



## **The Brick Oven Restaurants**

### **Brick Oven Policy Handbook 2011**

07/01/2011

# The Brick Oven Restaurants

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Welcome!

On behalf of your colleagues, we welcome you to Brick Oven and wish you every success here.

We believe that each employee contributes directly to Brick Oven's growth and success, and we hope you will take pride in being a member of our team.

This Brick Oven Employee Handbook was developed to describe some of the expectations of our employees and to outline the policies, programs, and benefits available to eligible employees. Employees should familiarize themselves with the contents of the employee Brick Oven Employee Handbook as soon as possible. It will answer many questions about employment with Brick Oven.

We hope that your experience here will be challenging, enjoyable, and rewarding. Again, welcome!

This handbook is designed to acquaint you with Brick Oven and provide you with information about working conditions, employee benefits, and some of the policies affecting your employment. You should read, understand, and comply with all provisions of the handbook. It describes many of your responsibilities as an employee and outlines the programs developed by Brick Oven to benefit employees. One of our objectives is to provide a work environment that is conducive to both personal and professional growth.

No employee handbook can anticipate every circumstance or question about policy. As Brick Oven continues to grow, the need may arise and Brick Oven reserves the right to revise, supplement, or rescind any policies or portion of the handbook from time to time as it deems appropriate, in its sole and absolute discretion. The only exception to any changes is our employment-at-will policy permitting you or Brick Oven to end our relationship for any reason at any time. Employees will, of course, be notified of such changes to the handbook as they occur.

Authorized franchises and licensees of Brick Oven reserve the right to change terms of employment; including but not limited to, job duties and responsibilities, policies, benefits, and salary schedules. All information contained in this handbook is confidential and proprietary and may not be duplicated or used in any manner other than for the purpose of new employee orientations at a Brick Oven Restaurant. Licensees and employees of the Brick Oven Restaurant are not permitted to share this information with businesses, persons, or other parties outside the Brick Oven Concept. Unauthorized use or copying of this material will result in civil and criminal prosecution. The information contained in this handbook does not constitute a contract of guaranteed employment. All parties acknowledge that employment is at-will and may be terminated at any time by the employer or employee, with or without cause or notice to either party.

EMPLOYEE ACKNOWLEDGEMENT FORM

The employee handbook describes important information about Brick Oven, and I understand that I should consult the Human Resources Office regarding any questions not answered in the handbook.

I have entered into my employment relationship with Brick Oven voluntarily and acknowledge that there is no specified length of employment. Accordingly, either I or Brick Oven can terminate the relationship at will, with or without cause, at any time, so long as there is no violation of applicable federal or state law.

Since the information, policies, and benefits described here are necessarily subject to change, I acknowledge that revisions to the handbook may occur, except to Brick Oven's policy of employment-at-will. All such changes will be communicated through official notices, and I understand that revised information may supersede, modify, or eliminate existing policies. Only the ownership group of Brick Oven has the ability to adopt any revisions to the policies in this handbook.

Furthermore, I acknowledge that this handbook is neither a contract of employment nor a legal document. I have received the handbook, and I understand that it is my responsibility to read and comply with the policies contained in this handbook and any revisions made to it.

EMPLOYEE'S NAME (printed): \_\_\_\_\_

EMPLOYEE'S SIGNATURE: \_\_\_\_\_

DATE: \_\_\_\_\_

## CUSTOMER RELATIONS

Customers are among our organization's most valuable assets. Every employee represents Brick Oven to our customers and the public. The way we do our jobs presents an image of our entire organization. Customers judge all of us by how they are treated with each employee contact. Therefore, one of our first business priorities is to assist any customer or potential customer. Nothing is more important than being courteous, friendly, helpful, and prompt in the attention you give to customers.

Brick Oven will provide customer relations and services training to all employees with extensive customer contact. Our personal contact with the public, our manners on the telephone, and the communications we send to customers are a reflection not only of ourselves, but also of the professionalism of Brick Oven. Positive customer relations not only enhance the public's perception or image of Brick Oven, but also pay off in greater customer loyalty and increased sales and profit.

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## 1.01 Nature of Employment

Effective Date: 07/01/2011

Revision Date:

Employment with Brick Oven is voluntarily entered into, and the employee is free to resign at will at any time, with or without cause. Similarly, Brick Oven may terminate the employment relationship at will at any time, with or without notice or cause, so long as there is no violation of applicable federal or state law.

Policies set forth in this handbook are not intended to create a contract, nor are they to be construed to constitute contractual obligations of any kind or a contract of employment between Brick Oven and any of its employees. The provisions of the handbook have been developed at the discretion of management and, except for its policy of employment-at-will, may be amended or cancelled at any time, at Brick Oven's sole discretion.

These provisions supersede all existing policies and practices and may not be amended or added to without the express written approval of the chief executive officer of Brick Oven.

## 1.03 Equal Employment Opportunity

Effective Date: 07/01/2011

Revision Date:

In order to provide equal employment and advancement opportunities to all individuals, employment decisions at Brick Oven will be based on merit, qualifications, and abilities. Brick Oven does not discriminate in employment opportunities or practices on the basis of race, color, religion, sex, national origin, age, disability, or any other characteristic protected by law.

Brick Oven will make reasonable accommodations for qualified individuals with known disabilities unless doing so would result in an undue hardship. This policy governs all aspects of employment, including selection, job assignment, compensation, discipline, termination, and access to benefits and training.

Any employees with questions or concerns about any type of discrimination in the workplace are encouraged to bring these issues to the attention of their immediate supervisor or the Human Resources Office. Employees can raise concerns and make reports without fear of reprisal. Anyone found to be engaging in any type of unlawful discrimination will be subject to disciplinary action, up to and including termination of employment.

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## 1.05 Personal Relationships in the Workplace

Effective Date: 07/01/2011

Revision Date:

The employment of relatives or individuals involved in a dating relationship in the same area of an organization may cause serious conflicts and problems with favoritism and employee morale. In addition to claims of partiality in treatment at work, personal conflicts from outside the work environment can be carried over into day-to-day working relationships.

For purposes of this policy, a relative is any person who is related by blood or marriage, or whose relationship with the employee is similar to that of persons who are related by blood or marriage. A dating relationship is defined as a relationship that may be reasonably expected to lead to the formation of a consensual "romantic" or sexual relationship. This policy applies to all employees without regard to the gender or sexual orientation of the individuals involved.

Relatives of current employees may not occupy a position that will be working directly for or supervising their relative. Individuals involved in a dating relationship with a current employee may also not occupy a position that will be working directly for or supervising the employee with whom they are involved in a dating relationship. Brick Oven also reserves the right to take prompt action if an actual or potential conflict of interest arises involving relatives or individuals involved in a dating relationship who occupy positions at any level (higher or lower) in the same line of authority that may affect the review of employment decisions.

If a relative relationship or dating relationship is established after employment between employees who are in a reporting situation described above, it is the responsibility and obligation of the supervisor involved in the relationship to disclose the existence of the relationship to management. The management reserves the right to decide the appropriate course of action.

In other cases where a conflict or the potential for conflict arises because of the relationship between employees, even if there is no line of authority or reporting involved, the management reserves the right to decide the appropriate course of action. Employees in a close personal relationship should refrain from public workplace displays of affection or excessive personal conversation.

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## 1.07 Immigration Law Compliance

Effective Date: 07/01/2011

Revision Date:

Brick Oven is committed to employing only United States citizens and aliens who are authorized to work in the United States and does not unlawfully discriminate on the basis of citizenship or national origin.

In compliance with the Immigration Reform and Control Act of 1986, each new employee, as a condition of employment, must complete the Employment Eligibility Verification Form I-9 and present documentation establishing identity and employment eligibility. Former employees who are rehired must also complete the form if they have not completed an I-9 with Brick Oven within the past three years, or if their previous I-9 is no longer retained or valid.

