

ESKIMO JOE'S , INC.  
MANAGEMENT  
OPERATIONS MANUAL  
("MOM")

---



## Contents

A VISION OF GREATNESS .....	4
PURPOSE OF THE (“MOM”) MANAGEMENT OPERATIONS MANUAL .....	5
(“MOM”) EMPLOYEE CERTIFICATE.....	6
COACHING FOR SUCCESS.....	7
EQUAL EMPLOYMENT OPPORTUNITY.....	16
EMPLOYMENT OF RELATIVES .....	17
TEAM MEMBER RELATIONSHIPS.....	18
TERMINATION .....	19
PAYROLL.....	23
SALARY BASE/RAISES .....	25
EMPLOYEE TIPS .....	26
EMPLOYEE PRACTICES.....	28
LEAVE OF ABSENCE .....	34
FAMILY AND MEDICAL LEAVE .....	36
MILITARY LEAVE OF ABSENCE.....	39
EMPLOYEE RECORDS .....	40
DRESS CODE .....	41
INSURANCE.....	44
PERSONAL TIME OFF.....	46
BEREAVEMENT LEAVE .....	49
EMPLOYEE MEAL.....	50
401K PLAN .....	51
EMPLOYEE RECOGNITION.....	53
TUITION REIMBURSEMENT POLICY .....	55
COMPUTER LOAN PROGRAM .....	57
EMPLOYEE PURCHASE PROGRAM.....	59
CONTINUING EDUCATION .....	60
COMMUNITY SERVICE .....	61
SIGNED CHARGE PRIVILEGES.....	62
EMPLOYEE DISCOUNTS .....	65
ALCOHOLIC BEVERAGE POLICY .....	67

EQUIPMENT MAINTENANCE LOG POLICY .....	70
DONATION REQUESTS .....	71
PUBLIC RELATIONS/MEDIA INQUIRIES .....	73
INFORMATION FOR FINANCIAL ANALYSIS .....	74
GENERAL MANAGERS' MEETING .....	76
GIFT CARDS .....	79
HOLIDAYS AND HOURS OF OPERATION .....	80
JURY DUTY POLICY .....	81
LICENSES .....	82
SERVER'S LICENSE .....	82
MASCOTS .....	84
WORKERS' COMPENSATION .....	85
MAINTENANCE WORK ORDERS .....	86
SOCIAL MEDIA.....	87
DRUGS AND ALCOHOL TESTING.....	89
GUEST INJURIES .....	95
STATE AND GOVERNMENT REGULATIONS .....	99
WEAPONS.....	100
USE OF COMPANY COMPUTERS.....	101
USE OF COMPANY COMPUTERS EMPLOYEE ACKNOWLEDGEMENT .....	104
COMPUTER SECURITY POLICY.....	105
COMPUTER APPROVED STORAGE LOCATIONS.....	112
USE OF JC, SCC, AND EJPPG VEHICLES.....	113
COMPANY VEHICLE USE AGREEMENT AND REGULATIONS .....	118
PERSONAL VEHICLES ON COMPANY BUSINESS .....	119

## **A VISION OF GREATNESS**

We want the Company to become and to be known as a great company. Greatness demands a commitment to excellence in everything we do. Recognizing that people are our most important asset, we acknowledge that we can only treat our customers (guests) as well as we treat ourselves. We will achieve greatness through a commitment to the following goals and practices.

### **With Customers**

- Recognize that customers are the beginning and the end; nothing good happens until we satisfy every need of our customers (guests).
- Ensure that each guest's expectations are exceeded for service/process and service/outcome, product quality, and price/value.
- Ensure that each guest has a "good feeling" from interacting with our company, thus enhancing our company's reputation. The best perceived value is a good time.
- Handle customer inquiries, concerns and complaints in a prompt, fair, and courteous manner, always to their complete satisfaction.
- Become a model company through community involvement and excellent community relations.

*Exude an attitude of enthusiasm in everything we do!*

### **With Team Members**

- Establish a climate of openness, mutual respect, and teamwork.
- Value each team member as an individual and profit from diversity.
- Provide abundant opportunity; maximize individual development and sense of fulfillment.
- Recognize contributions and excellence. Ensure that everyone understands how they can contribute and where they stand.
- Provide a safe, wholesome working environment that is stimulating, pleasant, and supports maximum personal effectiveness.
- Create a caring family environment.
- Link company and employee interests.
- Commitment to "ego-less" management; the welfare of the company and its people transcends individual goals and concerns.
- Emphasize compassion and flexibility so that human needs are met.
- Resolve all conflicts quickly; disagree without fear; say "no" when it's the right answer.
- Interact honestly at all times.

*Exude an attitude of enthusiasm in everything we do!*

### **With Suppliers**

- Encourage long-standing, mutually profitable relationships.
- Develop the highest quality standards; clearly define our expectations and assist suppliers in achieving satisfactory performance.
- Exemplify courtesy, integrity, and responsiveness to set the standard for superior supplier relations.

## **PURPOSE OF THE (“MOM”)** **MANAGEMENT OPERATIONS MANUAL**

The purpose of this Management Operations Manual is to outline the employment policies and procedures of Eskimo Joe’s, Inc. (referred hereafter as “the Company”). If there is a conflict with current practice and procedure, this manual takes precedence.

All management employees of Eskimo Joe’s Inc. are responsible for reading and understanding the policies. These policies have been prepared to more clearly define procedures, which affect the relationship between the employees and the Company. The Company may unilaterally change these policies and procedures, in whole or in part, at any time.

The company retains the right to change, modify, suspend, interpret, or cancel, in whole or in part, any of its published or unpublished personnel policies or practices, without advance notice, in its sole discretion, without having to give cause or justification or consideration to any employee. Recognition of these rights and prerogatives of the Company is a term and condition of employment and continued employment.

Nothing in this manual is to be construed as a contract of employment with the Company. Any employee’s service may be terminated at any time for any reason or no reason at all. Compensation is subject to the rules and regulations of the company. Such compensation, rules and regulations are subject to change with or without notice by the Company.

No representative of the company other than the President has authority to enter into any agreement for employment for any specific period of time, or to make any agreement contrary to the foregoing. Any agreement altering the employment at-will relationship must be in writing and signed by the employee and the President.

This manual replaces and supersedes all other previous management operations manuals as of March 15, 2014.

### NOTICE OF EMPLOYMENT AT WILL STATUS

THIS MANAGEMENT OPERATIONS MANUAL DOES NOT ALTER THE NATURE OF YOUR EMPLOYMENT. YOU HAVE THE RIGHT TO TERMINATE YOUR EMPLOYMENT AT ANY TIME, WITH OR WITHOUT CAUSE OR NOTICE AND THE COMPANY, HAS THE SAME RIGHT. FURTHERMORE, YOUR STATUS AS AN AT-WILL EMPLOYEE ***MAY NOT BE CHANGED EXCEPT IN WRITING, AND SIGNED BY THE PRESIDENT OF THE COMPANY.***

### **MANAGEMENT OPERATIONS MANUAL**

## **(“MOM”) EMPLOYEE CERTIFICATE**

This Management Operations Manual was created especially for all Management Employees of Eskimo Joe’s, Inc. (referred hereafter as “the Company”). It is designed to give you a better understanding of your work, responsibilities, and opportunities with the Company. This manual, however, cannot anticipate every situation, or answer every question, which might arise concerning your employment. Individual circumstances may call for individual attention. In addition, this manual is not to be considered an employment contract and is not intended to alter the employment at-will relationship between the Company and its employees.

In order to retain flexibility in the administration of policies and procedures, the Company reserves the right to change or review the contents of this manual when the Company determines such action is necessary. Any suggestions you may have about the policies set forth in this manual are welcomed.

Please sign your name below to indicate you have read and understand the contents of the Company Management Operations Manual. By signing this certificate, you hereby certify that you agree to abide by the policies as set forth in the Manual.

Signature:

---

Printed Name:

---

Date:

---

## **COACHING FOR SUCCESS**

### **INTRODUCTION:**

Coaching For Success is a year-round, ongoing process that enhances employee's professional growth and success by providing information and support, and ensuring employees know what "success" is for them.

### **COACHING FOR SUCCESS GOAL:**

To further our commitment to the Company's goal of exceeding the expectations of all our guests through teamwork and personal integrity, we have created a "Coaching For Success" system, which will provide all employees the necessary support to achieve success through personal and professional growth. The Company strives to handle performance deficiency matters in a consistent, timely, and equitable manner, free from emotional overtones or personality differences. Each employee is handled on an individual basis. As such, the Company reserves the right to bypass one, some, or all steps in the system.

### **COACHING FOR SUCCESS VALUE STATEMENTS:**

We are open, honest and positive.

We are proactive. We seek solutions. We are enthusiastic.

We make continuous improvement. We help others succeed.

We put guest satisfaction first.

### **SUCCESS PLAN:**

The success plan is a detailed outline of the critical results areas and performance standards created by management for every employee in the organization. This plan provides the basis for all training, as it describes the performance standards, which the employee must be able to perform without guidance as a result of the training. Both employee and management agree on expected end results, measures of performance, and how obstacles to current performance will be addressed. After a new employee is hired or a current employee's success plan is significantly changed, management has thirty days to complete the new sections, providing the employee with a copy and verbal explanation of each area. Forms are located at G:\all companies info\forms\cfs.

### **FEEDBACK FORM:**

Feedback is essential to confirm for the employee that actual performance equals or exceeds expected performance standards as set out in their success plan. Management is encouraged to use feedback often, as it will enhance the employee's continued success. Identifying and reinforcing specific behaviors and performance using a Feedback Form contributes to the motivation necessary for employees to repeat performance that meets or exceeds standards. Ignoring correct work implies that it may be wrong or has no value to the organization. Documenting feedback using Feedback

Forms will ensure maximum effectiveness of the feedback. File Feedback Forms in the employee's Coaching For Success file. (Please refer to Administrative section on #124 regarding Employee Records.)

#### KEY INCIDENT FORM:

This form is used to track conversations that management has had with each employee regarding their performance. This provides a record of those conversations at a quick glance. These can be dates of coaching forms given as well as conversations for minor infractions where a coaching form was not given such as dress code violations, cursing, etc.

#### COACHING FORM:

This form may be used to identify specific changes in behavior or performance the employee must make where performance is currently below standard. Once a performance problem is identified, it is critical that management meet quickly with the employee so that trends can be reversed and success achieved. This form must be completed within three days, or next scheduled shift whichever is later, of identifying below standard performance. When completed, this form provides formal, written documentation of a meeting between an employee and management to discuss performance or behavior that does not meet the standards established. Its use is most effective when the majority of the answers come from the employee and is recorded verbatim on the form. When using this form, managers should help the employee identify the specific changes needed to achieve the required standard of performance and ensure the employee fully understands the future consequences of choosing not to make the changes. The meeting should be positive and confidence expressed that the employee can be successful.

#### ACTION PLAN FORM:

The manager not delivering the action plan should take notes on the Generally, this form is used after an employee has been coached twice for not meeting established standards and repeats the deficiency within a 90-day period, and to let an employee know that a change in behavior is needed or suspension/termination will result. When giving an employee any action plan, two managers should be present. The manager not delivering the action plan should take notes on the discussion. These notes are to be included with the action plan in the employee's file.

#### SUSPENSION:

Unpaid suspension allows an employee time to determine if they want to follow the standards of the Company, or find employment elsewhere. Generally a suspension is issued after an employee has been given an action plan and continues to not meet established standards and repeats the deficiency within a 90- day period The suspension begins with the next posted schedule or when manpower allows, and should be for a minimum of one week, not to exceed four weeks. During suspension, employees retain all their benefits.



### TERMINATION:

Termination can occur on the first offense (See Policy #115) or can result from repeatedly performing below standard. Generally, on the fourth non-performance of a standard in a 90-day period, an employee will be terminated.

### REVIEW FORM:

This form is used to review the total performance of the employee. It must be used in conjunction with the Success Plan. The Review Form provides a way to show how the employee's actual performance compares with the critical results areas and standards from the employee's Success Plan. The meeting to review total performance is the most important meeting on performance that management has with the employee. The impact of this meeting on the self-esteem and confidence of the employee have significant long-term impact. Management must thoroughly prepare for the meeting, justify all evaluations with specific examples, and conduct the meeting so that the employee carries an equal share in reaching agreement on the employee's total performance. There should be no surprises at this meeting. The employee should leave this meeting feeling good about their performance, but aware of any deficiencies. Performance reviews should be conducted semi-annually.

\*CFS files are files maintained by company management in a locked confidential area. These files become a part of the permanent record upon termination. (See Policy #124)

### ADMINISTRATION:

Management should maintain all documents relating to the Coaching For Success system. Each employee will have a file where success plans, feedback, coaching, action plans, and review forms are filed. These files will be kept on premise for quick access by management. Upon termination, all CFS information should be sent to SCC for filing in the employee's permanent file.

**Please refer to policy #124, "Employee Records" regarding availability of employment records.**

## SUCCESS PLAN

Success Plan for \_\_\_\_\_

### **Critical Results Area - Exceeds Guest Expectations**

Standard 1. Maintains constant awareness of guest and other worker needs and shapes services provided to best meet their needs.

Standard 2. Maintains flexible attitude and willingness to help guests and other workers. Standard 3. Displays attention to details and constantly evaluates interactions with guests and other workers to be the most helpful.

### **Critical Results Area - Supports "Coaching for Success" Plan**

Standard 1. Provides required personal commitment to the "Coaching for Success" system.

Standard 2. Maintains a positive attitude towards "Coaching for Success" system.

Standard 3. Maintains a willingness to be coached and to participate in feedback sessions.

### **Critical Results Area - Enhances Employee Success**

Standard 1. Enhances a work environment that motivates other employees to want to succeed.

Standard 2. Displays a positive mental attitude toward work needed to achieve success.

Standard 3. Displays a personal value system to achieve success in spite of obstacles.

### **Critical Results Area - Effectively Communicates**

Standard 1. Is accessible to guests and other workers, and actively listens and understands needs.

