



V I B E
RESTAURANTS

EMPLOYEE HANDBOOK



WELCOME

Welcome to Vibe Restaurants! We are delighted that you have chosen to join our organization and hope that you will enjoy a long and successful career with us. As you become familiar with our culture and mission, we hope you will take advantage of opportunities to enhance your career and further Vibe's goals.

We hope your experience with Vibe Restaurants is fun, exciting, and genuinely rewarding. A positive work experience begins with you. Your success at Vibe Restaurants depends on your enthusiasm, flexibility, and willingness to learn new things. In return, you will gain valuable new skills. You will not only learn how to make fresh, high quality products, you will also discover things about customer service, teamwork, and business operations that you can use the rest of your life. Our mission is to exceed customer expectations with extraordinary value, convenience, and great tasting products, provided by outstanding people.

We prepared this Handbook to assist you in finding answers to many of the most frequently asked questions regarding Restaurant and Company policies. Of course, feel free to ask your General Manager any questions regarding your employment.

The contents of this Handbook are guidelines only and supersede any prior Handbook. The Restaurant has the right, with or without notice, in an individual case or generally, to change and/or modify its interpretation of any of its guidelines, policies, practices, or working conditions at any time. Nothing in this Handbook should be construed as a promise of specific treatment in any specific situation upon which any employee should rely. Additionally, many matters covered by this Handbook are also described in separate official documents, and such official documents are always controlling over any statement made in this Handbook or by any supervisor or manager.

NEITHER THIS HANDBOOK NOR ANY OTHER RESTAURANT GUIDELINES, POLICIES, OR PRACTICES CREATES AN EMPLOYMENT CONTRACT, BARGAIN, OR AGREEMENT OR CONFERS ANY CONTRACTUAL RIGHTS WHATSOEVER. EMPLOYMENT WITH THE RESTAURANT IS AT-WILL, AND EITHER THE EMPLOYEE OR THE RESTAURANT MAY TERMINATE EMPLOYMENT AT ANY TIME, WITH OR WITHOUT CAUSE OR REASON. NO REPRESENTATIVE OF THE RESTAURANT IS AUTHORIZED TO PROVIDE ANY EMPLOYEE, INDIVIDUALLY OR ON A COLLECTIVE BASIS, WITH AN EMPLOYMENT CONTRACT OR SPECIAL ARRANGEMENT CONCERNING THE TERMS OR CONDITIONS OF EMPLOYMENT UNLESS THE CONTRACT OR AGREEMENT IS IN WRITING AND SIGNED BY MICHAEL TRIFARI.

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Employment at Will

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

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

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

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

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

Equal Opportunity and Commitment to Diversity

Equal Opportunity

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

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

Vibe Restaurants will endeavor to make a reasonable accommodation of an otherwise qualified applicant or employee related to an individual's physical or mental disability, sincerely held religious beliefs and practices, and/or any other reason required by applicable law, unless doing so would impose an undue hardship upon Vibe's business operations.

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

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

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

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

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

Americans with Disabilities Act (ADA) and Reasonable Accommodation

Vibe Restaurants is committed to the fair and equal employment of individuals with disabilities under the ADA. It is Vibe Restaurants' policy to provide reasonable accommodation to qualified individuals with disabilities unless the accommodation would impose an undue hardship on the company. Vibe Restaurants prohibits any harassment of, or discriminatory treatment of, employees based on a disability or because an employee has requested a reasonable accommodation.

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

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

Commitment to Diversity

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

Open Door Policy / Complaint Procedure

At Vibe we want to maintain a positive environment our employees. Employees are encouraged to report work-related concerns, please discuss it with your immediate supervisor as soon as possible. If you do not feel comfortable bringing the matter to your supervisor, feel free to raise the issue with any company leader.

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

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

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

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

Definition of "sexual harassment." While all forms of harassment are prohibited, special attention should be paid to sexual harassment. "Sexual harassment" can include all the above actions, as well as other unwelcome conduct, and is generally defined under both state and federal law as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature whereby:

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

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

While it is not possible to list all those additional circumstances that may constitute sexual harassment, the following are some examples of conduct that, if unwelcome, may constitute

sexual harassment depending on the totality of the circumstances, including the severity of the conduct and its pervasiveness:

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

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

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

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

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

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

Conflicts of Interest and Confidentiality

Conflicts of Interest

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

Exactly what constitutes a conflict of interest, or an unethical business practice is both a moral and a legal question. Vibe Restaurants recognizes and respects the individual employee's right to engage in activities outside of employment that are private in nature and do not in any way conflict with or reflect poorly on the company.

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

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

Confidential Information

The protection of confidential business information and trade secrets is vital to the interests and success of Vibe Restaurants. Confidential information is information disclosed to or known by you because of employment with the company that is not generally known to people outside the company about its business.

An employee who improperly uses or discloses trade secrets or confidential business information will be subject to disciplinary action up to and including termination of employment and legal action, even if the employee does not actually benefit from the disclosed information.

All inquiries from the media must be referred to the KENT CHAPIN, DIRECTOR OF MARKETING AND COMMUNICATIONS. This provision is not intended to, and should not be interpreted to, prohibit employees from discussing wages and other terms and conditions of employment if they so choose.

Employment Relationship

Employee Probationary Period Policy

Policy brief & purpose

Our **probationary period company policy** will define the employment probationary period and explain its meaning for the employee and the company. This practice is designed to allow an introductory period for everyone involved to decide if the hiring of the employee was a correct decision and whether the employee should continue working for the company.

Scope

This policy applies to all prospective and existing employees of our company.

Policy elements

Those who can be placed in an employee probationary period include the following:

- New employees who have just passed through a hiring process for a permanent position

New Employees

The company will make an effort to ensure that its hiring procedures serve the purpose of recruiting the best employees for each open position. However, we acknowledge that they are inevitably not always accurate in predicting performance or determining appropriate cultural fit. The probation period for new employees gives both employee and employer enough time to find out if their employment relation will eventually work out to the benefit of both.

What is the meaning of probation period?