Employees with questions or seeking more information on immigration law issues are encouraged to contact the Human Resources Office. Employees may raise questions or complaints about immigration law compliance without fear of reprisal.

## 1.10 Outside Employment

Effective Date: 07/01/2011

Revision Date:

Employees may hold outside jobs as long as they meet the performance standards of their job with Brick Oven. All employees will be judged by the same performance standards and will be subject to Brick Oven's scheduling demands, regardless of any existing outside work requirements.

If Brick Oven determines that an employee's outside work interferes with performance or the ability to meet the requirements of Brick Oven as they are modified from time to time, the employee may be asked to terminate the outside employment if he or she wishes to remain with Brick Oven.

Outside employment that constitutes a conflict of interest is prohibited. Employees may not receive any income or material gain from individuals outside Brick Oven for materials produced or services rendered while performing their jobs.

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## 1.12 Non-Disclosure

Effective Date: 07/01/2011

Revision Date:

The protection of confidential business information and trade secrets is vital to the interests and the success of Brick Oven. Such confidential information includes, but is not limited to, the following examples:

- \* customer lists
- \* customer preferences
- \* financial information
- \* marketing strategies
- \* new materials research
- \* proprietary production processes
- \* research and development strategies

All employees may be required to sign a non-disclosure agreement as a condition of employment. Employees who improperly use or disclose trade secrets or confidential business information will be subject to disciplinary action, up to and including termination of employment and legal action, even if they do not actually benefit from the disclosed information.

## 2.01 Employment Categories

Effective Date: 07/01/2011

Revision Date:

It is the intent of Brick Oven to clarify the definitions of employment classifications so that employees understand their employment status and benefit eligibility. These classifications do not guarantee employment for any specified period of time. Accordingly, the right to terminate the employment relationship at will at any time is retained by both the employee and Brick Oven.

Each employee is designated as either NONEXEMPT or EXEMPT from federal and state wage and hour laws. NONEXEMPT employees are entitled to overtime pay under the specific provisions of federal and state laws. EXEMPT employees are excluded from specific provisions of federal and state wage and hour laws. An employee's EXEMPT or NONEXEMPT classification may be changed only upon written notification by Brick Oven management.

In addition to the above categories, each employee will belong to one other employment category:

REGULAR FULL-TIME employees are those who are not in a temporary or introductory status and who

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are regularly scheduled to work Brick Oven's full-time schedule. Generally, they are eligible for Brick Oven's benefit package, subject to the terms, conditions, and limitations of each benefit program.

PART-TIME employees are those who are not assigned to a temporary or introductory status and who are regularly scheduled to work less than 30 hours per week. While they do receive all legally mandated benefits (such as Social Security and workers' compensation insurance), they are ineligible for all of Brick Oven's other benefit programs.

## 2.02 Access to Personnel Files

Effective Date: 07/01/2011

Revision Date:

Brick Oven maintains a personnel file on each employee. The personnel file includes such information as the employee's job application, resume, records of training, documentation of performance appraisals and salary increases, and other employment records.

Personnel files are the property of Brick Oven, and access to the information they contain is restricted. Generally, only supervisors and management personnel of Brick Oven who have a legitimate reason to review information in a file are allowed to do so.

Employees who wish to review their own file should contact the Human Resources Office. With reasonable advance notice, employees may review their own personnel files in Brick Oven's offices and in the presence of an individual appointed by Brick Oven to maintain the files.

## 2.03 Employment Reference Checks

Effective Date: 07/01/2011

Revision Date:

To ensure that individuals who join Brick Oven are well qualified and have a strong potential to be productive and successful, it is the policy of Brick Oven to check the employment references of all applicants for management positions.

The Human Resources Office will respond in writing only to those reference check inquiries that are submitted in writing. Responses to such inquiries will confirm only dates of employment, wage rates, and position(s) held.

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## 2.04 Personnel Data Changes

Effective Date: 07/01/2011

Revision Date:

It is the responsibility of each employee to promptly notify Brick Oven of any changes in personnel data. Personal mailing addresses, telephone numbers, number and names of dependents, individuals to be contacted in the event of an emergency, educational accomplishments, and other such status reports should be accurate and current at all times. If any personnel data has changed, notify the Human Resources Office.

## 2.05 Introductory Period

Effective Date: 07/01/2011

The first 90 days of employment are an introductory period for all employees during which time your work performance will be closely examined and evaluated. During the 90 day introductory period, if your supervisor or trainer determines that you are not satisfactorily meeting the requirements of the position and/or Brick Oven standards and policies, you may be terminated without notice at any time, during or at the completion of the 90 day introductory period.

If Brick Oven determines that the designated introductory period does not allow sufficient time to thoroughly evaluate the employee's performance, the introductory period may be extended for a specified period.

The successful completion of this period should not be construed as creating a contract or a guarantee of employment for any specific period of time.

## 2.08 Employment Applications

Effective Date: 07/01/2011

Revision Date:

Brick Oven relies upon the accuracy of information contained in the employment application, as well as the accuracy of other data presented throughout the hiring process and employment. Any misrepresentations, falsifications, or material omissions in any of this information or data may result in the exclusion of the individual from further consideration for employment or, if the person has been hired, termination of employment.

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## 2.09 Performance Evaluation

Effective Date: 07/01/2011

Revision Date:

Supervisors and employees are strongly encouraged to discuss job performance and goals on an informal, day-to-day basis. Additional formal performance evaluations are conducted to provide both supervisors and employees the opportunity to discuss job tasks, identify and correct weaknesses, encourage and recognize strengths, and discuss positive, purposeful approaches for meeting goals.

## 2.14 Medical Information Privacy

Effective Date: 07/01/2011

Revision Date:

This Medical Information Privacy policy describes how health information about employees may be used and disclosed by Brick Oven and how employees can get access to this information. Brick Oven is committed to maintaining and protecting the confidentiality of our employees' personal information in compliance with the Health Insurance Portability and Accountability Act (HIPAA). The Administrative Office is the designated Privacy Officer for all employee medical information.

This policy of privacy practices applies to the health plans of Brick Oven that are covered by privacy regulations, for example health benefit plans, dental plans, employee assistance plans, and pharmacy benefit programs (collectively referred to as the Benefit Plans). The Benefit Plans are required by federal and state law to protect the privacy of employees' individually identifiable health information and other personal information and to provide employees with notice about their policies, safeguards, and practices. When the Benefit Plans use or disclose employees' protected health information, the Benefit Plans are bound by the terms of this policy, or a revised policy, if applicable.

The Benefit Plans will not use employees' protected health information or disclose it to others without the employees' authorization, except for the following purposes:

**Treatment** - The Benefit Plans may disclose employees' protected health information, or employees' covered dependents' protected health information, to a health care provider or administrator for its provision, coordination, or management of the employees' health care and related services. For example, prior to providing a health service to an employee, the employee's doctor may ask for information concerning whether and when the service was previously provided to the employee. The Benefit Plans may use and disclose employees' protected health information for treatment activities of a health care provider.

**Payment** - The Benefit Plans may use and disclose employees' protected health information to facilitate

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payment of premiums for employees' coverage, and to determine and fulfill their responsibility to provide employees' medical, dental, and EAP benefits. For example, employees' protected health information may be used to make coverage determinations, administer claims, and coordinate benefits with other coverage employees may have. The Benefit Plans may also disclose employees' protected health information to a health plan or administrator to determine employees' eligibility for coverage, or for the health care provider to obtain payment for health care services provided to the employee.

**Health Care Operations** - The Benefit Plans may use and disclose employees' protected health information for their health care operations, or the health care operations of a third party administrator of the Benefit Plans. For example, the Benefit Plans may use protected health information to conduct quality assessment and improvement activities. Other health care operations may include providing appointment reminders, or sending employee's information about treatment alternatives or other health-related benefits and services. The Benefit Plans also may disclose employees' protected health information to another health plan or provider that has a relationship with an employee, so that it can conduct quality assessment and improvement activities (for example, to perform case management).