Standard 2. Clearly presents information in a positive way, supported by facts.

Standard 3. Resolves issues directly with other persons; avoids "Third Party" discussions with that person not present.

Standard 4. Supports and maintains open two-way communications with all employees. Standard 5. Displays the standard for open, honest communication in the company.

### **Critical Results Area - Committed to Growth**

Standard 1. Willingly accepts change and quickly adjusts as required.

Standard 2. Maintains an environment that generates new ideas from other employees and guests to improve the company, and reports these ideas to management.

Standard 3. Willing to use mistakes as a learning experience.

### **Critical Results Area - Effective Team Member**

Standard 1. Chooses positive approach more often than negative.

Standard 2. Willingly contributes to the success of other team members.

Standard 3. Publicly supports the team, the company, company policies and practice, its management, its employees, and its decisions once they are made.

Standard 4. When differences exist, initiates an agreement to reestablish team effort and maintain progress leading to success.

Standard 5. Chooses cooperation more often than competition when working with others in a team effort.

### **Critical Results Area - Personal Skills**

Standard 1. Supports "Coaching for Success" values and the desired guest service behaviors.

Standard 2. Demonstrates the company standard for dress, appearance, work habits, personal integrity and teamwork.

Standard 3. Accepts and quickly makes changes needed for self-improvement.

Standard 4. Provides a sense of urgency when responding to request for actions from others.

Standard 5. Consistently applies a level of enthusiasm and energy to work to inspire other employees to follow example.

Standard 6. Accepts full responsibility for actions and results.

REVIEW FORM

For each of the critical result areas, identify if the employee's overall performance for the entire review period is below standard (BS), standard (S), or above standard (AS). Provide the employee with specific examples of how the observed (actual) performance in each critical result area compares with the required (standard) performance.

EMPLOYEE NAME \_\_\_\_\_ PERIOD COVERED \_\_\_\_\_

Critical Result Area #1      Circle One: BS    S    AS  
Comments:

---

---

---

Critical Result Area #2      Circle One: BS    S    AS  
Comments:

---

---

---

Critical Result Area #3      Circle One: BS    S    AS  
Comments:

---

---

---

Critical Result Area #4      Circle One: BS    S    AS  
Comments:

---

---

---

Critical Result Area #5      Circle One: BS      S      AS  
Comments:

---

---

---

Critical Result Area #6      Circle One: BS      S      AS  
Comments:

---

---

---

Critical Result Area #7      Circle One: BS      S      AS  
Comments:

---

---

---

Critical Result Area #8      Circle One: BS      S      AS  
Comments:

---

---

---

Critical Result Area #9      Circle One: BS      S      AS  
Comments:

---

---

---

Critical Result Area #10      Circle One: BS      S      AS

Comments:

---

---

---

Critical Result Area #11    Circle One:   BS    S    AS  
Comments:

---

---

---

Critical Result Area #12    Circle One:   BS    S    AS  
Comments:

---

---

---

Employee Comments:

---

---

---

Manager Comments:

---

---

---

Employee Signature

Date

---

Manager Signature

Date

## **EQUAL EMPLOYMENT OPPORTUNITY**

### **INTRODUCTION:**

The Company is an Equal Opportunity Employer. We encourage our team members to make the most of their talents and abilities in support of the Company's business.

### **POLICY:**

Our policy is to consider only position requirements and job performance in all employment practices.

### **EMPLOYMENT PRACTICES:**

Fair employment practices maintained throughout our operation are designed to prevent discrimination on the basis of race, religion, color, sex, gender identity, sexual orientation, national origin, age, disability, marital status, veteran status, or genetic information. Employment practices include recruitment, hiring, training, promotion, job classification, transfer, demotion, layoff, recall, termination and compensation.

### **REPORTING:**

Any team member who is subject to, or has knowledge of, any harassment or discrimination is encouraged to immediately report such violation to management in accordance with our employee practices procedure. **(Please refer to Policy #120 regarding Employee Practices.)** All complaints will be treated in a confidential manner.

### **POSTERS:**

The Company is legally required to post all required Federal and State posters on bulletin boards for all team members to read. The required posters are: Oklahoma Non-Discrimination (EEO), Oklahoma Unemployment Insurance Notice, Oklahoma Workers Compensation, Oklahoma Minimum Wage Act, Oklahoma Child Labor Law, Occupational Safety and Health (OSHA), Federal Equal Employment Opportunity, Federal Minimum Wage, Family and Medical Leave Act of 1993 (FMLA), E-verify, USERRA, and the Employee Polygraph Protection Act.

### **RETALIATION:**

No team member of the Company will be treated in an improper manner as a result of the filing of a charge of discrimination. All team members should be afforded the same treatment. Any team member who treats another team member adversely because they have filed a charge of discrimination will be subject to disciplinary action, up to and including possible termination.



## **EMPLOYMENT OF RELATIVES**

### INTRODUCTION:

The Company has established a climate of openness, mutual respect, and teamwork. In order to continue this, the Company permits members of the same family to work at the same company so as long as this employment will not result in a supervisor/subordinate relationship or in a possible conflict of interest.

### POLICY:

Employment of relatives is permitted, except in circumstances where employment would place related people in supervisory and subordinate roles within the same location or in a situation where influence could be exerted, directly or indirectly, on future decisions concerning the status of employment, promotion, or compensation. Relatives are defined as parent, spouse, child, sibling, grandparent, grandchild, aunt, uncle, first cousin, or corresponding in-law or "step" relative. If you have any question regarding a possible or current employment of a relative, please contact your manager or Human Resources. Please keep in mind that this policy shall also apply to the hiring of temporary team members when the expected duration of the employment is in excess of 80 hours in a fiscal year.

### CHANGE IN STATUS:

A change of status occurs when a team member receives a promotion, or two team members marry which places one of them in a supervisor/subordinate relationship to the other. When this occurs, one of the team members must leave their employment at that location within 30 days, but may apply for employment with another company managed by Stan Clark Companies, Inc. When two employees marry, the choice of who shall separate from the Company shall be the team members'. In the event the team members do not agree with respect to which one shall resign, the team member with the least seniority shall be separated. Please keep in mind that a team member is never assured of being rehired.

### GRANDFATHER CLAUSE:

Any employment of relatives at the time this policy goes into effect will be "grandfathered" in. That is, their employment will be unaffected, but new relatives may not be hired or promoted into a position of supervision over the other one.

## **TEAM MEMBER RELATIONSHIPS**

### **PURPOSE:**

It is the Company's goal to provide all team members with a fair and safe atmosphere to work. When management becomes too friendly with subordinates, it can create the perception that favoritism is being given to those members. Therefore, for members of management to be fair and objective when dealing with team member issues the following policy exists.

### **POLICY:**

To provide the best work environment for all team members the Company prohibits dating and/or marriage relationships between team members where one of the team members is in a supervisory position with respect to the other team member in that particular physical location or in a situation where influence could be exerted, directly or indirectly, on future decisions concerning the status of employment, promotion, or compensation.

It is the responsibility of all members of management to refrain from creating any situation that might be construed as a dating relationship as related to this policy. It is the responsibility of all members of management to inform their immediate supervisor of any dating relationship they may be aware of that is in conflict with this policy. If their supervisor is involved, reporting should be made to Human Resources or the Director of Restaurant Operations.

### **DEFINITIONS:**

**Dating Relationship:** A dating relationship is said to exist when others within or outside the company know that a relationship exists. This doesn't have to be a dating relationship in the traditional sense. Management should refrain from any physical interaction with subordinate staff members. (i.e. no kissing, making out, one night stands, etc.), in addition management should avoid spending time alone with these team members.

**Team Member in a supervisory position:** A member of management is any person given direct or indirect responsibility for the supervision of personnel and other company assets on a regular basis and for this policy, includes all management team members of Stan Clark Companies, Inc. that have a direct or indirect responsibility to the respective subordinate position. A member of management may hold a title of General Manager, Manager, Relief Manager, Kitchen Manager, Assistant Kitchen Manager, Assistant Manager, and Supervisor. This list is not meant to be all-inclusive. It may not encompass all members of the management staff. This list is for example only.

## TERMINATION

### INTRODUCTION:

The Company recognizes that termination occurs for a variety of reasons. Some of them will be for voluntary reasons and others will be involuntary. At the same time, we intend to maintain the continued growth and success of the Company through the selection and retention of qualified, productive, and dedicated employees. In order to continue this, the Company must be able to rely on the employees to be at work, ready to begin their shift at their designated time or to have made other management approved arrangements. The intent of this policy is to protect the rights of our employees while, at the same time, protecting the prerogatives of the Company in any termination of employment.

**The following policy violations may result in discipline, as management in its sole discretion deems appropriate based on the situation, up to and including termination, even on the first offense:**

- Theft of Company property or personal belongings of others.
- Disparaging the company such as criticizing the services it provides to its guests or the quality of its meals and other products is forbidden. Likewise engaging in defamatory remarks against the Company or its management in violation of law is prohibited.
- Questioning a guest about a tip or making comments to a guest concerning a tip prohibited. Tipping is totally at the discretion of the guest.
- Overcharging a guest by any method, giving away products or failing to charge for products or ringing or failing to ring items in a way that permits you to gain.
- Abusive or disrespectful language towards **another team member, vendor** or guest. The guest is always right. If you have any problems with a guest, get a manager immediately.
- Coming to work under the influence of alcohol or illegal drugs, or consuming either while at work.
- Distributing illegal drugs or alcohol on the premises.
- Discussing your wage with anyone other than your direct supervisor while on the clock.
- If you are under 21 years of age, consuming alcoholic beverages at Eskimo Joe's or Mexico Joe's.
- Knowingly serving alcohol to individuals under 21.
- Defrauding the Company or attempting to defraud the Company.
- Conviction of a crime.
- Falsifying any document related to the business of the Company.
- Unsatisfactory work performance
- Excessive absenteeism or tardiness. Insubordination and/or disrespect to a

manager or supervisor.

- Disclosure or unauthorized possession or use of confidential Company information.
- Violation of any company policy or directive from a manager or supervisor.

The preceding list of grounds for termination on the first offense is not intended to include all possible grounds for termination on the first offense. Your employment is at-will, and therefore you may resign at any time with or without cause or notice and Mexico Joe's may terminate your employment at any time with or without cause or notice.

Companies managed by Stan Clark Companies, Inc. ("SCC") have the same vision and values; therefore, if you are terminated for cause from one company, then you will automatically be terminated from any other SCC managed company in which you are employed.

#### POLICY:

It is the policy of the Company to handle all terminations in a consistent, timely, and equitable manner.

#### TERMINATIONS:

In order to have a complete and factual statement of the reasons for a termination, the Termination Form should be completed entirely for all terminations. In addition, when conducting a termination, the meeting must be held in private with the employee and two managers present. One manager should take notes of the discussion to be placed in the employee's file. Because of the need to establish the validity of claims for unemployment compensation, discrimination complaints, and unfair labor practices, the reason for the termination, and the last date worked should be documented on the Termination Form. This information is needed to administer pay, employee benefits, unemployment compensations, etc. **Before the end of the pay period an employee's Coaching For Success file and Employee Change form should be forwarded to Stan Clark Companies, Inc. ("SCC"), for filing in the employee's permanent file.**

**Note:** The termination of any management employee must be reported to the Human Resources at SCC within 24 hours of termination, regardless of type of termination. There are several employee benefit programs that must be processed immediately upon termination.

- A. Voluntary: Voluntary terminations are those initiated by the employee. Employees whose terminations are due to resignation, retirement, quitting, job abandonment, or failure to return from a leave of absence are given voluntary terminations. When an employee informs the Supervisor of their intention to resign, a Voluntary Resignation Form should be completed or ask the employee to send the Supervisor their notice in writing stating why they are resigning, and

the date they would like to be their last day. However, the Supervisor may elect to have the employee cease working immediately. The date of termination to be recorded should be the last day worked. The payment of PTO pay should not extend the termination date. Employees who resign and are later rehired after 30 days will have their employee recognition computed from the new hiring date and no credit will be given for their earlier service.

**B. Involuntary:**

Involuntary terminations are those initiated by the Company. These terminations may be due to business conditions or for violation of company policies. Business conditions may refer to a termination resulting from a sale, discontinuance of functions, and temporary or permanent layoff. Employees terminated on the first offense, are not eligible for re-hire.

The following policy violations may result in termination on the first offense.

1. Theft or suspicion of theft.
2. Overcharging a guest by any method, ringing or failing to ring items in a way that permits the employee to gain.
3. Bad-mouthing company policies, employees, management, or in any way degrading any part of the company in public. Complete loyalty is expected.

The above reasons are typical; however, they should not be considered as exclusive reasons for dismissal for cause. General Managers are to report terminated employees in the Termination portion of the General Managers' meeting.

**JOB ABANDONMENT:**

An employee who fails to report to work and fails to notify his/her supervisor of the reason for the absence from work within 48 hours of the start of the shift will be considered to have abandoned his/her job. In addition, an employee who leaves work without authorization, i.e. walks off shift, is also considered to have abandoned their job. These employees are deemed to have quit and will be terminated immediately.

**REHIRE AFTER TERMINATION:**

If an employee is terminated for cause, or fails to give and fulfill a two week notice, that employee is ineligible for rehire for two years after being terminated. After two years the employee may submit an application and it will be reviewed accordingly. An applicant is never assured of being rehired.

**EXCEPTIONS:**

It is the assumption of all management that any paperwork completed by management

stating the ex-employee is not eligible for rehire was completed for cause and in good judgment.

When an exception can be justified, the President must sign the employment paperwork at the time the employee is hired. This means that all signatures should be on the paperwork before the person is notified they are hired and certainly prior to the end of the first pay period.

DATE OF TERMINATION:

The date of termination should be the last day worked. Employees who fail to return from a leave of absence should be terminated on the date that it is determined they will not be returning to work and the last day worked used as the termination date. The employee's date of termination should not be extended by payment for PTO or any other financial consideration.