The **probationary period definition** is for all new hires, it begins on their start date and continues for the first 90 consecutive days. It is a “trial period” during which the employee is being evaluated as a suitable fit to the position and the company. The new employee will be given consistent feedback and coaching to have the chance to learn their new job and improve during the probationary period. At the end of the probation period (or possibly before that), the supervisor will determine if the employee should be retained in the organization. This decision will be made by appraising the following criteria:

- The skills, competencies, and knowledge of the employee on the job
- The employee’s progress on given assignments
- Their reliability, trustworthiness, and other relevant personality characteristics of the employee
- The employee’s relations and collaboration with subordinates, supervisors, and peers

The abovementioned criteria will be assessed with quantitative measures if applicable. Their progress will be documented whenever possible, and the decision to retain them will be at the supervisor’s discretion.

An employee may also be placed in a probationary period if they have been promoted or

Termination: Dismissal during probationary period

If the employee is deemed unsuitable while on a probationary period, they may be terminated without the minimum prior notice mandated by law. The termination of employment during this period may be for cause or without cause depending on the circumstances and the individual’s evaluation.

Termination may occur before the ending of the probationary period. This may happen if the tactical evaluations of the employee are highly unsatisfying or if the employee engages in behavior that justifies a for-cause dismissal. The employee will be officially notified in writing for the decision to terminate them. The document will explicitly state the reason behind their termination and the expected date it will take effect.

Employees may still have to be dismissed for various reasons, after the end of the probationary period. In such cases, the company will follow probation period employment law, legal guidelines, and company policy.

Employee Privacy

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

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

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

Video surveillance. As part of its security measures and to help ensure a safe workplace, Vibe Restaurants has positioned video cameras to monitor various areas of its facilities. Video cameras will not be used in private areas, such as break rooms, restrooms, locker/dressing rooms, etc. Videotapes will not include an audio component.

Privacy—Social Security Numbers

Policy and Procedure Regarding Use and Disclosure of Social Security Numbers

Purpose. This policy and procedure explain Vibe Restaurants' general standards and practices for how Social Security numbers are gathered, stored, disclosed, and ultimately disposed of.

Policy. Social Security numbers obtained from employees, vendors, contractors, customers, or others are confidential information.

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

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

Retention and access to Social Security numbers. All records containing Social Security numbers (whether partial or complete) will be maintained in secure, confidential files with limited access.

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

Employment Classification

To determine eligibility for benefits and overtime status and to ensure compliance with federal and state laws and regulations, Vibe Restaurants classifies its employees as shown below.

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

Nonexempt. Nonexempt employees are paid on an hourly basis and are eligible to receive overtime pay for overtime hours worked.

Regular, full time. Employees who work a minimum of 30 hours weekly and maintain continuous employment status.

Regular, part time. Employees who are regularly scheduled to work less than 30 hours weekly but at least 20 hours weekly and who maintain continuous employment status.

Meal and Rest Breaks

Vibe Restaurants complies with all federal and state laws governing break, meal, and rest period procedures. If a break is to be unpaid, it must be uninterrupted for at least 30 minutes. While minor employees under the age of 18 are on a break, they should remain on the premises. Employees must clock-out at the beginning of an unpaid break and then clock-in at the end of the unpaid break after receiving management permission to do so.

At all times, including on breaks and lunch, employees must eat and drink away from the Restaurant or in designated areas away from customer view. Never eat while working or preparing food.

Supervisors will inform employees of their scheduled hours as well as any meal and/or rest periods.

Little Caesars Meal Policy

Employee gets 50% off any menu items, excluding wings and drinks. The discount is only during your shift, or at the end of your shift, not when you are off duty. You can purchase for your approved break or at the end of your shift.

Limit: one (1) per shift. You must pay and have a receipt for the discounted items.

Employees are not allowed to buy drinks from our store or bring any Pepsi 20z products from outside. You can share the discounted pizza with other employees during their break. You can

only take a food break with the approval of the manager on duty.

All expired and unsold products in the hot-boxes and pre-made products on the ready-rack must be discarded at expiration time and/or the end of the day and recorded as waste. No one is allowed to take these products home.

Wing Stop Meal Policy

Employees are authorized to receive a 30% discount on food purchased for personal consumption. The manager on duty must ring up the food orders for all employees. On the employee's day off, he/she may want to come in and eat at VWS Restaurants, LLC / Wingstop locations. This is perfectly fine - the employee will receive the same 30% employee discount. This does not mean the employee will feed friends or family at the 30% discount as well, "only the employee will receive the discount."

Time Records

All nonexempt employees are required to complete accurate weekly time reports showing all time worked. These records are required by governmental regulations and are used to calculate regular, and overtime pay. At the end of each week, you and your supervisor must sign the time sheet attesting to its correctness before forwarding it to the HR department.

Overtime

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

Deductions from Pay/Safe Harbor Exempt Employees

Vibe Restaurants does not make improper deductions from the salaries of exempt employees and complies with the salary basis requirements of the Fair Labor Standards Act (FLSA). Employees classified as exempt from the overtime pay requirements of the FLSA will be notified of this classification at the time of hire or change in position.

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

- Deductions that are required by law, e.g., income taxes.
- Deductions for employee benefits when authorized by the employee.
- Absence from work for 1 or more full days for personal reasons other than sickness or disability.
- Absence from work for 1 or more full days due to sickness or disability if the deduction is made in accordance with a bona fide plan, policy, or practice of providing compensation for salary lost due to illness.
- Offset for amounts received as witness or jury fees or for military pay.

- Unpaid disciplinary suspensions of 1 or more full days imposed in good faith for workplace conduct rule infractions; *and*
- Any full workweek in which the employee does not perform any work.

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

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

Paychecks

For purposes of payroll, the workweek begins Tuesday and ends Monday. Employees are paid Monday by direct deposit or pay card for all time worked during the previous two weeks. Employee payroll stubs itemize deductions made from gross earnings. The Restaurant is required by law to make deductions for Social Security, federal income tax and any other appropriate taxes. These required deductions include any court-ordered garnishments. Payroll stubs also itemize any voluntary deductions to the extent applicable. If applicable, payroll stubs will also differentiate between regular, and overtime pay received.

Employees who believe there is an error in their pay should bring the matter to the attention of General Manager immediately, so that the Restaurant can investigate and resolve the matter quickly and amicably.

Direct deposit is available upon an employee's consent.