**Disclosure to Employer or Operating Company** - The Benefit Plans may disclose employees' protected health information to Brick Oven, or to a company acting on the behalf of Brick Oven, so that it can monitor, audit, and otherwise administer the employee health benefit plan in which employees participate. Brick Oven and its operating companies are not permitted to use protected health information for any purpose other than administration of employees' health, dental, and EAP benefits. The Benefit Plans will not disclose protected health information to Brick Oven for the purposes of employment-related actions or decisions, or in connection with any other benefit or employee benefit plan. The Benefit Plans will identify employees who are authorized to receive and use protected health information.

**Disclosure to Health Care Vendors and Accreditation Organizations** - The Benefit Plans may disclose employees' protected health information to companies with whom they contract, if they need it to perform requested services. For example, the Benefit Plans may provide protected health information to vendors who provide important information and guidance to plan members with chronic conditions such as diabetes and asthma. Protected health information may be disclosed to accreditation organizations such as the National Committee for Quality Assurance (NCQA) for quality measurement purposes. When the Benefit Plans enter into these arrangements, they will obtain a written agreement to protect employees' protected health information.

**Public Health Activities** - The Benefit Plans may disclose employees' protected health information for the following public health activities and purposes: 1) to report health information to public health authorities that are authorized by law to receive such information for the purpose of controlling disease, injury, or disability; 2) to report child abuse or neglect to a government authority that is authorized by law to receive such reports; 3) to report information about a product or activity that is regulated by the U.S. Food and Drug Administration (FDA) to a person responsible for the quality, safety, or effectiveness of the product or activity; and, 4) to alert a person who may have been exposed to a communicable disease, if the Benefit Plans are authorized by law to give this notice.

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Health Oversight Activities - The Benefit Plans may disclose employees' protected health information to a government agency that is legally responsible for oversight of the health care system or for ensuring compliance with the rules of government benefit programs, such as Medicare or Medicaid, or other regulatory programs that need health information to determine compliance.

For Research - The Benefit Plans may disclose employees' protected health information for medical research purposes, subject to strict legal restrictions.

To comply with the Law - The Benefit Plans may use and disclose employees' protected health information to comply with the law.

Judicial and Administrative Proceedings - The Benefit Plans may disclose employees' protected health information in a judicial or administrative proceeding or in response to a legal order.

Law Enforcement Officials - The Benefit Plans may disclose employees' protected health information to the police or other law enforcement officials, as required by law or in compliance with a court order or other process authorized by law.

Health or Safety - The Benefit Plans may disclose employees' protected health information to prevent or lessen a serious and imminent threat to employees' health or safety or the health and safety of the general public.

Government Functions - The Benefit Plans may disclose employees' protected health information to various departments of the government such as the U.S. military or the U.S. Department of State.

Workers' Compensation - The Benefit Plans may disclose employees' protected health information when necessary to comply with workers' compensation laws.

Other - The Benefit Plans may disclose employees' protected health information when necessary to file claims with re-insurers or stop-loss carriers, or to obtain coverage with re-insurers or stop-loss carriers. The Benefit Plans may also disclose employees' protected health information to subrogation vendors to recoup payments made by the Benefit Plans that were reimbursed by other insurance arrangements.

Uses and Disclosures with Employees' Written Authorization - The Benefit Plans will not use or disclose employees' protected health information for any purpose other than the purposes described in this policy without the employees' written authorization. For example, the Benefit Plans will not supply protected health information to another company for its marketing purposes or to a potential employer with whom an employee is seeking employment without the employee's signed authorization. Employees may revoke an authorization that has previously been given by sending a written request to the Administrative Office, but not with respect to any actions the Benefit Plans have already taken.

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Disclosure to Others Involved in an Employee's Care - The Benefit Plans may disclose protected health information about employees to a relative, a friend, the subscriber of employees' benefits, or any other person employees identify, provided the information is directly relevant to that person's involvement with employees' health care or payment for that care. For example, if a family member or a caregiver calls Brick Oven with knowledge of an employee's protected health information, Brick Oven may confirm protected health information or answer questions. Employees have the right to stop or limit this type of disclosure by contacting the Administrative Office. If an employee is a minor, the employee also may have the right to block parental access to the employee's protected health information in certain circumstances, if permitted by state law.

Employees may request restrictions on the use and disclosure of the employee's protected health information for the treatment, payment, and health care operations purposes explained in this policy. While the Benefit Plans will consider all requests for restrictions carefully, the Benefit Plans are not required to agree to a requested restriction.

Employees may ask to receive communications of their protected health information from the Benefit Plans by alternative means of communication or at alternative locations. While the Benefit Plans will consider reasonable requests carefully, they are not required to agree to all requests.

Employees may ask to inspect or to obtain a copy of their protected health information that is included in certain records the Benefit Plans maintain. Under limited circumstances, the Benefit Plans may deny employees access to a portion of their records. If employees request copies, the Benefit Plans may charge employees copying and mailing costs.

Employees have the right to ask the Benefit Plans to amend protected health information that is contained in the Benefit Plans records. If the Benefit Plans determine that the record is inaccurate, and the law permits the Benefit Plans to amend it, the Benefit Plans will correct it. If the employee's doctor or another person created the information that the employee wants to change, the employees should ask that person to amend the information.

Upon request, employees may obtain an accounting of disclosures the Benefit Plans have made of their protected health information. The accounting that the Benefit Plans provide will not include disclosures made before April 14, 2003, disclosures made for treatment, payment or health care operations, disclosures made earlier than six years before the date of the request, and certain other disclosures that are exempted by law. If employees request an accounting more than once during any 12-month period, the Benefit Plans will charge those employees a reasonable fee for each accounting statement after the first one.

Employees may contact the Administrative Office to obtain a paper copy of this policy, even if the employees previously agreed to receive notices electronically. Employees must also contact the Administrative Office if they wish to make any of the requests listed above.

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If employees want more information about privacy rights, do not understand their privacy rights, are concerned that the Benefit Plans have violated their privacy rights, or disagree with a decision that the Benefit Plans made about access to protected health information, they may contact the Personnel Office. Employees may also file written complaints with the Secretary of the U.S. Department of Health and Human Services. Brick Oven will not take any action against employees if they file a complaint.

Brick Oven may change the terms of this policy at any time. If Brick Oven changes this policy, Brick Oven may make the new policy terms effective for all protected health information that the Benefit Plans maintain, including any information the Benefit Plans created or received before Brick Oven issued the new policy. If Brick Oven makes any changes to the Medical Information Privacy policy, notice of the changes will be provided to employees.

## 3.01 Employee Benefits

Effective Date: 07/01/2011

Eligible employees at Brick Oven are provided a wide range of benefits. A number of the programs (such as Social Security, workers' compensation, state disability, and unemployment insurance) cover all employees in the manner prescribed by law.

Benefits eligibility is dependent upon a variety of factors, including employee classification. Your supervisor can identify the programs for which you are eligible. Details of many of these programs can be found elsewhere in the employee Handbook.

The following benefit programs are available to eligible employees:

- \* 401(k) Savings Plan
- \* Bereavement Leave
- \* Dental Insurance
- \* Employee Discounts
- \* Employee Health Program
- \* Family Leave
- \* Health Insurance
- \* Meal Allowances
- \* Medical Leave
- \* Military Leave
- \* Paid Time Off (PTO)
- \* Parking
- \* Personal Leave
- \* Profit Sharing

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- \* Relocation Assistance
- \* Travel Allowances
- \* Uniform and Uniform Maintenance
- \* Witness Duty Leave

Some benefit programs require contributions from the employee. Brick Oven reserves the right to add, modify or remove any of the benefit programs at any time.