FINAL COMPENSATION:

Terminated employees will be paid on the next regularly scheduled pay date.

## **PAYROLL**

### POLICY:

The Company will pay all employees bi-weekly. Hourly paid employees will be paid for the hours worked for two full weeks. Salaried employees' pay will be figured by dividing the annual salary by the number of pay periods for that year (26). The pay period will end every other Sunday, at close. All employees are required to utilize direct deposit. Direct deposit can be changed at anytime during employment. Direct Deposit forms are located on our website <http://www.StanClarkCompanies.com>. This can be into any bank that accepts direct deposit or certain visa cards such as the Wal-Mart (GE) money card. A paycheck can be divided into a maximum of 3 accounts. An employee can complete an electronic advice form and then access their paychecks and W-2s via Intuit's "view my paycheck" website, otherwise, the deposit advice will be mailed via the U.S. Postal Service.

### OVERTIME PAY:

For hourly paid employees, any hours over 40 worked between Monday at open to Sunday at close will be paid at time and a half based on the weighted average rate per hour for that week

### NOTE:

- A. Payroll questions should be directed to your immediate supervisor.
- B. Every person who works for the Company must be put on the payroll (we do not hire "contract labor" employees).
- C. No payroll advances are allowed.
- D. If an employee's signed charges exceed their net pay in any one pay period it is considered an advance and may result in the loss of the sign charge privilege as well as a Coaching Form. (Please refer to Policy #101 regarding Coaching for Success.)
- E. Raises go into effect at the beginning of a pay period.
- F. All employees, including exempt management personnel, are required to submit hours worked itemizing the actual time work began and ended. Contact payroll if a timecard form is needed.
- G. Under no circumstances should any non-exempt employee work without receiving pay for their work. Working without reporting hours worked (i.e. working off the clock) is a violation of the law and Company policy. Any employee who believes that they are being required to work in violation of this policy should contact Human Resources or our Hotline.

### PROCESSING PAYROLL:

Payroll information must be turned in to SCC by 10:00 a.m. on Monday following the

end of the pay period. If you are going to be late, contact payroll to see if an exception can be made.

This information should include:

1. Employee Tip Report for the two-week period
2. Any completed Employee forms, i.e. change forms, address change, etc.
3. Finalized time sheets or reports
4. Request for Leave Forms.

This information must be turned in on a timely basis to ensure payroll is completed on time.

Payroll hours should be reviewed weekly by the General Manager. Payroll rates should be reviewed biannually by the General Manager to ensure accuracy. This can be done more frequently if desired. All management raises are submitted to the Director of Restaurant Operations for approval. See Policy 117 for more details.



## **SALARY BASE/RAISES**

### INTRODUCTION:

The purpose of this policy is to set the rates for hourly positions in the Company and the procedure for giving raises. These rates are based on current economics and are within all federal and state guidelines.

### POLICY:

Each hourly position within the company has a relative worth. Employee wages will be reviewed at least twice a year by the General Manager when signing off on the team member's Review Form and adjusted as needed.

### RATES:

Wait Staff, Bartender, and Bus are considered tipped positions and start below minimum wage. Based on our audits of charge tips and our standards for service excellence in our outstanding facilities, management feels all tips plus compensation will meet or exceed minimum wage per pay period. Tipped team members falling below this standard may be subject to coaching.

### RAISES:

Raises should be based on performance through the Coaching For Success review process. (See Policy #101 regarding Coaching For Success)

A General Manager has the authority to issue raises for staff and supervisors. A completed Rate Change Form, with the General Manager's signature, must be turned in to Stan Clark Companies, Inc. ("SCC") payroll before the start of the pay period when the raise is to take effect. Raises go into effect at the beginning of a pay period.

Management raise requests should be documented on a Rate Change Form and given to the Director of Restaurant Operations, who will respond to the General Manager within 48 hours. The Director of Restaurant Operations must approve all management raises before a manager is advised that a raise is to take effect. After the Director of Restaurant Operations approves the raise for a manager, a Rate Change Form should be sent to SCC before the end of the pay period when the raise is to take effect.

## **EMPLOYEE TIPS**

---

### INTRODUCTION:

The Internal Revenue Service requires that all tipped employees record and report all of their net\* tips income (\*total tips received less tip-outs. Employees are expected to maintain their own records for tips.

### PROCEDURES:

All tips are reported through the POS systems. Tipped employees will not be able to clock out without inputting their cash tips.

- Credit Card and signed charge tips will automatically be included in an employee's reported tips, when closing out a ticket to either of these tender keys.
- Bus and bar staff will input their cash tips from the shift, plus any tips received from the previous shift, but not reported (wait tip outs), when clocking out each day.
- Tips reported should total what the employee makes after all other tip outs (the amount of tips the employee actually takes home).
- The company, in accordance with applicable laws, expects that all tipped employees will report all their tips, regardless of the amount. Failure to report tips daily may result in a coaching for and/or discipline up to and including termination.
- Based on our audits of charge tips and our standards for service excellence in our outstanding facilities, management feels that 10% is a minimum standard that would indicate that an employee has provided quality service to our guests. Tipped employees falling below this standard may be subject to coaching.
- In addition, the Federal Fair Labors Standards Act requires the following of employers who are claiming a tip credit:
- Employer must take a tip credit only against the wages of employees who customarily and regularly receive at least \$30 per month in tips. The Company will claim tip credit only for those jobs which qualify under the law as "tipped" positions.
- The amount an employer claims as a tip credit can never be more than the employee actually received in tips. It is expected that the tips received by an

employee will exceed the tip credit amount claimed by the Company. If an employee believes that his or her total tips received during any work week are less than the tip credit amount claimed by the Company for that work week, the employee should notify a member of management before the next regularly scheduled pay day.

- Employers must notify tipped employees of the amount of tip credit taken.
- The combination of a tipped employee's direct (cash) wages and tip credit allowance will equal the minimum wage set by law. If an employee's pay rate changes, the amount of tip credit claimed will also change. Such tip credit will never be more than \$5.12 per hour, unless there are changes in the law.
- Employers must have records (employee tip reports, etc.) documenting that the employee earned tips in an amount at least equal to the amount of the tip credit claimed. **Employees are required by law to record and report all net tips income (total tips received less tip-outs). The Company expects employees to keep records of tip income for every shift worked. Tip books are available to facilitate recording tip income.**

## **EMPLOYEE PRACTICES**

---

PURPOSE:

All employees, customers, and vendors of the Company should be free from harassment. Harassment takes many forms such as sexual, racial, religious, age, disability, etc. Harassment debilitates morale and interferes with work productivity of the employees and vendors who are the victims of the harassment and those who are present when the harassment occurs. Harassment also interferes with the customers' ability to enjoy their dining, shopping, and social experiences.

POLICY:

- A. Harassment is strictly prohibited in all company facilities and at all company sponsored events.
- B. Any employee who is subjected to or who has knowledge of the occurrence of harassment must report such harassment, preferably in writing, as described in the Reporting and Investigation Procedures Policy #120A.
- C. No employee of the Company will be treated in an improper manner as a result of reporting the occurrence of harassment. All employees should be afforded the same treatment without respect to whether they have reported the occurrence of harassment. Any supervisor who treats an employee in an adverse manner because the employee has reported the occurrence of harassment will be subject to disciplinary action, up to and including termination.
- D. See Reporting and Investigation Procedures Policy #120A concerning how to report a claim of harassment. The purpose of an investigation is for the Company to determine the veracity of the allegation, and the circumstances and people involved in the alleged harassment and to then take swift and appropriate corrective action.
- E. Training is offered on a regular basis. All management must attend this training as required by the Director of Restaurant Operations.

DEFINITIONS:

- A. **Company Facilities:** All company property including building, parking lots, phone lines, computers (including email), catering sites, special events, tradeshow, and vehicles when in use for company business, etc.
- B. **Sexual Harassment:**

- a. Sexual harassment does not refer to occasional compliments of a socially acceptable nature.
  - b. Sexual harassment refers to unwelcome conduct (verbal, physical, or visual) of a sexual nature.
- C. Whether particular conduct constitutes harassment may depend, in part, on the frequency, offensiveness, severity, and nature of the conduct, in addition to the nature of the relationship of the alleged harasser and the victim.

## **REPORTING AND INVESTIGATION PROCEDURES POLICY FOR HARASSMENT AND/OR DISCRIMINATION**

PURPOSE:

To provide employees, customers, and vendors with a procedure to report allegations of discrimination, including but not limited to discrimination or harassment because of race, color, religion, national origin, disability, age or sex. As well as describing the Investigation that the Company will perform pursuant to the reporting of such allegations.

DEFINITIONS:

- A. **Claimant:** A person who reports the occurrence of Discriminatory Behavior.
- B. **Harassment:** Deliberate, and/or repeated behavior that is unwanted and unwelcomed.
- C. **Sexual Harassment:** Deliberate, and/or repeated sexual or sex-based behavior that is unwanted and unwelcomed.
- D. **Potentially Discriminatory Behavior:** Behavior that is inappropriate in the given circumstances but in other circumstances might be socially acceptable, and is not a repeated behavior (a one-time occurrence).
- E. **Discriminatory Behavior:** Behavior that is inappropriate and generally not considered socially acceptable. May or may not be a repeated behavior.
- F. **Hostile Environment:** Uncomfortable behavior that impedes an employee's ability to perform their job duties.

POLICY:

This Policy and procedure policy contains the procedure for reporting allegations of Discrimination, and/or Harassment. All reports will be taken seriously, will be evaluated quickly and fairly, and swift and appropriate corrective action will be taken if deemed necessary.

REPORTING PROCEDURES:

Any employee who is subjected to or who has knowledge of the occurrence of

harassment or discriminatory behavior must report such harassment or discriminatory behavior in one of the following manners:

- A. Notifying any manager or supervisor, preferably in writing.
- B. Notifying the Corporate Office, contact information is as follows:

Eskimo Joe's, Inc.  
P.O. Box 729  
Stillwater, Oklahoma 74076  
(405) 377-0799 Ext. 321

- C. The Employee Hotline:

If, for any reason, a Claimant is unable or does not choose to report the harassment or discriminatory behavior as described in A or B above, then the Claimant should call Stan Clark Companies, Inc. ("SCC") via the Employee Hotline (1-405-377-2255) to report the behavior to the Assistant to the President.

An Employee Hotline poster can be found near the employee bulletin board. The Employee Hotline poster states the Company's policy concerning Sexual Harassment and other forms of Discrimination, and the telephone number for the Employee Hotline, which is 1-405-377-2255.

#### RETALIATION:

No employee of the Company will be treated in an improper manner as a result of reporting harassment or discrimination or participating in an investigation. All employees should be afforded the same treatment. Any employee who treats an employee adversely because they have reported a claim or participated in an investigation will be subject to disciplinary actions, up to and including possible termination.

#### INVESTIGATION PROCEDURE:

- A. If a manager or supervisor observes an employee engaged in behavioral issues such as telling a potentially offensive joke or abusive behavior/attitude, then the supervisor or manager must issue on the spot corrective action. Then they must document such incident in the employee's CFS file on an employee incident form. Forms can be found at G:\All Companies Info\Forms\
- B. If an employee reports an issue through one of the above-mentioned procedures, or even through casual conversation, the management team member must complete the Incident/Concern Reporting Form. Once completed the management team member would discuss the concern/complaint with the General Manager who would then complete the Investigation Summary Report.

The investigation shall be made as soon as practicably possible, and urgency will be a priority.

- C. All complaints will be taken seriously, will be investigated quickly and fairly, then swift and appropriate corrective action will be taken.
- D. When the claim is reported, management should remain calm, show empathy for the people involved, and not dispute the issues with the claimant. It is also important to never promise to keep the claim confidential between the two of you. You can explain to them that you will try to keep it as confidential as possible, but that depending on what they tell you, you must report the information to anyone that has a business need to know. This would include all the people involved in an investigation. You can also tell them that you understand their concern and appreciate them sharing the information with you. You can also explain to them that if the situation is bothering them, it could also be bothering someone else.
- E. Purpose: The purpose of the investigation is for the Company to determine the veracity of the allegation, and the circumstances and people involved in the alleged Discriminatory Behavior, and to then take swift and appropriate corrective action.





## **LEAVE OF ABSENCE**

### **INTRODUCTION:**

The purpose of this policy is to set the guidelines for leaves of absences that are of a personal nature. This policy reflects the Company's commitment to assisting the employee as much as possible, within the law, while still providing the quality of service required to meet our vision and goals.

### **PURPOSE:**

The Company understands that there may be times in which an employee may need time away from work lasting longer than a regularly scheduled day off. If an employee finds that he she must be out of work for more than one full pay period, the employee should contact their supervisor to determine if a leave of absence may be necessary. This leave is unpaid and may last up to, but cannot exceed 90 days. We do require that PTO be exhausted during this Leave of Absence. Once an employee's leave has extended past the 90th day, the employee may be considered to have voluntarily resigned. The termination date will be the last day the employee worked for the Company.

### **REQUIRED DOCUMENTATION:**

All requests for a leave must be made in writing and submitted to the supervising manager. The Supervising Manager would then complete an Employee Change Form for the GM's approval. An employee must provide 30 days advance notice when the need for the leave of absence is "foreseeable" for instance, if medical treatments or other events are planned or known in advance. If the leave of absence is not foreseeable, the employee must provide notice to his or her immediate supervisor as soon as practicable.

### **APPROVAL:**

The General Manager may grant the leave to an employee. The decision to grant a personal leave of absence will be based on the business needs of the Company and the performance and longevity of the employee. If the reason for the leave is anything that might qualify for FMLA, the manager must contact HR immediately.

### **JOB BENEFITS:**

During the time an employee is absent from work on an approved leave of absence, the employee is still required to pay all debts incurred and owed to the Company during that time. The Company will pay its portion of the cost of the health and life insurance benefits while an employee is on a leave of absence. The employee must continue to pay his or her portion of the health and life insurance, which may be made by payroll deductions (when applicable) or by check, which must be submitted to Stan Clark Companies, Inc.