Access to Personnel Files

Employee files are maintained by the HR department and are considered confidential. Employee's may only have access to their personnel file information on a need-to-know basis with HR Director approval. Inspections by employees must be requested in writing to the HR department. Personnel files are to be reviewed in the HR department.

Separation from Employment

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

If applicable, information regarding benefits continuation through the Consolidated Omnibus Budget Reconciliation Act (COBRA) will be sent to the employee's home address.

Should it become necessary because of business conditions to reduce the number of employees or work hours, this will be done at the discretion of the company.

Agreement to Mediate

The parties voluntarily agree to mediate. The parties understand that mediation may be terminated at any time by either party or by the mediators.

The mediators have no authority to decide any case and are not acting as advocates or attorneys for any party. The parties have a right to representation during mediation.

The confidentiality provisions of the Administrative Dispute Resolution Act apply to this mediation. The ADR Act focuses primarily on protecting private communications between parties and the mediator. Generally, parties' oral communications to the mediator during mediation are protected. The same is true for written communications parties prepare for mediation and give only to the mediator.

There are exceptions to the confidentiality provisions in the Act. For example, statements made with all the other parties present, or documents provided to all parties are not confidential. Also, in unusual circumstances, a judge can order disclosure of information that would prevent a manifest injustice, help establish a violation of law, or prevent harm to public health and safety. Further, information concerning fraud and criminal activity, or threats of imminent harm will not be considered confidential in this mediation.

Parties can agree to more confidentiality if they want. For example, parties can agree in writing to keep statements they make or documents they share with the other parties confidential. Outside parties may, however, still have access to statements or documents as provided by law.

No party shall be bound by anything said or done at the mediation, other than this Agreement to Mediate, unless a written settlement is reached and executed by all necessary parties.

Workplace Safety

Drug-Free and Alcohol-Free Workplace

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

The unlawful use, possession, purchase, sale, or distribution of or being under the influence of any illegal drug or controlled substance (including medical marijuana) while on company or client premises or while performing services for the company is strictly prohibited. Vibe Restaurant also prohibits reporting to work or performing services under the influence of alcohol or consuming alcohol while on duty or during work hours. In addition, Vibe Restaurants prohibits off-premises abuse of alcohol and controlled substances (including medical marijuana), as well as the possession, use, or sale of illegal drugs, when these activities adversely affect job performance, job safety, or the company's reputation in the community.

To ensure compliance with this policy, substance abuse screening may be conducted in the following situations:

Preemployment: as required by the company for all prospective or internal employees who receive a conditional offer for any supervisory position.

For cause: upon reasonable suspicion that the employee is under the influence of alcohol or drugs that could affect or have adversely affected the employee's job performance

Post-Accident

Compliance with this policy is a condition of employment. Employees who test positive or who refuse to submit to substance abuse screening will be subject to termination. Notwithstanding any provision herein, this policy will be always enforced in accordance with applicable state and local law.

Any employee violating this policy is subject to discipline, up to and including termination, for the first offense.

Smoke-Free Workplace

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

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

Workplace Violence Prevention

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

All Vibe Restaurant employees bear the responsibility of keeping our work environment free from violence or potential violence. Any employee who witnesses or is the recipient of violent behavior should promptly inform their supervisor, manager, or HR department. All threats will be promptly investigated. No employee will be subject to retaliation, intimidation, or discipline because of reporting a threat in good faith under this guideline.

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

Vibe Restaurants always prohibits the possession of weapons on its property. Additionally, while on duty, employees may not carry a weapon of any type. Weapons include, but are not limited to, handguns, rifles, automatic weapons, knives that can be used as weapons (excluding pocketknives, utility knives, and other instruments that are used to open packages or cut string and for other miscellaneous tasks), martial arts paraphernalia, stun guns, and tear gas. Any employee violating this policy is subject to discipline up to and including dismissal for the first offense.

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

Commitment to Safety

Protecting the safety of our employees and visitors is the most important aspect of running our business. All employees have the opportunity and responsibility to contribute to a safe work environment by using commonsense rules and safe practices and by notifying management when any health or safety issues are present. All employees are encouraged to partner with management to ensure maximum safety for all. In the event of an emergency, immediately notify the appropriate management, and if needed dial 911.

Any workplace injury, accident, or illness must be reported to the employee's supervisor as soon as possible, regardless of the severity of the injury or accident.

- All safety hazards must be brought to the attention of a member of management as soon as practicable.
- No one under the age of 18 can operate, clean, assemble or disassemble any part of the Vertical Cutting Machine (VCM).
- No one under the age of 18 can clean, assemble, or disassemble any part of the sheeter machine. *
- No one under the age of 18 can operate clean, assemble, or disassemble any part of the dough rounder or dough divider.
- A minor employee (age 16 and 17) must have adult supervision 100 percent of the time.

- Note: No individual under the age of 16 can work for Vibe Restaurants.
- Under no circumstances will a minor employee (age 16 and 17) be allowed to travel in a vehicle to conduct Restaurant business (i.e., banking and borrowing items from another Restaurant).
- No horseplay or running in the Restaurant.
- Seat belts must be worn by employees when traveling in a vehicle and conducting business relating to the Restaurant (i.e., banking responsibilities).
- At no time can an employee be alone in the Restaurant. There must be two employees in the store, with one of the two employees being a member of management.
- All equipment must be unplugged before it is cleaned using Lockout/Tagout procedures.
- Work areas must be kept clean. Clutter creates distractions and potential hazards.
- Equipment must be used properly, following all safety guidelines.
- Under no circumstances should an employee bypass any safety switch or lock out tag.
- Back door must always remain closed and locked.

Workplace Guidelines

Code of Conduct

Vibe endeavors to maintain a positive work environment. Each employee plays a role in fostering this environment. Accordingly, we all must abide by certain rules of conduct, based on common sense and fair play.

