glad to fill in the details for you, and will also be happy to help you get answers to any question you have regarding the Company's policies.

CONFIRMATION OF RECEIPT OF EMPLOYEE HANDBOOK

I have received my copy of the Company's Employee Handbook. I understand and agree that it is my responsibility to read and familiarize myself with the policies and procedures contained in the handbook and to follow those policies and procedures at all times.

I understand and agree that nothing in the employee handbook creates a promise or representation of continued employment and that employment at the Company is employment at-will; employment may be terminated at the will of either the Company or myself. My signature certifies that I understand that the foregoing agreement regarding my at-will status is the sole and entire agreement between the Company and myself concerning the duration of my employment and the circumstances under which my employment may be terminated. It supersedes all agreements, understandings, and representations concerning my employment with the Company.

I understand that except for my at-will status, any and all policies can be changed at any time by the Company. The Company reserves the right to change my hours, wages, and working conditions at any time. I understand and agree that other than the owner-operator of The Company, no manager, supervisor, or representative of the Company has authority to enter into any agreement, express or implied, for employment for any specific period of time, or to make any agreement for employment other than at-will; only the owner-operator has the authority to make any such agreement and then only in writing, signed by the owner-operator.

Employee's Signature

Date

Employee's Name (Print)

Manager's Signature

Date

(A copy of the Confirmation of Receipt of Handbook will be retained in the employee's personnel file).