("SCC") each month unless other arrangements have been made. If the employee fails to pay his or her portion of the benefits for more than 30 days, the employee's coverage(s) may be terminated and he/she will be offered COBRA to continue benefits excluding life insurance.

#### TERMINATIONS:

Once an employee's leave has extended past the 90th day, the employee will be considered to have resigned. The termination date will be the last day the employee worked for the Company. The employee will be expected to pay all debts owed the Company on the 90th day. If the employee becomes re-employed with the company, new hire paperwork must be completed.

#### JOB PROTECTION AND RETURNING TO WORK AFTER A PERSONAL LEAVE OF ABSENCE:

Upon the expiration of the leave, the employee may be returned to his or her former position if available. If the employee's position is not available, the employee may be offered another position, if available, for which he/she is qualified. If no position is available when the employee is able to return to work, the employee will be terminated and may apply for the next available position in which they are qualified.

#### MAXIMUM TIME:

The Maximum amount of LOA time an employee is allowed to take in any combination of LOAs is 12 weeks in a 12 month time period, measured backward from the date an employee begins a leave of absence (rolling period), except those on Family Military Leave as defined under FMLA or Military Leave.

## **FAMILY AND MEDICAL LEAVE**

---

### **INTRODUCTION:**

The purpose of this policy is to set the guidelines for a Family and Medical Leave of Absence ("FMLA"). This policy reflects the Company's commitment to assisting the employee as much as possible, within the law, while still providing the quality of service required to meet our vision and goals.

### **PURPOSE:**

The Company complies with all requirements of the Family and Medical Leave Act of 1993 (FMLA). The FMLA provides up to 12 weeks of unpaid leave for eligible employees to care for the employee's child after birth or placement for adoption or foster care; to care for the employee's spouse, son or daughter, or parent who has a serious health condition; or for a serious health condition that makes the employee unable to perform the employee's job. In addition, FMLA may be available to family members of US Soldiers who have a "qualified exigency". Any questions regarding FMLA or eligibility should be directed to Human Resources located at Stan Clark Companies, Inc. ("SCC").

The maximum amount of LOA time an employee is allowed to take in any combination of LOAs is 12 weeks in a 12 month time period measured backward from the date an employee begins a leave of absence (rolling period), except for those on Family Military Leave as defined under FMLA or Military Leave.

Family and Medical Leave will start on the date of request or date of need, i.e., not after the exhaustion of PTO. FMLA time may be used as a block of time or on an intermittent basis. While on leave, an employee must contact their Supervising Manager at least every (60) days. Failure to make contact every 61 days may result in voluntary termination. Failure to return to work upon the expiration of a leave of absence or refusing offer of reinstatement, for which the employee is qualified, will also result in voluntary termination.

### **ELIGIBILITY:**

Employees who have at least 12 months of service and have worked at least 1,250 hours in the last consecutive 12 months.

### **REQUIRED DOCUMENTATION:**

All requests for a FMLA must be made in writing, unless the employee is incapacitated, and submitted to their immediate supervisor. An employee must provide 30 days advance notice when the need for the leave or absence is "foreseeable" for instance, if medical treatments or other events are planned or known in advance. If the leave of

absence is not foreseeable, the employee must provide notice to his or her immediate supervisor as soon as practicable.

Additional documentation supporting the need for FMLA may be required. The employee will need to meet with Human Resources to discuss the documentation and complete additional paperwork.

#### APPROVAL:

The General Manager will review the request, and notify Human Resources of the request. Human Resources will provide notice regarding the employee's eligibility for FMLA leave. If the employee meets the eligibility requirements, an appointment will need to be made with Human Resources to complete the necessary paperwork.

#### BENEFITS:

The Company will pay its portion of the cost of the employee's benefits including health and life insurance benefits while an employee is on a leave of absence. The employee must continue to pay his or her portion of the health and life insurance, which may be made by payroll deductions (when applicable) or by check, which must be submitted to SCC each month unless other arrangements have been made. If the employee fails to pay his or her portion of the health and life insurance premium for more than 30 days, the employee's coverage(s) may be terminated and he/she will be offered COBRA to continue benefits excluding life insurance.

## **TYPES OF FMLA LEAVE**

#### MEDICAL LEAVE:

On occasion, an employee finds it necessary to be out of work due to a personal illness or to care for a family member who has a serious health condition (as defined by the FMLA). For purposes of this policy, a family member is defined as an employee's spouse, children and parents.

#### JOB PROTECTION AND RETURNING TO WORK AFTER A MEDICAL LOA:

If an employee is on a leave of absence due to their own medical condition, the attending health care provider must provide a physician's statement releasing the employee to work, before the employee is permitted to work in any position. Eligible employees will be returned to the same or equivalent position with equivalent pay, benefits and other employment terms provided that medical documentation requirements have been met.

#### PARENTAL LEAVE:

A Parental LOA may be granted to employees (male or female) for the birth of an employee's child. (This applies when there are no medical complications due to pregnancy or childbirth; if there are medical complications due to pregnancy childbirth, a Medical LOA will apply.) A parental leave of absence may also be granted for placement of a child in the employee's care for adoption or foster care.

Upon making a request for a LOA, the employee may be required to provide documentation to support the birth or legal placement of a child.

JOB PROTECTION AND RETURNING TO WORK AFTER A PARENTAL LOA:

If an employee is on a leave of absence due to their own pregnancy, the attending health care provider must provide a physician's statement releasing the employee to work, before the employee is permitted to work in any position. Eligible employees will be returned to the same or equivalent position with equivalent pay, benefits, and other employment terms provided that medical documentation requirements have been met.

QUALIFIED EXIGENCY FOR MILITARY FAMILY LEAVE:

On occasion, an employee finds it necessary to be out of work due to a covered family member's active duty or call to active duty status in support of a contingency operation. For purposes of this policy, a family member is defined as an employee's spouse, children and parents.

JOB PROTECTION AND RETURNING TO WORK AFTER A MEDICAL LOA:

Eligible employees will be returned to the same or equivalent position with equivalent pay, benefits and other employment terms provided that documentation requirements have been met.

LEAVE TO CARE FOR INJURED SERVICE MEMBER:

On occasion, an employee finds it necessary to be out of work due to a serious injury or illness of a covered service member. For further details, contact Human Resources.

JOB PROTECTION AND RETURNING TO WORK AFTER A MEDICAL LOA:

Eligible employees will be returned to the same or equivalent position with equivalent pay, benefits, and other employment terms provided that documentation requirements have been met.

## **MILITARY LEAVE OF ABSENCE**

### **INTRODUCTION:**

The purpose of this policy is to set the guidelines for military leaves. This policy reflects the Company's commitment to assisting the employee as much as possible, within the law, while still providing the quality of service required to meet our vision and goals. Questions regarding the company's military leave policy, applicable laws, and continuation of benefits should be directed to Human Resources at Stan Clark Companies, Inc.

### **PURPOSE:**

The Company understands that there may be times in which an employee may be required to take time away from work in order to fulfill his/her U.S. military obligations. Therefore, employees who are inducted into the U.S. Armed Forces or who are reserve members of the U.S. Armed Forces will be granted leaves of absence for military service, training, or other obligations in compliance with applicable laws.

### **REQUIRED DOCUMENTATION:**

All requests for a military leave should be made to the employee's immediate supervisor. Human Resources must then be notified of the employee's leave request. An "Employee Change Form" should be completed and submitted to the payroll accountant for the time the employee will be absent. Employees are requested to notify their supervisors as soon as they are aware of the military obligation.

### **JOB PROTECTION AND RETURNING TO WORK AFTER A MILITARY LOA:**

At the conclusion of the leave, employees generally have the right to return to the same or equivalent position he/she held prior to the leave in accordance with the Federal Uniformed Services Employment and Reemployment Rights Act of 1994.

## **EMPLOYEE RECORDS**

### **INTRODUCTION:**

The purpose of this policy is to determine what is considered the employee record of an employee and what steps may be taken by an employee to view these records.

### **EMPLOYMENT RECORDS:**

Commonly known as an employee's personnel file, the employee records of an employee consist of the administrative payroll file which is maintained by Stan Clark Companies, Inc. ("SCC) and an employee's Coaching for Success file which is kept by Management in a locked cabinet at their location. These two files combined constitute the Employment Records maintained for each employee. Employment Records are the property of the employer and it is the employer's responsibility to maintain these records.

### **ACCESSIBILITY OF EMPLOYMENT RECORDS:**

These records are considered confidential and are not openly available except to those maintaining these records, Management, and Human Resources. Management may review records for content of specific items as necessary to ensure accuracy.

- A. **Access by Employee:** An employee may request to see their Employment Records at any time by addressing the request to their General Manager. An employee may review their file, in the presence of the General Manager, the Vice President, or the Director of Restaurant Operations, at the SCC office at the earliest convenient time for both the manager and the employee. Since an employee receives copies of all Coaching for Success forms and evaluations at the time of the occurrence, an employee should have copies of all important information contained in their employee records. Employment records will not be copied for any current or past employee, with the exception of certificates of completion of courses. (I.E. OKTAM, Sexual Harassment Training, and Vo-Tech Course Completion Certificates.) Copies of these certifications can be obtained from SCC.
- B. **Access by Third Party:** Only limited information will be available to any person other than the individual and management. Without written consent in advance, a third party will only be provided with dates of employment and the position held, except for certain government agencies as dictated by law. With written consent from the employee additional information may be provided as requested. No copies of any information will be allowed from the employment records, except as dictated by law.
- C. **RECORDKEEPING:** A note of the date and time an employee reviewed their records will be placed in their files to document the review process.



## **DRESS CODE**

### **INTRODUCTION:**

The Company considers it very important you are well groomed, neat, and dress appropriately for your job function and, while we trust each employee's common sense and good judgment, a dress code must be followed that is appropriate to the work environment. Wearing clothing from the Stan Clark managed companies is required for all employees, except on OSU home football or basketball game days. On those days, OSU apparel is permitted. At no time, is reject apparel acceptable. The Company has adopted a casual dress code but emphasizes some occasions may call for dressier attire. Appropriate dress and hygiene are important in promoting a positive company image to our customers.

### **POLICY:**

The Company observes a casual dress environment. There may be situations requiring more formal attire, such as when you are called upon to work special catered events, or if you are conducting or attending meetings or seminars where you come in contact with other business professionals. You are expected to represent the Company in a professional manner and dress appropriately for conducting such business. Know your audience, remember what you represent and dress accordingly.

The Company wishes to provide a work environment that is free of safety hazards, offensive behavior and harassment of any kind. Therefore, the following clothing is NOT ACCEPTABLE: bare feet; excessively short skirts or shorts, obvious reject apparel, sexually provocative clothing; the observable lack of undergarments and exposed undergarments. Any employee found to be dressed inappropriately will be sent home. If they are not back to work within one hour, it is considered a missed shift and disciplinary action will be taken. The company requires the following for all team members:

### **All Staff:**

- All staff must be clean and present a good impression for the guests when they arrive at work. This includes hair, face, body odor, etc. Hands and fingernails should be kept clean at all times.
- Facial Hair (beards and mustaches) must be kept neatly trimmed.
- Do not wear heavy cologne or perfume to work.
- Shirts indicating that team member is a member of the Joe's staff are not to be worn while off duty or outside of Joe's.

- Shorts and skirts must exceed the length of your fingertips with your arms at your side.
- Appropriate clothing should be worn to ensure that the midriff area is adequately covered. Exposed midriff is defined as the visible area of the abdomen and stomach region between the bottom of the ribcage and the top of the hip bone. This includes but is not limited to the uncovered portion between the waistline and the lowermost point of any clothing worn on the upper body.
- Approved slip resistant shoes and socks must be worn during every shift. These may be purchased at Wal-Mart (TredSafe Brand), Shoes for Crews, Snibbs, or SRMax. The company has contracted with multiple slip-resistant shoe vendors to allow team members to purchase shoes using payroll deduction. To order, please complete an order form at [www.StanClarkCompanies.com](http://www.StanClarkCompanies.com). Should you have any questions and/or any issues placing an order, please contact the Human Resources Assistant at (405) 377-0799 ext.315

**Front of House Staff:**

- A Stan Clark managed company shirt and a nametag must be worn while working your shift.
- Hands and fingernails should be kept clean at all times. Nail polish is permitted, however it must be neat and have no chips.
- Hair must be neat and clean. Hair longer than shoulder length must be pulled to the back of the neck if serving food and beverage.
- Sweats, basketball shorts, and hospital scrubs are not permitted.
- Tasteful piercings are permitted. Ear gauging must be smaller than a dime (19mm) and must have a non-clear plug at all times, no tunnels are allowed.
- Wait staff must use a server apron at all times while on the clock.

**Kitchen Staff:**

- Kitchen staff must wear a hat and beard guard, if applicable, while working.
- Nail polish and artificial nails are not permitted.

**Regardless of the above policies, Management reserves the right in determining**

**appropriate attire and appearance of employees, and may at their discretion deem some attire or appearance inappropriate and ask employees to change accordingly. In addition, the dress code may be more conservative on occasion due to specific catering events, expected guests, etc.**

**General Reminders:**

- Never chew your fingernails, gum, straws, toothpick, etc. while on duty.
- Always wear your brightest smile!
- Remember, no one guest is more important than another.
- “You’re welcome,” and “Thank you,” are a must. Always thank each guest that is leaving.
- No leaning. Be alert and ready to work. Watch the entire restaurant.
- Stay calm at all times. Ask for help if you need it.
- If you have a problem, get a manager.
- Your shift is over when the manager says you can leave.
- Do not touch the rim of the glass.
- Regardless of your position, you are expected to willingly and courteously acknowledge our guests and fulfill their requests. Anytime a guest has a request, always answer in the positive, saying “It would be my pleasure!” or “You are very welcome!” We never respond to a guest by saying, “No problem”. It is never a problem to serve our guests!
- You are expected to smile and be friendly and enthusiastic with every guest that enters Eskimo Joe’s.