## 3.03 Vacation Benefits

Effective Date: 07/01/2011

Vacation time off with pay is available to eligible employees to provide opportunities for rest, relaxation, and personal pursuits. Employees in the following employment classification(s) are eligible to earn and use vacation time as described in this policy:

- \* Regular full-time employees

The amount of paid vacation time employees receive each year increases with the length of their employment as shown in the following schedule. Employee status is reviewed quarterly to determine full-time status.

- \*Beginning on day one of full-time status, the employee is entitled to 5 vacation days each year.
- \*After 1 year of eligible service the employee is entitled to 6 vacation days each year.
- \*After 2 years of eligible service the employee is entitled to 7 vacation days each year.
- \*After 3 years of eligible service the employee is entitled to 8 vacation days each year.
- \*After 4 years of eligible service the employee is entitled to 9 vacation days each year.
- \*After 5 years of eligible service the employee is entitled to 10 vacation days each year.

The length of eligible service is calculated on the basis of a "benefit year." This is the 12-month period that begins when the employee starts to earn vacation time. An employee's benefit year may be extended for any significant leave of absence except military leave of absence. Military leave has no effect on this calculation. (See individual leave of absence policies for more information.)

Once employees enter an eligible employment classification, they begin to earn paid vacation time

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according to the schedule. Earned vacation time is available for use in the year following its accrual.

Paid vacation time can be used in minimum increments of one hour. To take vacation, employees should request advance approval from their supervisors. Requests will be reviewed based on a number of factors, including business needs and staffing requirements.

Vacation time off is paid at the employee's base pay rate at the time of vacation. It does not include overtime or any special forms of compensation such as incentives, commissions, bonuses, or shift differentials.

As stated above, employees are encouraged to use available paid vacation time for rest, relaxation, and personal pursuits. In the event that available vacation is not used by the end of the benefit year, employees may carry unused time forward to the next benefit year. If the total amount of unused vacation time reaches a "cap" equal to one and one half (1 1/2) times the annual vacation amount, further vacation accrual will stop. When the employee uses paid vacation time and brings the available amount below the cap, vacation accrual will begin again.

Upon the voluntary termination of employment, employees will be paid for unused vacation time that has been earned through the last day of work. However, if Brick Oven, in its sole discretion, terminates employment for cause, forfeiture of unused vacation time may result.

## **3.06 Workers' Compensation Insurance**

Effective Date: 07/01/2011

Brick Oven provides a comprehensive workers' compensation insurance program at no cost to employees. This program covers any injury or illness sustained in the course of employment that requires medical, surgical, or hospital treatment. Subject to applicable legal requirements, workers' compensation insurance provides benefits after a short waiting period or, if the employee is hospitalized, immediately.

Employees who sustain work-related injuries or illnesses must inform their supervisor immediately. No matter how minor an on-the-job injury may appear, it is important that it be reported immediately. This will enable an eligible employee to qualify for coverage as quickly as possible.

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## 3.09 Bereavement Leave

Effective Date: 07/01/2011

Employees who wish to take time off due to the death of an immediate family member should notify their supervisor immediately. Unpaid time off of up to 3 days will be granted to allow the employee to attend the funeral and make any necessary arrangements associated with the death.

Bereavement leave will normally be granted unless there are unusual business needs or staffing requirements. Employees may, with their supervisors' approval, use any available paid leave for additional time off as necessary.

Brick Oven defines "immediate family" as the employee's spouse, parent, child, sibling; the employee's spouse's parent, child, or sibling; the employee's child's spouse; grandparents or grandchildren. Special consideration will also be given to any other person whose association with the employee was similar to any of the above relationships.

## 3.11 Jury Duty

Effective Date: 07/01/2011

Brick Oven encourages employees to fulfill their civic responsibilities by serving jury duty when required. Employees may request unpaid jury duty leave for the length of absence. If desired, employees may use any available paid time off (for example, vacation benefits).

Employees must show the jury duty summons to their supervisor as soon as possible so that the supervisor may make arrangements to accommodate their absence. Of course, employees are expected to report for work whenever the court schedule permits.

Either Brick Oven or the employee may request an excuse from jury duty if, in Brick Oven's judgment, the employee's absence would create serious operational difficulties.

Brick Oven will continue to provide health insurance benefits for the full term of the jury duty absence.

Vacation, sick leave, and holiday benefits will continue to accrue during unpaid jury duty leave.

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## 3.13 Benefits Continuation (COBRA)

Effective Date: 07/01/2011

The federal Consolidated Omnibus Budget Reconciliation Act (COBRA) gives employees and their qualified beneficiaries the opportunity to continue health insurance coverage under Brick Oven's health plan when a "qualifying event" would normally result in the loss of eligibility. Some common qualifying events are resignation, termination of employment, or death of an employee; a reduction in an employee's hours or a leave of absence; an employee's divorce or legal separation; and a dependent child no longer meeting eligibility requirements.

Under COBRA, the employee or beneficiary pays the full cost of coverage at Brick Oven's group rates plus an administration fee. Brick Oven provides each eligible employee with a written notice describing rights granted under COBRA when the employee becomes eligible for coverage under Brick Oven's health insurance plan. The notice contains important information about the employee's rights and obligations.

## 3.16 Health Insurance

Effective Date: 07/01/2011

Brick Oven's health insurance plan provides employees and their dependents access to medical and dental insurance benefits. Employees in the following employment classifications are eligible to participate in the health insurance plan:

- \* Regular full-time employees

Eligible employees may participate in the health insurance plan subject to all terms and conditions of the agreement between Brick Oven and the insurance carrier.

A change in employment classification that would result in loss of eligibility to participate in the health insurance plan may qualify an employee for benefits continuation under the Consolidated Omnibus Budget Reconciliation Act (COBRA). Refer to the Benefits Continuation (COBRA) Policy for more information.

Details of the health insurance plan are described in the Summary Plan Description (SPD). An SPD and information on cost of coverage will be provided in advance of enrollment to eligible employees. Contact the Personnel Department for more information about health insurance benefits.

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## 3.20 401(k) Savings Plan

Effective Date: 07/01/2011

Brick Oven has established a 401(k) savings plan to provide employees the potential for future financial security for retirement.

To be eligible to join the 401(k) savings plan, you must complete 12 months of service and be 21 years of age or older. You may join the plan only during open enrollment periods. Eligible employees may participate in the 401(k) plan subject to all terms and conditions of the plan.

The 401(k) savings plan allows you to elect how much salary you want to contribute so you can tailor your own retirement package to meet your individual needs. Brick Oven also contributes an additional matching amount to each employee's 401(k) contribution.

Because your contribution to a 401(k) plan is automatically deducted from your pay before federal and state tax withholdings are calculated, you save tax dollars now by having your current taxable amount reduced. While the amounts deducted generally will be taxed when they are finally distributed, favorable tax rules typically apply to 401(k) distributions.

Complete details of the 401(k) savings plan are described in the Summary Plan Description provided to eligible employees. Contact the Personnel Department for more information about the 401(k) plan.

## 4.01 Timekeeping

Effective Date: 07/01/2011

Accurately recording time worked is the responsibility of every nonexempt employee. Federal and state laws require Brick Oven to keep an accurate record of time worked in order to calculate employee pay and benefits. Time worked is all the time actually spent on the job performing assigned duties.

Nonexempt employees should accurately record the time they begin and end their work, as well as the beginning and ending time of each meal period. They should also record the beginning and ending time of any split shift or departure from work for personal reasons. Overtime work must always be approved before it is performed.

Altering, falsifying, tampering with time records, or recording time on another employee's time record may result in disciplinary action, up to and including termination of employment.

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## 4.03 Paydays

Effective Date: 07/01/2011

All employees are paid biweekly on every other Friday. Each paycheck will include earnings for all work performed through the end of the previous payroll period.