Because everyone may not have the same idea about proper workplace conduct, it is necessary to adopt and enforce rules all can follow. The following are examples of some but not all conduct which may subject the offender to disciplinary action, up to and including discharge, in the Restaurant's sole discretion:

- Taking actions or making statements on Restaurant premises pertaining to nudity, sexual activity, pornography, violence, hate, any matter of a violent or sexual nature, or any matter that would cause reasonable people to take actions against their will, feel threatened or abused, or fear bodily harm, including aggressive use of obscene or profane language or gestures in the presence of another, or otherwise violate the Restaurant's Anti-Harassment and Anti-Violence policies.
- Failure to follow lawful work assignments from your management team.
- Not performing your job duties correctly and efficiently to achieve the desired results.
- Not attending meetings as required by management.
- Not cooperating fully with management in Restaurant investigations.
- No fighting or conduct that is threatening, intimidating, coercing, or interfering with the job performance of other employees, suppliers, customers, or vendors.
- Neglecting or become careless in performing work assignments or job duties.
- Altering/falsifying timecards or work records.
- Misrepresenting or taking advantage of your position, its job duties, and/or Restaurant property or services for personal or financial gain, or otherwise violating the Conflict-of-Interest Policy.
- Engaging in criminal conduct or any other conduct in violation of federal, state, or local law.
- Obtaining employment based on false or misleading information.

- Stealing, removing, or defacing Restaurant, vendor, or co-worker's property.
- Violation of the Substance Abuse Policy.
- Violation of the Confidential Information.
- Violation of the Attendance Policy.
- Loitering or loafing during work time or leaving a work area without the permission of management.
- Gambling on Restaurant property.
- Willful or careless destruction or damage to Restaurant assets or to the equipment or possessions of another employee.
- Wasting work materials.
- Performing work of a personal nature during working time; or
- Any other violation of Restaurant policy.

Obviously, not every type of misconduct can be listed. The Restaurant reserves the right to impose discipline up to and including immediate discharge, whenever management deems it appropriate to do so.

The observance of these rules will help to ensure that our workplace remains a safe and desirable place to work.

Respectful Workplace

Company and Management Commitment

It is the commitment of this company and its management to ensure this place of work is free from negative, aggressive, and inappropriate behaviors, and that the environment is aimed at providing high quality products and services in an atmosphere of respect, collaboration, openness, safety and equality. All employees have the right to be treated with dignity and respect. (Terms are used interchangeably throughout this policy.)

All complaints of negative and inappropriate workplace behaviors will be taken seriously and followed through to resolution, and employees who file complaints will not be victimized for "whistle-blowing" or reporting others for their inappropriate behavior.

Scope

Protection from negative, aggressive, and inappropriate behaviors extends to management, fellow employees, subordinates, clients, customers, and other business contacts and expands beyond the place of work to off-site and work-related social events. It is the responsibility of all employees and managers of this company to provide a healthy workplace environment to peers and co-workers, where all communication and interactions are marked by dignity and respect.

Acceptable and Healthy Workplace Behaviors Defined

Acceptable and healthy workplace behaviors are any behaviors that promote respect, positivity, and civility in our workplace. They include, but are not limited to:

- Using respectful, supportive, and encouraging language in all interactions, no matter the subject of conversation
- Questioning a peer's position on an issue politely rather than asserting your position is the right one, listening to your peer's position with an open mind
- Giving peers direct, non-personal feedback as opposed to criticism
- Expressing appreciation when a peer does something correctly and in a timely manner
- Respecting each other as adults and trusting their decision-making abilities
- Approaching conflict with maturity and true desire for resolution, rather than as a fight or opportunity to belittle a co-worker
- Maintaining a positive attitude, even when you are having a bad day

Inappropriate and Unacceptable Behaviors Defined

Inappropriate and unacceptable behaviors are defined as negative and even aggressive acts aimed at one or more individual and causing them to feel hurt, embarrassed, incompetent, disrespected, anxious, or depressed. Examples include, but are not limited to:

- Excessive yelling, repeated emotional outbursts, berating others, using a harsh tone of voice
- Talking down to others or using degrading remarks or tone of voice
- Criticizing or talking down to others in front of a group; using a condescending tone
- Social exclusion or ostracism, ignoring others, silent treatment
- Treating some less favorably than others
- Undermining another's work by giving impossible to meet deadlines or workloads
- Excessive monitoring of work or unnecessary micromanagement
- Arbitrary or punitive punishment without cause; inconsistent discipline
- Withholding pertinent work-related information; undermining another's work by not giving them enough information to do what is required of them
- Gossiping or spreading rumors
- Manipulating a person's job content; unwarranted removal of core responsibilities to make them feel bad
- Blaming others for things out of their control
- Acting "out to get" others
- Making threats; using intimidating tactics
- Any malicious behavior a reasonable person would find unprofessional, disturbing, and harmful to their psychological health

These types of behaviors are well recognized as having damaging consequences for their recipients, the observers of the behavior, and the organization as a whole and are therefore not tolerated.

Management Responsibility

Management and others in positions of authority and workplace representatives have a particular responsibility to ensure that healthy and appropriate behaviors are being always exhibited and that complaints to the contrary are addressed speedily. Management will:

- Provide good examples by treating all with courtesy and respect
- Promote awareness of the policy and complaint procedures
- Be vigilant for signs of inappropriate behaviors at work through observation and information seeking, and take action to resolve the behavior before it escalates
- Deal sensitively with employees involved in a complaint, whether as complainant or alleged aggressor
- Explain the procedures to be followed if a complaint of inappropriate behavior at work is made
- Ensure that an employee making a complaint is not victimized for doing so, and seek resolution of such behavior if it occurs
- Monitor and follow up the situation after a complaint is made to prevent recurrence of the behavior.

Employee Responsibility

Employees can contribute to achieving a work environment which does not tolerate aggressive behavior at work. Employees should report what they see in the workplace as it relates to behaviors defined as unacceptable; employees are in a far better position than management to know what is happening with peers and co-workers. Employees should also co-operate with preventative measures introduced by management and recognize that a finding of unacceptable behaviors at work will be dealt with through appropriate disciplinary procedures. Equally, a finding of vexatious complaints will also be dealt with through appropriate disciplinary procedures.

Attendance

All employees are expected to arrive on time, ready to work, every day they are scheduled to work. If unable to arrive at work on time, or if an employee will be absent for an entire day, the employee must contact the supervisor as soon as possible. Voicemail, text, and e-mail messages are not acceptable except in certain emergency circumstances. **Excessive absenteeism or tardiness will result in discipline up to and including termination.** Failure to show up or call in for a scheduled shift without prior approval also may result in discipline up to and including termination.