## **INSURANCE**

### **POLICY:**

The Company currently offers insurance benefits to eligible employees. This coverage includes Medical, Dental, Vision, Accident, Heart/Stroke, Cancer and Life Insurance. The Company will designate the structure and insurer of these benefits.

### **EMPLOYEE ELIGIBILITY:**

All Benefited Team Members and Managers are eligible to participate in this plan. In addition, all regular full time employees, as defined below, are eligible for this benefit.

### **QUALIFYING EVENT:**

The employee must notify the Human Resources within 31 days of adoption of a child, marriage of a dependent child, loss of coverage under spouse plan, etc. of a qualifying event. A qualifying event is any type of change of status such as marriage, divorce, death of a spouse, birth or adoption.

### **DEPENDENT ELIGIBILITY:**

Coverage is available to the dependents of a participating employee. Eligible dependents are defined as: a person that resides within the United States and who is:

- The employee's legally married spouse
- The employee's unmarried, dependent biological or adopted child or stepchild or a child for whom the employee has court-appointed permanent legal custody and who is under the age of 26, see Certificate of Insurance for more details.

Premium payments for dependent coverage are the responsibility of each employee and upon coverage becoming effective; premium payments will be deducted from the employee's paycheck on a regular basis.

### **WAITING PERIOD:**

Coverage for qualifying employees begins the first day of the month after working 31 days in the new position.

### **PREMIUM PAYMENT:**

The Company will pay a portion of the premiums for all management employees as designated by position.

### **COVERAGE TERMINATION:**

Employee and dependent coverage ends on the last day of the month in which the employee or their dependent fails to qualify for the plan. For specific details, please see

the Certificate of Insurance provided by BlueCross BlueShield of Oklahoma.

**IMPORTANT:** The program allows for continuation of group health coverage following termination as provided by the Consolidated Omnibus Budget Reconciliation Act (COBRA). Refer all questions to Human Resources located at Stan Clark Companies, Inc.

REGULAR FULL-TIME EMPLOYEES:

For the purpose of this policy, the company defines Full-Time Employees as those employees that have worked for the company at least 12 months and worked at least 30 hours per week in the previous calendar year.

## **PERSONAL TIME OFF**

---

### INTRODUCTION:

The Company believes that its team members are the key to what makes a great company. Although work makes up a large portion of a team member's life, we believe that a balance between work and nonwork activities is essential to maintain quality performance and a positive work atmosphere. To support this philosophy, the company has designed a paid time off (PTO) plan that incorporates vacation, personal , and sick leave into one program.

### POLICY:

Eligible team members receive their hours of PTO annually on January 1<sup>st</sup> of each year. This policy assumes an eligible team member's regular schedule is 40 hours per week. If your schedule is different, it is adjusted accordingly. Immediately upon entering into an eligible position team members will get a pro-rated portion of this benefit based on the following schedule:

If hired in January - receive 59 hours of PTO  
If hired in February - receive 54 hours of PTO  
If hired in March - receive 49 hours of PTO  
If hired in April - receive 44 hours of PTO  
If hired in May - receive 39 hours of PTO  
If hired in June - receive 34 hours of PTO  
If hired in July - receive 29 hours of PTO  
If hired in August - receive 24 hours of PTO  
If hired in September - receive 19 hours of PTO  
If hired in October - receive 14 hours of PTO  
If hired in November - receive 9 hours of PTO  
If hired in December - receive 4 hours of PTO

Beginning January 1st of the year after entering an eligible position, 1 week +3 days of PTO is granted, based on 8 hours per day. Beginning January 1st of the 2nd consecutive year in an eligible position, PTO is based upon the average hours worked for the previous calendar year. PTO will continue to accrue following the schedule below. These are earned on January 1 of the anniversary year.

### SCHEDULE OF PTO EARNED:

Anniversary Year 1 – 1 week and 3 days PTO  
Anniversary Year 2 – 1 week and 3 days PTO (based on avg hours)  
Anniversary Year 3 to 5 – 2 weeks and 3 days PTO (based on avg hours)  
Anniversary Year 6 - 2 weeks and 4 days PTO (based on avg hours)

Anniversary Year 7 - 3 weeks PTO (based on avg hours)  
Anniversary Year 8 - 3 weeks and 1 day PTO (based on avg hours)  
Anniversary Year 9 - 3 weeks and 2 days PTO (based on avg hours)  
Anniversary Year 10+ - 3 weeks and 3 days PTO (based on avg hours)

Eligible employees may use PTO hours as follows:

- An employee can take a maximum of 8 hours for each day missed (assuming a 40 hour work week).
- All PTO must be approved by their direct supervisor.
- PTO must be clearly marked on the employee's timecard.

#### UNUSED PTO:

PTO expires on January 30 of the following year after earned. At the end of the plan year the team member may have options for unused PTO.

If the eligible person is a salaried team member, the team member may choose to carry over up to 24 hours of PTO into the next year. Any unused PTO that is not carried over will be lost. A team member can carry over a **maximum** of 24 hours. It will be assumed that employees will carryover all unused and available PTO up to the 24 hour maximum, no form is required.

However, if the team member has an upcoming planned medical event, it may be requested that more than the 24 hours of PTO be carried over. This request should be made to the team member's supervisor by January 15th of the following year. To request this, the PTO Carry Over – Medical Event form on the SCC website must be completed by January 31st. PTO carried over and not used for the planned medical event will be lost and no payment will be made to the team member.

If the eligible person is an hourly paid team member, the team member may choose one of the options listed below in any combination up to 24 hours maximum.

- a. Cash Out – The employee may cash out up to 24 hours of unused PTO. The employee must complete a Leave Cash Out Request form by the January 31st of the following year. This form is located on the SCC website under management forms.
- b. Carry Over - The team member may carry over up to 24 hours of unused PTO. It will be assumed that team members will carryover unused and available PTO up to the 24 hour maximum, no form is required.

#### ELIGIBLE TEAM MEMBERS:

All management and fully benefitted team members are eligible for this benefit. Kitchen Supervisors receive 1 week of PTO. Additional time will not be added with years of service.

### TERMINATIONS:

If a team member quits in good standing prior to July 1<sup>st</sup>, the team member is entitled to ½ of all unused PTO accrued on January 1<sup>st</sup> of the same year. If a team member quits in good standing after July 1<sup>st</sup>, the team member is entitled to all remaining PTO accrued on January 1<sup>st</sup> of the same year. Salaried team members will be paid out based on the prior year's average hours. For example, if their weekly average is 48 hours and they have 48 hours of PTO remaining in August, they would be paid for 1 week's pay. Payments of these benefits are generally paid with the last regular payroll processing of the team member's compensation. Team members who are otherwise terminated will receive no compensation for unused PTO.

### GOOD STANDING:

A team member is considered in good standing at any time during employment when the team member has not received an action plan\* form in the previous 60 days, and is not subject to termination for cause. Upon termination, a team member is considered in good standing if the above-mentioned criteria is met and the team member gives their direct supervisor at least 2 weeks notice of intent to terminate employment. This 2 weeks' notice does not include PTO time to be used.

\* See Coaching For Success (Policy #101.1) and Action Plan Form (Policy #101.6)



## **BEREAVEMENT LEAVE**

### INTRODUCTION

The Bereavement Leave Policy establishes uniform guidelines for providing paid time off to team members for absences related to the death of immediate family members.

### ELIGIBILITY

All benefited team members are eligible for benefits under this policy.

### POLICY

A team member who wishes to take time off due to the death of an immediate family member should notify his or her supervisor as soon as possible. If a team member leaves work early on the day he or she is notified of the death, that day will not count as bereavement leave.

In addition to bereavement leave, an employee may, with his or her supervisor's approval, use any available PTO time for additional approved time off as necessary.

Bereavement pay is calculated based on the base pay rate at the time of absence, and it will not include any special forms of compensation, such as incentives, commissions, bonuses, or overtime.

Paid bereavement leave will be granted according to the following schedule:

- Team members are allowed up to three consecutive days off from regularly scheduled duty with regular pay in the event of the death of the team member's spouse, child, grandchild, stepchild, parent, stepparent, parent-in-law, son-in-law, daughter-in-law, brother, sister, stepbrother, or stepsister.
- Team members are allowed one day off from regular scheduled duty with regular pay in the event of death of the team member's brother-in-law, sister-in-law, aunt, uncle, niece, nephew, grandparent, or spouse's grandparent.

To be compensated for this time, it is the team member's responsibility to enter these hours on their timecard and/or complete a request for leave form for payroll to process.

DATE: March 1, 2010

POLICY: 210

## **EMPLOYEE MEAL**

### INTRODUCTION:

The Company provides meals as a non-cash benefit to certain eligible positions. The Company has an employee menu; alcoholic beverages are excluded. All employees must choose off the same menu (i.e., management chooses from the same items staff chooses from).

POLICY: To earn an employee meal, an eligible employee must work the minimum number of hours set by the Director of Restaurant Operations in a single shift. The meal must be approved and **rung up before it is prepared.**

## **401K PLAN**

### **INTRODUCTION:**

Your efforts, together with the efforts of all other employees, contribute to our company's profits each year. Any contributions to the plan by the company will be made from these profits. This plan was established in 1988, the first time the company had a positive cash position at year-end.

### **POLICY:**

The Company has established a 401(k) retirement plan (the "Plan") to provide retirement benefits for eligible employees. The 401k plan allows employees to defer a portion of their paycheck into a retirement account on a pre-tax or after tax basis. Each year between now and retirement (or termination) from the company we intend, but are not obligated, to match a portion of the amount the employee defers into the plan from their paycheck. When an employee leaves the company, he/she will be able to receive the vested value of the amounts, which have accumulated in their account.

### **ELIGIBILITY:**

Before an employee becomes a participant in the plan, the following rules must be met:

- A. Must attain the minimum age of 21.
- B. Must complete at least 1 year of service.
- C. Must work at least 1,000 hours in the previous year.

### **ENROLLMENT:**

Once eligibility requirements have been met, the employee may join the plan on the following January 1st or July 1st, or any January 1st, April 1st, July 1st, or October 1st thereafter.

### **DEFERRALS:**

Through payroll deduction, an eligible employee can make pre-tax or after tax contributions up to the maximum allowed by law. The dollar limit could include a deferral up to 100% of any bonus over \$100. Changes to the deferral election can be changed effective January 1st, April 1st, July 1st or October 1st. However, an employee can lower their deferral to 0% at any time.

### **MATCH:**

The Company may make a discretionary match to the plan on an annual basis. The percentage will be determined each year. To share in the match contributions, the employee must be employed as of the last day of the calendar year.

TERMINATION:

Termination of employment (*if done so for reasons other than death, disability or retirement*) will entitle the employee to receive only the 'vested percentage' of the employee's account balance. Distributions to terminated employees will be made quarterly as administratively feasible following termination so long as the employee has not been rehired at any other SCC managed company. In general, the IRS requires that 20% of the distribution be withheld for taxes if a check is written directly to the employee. If a check is written to an IRA or qualified plan, 100% can be distributed.

VESTING:

Vesting refers to your "ownership" of the match from the company. The employee is always 100% vested in the amount they contribute, subject to market fluctuation. The vesting schedule is as follows:

<u>Years of service</u>	0-1	2	3	4	5	6
<u>Percentage</u>	0%	20%	40%	60%	80%	100

YEAR OF SERVICE:

A year of service is defined as working at least 1000 hours during a calendar year.

This is only a summary of our profit sharing plan. There is a Summary Plan Description, ("SPD") that is available and any conflict between the SPD and this summary will be governed by the SPD.

## **EMPLOYEE RECOGNITION**

---

### INTRODUCTION:

The purpose of this policy is to recognize loyal employees for term of service.

### EMPLOYEE RECOGNITION:

Employee Recognition is an award based on unbroken tenure. An employee's temporary leave of absence away from work (not to exceed 90 days, other than for FMLA and Military Leave) will not be considered unbroken tenure. The recognition will be given automatically when an employee completes the time necessary for the award.

### YEAR OF SERVICE:

A year of service is defined as working at least 200 hours during the 12 month period immediately preceding the anniversary date.

### AWARD SCHEDULE:

- 1 year: Brass keychain with company logo, and engraved with employee name and date of hire and 1 year t-shirt
- 2 year: Backpack with company logo.
- 3 - 4 year: \$50 gift certificate, each year, redeemable at the Eskimo Joe's, Mexico Joe's, and/or Eskimo Joe's Clothes Inc.
- 5 year: Choice of cash or gift certificate from a specific local merchant (cost to the company - \$250).
- 6-9 year: \$100 gift certificate, each year, redeemable at Eskimo Joe's, Mexico Joe's and/or Eskimo Joe's Clothes Inc.
- 10 year: Choice of cash or gift certificate from a specific local merchant (cost to the company -\$500).
- 11-14 year: \$100 gift certificate, each year, redeemable at Eskimo Joe's, Mexico Joe's and/or Eskimo Joe's Clothes Inc.
- 15 year: Choice of cash or gift certificate from a specific local merchant (cost to the company - \$1000).
- 20 year: Crystal engraved award plus choice of cash or a gift certificate from a specific local merchant (cost to the company - \$1500).

Crystal award presented at the annual meeting.

After the 15<sup>th</sup> year: Each additional five years with the company earns the employee a choice of cash or a gift certificate from a specific local merchant (cost to the company - \$500 more than the last major recognition). On each anniversary you do not receive a major award, you will get a \$100 gift certificate redeemable at Eskimo Joe's, Mexico Joe's, and/or Eskimo Joe's Clothes, Inc.

TAXATION:

All cash awards will be fully taxable to the employee and merchandise awards in excess of \$400 each year will be taxable to the employee.

ADMINISTRATION:

The General Manager will receive a list of employees celebrating their employment anniversary in the month preceding the employee's anniversary date. The General Manager will review the list to make sure the employee is going to be working for the company at their anniversary date. The list should be returned to Human Resources as soon as possible for ordering the company's awards. The award should be hand delivered to each recipient by his or her anniversary date.

REPLACEMENT:

The keychain, t-shirt, and backpack may be replaced at the employee's own cost if lost or broken. Please contact Human Resources for pricing.