In the event that a regularly scheduled payday falls on a day off such as a weekend or holiday, employees will receive pay on the last day of work before the regularly scheduled payday.

If a regular payday falls during an employee's vacation, the employee's paycheck will be available upon his or her return from vacation.

Employees may have pay directly deposited into their bank accounts if they provide advance written authorization to Brick Oven. Employees will receive an itemized statement of wages when Brick Oven makes direct deposits.

## 4.08 Pay Advances

Effective Date: 07/01/2011

Brick Oven does not provide pay advances on unearned wages to employees.

## 5.01 Safety

Effective Date: 06/24/2011

To assist in providing a safe and healthful work environment for employees, customers, and visitors, Brick Oven has established a workplace safety program. This program is a top priority for Brick Oven. The Store Manager has responsibility for implementing, administering, monitoring, and evaluating the safety program. Its success depends on the alertness and personal commitment of all.

Brick Oven provides information to employees about workplace safety and health issues through regular internal communication channels such as supervisor-employee meetings, bulletin board postings, memos, or other written communications.

Each employee is expected to obey safety rules and to exercise caution in all work activities. Employees must immediately report any unsafe condition to the appropriate supervisor. Employees who violate safety standards, who cause hazardous or dangerous situations, or who fail to report or, where

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appropriate, remedy such situations, may be subject to disciplinary action, up to and including termination of employment.

In the case of accidents that result in injury, regardless of how insignificant the injury may appear, employees should immediately notify the Store Manager or the appropriate supervisor. Such reports are necessary to comply with laws and initiate insurance and workers' compensation benefits procedures.

## 5.02 Work Schedules

Effective Date: 07/01/2011

Work schedules for employees vary throughout our organization. Supervisors will advise employees of their individual work schedules which will include breaks and meal periods. Staffing needs and operational demands may necessitate variations in starting and ending times, as well as variations in the total hours that may be scheduled each day and week.

Flexible scheduling, or flextime, is available in some cases to allow employees to vary their starting and ending times each day within established limits. Flextime may be possible if a mutually workable schedule can be negotiated with the supervisor involved. However, such issues as staffing needs, the employee's performance, and the nature of the job will be considered before approval of flextime. Employees should consult their supervisor to request participation in the flextime program.

## 5.04 Use of Telephones

Effective Date: 07/01/2011

Personal use of telephones for outgoing calls, including local calls, is not permitted. Employees may be required to reimburse Brick Oven for any charges resulting from their personal use of the telephone.

To ensure effective telephone communications, employees should always use the approved greeting and speak in a courteous and professional manner. Please confirm information received from the caller, and hang up only after the caller has done so.

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## 5.05 Smoking

Effective Date: 07/01/2011

In keeping with Brick Oven's intent to provide a safe and healthful work environment, smoking in the workplace is prohibited except in those locations that have been specifically designated as smoking areas. In situations where the preferences of smokers and nonsmokers are in direct conflict, the preferences of nonsmokers will prevail.

This policy applies equally to all employees, customers, and visitors.

## 5.07 Overtime

Effective Date: 07/01/2011

When operating requirements or other needs cannot be met during regular working hours, employees may be scheduled to work overtime hours. When possible, advance notification of these mandatory assignments will be provided. All overtime work must receive the supervisor's prior authorization. Overtime assignments will be distributed as equitably as practical to all employees qualified to perform the required work.

Overtime compensation is paid to all nonexempt employees in accordance with federal and state wage and hour restrictions. Overtime pay is based on actual hours worked. Time off on sick leave, vacation leave, or any leave of absence will not be considered hours worked for purposes of performing overtime calculations.

Failure to work scheduled overtime or overtime worked without prior authorization from the supervisor may result in disciplinary action, up to and including possible termination of employment.

## 5.08 Use of Equipment and Vehicles

Effective Date: 07/01/2011

Equipment and vehicles essential in accomplishing job duties are expensive and may be difficult to replace. When using company-owned property, employees are expected to exercise care, perform required maintenance, and follow all operating instructions, safety standards, and guidelines.

Please notify the supervisor if any equipment, machines, tools, or vehicles appear to be damaged, defective, or in need of repair. Prompt reporting of damages, defects, and the need for repairs could

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prevent deterioration of equipment and possible injury to employees or others. The supervisor can answer any questions about an employee's responsibility for maintenance and care of equipment or vehicles used on the job.

The improper, careless, negligent, destructive, or unsafe use or operation of equipment or vehicles, as well as excessive or avoidable traffic and parking violations, can result in disciplinary action, up to and including termination of employment.

## 5.14 Visitors in the Workplace

Effective Date: 07/01/2011

To provide for the safety and security of employees and the facilities at Brick Oven, only authorized visitors are allowed in the workplace. Restricting unauthorized visitors helps maintain safety standards, protects against theft, ensures security of equipment, protects confidential information, safeguards employee welfare, and avoids potential distractions and disturbances.

Because of safety and security reasons, family and friends of employees are discouraged from visiting. In cases of emergency, employees will be called to meet any visitor outside their work area.

All visitors should enter Brick Oven at the lobby. Authorized visitors will receive directions or be escorted to their destination. Employees are responsible for the conduct and safety of their visitors.

If an unauthorized individual is observed on Brick Oven's premises, employees should immediately notify their supervisor or, if necessary, direct the individual to the lobby.

## 5.16 Computer and Email Usage

Effective Date: 07/01/2011

Computers, computer files, the email system, and software furnished to employees are Brick Oven property intended for business use. Employees should not use a password, access a file, or retrieve any stored communication without authorization. To ensure compliance with this policy, computer and email usage may be monitored.

Brick Oven strives to maintain a workplace free of harassment and sensitive to the diversity of its employees. Therefore, Brick Oven prohibits the use of computers and the email system in ways that are disruptive, offensive to others, or harmful to morale.

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For example, the display or transmission of sexually explicit images, messages, and cartoons is not allowed. Other such misuse includes, but is not limited to, ethnic slurs, racial comments, off-color jokes, or anything that may be construed as harassment or showing disrespect for others.

Email may not be used to solicit others for commercial ventures, religious or political causes, outside organizations, or other nonbusiness matters.

Brick Oven purchases and licenses the use of various computer software for business purposes and does not own the copyright to this software or its related documentation. Unless authorized by the software developer, Brick Oven does not have the right to reproduce such software for use on more than one computer.

Employees may only use software on local area networks or on multiple machines according to the software license agreement. Brick Oven prohibits the illegal duplication of software and its related documentation.

Employees should notify their immediate supervisor, the Human Resources Office or any member of management upon learning of violations of this policy. Employees who violate this policy will be subject to disciplinary action, up to and including termination of employment.

## 5.17 Internet Usage

Effective Date: 07/01/2011

Internet access to global electronic information resources on the World Wide Web is provided by Brick Oven to assist employees in obtaining work-related data and technology. The following guidelines have been established to help ensure responsible and productive Internet usage. All Internet usage is limited to job-related activities. Personal use of the Internet is not permitted.

All Internet data that is composed, transmitted, or received via our computer communications systems is considered to be part of the official records of Brick Oven and, as such, is subject to disclosure to law enforcement or other third parties. Consequently, employees should always ensure that the business information contained in Internet email messages and other transmissions is accurate, appropriate, ethical, and lawful.

The equipment, services, and technology provided to access the Internet remain at all times the property of Brick Oven. As such, Brick Oven reserves the right to monitor Internet traffic, and retrieve and read any data composed, sent, or received through our online connections and stored in our computer systems. Employees should not expect any right to privacy as it relates to the use of a company owned system.

Data that is composed, transmitted, accessed, or received via the Internet must not contain content that

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could be considered discriminatory, offensive, obscene, threatening, harassing, intimidating, or disruptive to any employee or other person. Examples of unacceptable content may include, but are not limited to, sexual comments or images, racial slurs, gender-specific comments, or any other comments or images that could reasonably offend someone on the basis of race, age, sex, religious or political beliefs, national origin, disability, sexual orientation, or any other characteristic protected by law.