NO CALL/NO SHOW POLICY

- One no call/no show will result in a final written notice.
- A second no call/no show within 6 rolling months will result in termination.

Schedule

You will be required to provide your General Manager with a schedule of your availability at the time of hire. As an employee, requests for days off for vacation or a special event should be directed in writing to the scheduling Manager at least one week prior to the schedule being posted. Once the schedule is posted, all changes are to be made by the General Manager only. Since each employee has different skill levels at each of the stations, you may not switch shifts with another employee without first obtaining permission from the General Manager. As an employee, you are not guaranteed a certain number of hours per week. Your schedule will be based on your availability, job performance, and the sales volume needs of your restaurant. If the Restaurant operates more than one Restaurant, you may be asked (and expected) on occasion to work at other Restaurant locations. You may also be asked to go home early based on the needs of the business, as allowed by applicable state law.

Job Performance

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

Cash Policy

Cash is an important part of our business financials and proper cash management must be a top priority. Failure to comply with the cash policy is grounds for disciplinary action, up and to termination.

Cash Drawers

- Cash drawers must remain in the safe when not being used.
- Cash drawers must be verified by the team member prior to using.
- Cash drawers must be counted by the manager and team member prior to the team member leaving.
- Manager is required to verify manual drops when there is no smart safe.
- Only one person should be assigned to each drawer.
- Two drawers should be available when there are two cashiers on the shift.
- Cash drawers that result in +/- \$2 will be considered a policy violation and will be grounds for disciplinary action.
- Large bills must be approved by the manager (\$50 or \$100).
- All \$20 bills must be marked with counterfeit pens.
- The cashier must till their own register in and out as well as make their own drops

either into the smart safe or floor safe as applicable.

- No employee should remain logged into their register when they are not at the front counter.
- Drops should be made immediately. Drops should never be held in the register.

Safe Contents

- Only one manager should be entering the safe during the shift.
- The outgoing manager must count the safe with the incoming manager prior to leaving.
- The safe must be counted at open/close with a team member as a witness.
- Verify Change fund daily.
- I.O.U.'s are not acceptable under any circumstance.
- The safe must be always locked (no day lock).
- The safe must always balance, any shortages must be reported the Operations Coach immediately.

Deposits

- Night deposits must be taken to the bank the following morning. This deposit should be walked into the bank.
- There should never be more than one deposit in the safe at any time.
- If a deposit cannot be taken to the bank you must notify Director of Loss Prevention and your Ops Coach.

Voids

- Voids should be kept to one per day or less and must be initiated by the manager only.
- Void slips must be retained for auditing purposes.
- A detailed description of the reason for the void must be provided.

Paid Outs

- Paid outs can never be used to fix a safe or cash shortage.
- Paid outs should not be a regular occurrence.
- All paid outs must be approved by the Regional Director of Operations.
- Paid outs must be properly accounted for in Caesar Vision with a receipt.

Modified Orders

- Quantity discounts should not be taken unless requested by the guest and approved by the Ops Coach.
- Any non-employee discount modification to an order must be approved by the Ops Coach without exception; these modifications should not be a regular occurrence.
- A routine order modification must be approved by the Regional Director without exception, example – Church, school, community discount.

Outside Employment

Employees generally are permitted to work a second job if it does not interfere with their job performance or create a conflict of interest with Vibe Restaurants.

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

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

Dress and Grooming

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

Little Caesars Dress Code - The Restaurant will provide you with uniform items including an ample number of shirts, aprons, and hats. Your uniform must be clean whenever you report to work.

- Employees are requested to wear solid color black pants. Jeans, stretch pants, or corduroys are not acceptable. Solid color black shorts are an option for all employees. If pants/shorts have a belt loop, then a belt must be worn.
- The uniform shirt and slacks must be washed and pressed before reporting to work.
- The uniform shirt must be always tucked in. No colored or print shirts are to be worn under or over the uniform.
- The apron should be worn in food production areas to help keep your uniform clean.
- Hats are to be always worn properly as required by health code requirements.

Due to safety issues, nothing can be worn on the uniform or on the body (i.e., pins, buttons, rings, earrings, piercings, hair pieces, etc.) which could fall into the food or get caught in any of the food preparation machines.

NOTE: Shorts can be no shorter than 3" above the knees and must have a proper fit. (Extremely loose or tight garments will not be allowed.)

Shoes/Socks

- Shoes must have a leather-style top with a rubber slip-resistant sole and be in good

condition. Black or white leather top athletic shoes are acceptable. No open-toed, high-heeled, or multicolored shoes will be allowed. Socks that cover the ankle must be worn with pants. White or black socks that cover the ankle must be worn with shorts.

Jewelry

- Because we work with food products and equipment, jewelry must be limited. Rings may be worn so long as they do not pose any health or safety hazard. No earrings or body piercing jewelry of any kind will be allowed. Necklaces and chains must be worn under the uniform shirt or not at all. Makeup is to be kept to a minimum. The Restaurant does not assume responsibility for any personal items brought into the premises.
- No headphones or earbuds while on the clock.

Tattoos

- Every attempt must be made to cover all tattoos. Visible tattoos may not be overly, patently offensive and should not include references to profanity, gang association, racial, or sexual content. If an employee has a tattoo that conflicts with this policy because of sincerely held religious beliefs, they should notify Human Resources.

Hair

- Hair is to be clean, neat and under control always. All male employees will report to work clean shaven. Beards and goatees will not be permitted except when required for medical or religious reasons. Employees with a beard or goatee will be required to wear a beard net. Neatly trimmed mustaches are acceptable. Employees with shoulder-length hair or longer are required to tie it neatly back into a “ponytail” before putting on their hat.

Hands

- Cleanliness is in your hands! Fingernails must be trimmed, clean, and well-kept. Do not wear polish or artificial nails.

Wing Stop Dress Code: You will be required to follow the Wingstop standards for the dress code.