## **TUITION REIMBURSEMENT POLICY**

### INTRODUCTION:

The Company encourages employees to continue to gain knowledge in their field of work. Continued personal growth and success is important to our company's long-term success.

### ELIGIBILITY:

1. All Managers are eligible for this benefit.
2. Course must relate to employee's current job with the company
3. Must have worked for the company at least 6 months in a management position before beginning the class, and be in good standing.
4. A course is limited to a maximum reimbursement of \$750.
5. The company has a maximum budget to fund this policy and it is distributed on a first come/first serve basis.

### GOOD STANDING:

An employee is considered in good standing at any time during employment when the employee has not received an action plan form\* in the previous 60 days.

\* See Coaching For Success ([Policy #101](#))

### MAXIMUM COURSE LOAD:

1. Vocational School - 1 course per term
2. College - 1 course per semester

### PROCEDURE:

1. Complete the Tuition Reimbursement Application and attach any additional descriptive information regarding the course. The application can be found at G:\All Companies Info\Forms\Tuition Reimbursement Application.
2. Meet with your Supervisor and/or Manager to discuss your tuition reimbursement request. If it is agreed that your request meets policy guidelines and budgetary restrictions, they will grant preliminary approval. *Please note: Application must be approved PRIOR to beginning the course.*
3. The completed application should then be sent to Human Resources.

### REIMBURSEMENT OF EXPENSES:

1. Upon completion of the course, submit a copy of your grade report, bills and

receipts reflecting full payment **within 60 days** to Human Resources. If the course was successfully completed with a “B” or higher, or a completion certificate from a vocational school, the tuition will be reimbursed to you. *(Please note that if you are eligible for benefits from other sources, you are required provide documentation and apply those benefits to your costs prior to being reimbursed by the Company.)*

2. Cost of books, supplies, lab fees, etc., will not be reimbursed.
3. If complete paperwork is submitted by 3:00 p.m. on Thursday, reimbursement will be made on Friday.
4. If you leave your employment with the Company within 6 months of the completion of the course, you may be required to repay the amount received on a pro-rated basis.



## **COMPUTER LOAN PROGRAM**

### INTRODUCTION:

As technology continues to advance it is important to educate ourselves in the new and exciting possibilities. The computer equipment loan program is a benefit designed by the company to assist management in purchasing personal computer equipment. By giving employees easier access to computers at home, we believe that they will benefit from your increased familiarity with and knowledge of computers. As technology continues to advance, we feel it is important that each of us educate ourselves in the new and exciting possibilities. This program has the potential to create a big “win-win” for all of us.

### POLICY:

The Company will provide to any qualifying employee an interest-free loan to use toward the purchase of computer equipment, software, and peripherals. The loan will be for ½ of the total cost of the equipment or software being purchased, up to \$1,000. The loan will be paid through payroll deductions and must be paid within one year. An employee is allowed only one loan at any one time. Proof of the total purchase price must be provided when application is finalized for the loan.

### ELIGIBLE EMPLOYEES:

- All Managers are eligible for this benefit.

Forms are located at G:\All Companies Info\Forms\Computer Loan Application.

### INSTRUCTIONS:

The Computer Equipment Loan Program Application must be completed and submitted to the Director of Restaurant Operations after the General Manager has signed it. The Director of Restaurant Operations has two weeks to review the application and attached purchase information. The application will be evaluated based upon several factors. Some of these factors will include the determined benefit to the company, the benefit to the applicant in your current job position, and possible growth in your position based upon this purchase. The applicant's willingness and ability to repay the loan will also be considered. In the event that the application is not approved, the Director of Restaurant Operations is required to give the applicant a reasonable explanation.

Upon approval, the application is then sent to Human Resources for the completion of the paperwork. Then the funds will be available. You will then be expected to provide proof of purchase of the items submitted. Immediately after this documentation is provided and processed, the funds will be presented to you.

One of the conditions of the approval of the application will be your commitment to the

repayment of the loan. In the unforeseen event that the company does not employ you before the loan is repaid, you will be expected to make any arrangements necessary to complete the loan payment schedule, or have the balance withheld from your final paycheck. If you have any questions regarding this program, you may direct them to the Director of Restaurant Operations or Human Resources at Stan Clark Companies, Inc.

DATE: March 1, 2010

POLICY: 225

## **EMPLOYEE PURCHASE PROGRAM**

### INTRODUCTION:

Eskimo Joe's Promotional Product Group is in the business of creating branded merchandise and has relationships with many different vendors. We encourage management to use the items to be familiar with the various items and brands as well as to order branded items for work.

### POLICY:

Eskimo Joe's Promotional Products Group will process orders for personal purchases for any benefited management team member.

Orders will be processed on or after the 15th day of the second month of the quarter: February 15, May 15, August 15, and November 15.

All orders will be total net cost plus a 20% margin, plus shipping and tax. Shipping will be billed at net cost plus a 10% margin or \$4.95 whichever is higher. Taxes will be charged unless the employee can provide us with a tax-exempt letter.

Products can be purchased as blank or embellished.

Clothing allowance can be used to pay for these purchases **only** if the product is being embellished with a Stan Clark managed company logo or name.

The employee must pay with cash, check, or clothing allowance. We will not accept gift or credit cards and the employee will not be able to sign charge.

Standard turnaround time on all orders is 10 business days unless otherwise noted by the factory.

All orders will be entered under the **Stan Clark Companies-Program** (#4143) customer account with the employees name in the attention line.

DATE: March 1, 2010

POLICY: 226

## **CONTINUING EDUCATION**

### INTRODUCTION:

The objective of this policy is to assist employees by furthering their education in an effort to enhance their current skills as well as improve their future potential.

### POLICY:

It is the policy of the Company to compensate for continuing education in a consistent, timely, and equitable manner. All eligible employees must complete at least one activity, minimum 5 hours, each year to enhance their knowledge or work skills. They can attend a class or seminar or even read a book. The classes and seminars can be programs presented by our vendors or industry and professional associations. The book can be something specific to the industry or as general as management skills. A management library has been established at SCC for members of the management team to grow and develop their knowledge and skills. The maximum hours of time compensated for reading a book is 5 hours per year. However, managers may check out as many books as they would like from the library. Employees should keep accurate records of the time they begin and quit work at such activities.

### ELIGIBILITY:

All Managers are eligible for this benefit.

### REQUESTING CONTINUING EDUCATION COMPENSATION/COURSES:

All requests for Continuing Education Pay must be made and approved in advance by your supervisor using a Request for Leave Form. The completed form is turned into the payroll accountant at Stan Clark Companies, Inc. ("SCC") with the next payroll information with the hours to be paid documented. Payment to the employee is made with the next regular payroll run. **In order to receive credit, the completed form must be submitted to the payroll accountant at SCC within the pay period or the time will not be counted.**

## **COMMUNITY SERVICE**

### **INTRODUCTION:**

The Company recognizes certain Civic and Service Organizations conduct activities throughout the year, and that many of these events are conducted for the benefit of the surrounding communities. In addition, the company realizes that it benefits from the success of the surrounding community and involving its employees is a way of giving back to the community. Furthermore, we recognize that the employees who volunteer their time on these tasks are representing the Company when working on such activities, and as such there may be times when it is necessary for that employee to be away from work.

### **POLICY:**

It is the policy of the Company to compensate for Community Service in a consistent, timely, and equitable manner. Therefore, payment for time worked in an approved Civic or Service organization is made at the individual's regular rate of pay. An employee must work at least 5 hours of community service at the direction of the PR Director performing work on company sponsored events such as the Juke Joint Jog, the Joe's Golf Classic or as a coordinator of the company float in the Homecoming or the Christmas Parade. The maximum hours of Community Service time paid per year is 10 hours. Any hours over 10 will be considered voluntary on behalf of the employee and as such, employees should not expect compensation for those hours. Employees should keep accurate records of the time they begin and quit work at such activities.

### **ELIGIBILITY:**

All Managers are eligible for this benefit.

### **REQUESTING COMMUNITY SERVICE PAY:**

All requests for Community Service Pay must be made and approved in advance, if time is during normally scheduled work hours, by your supervisor using a Request for Leave Form. This form is located at G:\All Companies Info\Forms\Request for Leave Form. The completed form is turned into the payroll accountant in Accounting. with the next payroll information. Payment to the employee is made with the next regular payroll date. If the community service hours are worked by an hourly paid employee on a company sponsored event such as the Juke Joint Jog, then any hours over 40 will be paid as overtime. In order to receive credit, the completed form must be submitted to the payroll accountant in Accounting within the pay period otherwise time will be considered voluntary and no credit will be given.

**UNUSED COMMUNITY SERVICE LEAVE:** At the end of the year, no Community Service Hours can be carried over into the next year. If it has not been used, it will be lost, and no payment will be made to the employee.

## **SIGNED CHARGE PRIVILEGES**

### **INTRODUCTION:**

The Company encourages all employees to eat and shop at companies managed by Stan Clark Companies, Inc. ("SCC"). The Company will provide certain members of management the opportunity to sign their ticket as a charge rather than pay at the time of the meal or purchase. When employees use these operations for their dining and shopping needs, employees have the opportunity to observe and appreciate the best areas of our businesses and identify the areas that need improvement. This benefit is not intended to harm the employee in anyway, but provide an easy way to pay for meals and purchases.

### **POLICY:**

Eligible employees, and eligible family members, may choose to "sign" a charge ticket for purchases at Eskimo Joe's, Mexico Joe's, and Joe's Clothes. To enroll in this benefit, the employee must complete the Sign Charge Form. This form is located at G:\All Companies Info\Forms\Sign Charge Form. The ticket will be sent to SCC for reconciliation and documentation the following day. The charge will be deducted from the eligible employee's next payroll check as an after tax deduction. At no time should signed charges exceed an employee's payroll check without these charges, net of taxes and other authorized deductions.

"Sign" means to write the eligible employee or eligible family member's signature in a **readable** handwriting, and also print the eligible name. Continued failure to write legibly after being warned once, will result in termination of this privilege.

Eligible employees should make sure the entire charge amount is legible on the charge ticket. Any tip should be written in and added and a new total written on the signed ticket.

**Failure to sign legibly may result in termination of this benefit.**

### **PROCEDURES:**

Immediately upon becoming eligible, the employee is allowed the signed charge privilege. The employee will be asked to notify the company in writing of all eligible family members that they wish to extend this privilege on a "Privilege to Sign Charge/Discount Form". Human Resources at SCC will provide cards to the employee for each eligible family member. In addition, a current list of all eligible employees and family members who receive this privilege is maintained on the network. This can be found at G:\All Companies Info\SignCharge List.xls

#### PAYROLL DEDUCTION DEADLINES:

All signed charges will be accumulated through the Thursday before the end of the pay period. All charges for that time period will be totaled and deducted from the employee's next paycheck. If this is the employee's final paycheck, charges will be included right up to the date he payroll is prepared.

**Note: Supervisors should notify SCC immediately if an employee with this benefit is terminated. This allows the payroll accountant to exceed the normal cut-off to accumulate deductions to insure all sign charges are paid. In addition, Supervisors should collect the discount/sign charge cards from the employee on their last day.**

#### DEDUCTIONS EXCEED AVAILABLE PAY:

The Company follows all known Department of Labor rules and regulations as they apply to each position. It is allowable to deduct from an employee's after tax income all charges authorized by the employee. Should the employee's total charges exceed the net after-tax-and-other- authorized-deductions amount, the balance of the charges will be carried forward to the next payroll in which the deductions can be deducted. The payroll accountant will notify the General Manager through the payroll notes that an employee has charged more than their paycheck.

The employee's supervisor will notify the employee that he/she is not allowed to exceed the available amount of their next payroll check when sign charging. The employee's privilege should be suspended until the employee has paid all signed charges back to the company. If the employee over-charges more than once, the employee will be coached, and the privilege revoked for 90 days.

It is understood by the employee that they are fully responsible for ALL sign charges. Should the employee leave before all sign charges are paid, the employee will be expected to pay all sign charges immediately. Failure to do so could cause legal action to be taken.

#### ELIGIBLE EMPLOYEES:

All managers are eligible to participate in this plan.

#### ELIGIBLE FAMILY MEMBERS:

Managers may request that their spouse or dependents have the ability to receive the eligible employee's sign charge privilege and discount percentage. A dependent is defined as those claimed as a dependent on your federal tax return. To add or delete a dependent, the eligible employee must notify Human Resources using the Sign Charge Form. This form is located at G:\All Companies Info\Forms\Sign Charge Form. Eligible family members will not be allowed charging ability until a card is issued for them. This card will be distributed within one week of receipt of completed form.

Eligible family members under the age of 21 may only charge their own purchases.

This privilege does NOT extend to their entire table, unless accompanied by a parent who is an eligible employee or family member and only if that parent is paying for the entire purchase.

CHANGES IN ELIGIBLE FAMILY MEMBERS:

Changes to the list of eligible family members can be made at any time by submitting another Sign Charge Form.

TERMINATION OF PRIVILEGE:

The benefit to sign charge a ticket ends on the eligible employee's last date of employment.



## **EMPLOYEE DISCOUNTS**

### INTRODUCTION:

The Company encourages all employees to eat at the Company. In return, the Company will provide all employees a discount on personal purchases at our location. When eligible employees use Eskimo Joe's for their dining needs, they have the opportunity to observe and appreciate the best areas of our businesses and identify the areas that need improvement. In addition, a discount can be obtained at Mexico Joe's Inc. and Eskimo Joe's Clothes Inc. This benefit is not intended to harm them in anyway, but provide an incentive for meal and clothing purchases within the companies managed by Stan Clark Companies, Inc. ("SCC").

### POLICY:

Eligible employees may receive a discount on their personal purchases at the Company, Mexico Joe's, Inc. and Eskimo Joe's Clothes, Inc. The employee must identify himself or herself to the waitperson or sales associate prior to payment. Proof of identification such as a check stub and ID, or a company issued discount card may be requested from employees. Discounts will only be provided at the time of purchase. The discount is not available after the original transaction is complete. Certain eligible employee's discounts may be extended to eligible family members. Eligible family members will be required to use an authorization card provided by the company to qualify for the discount.