The unauthorized use, installation, copying, or distribution of copyrighted, trademarked, or patented material on the Internet is expressly prohibited. As a general rule, if an employee did not create material, does not own the rights to it, or has not gotten authorization for its use, it should not be put on the Internet. Employees are also responsible for ensuring that the person sending any material over the Internet has the appropriate distribution rights.

To ensure a virus-free environment, no files may be downloaded from the Internet without prior authorization.

Abuse of the Internet access provided by Brick Oven in violation of law or Brick Oven policies will result in disciplinary action, up to and including termination of employment. Employees may also be held personally liable for any violations of this policy. The following behaviors are examples of previously stated or additional actions and activities that are prohibited and can result in disciplinary action:

- \* Sending or posting discriminatory, harassing, or threatening messages or images
- \* Using the organization's time and resources for personal gain
- \* Stealing, using, or disclosing someone else's code or password without authorization
- \* Copying, pirating, or downloading software and electronic files without permission
- \* Sending or posting confidential material, trade secrets, or proprietary information outside of the organization
- \* Violating copyright law
- \* Failing to observe licensing agreements
- \* Engaging in unauthorized transactions that may incur a cost to the organization or initiate unwanted Internet services and transmissions
- \* Sending or posting messages or material that could damage the organization's image or reputation
- \* Participating in the viewing or exchange of pornography or obscene materials
- \* Sending or posting messages that defame or slander other individuals
- \* Attempting to break into the computer system of another organization or person
- \* Refusing to cooperate with a security investigation
- \* Sending or posting chain letters, solicitations, or advertisements not related to business purposes or activities
- \* Using the Internet for political causes or activities, religious activities, or any sort of gambling
- \* Jeopardizing the security of the organization's electronic communications systems
- \* Sending or posting messages that disparage another organization's products or services
- \* Passing off personal views as representing those of the organization
- \* Sending anonymous email messages

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\* Engaging in any other illegal activities

## 5.18 Workplace Monitoring

Effective Date: 07/01/2011

Workplace monitoring may be conducted by Brick Oven to ensure quality control, employee safety, security, and customer satisfaction.

Computers furnished to employees are the property of Brick Oven. As such, computer usage and files may be monitored or accessed.

Brick Oven may conduct video surveillance of non-private workplace areas. Video monitoring is used to identify safety concerns, maintain quality control, detect theft and misconduct, and discourage or prevent acts of harassment and workplace violence.

Because Brick Oven is sensitive to the legitimate privacy rights of employees, every effort will be made to guarantee that workplace monitoring is done in an ethical and respectful manner.

## 5.22 Workplace Violence Prevention

Effective Date: 07/01/2011

Brick Oven is committed to preventing workplace violence and to maintaining a safe work environment. Given the increasing violence in society in general, Brick Oven has adopted the following guidelines to deal with intimidation, harassment, or other threats of (or actual) violence that may occur during business hours or on its premises.

All employees, including supervisors and temporary employees, should be treated with courtesy and respect at all times. Employees are expected to refrain from fighting, "horseplay," or other conduct that may be dangerous to others. Firearms, weapons, and other dangerous or hazardous devices or substances are prohibited from the premises of Brick Oven without proper authorization.

Conduct that threatens, intimidates, or coerces another employee, a customer, or a member of the public at any time, including off-duty periods, will not be tolerated. This prohibition includes all acts of harassment, including harassment that is based on an individual's sex, race, age, or any characteristic protected by federal, state, or local law.

All threats of (or actual) violence, both direct and indirect, should be reported as soon as possible to your

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immediate supervisor or any other member of management. This includes threats by employees, as well as threats by customers, vendors, solicitors, or other members of the public. When reporting a threat of violence, you should be as specific and detailed as possible.

All suspicious individuals or activities should also be reported as soon as possible to a supervisor. Do not place yourself in peril. If you see or hear a commotion or disturbance near your workstation, do not try to intercede or see what is happening.

Brick Oven will promptly and thoroughly investigate all reports of threats of (or actual) violence and of suspicious individuals or activities. The identity of the individual making a report will be protected as much as is practical. In order to maintain workplace safety and the integrity of its investigation, Brick Oven may suspend employees, either with or without pay, pending investigation.

Anyone determined to be responsible for threats of (or actual) violence or other conduct that is in violation of these guidelines will be subject to prompt disciplinary action up to and including termination of employment.

Brick Oven encourages employees to bring their disputes or differences with other employees to the attention of their supervisors or the Human Resources Office before the situation escalates into potential violence. Brick Oven is eager to assist in the resolution of employee disputes, and will not discipline employees for raising such concerns.

## 5.26 Cell Phone Usage

Effective Date: 07/01/2011

Note: For purposes of this policy, the term "cell phone" is defined as any handheld electronic device with the ability to receive and/or transmit voice, text, or data.

### Use of Cell Phones or Similar Devices

#### Use While Driving

- Brick Oven prohibits employees from using cell phones or similar devices while driving any company owned vehicle or while conducting business for the company and driving any vehicle.
- This prohibition includes receiving or placing calls, text messaging, surfing the Internet, receiving or responding to e-mail, checking for phone messages, or any other purpose related to Brick Oven employment.
- If the employee must respond to a text message, e-mail or other type of communication, he or she must stop the vehicle in a safe location and remain in that location until the communication is completed.

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## 6.01 Family and Medical Leave

Effective Date: 07/01/2011

In compliance with the Family and Medical Leave Act of 1993 (FMLA) and the January 28, 2008, Military Family Leave Provisions, Brick Oven's Family and Medical Leave Policy allows eligible employees to take up to 12 work weeks of unpaid leave for various family and medical reasons and up to 26 work weeks for qualifying events connected to the Military Caregiver provisions of the law.

An "eligible employee" is defined as an employee who has been employed by Brick Oven for at least 12 months (not necessarily consecutive) and who has worked at least 1,250 hours during the 12 months preceding the leave.

Family and Medical Leave will be granted to eligible employees for the following reasons:

- Family Leave of up to 12 weeks for the birth of the employee's child.
- Family Leave of up to 12 weeks for the placement of a child with the employee for adoption or foster care.
- Medical Leave of up to 12 weeks to care for a spouse, child, or parent with a serious health condition.
- Medical Leave of up to 12 weeks due to the employee's own serious health condition that makes it impossible for the employee to perform the functions of his or her own job.
- Military Exigency Leave of up to 12 weeks to deal with exigencies resulting from a Federal Contingency Act.
- Military Caregiver Leave of up to 26 weeks to care for a covered military family member who is injured in the line of duty.

If you are the spouse, son, daughter, or parent of a military service member on active duty, or on notice of an impending call to active duty, Brick Oven will grant up to 12 weeks of unpaid leave in a 12 month period based on "any qualifying exigency."

If you are the spouse, son, daughter, parent, or "next of kin" of a military service member who is injured in the line of duty, Brick Oven will grant up to 26 weeks of unpaid leave in a rolling 12 month period to care for the injured family member.

In order to qualify for leave pursuant to the new amendments, an employee still must comply with other provisions of the FMLA Note, also, if an employee requests FMLA leave to care for an injured service member and that employee has already taken FMLA leave in the past 12 months, the 26 week leave period will be reduced by the amount of leave previously taken.

### Amount and Timing of Leave

An eligible employee is entitled to 12/26 weeks of unpaid FMLA leave within a 12 month period for one

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or more of the six reasons listed above. However, if a husband and wife are both employed by Brick Oven, they are entitled to a combined total of 12 weeks of unpaid FMLA leave for the same reason (e.g., the birth of a child, the placement of a child for adoption or foster care, or to care for a parent.) Brick Oven calculates FMLA entitlement on a "rolling 12 month" basis. The 12 month period begins on the first day of a particular FMLA leave.