- You are required to wear a Wingstop authorized shirt with the Wingstop logo- free of holes and tears. **The shirt must be cleaned and free of wrinkles.** Full Time (>30 hrs) employees are issued 3 shirts, while Part Time employees are issued 2 shirts upon hiring. Blue jean pants must be worn.
- The jeans should be free of any holes, cuts, or tears and must not drag the ground. There will be **no sagging pants (no exceptions)**. Remember -- Guest Perception! For examples of approved pants see the Store Manual located in the restaurant.
- You must wear Wingstop approved non- slip shoes (black) for safety and insurance purposes; this is mandatory. The recommended shoe brands are Shoes for Crews and SureGrip. An employee will have one week to purchase non-slip shoes, if you do not have the proper shoes, you may be asked to go home. ******Each employee must sign for***

their uniform shirts, hat and must return them upon termination of their employment.

- Uniform Logo Shirt: WRI required, in-restaurant uniform shirt. Black body Wingstop logo. This uniform shirt is specifically designed to be worn untucked by all crew members including management working that shift. Stains, bleach spots, holes, missing buttons, or soil of any kind is unacceptable. Uniforms must be neatly always ironed and presentable.
- Uniform Logo Hat: WRI required in-restaurant uniform baseball style cap. Caps are black with embroidered Wingstop logo. All crew members including management must wear a cap. Caps must be clean and worn with the bill always facing forward. The only time a cap may be removed during a shift is when the crew member takes a break and sits in the dining room area.
- T-shirt: A black or white short sleeved crew or V-neck t-shirt is recommended to be worn by all positions. If worn, it must always be tucked in under the uniform shirt. 100% Cotton T-shirts help to absorb perspiration best. T-shirts may not be frayed at the collar. Turtlenecks, mock turtles, or thermal undergarment style are NOT authorized to be worn under the uniform. A long-sleeved black t-shirt (following the same guidelines as above) may be worn by point people during cold weather.
- Socks: Socks must be always worn. Short black athletic socks (paired with a black t-shirt if worn) or white socks (with a white t-shirt) are recommended.
- Shoes: WRI requires ALL Wingstop crew members wear non-slip shoes. **Specification:** All black restaurant quality, slip/oil resistant, laced shoe. No open toe or open back shoes are authorized. Shoes and laces must be kept clean and free of grease, sauce, dirt, and food debris. The recommended vendors to purchase footwear are Shoes for Crews – Shoesforcrews.com – 1-800-218-4770 and SureGrip Footwear.
- Undergarments: Appropriate undergarments must be always worn.
- Jeans: Well-fitting, blue denim jeans. Jeans must be worn on the hips with a belt (brown or black) securing them. Jeans may not be oversized or too tight fitting. All jeans must be hemmed, no cut-off bottoms. No name-branding (other than ID tag on the belt loop portion of the pant). No extra ornamentation or detailed design/artwork is acceptable. White denim, heavily faded or bleached denim, patches, tears, holes and/or fraying is not authorized for any position at Wingstop. Note: Dark blue denim jeans work best for hiding stains, Wingstop recommends these compared to the lighter wash.

Nothing in this policy is intended to discriminate against an employee's sincerely held religious beliefs or practices. Employees who may need an accommodation based on a sincerely held religious belief or practice can contact Human Resources.

If an employee's appearance fails to meet the standards outlined above, as determined in the Restaurant's sole discretion, the employee may be sent home (without pay, if applicable and permitted by applicable law). Further violation of this policy may result into disciplinary action, up to and including discharge.

Social Media Acceptable Use

Vibe Restaurants encourages employees to share information with coworkers and with those outside the company for the purposes of gathering information, generating new ideas, and

learning from the work of others. Social media provides inexpensive, informal, and timely ways to participate in an exchange of ideas and information. However, information posted on a website is available to the public, and therefore, the company has established the following guidelines for employee participation in social media.

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

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

On-duty use of social media. Employees may engage in social media activity during work time provided it is related to their work and approved by their manager and does not identify or reference company clients, customers, or vendors without express permission. The company monitors employee use of company computers and the Internet, including employee blogging and social networking activity.

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

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

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

Confidentiality. Do not identify or reference company clients, customers, or vendors without express permission. Employees may write about their jobs in general but may not disclose any

confidential or proprietary information. For examples of confidential information, please refer to the confidentiality policy. When in doubt, ask before publishing.

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

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

Discipline. Violations of this policy may result in discipline up to and including immediate termination of employment.

Nothing in this policy is meant to, nor should it be interpreted to, in any way limit your rights under any applicable federal, state, or local laws, including your rights under the NLRA to engage in protected concerted activities with other employees to improve or discuss terms and conditions of employment, such as wages, working conditions, and benefits. Employees have the right to engage in or refrain from such activities.

Solicitation

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

Employees are also prohibited from distributing written materials, handbills, or any other type of literature on working time and, always, in "working areas," which include all office areas. "Working areas" do not include break rooms, parking lots, or common areas shared by employees during nonworking time. Nonemployees may not trespass or solicit or distribute materials anywhere on company property at any time.

Nothing in this policy is meant to, nor should it be interpreted to, in any way limit your rights under any applicable federal, state, or local laws, including your rights under the NLRA to engage in protected concerted activities with other employees to improve or discuss terms and conditions of employment, such as wages, working conditions, and benefits. Employees have the right to engage in or refrain from such activities.

Computers, Internet, E-Mail, and Other Resources

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

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

Employee use of company-provided communication systems, including personal e-mail and Internet use, that is not job-related has the potential to drain, rather than enhance, productivity and system performance. You should also be aware that information transmitted through e-mail and the Internet is not completely secure or may contain viruses or malware, and information you transmit and receive could damage the company's systems, as well as the reputation and/or competitiveness of the company. To protect against possible problems, delete any e-mail messages before opening that are received from unknown senders and advertisers. It also is against company policy to turn off antivirus protection software or make unauthorized changes to system configurations installed on company computers. Violations of this policy may result in discipline up and to termination.

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

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

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

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

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

against the company. Employees should use appropriate password protections for such devices and physically secure them.

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

The company reserves the right to monitor customer calls to ensure employees abide by company quality guidelines and provide appropriate levels of customer service. Should the subject matter of any telephone conversation become personal while monitoring is taking place, monitoring of the call will immediately be discontinued.

Nothing in this policy is meant to, nor should it be interpreted to, in any way limit your rights under any applicable federal, state, or local laws, including your rights under the NLRA to engage in protected concerted activities with other employees to improve or discuss terms and conditions of employment, such as wages, working conditions, and benefits. Employees have the right to engage in or refrain from such activities.