PROCEDURES: Immediately upon becoming eligible, the employee should receive a discount on qualifying purchases. If the employee is eligible for family benefits, the employee will be asked to notify the company in writing of all eligible family members that they wish to extend this privilege on a Sign Charge Form. This form is located at G:\All Companies Info\Forms\Sign Charge Form. Human Resources at SCC will provide cards to the employee for each eligible family member. In addition, a list of all eligible management employees who receive this benefit is maintained at G:\All Companies Info\Sign Charge List.xls.

Qualifying purchases are purchases made by the employee only. Certain items are not discounted including but not limited to liquor and beer purchases, some food, and clothing items. The company reserves the right to determine certain items will not be discounted.

ELIGIBLE EMPLOYEES: All Managers receive a 25% discount at the Company, Mexico Joe's, Inc., and Eskimo Joe's Clothes, Inc.

All other company employees\* receive a 25% discount at Eskimo Joe's, Inc., Mexico Joes, Inc. and Eskimo Joe's Clothes Inc. (with paystub and photo ID).

\*Note – The non-management benefit is provided for the employees' personal food and clothing. Purchases for or by family members, friends and spouses are not eligible for the discount.

ELIGIBLE FAMILY MEMBERS:

Management may request that their spouse or dependents have the ability to receive the eligible employee's discount percentage. A dependent is defined as those claimed as a dependent on the employee's tax return. To add or delete a dependent, the eligible employee must notify Human Resources using the Sign Charge Form. Eligible family members will not be allowed the discount until a card is issued for them. This card will be distributed within one week of receipt of the completed form.

CHANGES IN ELIGIBLE FAMILY MEMBERS:

Changes to the list of eligible family members can be made at any time by completing another Sign Charge Form.

TERMINATION OF PRIVILEGE:

This benefit ends immediately upon the eligible employees last date of employment.

**Any misuse of this privilege, including using the discount to make purchases for others, then being reimbursed, is strictly prohibited and will result in the employee's termination.**

## **ALCOHOLIC BEVERAGE POLICY**

### INTRODUCTION:

The Company is a responsible business partner in the community and has a certain responsibility to the people of the community. That is to insure that no one under the age of 21 or who is intoxicated be served beer or alcoholic beverages.

### POLICY:

It is the Company's policy to conform and abide by local, state and federal laws concerning alcoholic beverages. Furthermore, failure to follow the laws and guidelines will result in the immediate reprimand or termination of employees involved in any of the following violations:

A. Selling or allowing alcoholic beverages to be sold, delivered or furnished to any person under twenty-one (21) or to a person visibly intoxicated, adjudged insane or mentally deficient.

1. This liquor violation can result in the loss of the Company's liquor license. Charges can be brought against the server, the manager on duty and the customer involved in the violation. This includes going to jail and paying a fine of up to \$2,500.

2. All employees are representatives of the Company and have the right to request proper identification (valid driver's license) of anyone requesting alcoholic beverages. The employees should protect themselves and the Company by checking for proper identification.

B. Persons under the age of twenty-one (21), or without a server's license, handling alcohol in the bar area.

C. Consume or be under the influence of alcoholic beverages while on duty.

D. Employees serving alcoholic beverages without a server's license posted in the restaurant.

The last three violations listed above can result in State fines of up to \$1,500 and revoking the Company's license for repeated offenses. Violations of this policy will result in action under the Coaching For Success Plan. These are the most common violations. A copy of the ABLE rules and regulations are kept on premises for quick reference. They are available for employee's use.

All employees handling alcoholic beverages must have an OKTAM certificate or go to the next scheduled class. All employees handling alcoholic beverages and late night host

staff must attend the next ID checking school after being hired.

RELATED LAW:

- A. The following is a condensed version of the ***Oklahoma Laws Relating to Intoxicating Beverages*** put out by the ABLE Commission. Failure to comply with or violation of any of these laws can result in fines, suspension or even termination of your mixed beverage license.

Prohibited Acts: No licensee of the ABLE Commission shall:

1. Knowingly sell, deliver, or furnish alcoholic beverages to an intoxicated person or any person under 21 years of age.
2. Sell, deliver or knowingly furnish alcoholic beverages to an intoxicated person or any person who has been adjudged insane or mentally deficient.
3. Drink intoxicating liquor in public except on the premises of a licensee of the ABLE Commission who is authorized to sell or serve alcoholic beverages by the individual drink or be intoxicated in a public place.
4. Forcibly resisting lawful arrest, or by physical contact interfere with an investigation of any infringement of the Oklahoma ABC Act or with any lawful search or seizure being made by an inspector or agent of the ABLE Commission.
5. Employ any person under the age of 21 in the selling or handling of alcoholic beverages. Provided, that a mixed beverage licensee may employ servers who are 18 except in designated bar areas.
6. Give any alcoholic beverage as a prize, premium or consideration for any lottery, game of chance or skill or any type of competition.
7. Permit or allow any patron or person to exit a licensed premise with an open container of any alcoholic beverage.
8. Serve or sell alcoholic beverages with an expired license issued by the ABLE Commission. Keep or knowingly permit any alcoholic beverage to be kept, bought or consumed on the licensed premises, which is not allowed to be sold or served upon such premises.
9. Allow any person under 21 to enter into, remain within, or loiter about the designated bar area.
10. Permit any person to be drunk or intoxicated in said place of business.

11. Consume or be under the influence of alcoholic beverages during the hours he/she is on duty.
12. Permit empty or discarded alcoholic beverage containers to be in public view outside the licensed premises. All empty or discarded containers shall be disposed of in accordance with ABLE Commission rules and regulations.
13. Sell alcoholic beverages between the hours of 2:00 AM and 8:00 AM.

DATE: March 1, 2010

POLICY: 302

## **EQUIPMENT MAINTENANCE LOG POLICY**

### **INTRODUCTION:**

The maintenance log provides a system to ensure proper tracking of all repairs and maintenance of company equipment. This log should be used to heighten the awareness of equipment repairs, equipment maintenance schedules and the need for replacing equipment.

### **POLICY:**

The maintenance log should contain a separate page for every piece of major equipment. This includes air conditioning, stereos, etc. Each listing should include serial number, model number, date purchased, nature of repair, who did repair work and dollar amount of repairs. When repair and maintenance bills are received by Accounting, they will be sent to the appropriate Manager for approval. Promptly return these bills for payment. Blank log forms can be found at G:\All Companies Info\Forms\Equipment Maintenance Log.pdf

### **NOTE:**

Maintenance contracts of some computer and phone equipment are maintained. If these go down or there is any problem with them, call the service department immediately for repairs.

## DONATION REQUESTS

### INTRODUCTION:

A multitude of donations are requested of the Company. This policy has been developed to ensure fairness to all persons involved, and to prevent multiple requests from one organization to multiple operations within our company. All donation requests are processed by the Assistant to the Founder and CEO.

### HANDLING REQUESTS:

- A. In 2022, we created an online form that can be used to submit a donation request. This is our preferred method as it directs the requestor through the processes making sure we gather all the required information. If a guest asks how to submit a request, please refer them to this form. It is located on the SCC website – [www.StanClarkCompanies.com](http://www.StanClarkCompanies.com)
- B. If not utilizing the form, the request must be in **written** form. Requests can be mailed or emailed to the Assistant to the President. The written request should include the date of the event, who will benefit from the donation, and a contact name and phone number. The Assistant to the Founder and CEO does not need to talk to the person, but needs only the written request.
- B. The Company tries to donate first to non-profit organizations, those that are local getting first priority, then OKC and Tulsa.
- C. The Company gives to Oklahoma State University groups. Many of these groups ask more than once a semester so the Company tries to spread the donations around.
- D. Many of the Company's regular guests work with groups and ask for donations for their organizations. The Company will be fair and give to these when the budget allows.
- E. Many of the Company's managers or [team members](#) are involved in fund raising for groups and the Company will try to give to them.

### ADDITIONAL NOTES:

Due to the overwhelming number of requests received by the Company, it is very important that requests are handled appropriately as set forth above. Each written request is reviewed and donations to be made are determined on a monthly basis.

### ELIGIBILITY

The Stan Clark Companies' Charitable Giving Program does not donate to the following:

- For-Profit entities
- Political organizations or candidates
- Clubs, companies, agencies, or departments requesting donations for self-promotion
- Fundraising for projects that benefit the requesting organization
- Employee awards, encouragement, incentive, or recognition programs
- Individuals or groups seeking financial aid for medical or other assistance
- Individuals or groups seeking financial aid or advertising for pageant or program participation, or travel
- Individuals or groups seeking financial aid or advertising for sports teams or program participation, or travel
- Agencies that receive United Way funding or groups raising funds for the United Way (we already contribute significantly to this cause)
- Individuals or groups raising funds for programs supporting cancer research, education, or treatment (our annual contribution to the fight against cancer is sizeable)



## **PUBLIC RELATIONS/MEDIA INQUIRIES**

### **INTRODUCTION:**

Because dealing effectively with the media requires special knowledge and skill, the Public Relations Director or the President should be consulted and/or serve as intermediary in all dealings with the press. The Public Relations Director serves as liaison to the President and management in evaluating the benefits and risks of media contacts, determining the form and content of information to be provided to the media, assuring that only individuals with the authority to do so speak on behalf of the Company, and assuring that all interaction with the media is conducted in a professional manner consistent with the Company's vision and values.

### **POLICY:**

Only those individuals expressly authorized by the Public Relations Director or the President to do so may speak for the Company. All media requests for contact with a Company spokesperson, as well as all questions on matters of policy, procedure or operations should be referred to the Public Relations Director or the President. The Public Relations Director can be contacted at (405) 377-0799 Ext. 320 or (405) 612-8468 (cell). The President can be contacted at (405) 377-0799 Ext. 322 or (405) 880-2668 (cell). If neither of these employees are available, the Director of Restaurant Operations or the General Manager should be contacted. The Director of Restaurant Operations and the General Manager are authorized to speak on behalf of the company. The Director of Restaurant Operations can be contacted at (405) 377-0799 Ext. 319 or (405) 269- 5200 (cell).

### **AUDIO AND VIDEO RECORDING:**

No news media or promotional audio or video recording, filming, or still photography may be conducted within the company without authorization and advance arrangement through the Public Relations Director or the President. Whenever possible, the Public Relations Director will accompany news media camera crews and photographers to assure that filming is confined to authorized areas of the Company. Obviously, this does not apply to guest taking pictures for their own memories of their time spent within our facilities.

## INFORMATION FOR FINANCIAL ANALYSIS

### INTRODUCTION:

Operation managers are an integral part in the collection and preparation of information for weekly analysis and monthly financial statements. It is essential that this data be collected accurately and timely every week. Managers should be thoroughly trained and understand how the information they gather is used to help manage the financial aspects of our business.

### POLICY:

The information listed below must be collected accurately and timely each week/month and the General Manager is responsible for turning in as noted below. Because this information is needed to help management react to trends, timeliness and accuracy are paramount.

### INVENTORY/COGS:

Liquor, wine, beer and food inventory are to be taken each week after close of business on Sunday, or before opening on Monday. The Director of Restaurant Operations will determine when weekly inventory is to be skipped for end of month. When end of month is on a Tuesday, you won't have to do inventory both Sunday and Tuesday. Weekly inventory is to be used in calculating weekly cost of goods sold, which must be given to the General Manager by 5:00 p.m. on Monday. A copy of End of Month inventory documentation is to be given to Accounting and the Director of Restaurant Operations by noon on the 3rd or by the first General Managers' Meeting of the month, whichever comes first.

### CHECK STUBS/MISC DEPOSIT SLIPS/GIFT CARDS:

Coding of check stubs directly affects financial statements. **Note: an invoice number and account number should be on every check stub, or if not known, detail what the check was written for.** Under no circumstances should blank check stubs be sent over to Accounting for processing. All check stubs and their receipts should be hand delivered to the Corporate Office each Tuesday by noon, or when requested for end of month. All misc. deposit slips and gift cards are to be submitted weekly or at the end of the month when applicable.

### CASH ON HAND:

The General Manager should note the amount of Cash On Hand (banks, change and petty cash) at the top of the end of month food inventory sheet. In addition, an adding machine tape of cash on hand must be sent to Accounting each month.

### MISCELLANEOUS END OF MONTH:

When the General Manager turns in end-of-month food inventory, any amounts owed

to other Companies should be listed and what these amounts are for. Also, if any amounts need to be re-coded to account for transfer of food, liquor, or other items to advertising, or any other appropriate transfer, it should be noted at this time.

FINANCIAL:

Monthly preliminary Financials will be distributed based on the monthly timetable.

## **GENERAL MANAGERS' MEETING**

### INTRODUCTION:

Stan Clark Companies, Inc., depends on managers to help develop policy, run efficient organizations, and plan for the future. Therefore, they meet on a regular basis with management from each of the companies they serve.

### POLICY:

General Managers, Store Managers, the President, the Director of Restaurant Operations, the Director of Clothing Operations, and the Controller for each organization managed by Stan Clark Companies, Inc. will meet every other Tuesday at 8:30 am. Each participant must be on time, commit total attention to the topics, use conversational courtesy and come prepared. Minimize interruptions to emergencies that can't wait until 11:30.