## Notice and Procedures for Requesting a Leave

Employees should make requests for medical leave by submitting a completed Form WH-381 (available from the Human Resources Office) to their supervisor at least 30 days in advance of foreseeable events and as soon as possible for unforeseeable events. Additional unprotected leave extending beyond the 12/26 weeks will only be granted upon further review and approval from management.

## Certification for Medical Leaves

An employee requesting FMLA leave to care for a spouse, child, or parent or due to his or her own serious health condition must provide Brick Oven with a medical certification completed by a health care provider verifying the need for medical leave and the probable duration of the leave. The medical certification form may be obtained from the Human Resources Office. Brick Oven will not determine if a leave falls under the FMLA guidelines until the medical certification form is received. Brick Oven may require an employee on FMLA leave to report periodically on his or her status or intent to return while on leave.

## Use of Paid Leave

Employees may substitute accrued paid vacation, personal time or sick time off for any type of family or medical leave. The period of time during which paid leave is substituted for unpaid leave will be counted against the 12/26 week FMLA entitlement. After using any paid time off for the FMLA leave, the balance of the FMLA leave will be provided without compensation. Worker's Compensation, Short-Term Disability, and Long-Term Disability time off will be counted against the employee's 12 week FMLA entitlement.

## Health Care Coverage

An employee may elect to continue coverage under Brick Oven's group health and dental plans for the duration of the FMLA leave at the same level and under the same terms and conditions as if he or she were not on leave. An employee who elects coverage is required to continue to pay his/her portion of the monthly premium. Payment arrangements can be made with Human Resources to maintain health and dental insurance benefits while the employee is on leave. Failure to make premium payments when due may result in a loss of coverage. Whether or not the employee elects to continue medical coverage during the FMLA leave, when the employee returns to employment, he or she will be reinstated to the same coverage as he or she had before the leave.

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## Reinstatement

Upon returning from FMLA leave, an employee will be restored to their original position or be placed in an equivalent position with equivalent employment benefits and pay. If an employee takes FMLA leave due to his or her own serious health condition, the employee must present Brick Oven with a fitness-for-duty certification completed by the employee's health care provider prior to returning to work. If it is discovered the employee worked for another Company while on FMLA leave, Brick Oven maintains the right to terminate employment with the employee.

## **6.05 Military Leave**

Effective Date: 07/01/2011

A military leave of absence will be granted to employees who are absent from work because of service in the U.S. uniformed services in accordance with the Uniformed Services Employment and Reemployment Rights Act (USERRA). Advance notice of military service is required, unless military necessity prevents such notice or it is otherwise impossible or unreasonable.

The leave will be unpaid. However, employees may use any available paid time off for the absence.

Continuation of health insurance benefits is available as required by USERRA based on the length of the leave and subject to the terms, conditions and limitations of the applicable plans for which the employee is otherwise eligible.

Benefit accruals, such as vacation, sick leave, or holiday benefits, will be suspended during the leave and will resume upon the employee's return to active employment.

Employees on military leave for up to 30 days are required to return to work for the first regularly scheduled shift after the end of service, allowing reasonable travel time. Employees on longer military leave must apply for reinstatement in accordance with USERRA and all applicable state laws.

Employees returning from military leave will be placed in the position they would have attained had they remained continuously employed or a comparable one depending on the length of military service in accordance with USERRA. They will be treated as though they were continuously employed for purposes of determining benefits based on length of service.

Contact the Human Resources Office for more information or questions about military leave.

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## 6.07 Pregnancy-Related Absences

Effective Date: 07/01/2011

Brick Oven will not discriminate against any employee who requests an excused absence for medical disabilities associated with pregnancy. Such leave requests will be evaluated according to the medical leave policy provisions outlined in this Handbook and all applicable federal and state laws.

Requests for time off associated with pregnancy and/or childbirth, such as bonding and child care, not related to medical disabilities for those conditions will be considered in the same manner as other requests for unpaid family or personal leave.

## 7.01 Employee Conduct and Work Rules

Effective Date: 07/01/2011

To ensure orderly operations and provide the best possible work environment, Brick Oven expects employees to follow rules of conduct that will protect the interests and safety of all employees and the organization.

It is not possible to list all the forms of behavior that are considered unacceptable in the workplace. The following are examples of infractions of rules of conduct that may result in disciplinary action, up to and including termination of employment:

- \* Theft or inappropriate removal or possession of property
- \* Falsification of timekeeping records
- \* Working under the influence of alcohol or illegal drugs
- \* Possession, distribution, sale, transfer, or use of alcohol or illegal drugs in the workplace, while on duty, or while operating employer-owned vehicles or equipment
- \* Fighting or threatening violence in the workplace
- \* Boisterous or disruptive activity in the workplace
- \* Negligence or improper conduct leading to damage of employer-owned or customer-owned property
- \* Insubordination or other disrespectful conduct
- \* Violation of safety or health rules
- \* Smoking in prohibited areas
- \* Sexual or other unlawful or unwelcome harassment
- \* Possession of dangerous or unauthorized materials, such as explosives or firearms, in the workplace
- \* Excessive absenteeism or any absence without notice
- \* Unauthorized use of telephones, mail system, or other employer-owned equipment
- \* Unauthorized disclosure of business "secrets" or confidential information

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- \* Violation of personnel policies
- \* Unsatisfactory performance or conduct

Employment with Brick Oven is at the mutual consent of Brick Oven and the employee, and either party may terminate that relationship at any time, with or without cause, and with or without advance notice.

## 7.02 Drug and Alcohol Use

Effective Date: 07/01/2011

It is Brick Oven's desire to provide a drug-free, healthful, and safe workplace. To promote this goal, employees are required to report to work in appropriate mental and physical condition to perform their jobs in a satisfactory manner.

While on Brick Oven premises and while conducting business-related activities off Brick Oven premises, no employee may use, possess, distribute, sell, or be under the influence of alcohol or illegal drugs. The legal use of prescribed drugs is permitted on the job only if it does not impair an employee's ability to perform the essential functions of the job effectively and in a safe manner that does not endanger other individuals in the workplace.

Brick Oven reserves the right to implement any of the following testing procedures at any time and at its sole discretion:

1. Pre-Employment (post offer)
2. Random
3. Reasonable Suspicion
4. Post Accident

Violations of this policy may lead to disciplinary action, up to and including immediate termination of employment, and/or required participation in a substance abuse rehabilitation or treatment program. Such violations may also have legal consequences.

Under the Drug-Free Workplace Act, an employee who performs work for a government contract or grant must notify Brick Oven of a criminal conviction for drug-related activity occurring in the workplace. The report must be made within five days of the conviction.

Employees with questions on this policy or issues related to drug or alcohol use in the workplace should raise their concerns with their supervisor or the General Manager without fear of reprisal.

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## 7.03 Sexual and Other Unlawful Harassment

Effective Date: 07/01/2011

Brick Oven is committed to providing a work environment that is free from all forms of discrimination and conduct that can be considered harassing, coercive, or disruptive, including sexual harassment. Actions, words, jokes, or comments based on an individual's sex, race, color, national origin, age, religion, disability, sexual orientation, or any other legally protected characteristic will not be tolerated.

Sexual harassment is defined as unwanted sexual advances, or visual, verbal, or physical conduct of a sexual nature. This definition includes many forms of offensive behavior and includes gender-based harassment of a person of the same sex as the harasser. The following is a partial list of sexual harassment examples:

- \* Unwanted sexual advances.
- \* Offering employment benefits in exchange for sexual favors.
- \* Making or threatening reprisals after a negative response to sexual advances.
- \* Visual conduct that includes leering, making sexual gestures, or displaying of sexually suggestive objects or pictures, cartoons or posters.
- \* Verbal conduct that includes making or using derogatory comments, epithets, slurs, or jokes.
- \* Verbal sexual advances or propositions.
- \* Verbal abuse of a sexual nature, graphic verbal commentaries about an individual's body, sexually degrading words used to describe an individual, or suggestive or obscene letters, notes, or invitations.
- \* Physical conduct that includes touching, assaulting, or impeding or blocking movements.