Cell Phone Usage

The well-being of employees at the Restaurant is important to us. For the safety of our employees, as well as others, and to enhance the experience of our customers, the Restaurant policy with respect to using cell phones and other wireless devices is set forth below.

The Restaurant does not require managers or employees to use cell phones as part of their work. Managers and employees should not have a need to use cell phones during business hours for work-related reasons. The Restaurant provides a landline phone in every restaurant to use for all business-related communications.

Usage in the Workplace

- Use of cell phones or other wireless devices are allowed for business purposes or emergencies only. Personal usage of cell phones should be conducted during breaks. *All cell phones and other wireless devices brought into the restaurant must be set on vibrate or turned off.*
- Due to the confidential and proprietary techniques and processes used in the Restaurant, the use of cameras and video recorders on cell phones or otherwise is prohibited during working hours. However, this restriction will not apply to any photographs or recordings made in the exercise of any rights granted to an employee by federal law, including rights under Section 7 of the National Labor Relations Act.

Usage While Driving

- When use of a wireless phone while driving is required, the wireless phone should be

equipped with a proper hands-free device (microphone and external speaker or earphone). You should make sure you are familiar with the features of your phone such as speed dial & dial before you use the wireless phone while driving. Additionally, important, and frequently dialed numbers should be pre-programmed so that they can be conveniently dialed with limited distraction.

- Whenever federal, state, or local law prohibits or limits the use of cell phones and/or other wireless devices, you must conform your conduct accordingly.
- Avoid potentially stressful or emotional conversations for a time when you are not on the road.
- Employees are prohibited from conducting or performing any of the following actions while they are driving any vehicle in motion for Restaurant business:
 - Any form of texting/messaging (preparing, sending, or reading)
 - Emailing (preparing, sending, or reading)
 - Accessing and using the internet
 - Accessing and watching any type of multimedia (example – video on an iPhone)
 - The manual programming of navigation devices

Disciplinary Procedure

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

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

The following steps are suggested in the discipline procedure. All steps should be documented in the employee's personnel file.

Step 1: Verbal Warning (documented). When a performance problem is first identified, the nature of the problem and the action necessary to correct it should be thoroughly discussed with the employee.

Step 2: Written Warning. If a private informal discussion with the employee has not resulted in corrective action, following a thorough investigation, the supervisor should meet with the employee and (a) review the problem, (b) permit the employee to present information regarding the problem, (c) advise the employee that the problem must be corrected, (d) inform the employee that failure to correct the problem will result in further disciplinary action that may include discharge, and (e) issue a counseling notice to the employee.

Step 3: Final Written Warning. If satisfactory performance and corrective action are not achieved under Steps 1 and 2, the supervisor and a representative from the HR department should meet with the employee in private and proceed via (a) through (d) above and issue a reprimand notice to the employee.

Step 4: Termination. Failure to improve performance or behavior after the written warning or suspension can result in termination.

NOTE: Suspension. Supervisors CANNOT suspend an employee without HR Approval. Suspension means, temporarily removing employees from the workplace, with or without pay. The suspension must be related to written workplace conduct rules applicable to all employees, such as a written policy prohibiting sexual harassment or workplace violence.

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

In cases involving serious misconduct, such as a major breach of policy or violation of law, the procedures contained above may be disregarded and result in immediate termination once approved by the HR Director.

General Restaurant Guidelines

The Restaurant expects that employees will adhere to the following operational guidelines in the performance of their duties.

- Prior to a Manager on Duty to leaving the premises for any length of time, the Operations Coach must be notified immediately.
- No loitering of friends, relatives, or off-duty employees is permitted in any part of the Restaurant, including parking lot and/or parked vehicles, at any time.
- No one is authorized to be behind the front counter at any time except Restaurant employees who are on the clock.
- Employees' cars must be parked away from customer convenience areas. After dark, employees' cars should be parked within sight when viewed from the Restaurant lobby.
- Employees must have management permission to use the telephone unless it is an emergency.
- For security reasons, employees should not leave personal belongings of value in the Restaurant.
- Under no circumstances should Restaurant paperwork be taken home.
- To provide a safe workplace for our employees and customers, activities in and/or around the Restaurant may be recorded on video and/or audio without prior notice to employees.
- Eat and drink only away from the Restaurant or in designated areas away from customer view. Never eat while working or preparing food.
- All contracts and agreements must be approved and signed by CEO. The Restaurant does not authorize any employee other than the Company President to approve, sign or otherwise enter any transaction on behalf of the Restaurant.

- Under no circumstances will a member of management transport an employee to or from work.
- Restaurant must remain open/close during set operating hours. Outside of established operating hours, you must notify your direct Operations Coach.

Time Off and Leaves of Absence

Religious observances.

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

PTO

Vibe Restaurants recognizes the importance of time off from work to relax, spend time with family, and enjoy leisure activities. The company provides PTO (paid time off) to select positions for this purpose, and employees are encouraged to take vacation during the year.

Generally, employees should submit PTO to their supervisor at least 4 weeks in advance of the requested vacation date. Managers have the right to designate when some or all of vacations must be taken. Managers can deny PTO requests based on the business need.

PTO is earned on the employee anniversary and cannot be carried over if unused within the 12 months.

Employees whose employment voluntarily terminates will be paid for PTO accrued during the calendar year of the termination.

Family and Medical Leave (FMLA)

Vibe Restaurants complies with the federal FMLA, which requires employers to grant unpaid leaves of absence to qualified workers for certain medical and family-related reasons. The company also abides by any state and local leave laws. The more generous of the laws will apply to the employee if the employee is eligible under both federal and state laws.

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

The FMLA requires private employers with 50 or more employees and all public agencies, including state, local, and federal employers, and local education agencies (schools) to provide eligible employees up to 12 weeks of unpaid, job-protected leave in any 12-month period for certain family and medical reasons. The 12-month period is a rolling period measured backward from the date an employee uses any FMLA leave, except for leaves to care for a covered

servicemember with a serious illness or injury. For those leaves, the leave entitlement is 26 weeks in a single 12-month period measured forward from the date an employee first takes that type of leave.

Basic leave entitlement. The FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to eligible employees for the following reasons:

- (1) for incapacity due to pregnancy, prenatal medical care, or childbirth.
- (2) to care for the employee's child after birth or placement for adoption or foster care.
- (3) to care for the employee's spouse, child, or parent who has a serious health condition; or
- (4) for a serious health condition that makes the employee unable to work.

Military family leave entitlements. Eligible employees with a spouse, child, or parent on active duty or called to active-duty status in the National Guard or Reserves in support of a contingency operation may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include addressing issues that arise from (1) short notice of deployment (limited to up to 7 days of leave); (2) attending certain military events and related activity; (3) arranging child care and school activities; (4) addressing certain financial and legal arrangements; (5) attending certain counseling sessions; (6) spending time with covered military family members on short-term temporary rest and recuperation leave (limited to up to 5 days of leave); (7) attending post deployment reintegration briefings; (8) arranging care for or providing care to a parent who is incapable of self-care; and (9) any additional activities agreed upon by the employer and employee that arise out of the military member's active duty or call to active duty.

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

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

Certain highly compensated key employees also may be denied reinstatement, when necessary, to prevent "substantial and grievous economic injury" to the company's operations. A "key"

employee is an eligible salaried employee who is among the highest-paid 10 percent of the company's employees within 75 miles of the worksite. Employees will be notified of their status as key employees, when applicable, after they request FMLA leave.

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

Employee eligibility. The FMLA defines eligible employees as employees who

- (1) have worked for the company for at least 12 months.
- (2) have worked for the company for at least 1,250 hours in the previous 12 months; and
- (3) work at or report to a worksite that has 50 or more employees or is within 75 miles of company worksites that, taken together, have a total of 50 or more employees.

Definition of "serious health condition." A serious health condition is an illness, an injury, an impairment, or a physical or mental condition that involves either an overnight stay in a medical care facility or continuing treatment by a healthcare provider for a condition that either prevents the employee from performing the functions of the employee's job or prevents the qualified family member from participating in school, work, or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than 3 consecutive calendar days combined with at least 2 visits to a healthcare provider or 1 visit and a regimen of continuing treatment, incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of "continuing treatment."

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

Substitution of paid leave for unpaid leave. Employees may choose or employers may require the use of accrued paid leave while taking FMLA leave. Accordingly, the company requires employees to use any accrued PTO during an unpaid FMLA leave taken because of the employees' own serious health condition or the serious health condition of a family member or to care for a seriously ill or injured family member in the military. In addition, employees must use any accrued paid vacation or personal days (but not sick days) during FMLA leave taken to care for a newborn or newly placed child or for a qualifying exigency arising out of a family member's active duty or call to active-duty status in support of a contingency operation.

Employee responsibilities. Employees must provide 30 days' advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days' notice is not possible, employees must provide notice as soon as practicable and generally must comply with the company's normal call-

in procedures. The company may delay leave to employees who do not provide proper advance notice of the foreseeable need for leave, absent unusual circumstances preventing the notice.

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

Company responsibilities. The company will inform employees requesting leave whether they are eligible under the FMLA. If they are, the notice will specify any additional information required, as well as the employees' rights and responsibilities. If employees are not eligible, the company will provide a reason for the ineligibility.

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

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

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

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

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

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

Military Leave

Vibe Restaurants supports the military obligations of all employees and grants leaves for uniformed service in accordance with applicable federal and state laws. Any employee who needs time off for uniformed service should immediately notify the HR department and the employee's supervisor, who will provide details regarding the leave. If an employee is unable to provide notice before leaving for uniformed service, a family member should notify the supervisor as soon as possible.

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

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

Bereavement Leave

Salaried employees may take up to 3 days of paid bereavement leave upon the death of a member of their immediate family. "Immediate family members" are defined as an employee's spouse, domestic partner, parents, stepparents, siblings, children, stepchildren, grandparent, parent-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, or grandchild.

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

Jury Duty/Court Appearance

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

Salaried employees will be paid for up to 2 weeks of jury duty service at their regular rate of pay minus any compensation received from the court for the period of service. Exempt employees are subject to the same 2-week limitation except that they will also receive pay for any days they serve as a juror or witness in a workweek in which they perform work. All employees may use any accrued time off if required to serve more than 2 weeks on a jury.

If an employee is released from jury duty after 4 hours or less of service, the employee must report to work for the remainder of that workday.

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

EMPLOYEE BENEFITS

Workers' Compensation

Workers' compensation is a "no-fault" system that provides compensation for medical expenses and wage losses to employees who are injured or who become ill because of employment.

Vibe Restaurants pays the entire cost of workers' compensation insurance. The insurance provides coverage for related medical and rehabilitation expenses and a portion of lost wages to employees who sustain an injury on the job.

The company abides by all applicable state workers' compensation laws and regulations.

If an employee sustains a job-related injury or illness, it is important to notify the supervisor and HR immediately. The supervisor will complete an injury report with input from the employee and return the form to the HR department. HR will file the claim with the insurance company. In cases of true medical emergencies, report to the nearest emergency room.

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

Employee Assistance Program

The employee assistance program (EAP) is a resource designed to provide highly confidential and experienced help for employees in dealing with issues that affect their lives and the quality of their job performance. Vibe Restaurants wants employees to be able to maintain a healthy balance of work and family that allows them to enjoy life. The EAP is a confidential counseling and referral service that can help employees successfully deal with life's challenges.

This free, comprehensive counseling service offers employees three visits per issue each year and a 24-hour hotline answered by professional, degreed counselors. For legal or financial issues, employees receive a 25 percent discount on any services that might be needed.

The company encourages employees to use this valuable service whenever they have such a need. Employees who choose to use these counseling services are assured the information disclosed in their sessions is confidential and not available to the company, and the company is not given any information on who chooses to use the services. For questions or additional information about this program, employees may contact the HR department.

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A Few Closing Words

This Handbook is intended to provide a broad summary of things our employees should know about the Restaurant. The information in this Handbook is general in nature and, should questions arise, employees should consult their supervisor or Human Resources for complete details. While we intend to continue the policies, rules, and benefits described in this Handbook, the Restaurant may always modify the matters set forth in this Handbook in its sole discretion. Please do not hesitate to speak to your supervisor or owner with any questions about the Restaurant or its personnel policies and practices.