Unwelcome sexual advances (either verbal or physical), requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when: (1) submission to such conduct is made either explicitly or implicitly a term or condition of employment; (2) submission or rejection of the conduct is used as a basis for making employment decisions; or, (3) the conduct has the purpose or effect of interfering with work performance or creating an intimidating, hostile, or offensive work environment.

If you experience or witness sexual or other unlawful harassment in the workplace, report it immediately to your supervisor. If the supervisor is unavailable or you believe it would be inappropriate to contact that person, you should immediately contact the Human Resources Office or any other member of

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management. You can raise concerns and make reports without fear of reprisal or retaliation.

All allegations of sexual harassment will be quickly and discreetly investigated. To the extent possible, your confidentiality and that of any witnesses and the alleged harasser will be protected against unnecessary disclosure. When the investigation is completed, you will be informed of the outcome of the investigation.

Any supervisor or manager who becomes aware of possible sexual or other unlawful harassment must immediately advise the Human Resources Office or any member of management so it can be investigated in a timely and confidential manner. Anyone engaging in sexual or other unlawful harassment will be subject to disciplinary action, up to and including termination of employment.

## 7.04 Attendance and Punctuality

Effective Date: 07/01/2011

To maintain a safe and productive work environment, Brick Oven expects employees to be reliable and to be punctual in reporting for scheduled work. Absenteeism and tardiness place a burden on other employees and on Brick Oven. In the rare instances when employees cannot avoid being late to work or are unable to work as scheduled, they should notify their supervisor as soon as possible in advance of the anticipated tardiness or absence.

Poor attendance and excessive tardiness are disruptive. Either may lead to disciplinary action, up to and including termination of employment.

## 7.05 Personal Appearance

Effective Date: 07/01/2011

Dress, grooming, and personal cleanliness standards contribute to the morale of all employees and affect the business image Brick Oven presents to customers and visitors.

During business hours or when representing Brick Oven, you are expected to present a clean, neat, and tasteful appearance. You should dress and groom yourself according to the requirements of your position and accepted social standards. This is particularly true if your job involves dealing with customers or visitors in person.

Your supervisor or department head is responsible for establishing a reasonable dress code appropriate to the job you perform. If your supervisor feels your personal appearance is inappropriate, you may be asked

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to leave the workplace until you are properly dressed or groomed. Under such circumstance, you will not be compensated for the time away from work. Consult your supervisor if you have questions as to what constitutes appropriate appearance. Where necessary, reasonable accommodation may be made to a person with a disability.

Without unduly restricting individual tastes, the following personal appearance guidelines should be followed:

- \* Shoes must have slip resistant soles which provide safe, secure footing, and offer protection against hazards.
- \* Dining and Market Room Associates are required to wear black, polished plain toe shoes with black soles and black socks. Kitchen, delivery, bakery and custodial employees may wear white athletic shoes with slip resistant soles, with shorts and white socks.
- \* Hairstyles are expected to be in good taste.
- \* Unnaturally colored hair and extreme hairstyles, such as spiked hair and shaved heads, do not present an appropriate professional appearance.
- \* Long hairstyles should be worn with hair pulled back off the face and neck to avoid interfering with job performance.
- \* Excessive makeup is not permitted.
- \* Offensive body odor and poor personal hygiene is not professionally acceptable.
- \* Perfume, cologne, and aftershave lotion should be used moderately or avoided altogether, as some individuals may be sensitive to strong fragrances.
- \* Jewelry should not be functionally restrictive, dangerous to job performance, or excessive.
- \* Facial jewelry, such as eyebrow rings, nose rings, lip rings, and tongue studs, is not professionally appropriate and must not be worn during business hours.
- \* Multiple ear piercings (more than one ring in each ear) are not professionally appropriate and must not be worn during business hours.
- \* Torso body piercings with visible jewelry or jewelry that can be seen through or under clothing must not be worn during business hours.
- \* Visible excessive tattoos and similar body art must be covered during business hours.

## 7.06 Return of Property

Effective Date: 07/01/2011

Employees are responsible for all Brick Oven property, materials, or written information issued to them or in their possession or control.

All Brick Oven property must be returned by employees on or before their last day of work.

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## 7.08 Resignation

Effective Date: 07/01/2011

Resignation is a voluntary act initiated by the employee to terminate employment with Brick Oven. Although advance notice is not required, Brick Oven requests at least 2 weeks' written resignation notice from all employees.

If an employee does not provide advance notice as requested, the employee may be considered ineligible for rehire.

## 7.16 Progressive Discipline

Effective Date: 07/01/2011

The purpose of this policy is to state Brick Oven's position on administering equitable and consistent discipline for unsatisfactory conduct in the workplace. The best disciplinary measure is the one that does not have to be enforced and comes from good leadership and fair supervision at all employment levels.

Brick Oven's own best interest lies in ensuring fair treatment of all employees and in making certain that disciplinary actions are prompt, uniform, and impartial. The major purpose of any disciplinary action is to correct the problem, prevent recurrence, and prepare the employee for satisfactory service in the future.

Although employment with Brick Oven is based on mutual consent and both the employee and Brick Oven have the right to terminate employment at will, with or without cause or advance notice, Brick Oven may use progressive discipline at its discretion.

Disciplinary action may call for any of four steps -- verbal warning, written warning, suspension with or without pay, or termination of employment -- depending on the severity of the problem and the number of occurrences. There may be circumstances when one or more steps are bypassed.

By using progressive discipline, we hope that most employee problems can be corrected at an early stage, benefiting both the employee and Brick Oven.

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## 7.22 Workplace Etiquette

Effective Date: 07/01/2011

Brick Oven strives to maintain a positive work environment where employees treat each other with respect and courtesy. Sometimes issues arise when employees are unaware that their behavior in the workplace may be disruptive or annoying to others. Many of these day-to-day issues can be addressed by politely talking with a co-worker to bring the perceived problem to his or her attention. In most cases, common sense will dictate an appropriate resolution. Brick Oven encourages all employees to keep an open mind and graciously accept constructive feedback or a request to change behavior that may be affecting another employee's ability to concentrate and be productive.

The following workplace etiquette guidelines are not necessarily intended to be hard and fast work rules with disciplinary consequences. They are simply suggestions for appropriate workplace behavior to help everyone be more conscientious and considerate of co-workers and the work environment. Please contact the Human Resources Office if you have comments, concerns, or suggestions regarding these workplace etiquette guidelines.

- \* Do not visit with friends while on duty.
- \* Work quietly so you will not disturb other Associates or Guests, i.e. loud laughter, noises, yelling, stacking dishes, slamming doors, etc.
- \* Do not eat food or beverage unless it is part of your entitled meal break and is consumed in the designated break area unless you are asked to taste food under development.
- \* Avoid offending Guests by combing your hair, applying makeup, blowing your nose, eating, drinking, chewing gum or other indulgent behaviors in their view.
- \* Avoid distracting co-workers with flirtation, excessive socializing and horseplay.
- \* Keep busy and use your time wisely. Do not take unauthorized breaks, sit down, lean, or put your hands in your pockets.
- \* Avoid public accusations or criticisms of other employees. Address such issues privately with those involved or your supervisor.
- \* Be conscious of how your voice travels, and try to lower the volume of your voice when talking on the phone or to others in open areas.
- \* Refrain from using inappropriate language (swearing) that others may overhear.
- \* Avoid discussions of your personal life/issues in public conversations that can be easily overheard.