### PREPARATION:

- A. Bring (8) copies of the following financial information to every meeting, and be prepared to discuss the information in detail – it is your responsibility to have verified this information in advance of the meeting:
1. Restaurant sales, COGS numbers for the previous week and MTD.
  2. Eskimo Joe's Clothes, Inc. sales and labor for the previous week and YTD.
  3. EJPPG should bring receiving, production, and sales activity and financial information for the previous week, MTD, and YTD.
- B. The following should be done to prepare for the meeting:
1. It is everyone's responsibility to include information about their operation in the agenda on the G:drive (by year, quarter, and date of meeting) for all areas before the meeting. (Please try to include your notes by 5 pm the Monday before the meeting.) You need to move the agenda for the current meeting to the Temp folder BEFORE you start updating the agenda! When you have input your agenda items, save the agenda, and move it back to the normal folder so others know it is "safe" to access them. PLEASE get into the agenda and out ASAP – others are probably waiting their turn.
  2. The facilitator is responsible for reviewing the previous meeting notes for any unfinished business and include them in the agenda. They are also responsible for reviewing the notes from last year's meeting, a month out

- this allows us time to react to things this year that were noted the previous year.
- 3. Financial Information for each operation will be distributed to all attendees when we are ready to discuss them. You will need to discuss any unusual numbers – know your business.
- 4. Bring your calendar, we refer to them often to set meeting schedules and to discuss upcoming events.

### SUBSTITUTE ATTENDEES:

An alternate should be designated when an attendee is not able to attend the meeting (please let the Assistant to the President know in advance.) Make sure they know what information to bring and that they come prepared to discuss all topics - they should be able to truly represent your operation!

### AGENDA:

1. Vision and Positive Stories - list vision and positive stories that occurred at your operation – there should be some from every operation every week!
2. Coaching for Success - what major CFS activities occurred, performance reviews, action plans, etc.
3. Personnel - what positions do you have open and their status, any terminations.
4. Mystery Forms -- review and scores of your mystery shops.
5. Measuring Guest Expectations - any focus groups or customer input on what we're doing. Changes we're making to improve the customer's experience. "Treat guests so well they can't believe it!"
6. Maintenance - what things you need to have fixed, or problems you are having.
7. Notes from Last Year's Meeting - this is the Facilitators responsibility.  
Remember to review the notes from a month out. Be sure to note at the first of the information if it is an **FYI**: (something of interest that doesn't need to be discussed, or **TY**: at the end if it is something that we need to discuss how it will be done this year!
8. Previous Meeting- this is the Facilitators responsibility. Note anything that was unresolved, or we said would be put off until the next meeting.
9. Goal's Review – The Facilitator discusses their operations current goals and their successes.
10. Current Events– each operation includes what's been happening at their location, and what they have coming up in the next couple of weeks.
11. Joe's Clothes Art Notes – include upcoming designs.
12. Public Relations Notes - what advertising/PR opportunities are on the horizon, and an update of what has been worked on.
13. Calendar – this is the Facilitator's responsibility.
14. Financial Review – restaurants, EJPPG, and Joe's Clothes review their financial information.

### PROCEDURES:

One person will be designated as responsible for each meeting, the Facilitator. That person will prepare the final agenda, run the meeting, and make sure the meeting notes are complete and accurate before distribution. The Facilitator may make any additional presentations or make any changes necessary to have an effective meeting. The Facilitator for each meeting will be the person who was the Scribe for the previous meeting.

A Scribe will be designated to take detailed notes (any question on the agenda should have a response!) and record any decisions made, and give them to the Assistant to the President by the Wednesday morning following the meeting. The Assistant to the President will prepare a draft of the meeting notes to be given to the Facilitator by Thursday afternoon of the same week for proofreading. The Facilitator will make any necessary changes to the notes and return it to the Assistant to the President who will e-mail the attendees that the notes have been finalized.

### SEATING:

Attendees will sit in a different chair for each meeting this allows us to interact with different people at every meeting! It is important to keep the meeting flowing, moving us on when a topic has been thoroughly discussed, or an impasse is eminent. Topics that are related exclusively to one business might be best to discuss at a separate meeting.

DATE: March 1, 2010

POLICY: 309

## **GIFT CARDS**

### **INTRODUCTION:**

Gift Cards are sold at our Company. A Gift Card can be issued in any amount. Gift Cards can be redeemed at Eskimo Joe's, Mexico Joe's or Eskimo Joes Clothes, Inc. ("Joe's Clothes") stores, regardless of which Stan Clark Companies, Inc. ("SCC") managed company that they are purchased from.

### **POLICY:**

Gift cards carry with them an expense to create and maintain them as well as the accounting of all unused balances. Therefore, after a period of nonuse the gift card company will deduct \$3 a month from a gift card until it has a zero balance. You will be able to determine this when you run a card balance report on the zon. We want our guest to have the full amount of the gift card to spend with us. Therefore, if a customer inquiries about this fee, we can certainly put that money back on the gift card. Instructions on how to conduct this transaction are available through accounting. New Gift cards and holders can be obtained from JC distribution.

## **HOLIDAYS AND HOURS OF OPERATION**

### **INTRODUCTION:**

The Company is engaged in a service industry, and therefore, the desires of our guests take precedence in establishing the days and hours that each establishment is open. This policy identifies when the Company will be open to the public.

### **SCHEDULE OF DAYS CLOSED:**

We must be flexible to the needs and business opportunities of the various cultural/geographical areas and customer basis in which we operate. To achieve this goal, the General Manager and the Director of Restaurant Operations establish the schedule of operations for the holidays.

Close at 2:00 p.m. on Christmas Eve.  
Closed on Thanksgiving and Christmas.  
Open at noon on New Year's Day.

### **INCLEMENT WEATHER:**

If there is inclement weather, the manager on duty must call the Director of Restaurant Operations to discuss closing the restaurant.

### **HOURS OF OPERATION:**

Mon-Sat 11:00-2:00, kitchen closes at 10:00  
Sunday 11:00-9:30

### **BONUS PAY:**

Managers that work on the floor/line on the following holidays will receive an additional \$10/hour. Admin time does not count for additional pay.

New Years Day	Thanksgiving Eve-Closing Shift Only
Easter	Black Friday
Mother's Day	Christmas Eve
Memorial Day	December 26
Father's Day	New Year's Eve-Closing Shift Only
Independence Day	
Labor Day	

To receive pay for working on these days, a manager must complete the Holiday Bonus Form located on the G:\Drive. It must be signed by the GM and submitted with payroll by the payroll deadline.



DATE: March 1, 2010

POLICY: 311

## **JURY DUTY POLICY**

POLICY:

The Company encourages employees to be good citizens in the community and will pay management when they are summoned and report for jury duty.

1. Employee does not volunteer for jury duty.
2. Employee must notify management five (5) days prior to the first day of absence for jury duty.
3. Employee must furnish a written statement from the court system listing dates and pay received.
4. The Company will pay the difference between the daily amount received for jury service and the employee's average daily wage if the employee otherwise would have been scheduled to work, not to exceed eight (8) hours per day and a maximum of forty (40) hours per week and limited to 5 days per calendar year.
5. An employee who is excused from jury service should contact the GM to discuss the schedule and duties needing to be performed.

## **LICENSES**

**POLICY:** The Company is required to have the following licenses:

1. Individual Server's License - (kept organized in a binder)
2. Special Tax Stamp (Liquor use - Federal) (Posted on premises)
3. Mixed Beverage License (Liquor use - State) (Posted on premises)
4. Oklahoma State Department of Health (Posted on premises)

It is **very important** to note the due dates, so none of these are allowed to lapse.

### **SERVER'S LICENSE**

Each employee handling or serving strong beer or alcohol must hold this license. A new employee (bar, wait or bar back) cannot be scheduled to work without proof of applying for their license. Acceptable proof is the employee's copy of receipt for their application. These should be turned in to the manager who supervises the employee. In addition, the Company will pay for all manager's server's license at the time of renewal, and servers after they have worked for the company for two years.

### ***SPECIAL TAX STAMP***

The government will mail a renewal form. The corporate office will send a check and the renewal form back, however, it is a good idea for the General Manager to remind the Director of Corporate Finance of its expiration date. This can be done as much as one month before the due date.

### ***MIXED BEVERAGE LICENSE***

The Director of Corporate Finance will take care of this license. This license entitles the Company to serve strong beer, wine and spirits. It is the General Manager's responsibility to remind the Director of Corporate Finance of the due date. Please do this at least one month before due date.

### ***STATE HEALTH LICENSE***

The Department of Health will mail a renewal form. The corporate office will send a check and the renewal form back to the Oklahoma State Department of Health.

*CITY-COUNTY HEALTH DEPARTMENT*

The Company must have a minimum of one certified Serv Safe employee at all times. These renew annually. The Director of Corporate Finance will take care of this license. It is the General Manager's responsibility to remind the Director of Corporate Finance of the due date. Please do this at least one month before due date.

DATE: October 1, 2012

POLICY: 314

## **MASCOTS**

### INTRODUCTION:

There are mascot uniforms of Joe and Buffy available to promote the Company, as well as, to be hired for special events through Stan Clark Companies, Inc. ("SCC").

### POLICY:

The Mascots are used for promotional activities and public relation events. The Eskimo Joe and Buffy mascot bookings and handling should be done exclusively through the Public Relations Director at the SCC office at 377-0799 Ext. 320.

## **WORKERS' COMPENSATION**

### **INTRODUCTION:**

The Company considers making the work place free of hazards a priority and continually evaluates the safety habits of all employees. We have a responsibility to employees to pay for all injuries that occur while they are working, subject to exceptions permitted by law.

### **POLICY:**

Notify Human Resources of any injury as soon as possible. In the event an injury occurs at work, management must complete the Notice of Injury form on the SCC website. If a manager is injured, another manager must fill out the form, not the manager injured.

### **GENERAL INFORMATION:**

Workers' Compensation insurance is paid based on each \$100 of salary, the degree of risk the state associates with a position, and the company's history of claims (both frequency and dollar amount). By minimizing payroll, management can keep premiums down. If an employee claims an injury occurred at work, you must file the form. Investigation of any claim will be conducted as deemed appropriate by the Company and/or the insurer.

### **BENEFITS:**

Send injured employees to AMC Urgent Care Clinic (1909 W. 6th, 385-0029). The hours of operation are 9 a.m. – 9 p.m. Monday – Saturday, and 10 a.m. – 6 p.m. Sunday. If the injury is severe or it is outside AMC's operating hours, then send them to the emergency room located at Stillwater Medical Center. You must give them the RX form located on the SCC website. This has our Carrier's information and details to obtain a prescription should one be need. If you have any questions, contact Human resources Melissa can be reached at 405-880-3904.

When an employee is away from work three or more work days they will receive hourly compensation from the insurance carrier. Please direct any questions regarding compensation and billing to Human Resources.

### **RETURN TO WORK:**

When an employee returns to work, they must have a Doctor's note releasing them to work. Please review this note carefully to observe any restrictions. If the employee doesn't have a release, they cannot return to work. Please forward all Workers Compensation Doctor's notes to Human Resources ASAP. If you have any questions, contact Human Resources.

DATE: March 1, 2010

POLICY: 322

## **MAINTENANCE WORK ORDERS**

### INTRODUCTION:

Various repair and maintenance projects are required periodically. If management can take care of these at a minimal cost on a timely basis, they should handle the project. Some projects will require the Construction Manager to be involved.

### POLICY:

A Work Order Form must be completed when management needs the Construction Manager to take care of a project. This form is located at G:\AllCompaniesInfo\Forms\Maintenance Work Order Form. Management should complete the work order and submit it to the Director of Restaurant Operations. The work order will then be given to the Construction Manager for a completion date, cost estimate if requested, and signature.

The Director of Restaurant Operations will work closely with the Construction Manager to ensure that projects are completed as requested, in a timely manner. The Director of Restaurant Operations is responsible for knowing what projects are being worked on and the anticipated completion date.

## **SOCIAL MEDIA**

Many team members have personal information on social community sites, such as YouTube, Facebook, Twitter, blogs, wiki, Linked In, and other forms of online publishing, discussion, or communication. This policy is designed to provide guidance for those team members when using such media. However, this policy will continually evolve as new technology and social networking tools emerge.

Team members should always be aware of the effect their actions may have on their image as well as the image of the Company. A simple guideline to follow is to avoid any use of social media that would be embarrassing if it became known to others at work or in the local community.

While it is a great forum for self-expression, it is important that all Team Members follow these guidelines:

- Team members are ultimately responsible for the content they post. Blogs and other forms of social media communications are individual interactions, not corporate communications. Team members utilizing social media should observe all laws and regulations as they can be held personally liable for their posts. For this reason, they should exercise caution and remember that the information may remain in cyberspace forever and can be used as evidence in court. Team members should use privacy settings when appropriate. Remember, the internet is immediate and nothing posted is ever truly private, nor does it expire.
- Team members may not engage in personal social media activities during work hours.
- A team member's confidentiality obligations extend to the team member's online activity. Do not post any financial, confidential, sensitive or proprietary information about the Company, any of its guests, co-workers, vendors, etc. If a team member is in doubt about whether he or she may disclose particular information, the team member should contact their manager, the PR Director, or Human Resources.
- Team members should respect the privacy of others both online and offline and not disclose personal details of others without permission, whether or not such information constitutes "confidential information".
- Official Company social networking sites are authorized and maintained only by the Company's designees. No other Team Member is authorized to create or maintain a social networking application site on behalf of or in representation of the Company.
- As with traditional media outlets and other communications vehicles, no Company Team Member is authorized to speak (represent, post, tweet, etc.)

on behalf of the Company other than officially designated Company representatives.

- The Company prohibits all forms of inappropriate workplace behavior, including but not limited to unlawful discrimination and harassment. If the Company becomes aware of inappropriate online activity, the company will investigate such conduct and respond in an appropriate and immediate manner. Any team member found to have violated any company policy may be subject to discipline, up to, and including termination, even if such conduct was engaged in after-hours or off premises.
- A team member should refrain from making comments that could reflect poorly on themselves or the Company. Social networking sites are not the forum for venting personal complaints about co-workers or the Company. If a team member has work-related complaints, they should address them with their manager or Human Resources. However, nothing in this policy is intended to limit or interfere with a team member's rights under the National Labor Relations Act.
- If a team member views unfavorable opinions, negative comments or criticism about themselves or the Company, they shouldn't try to have the post removed or send a written reply that will escalate the situation. They should notify their manager or Human Resources immediately.
- Team members should be aware that they are not anonymous when they make online comments. Information on networking profiles is published publicly. Even if they posted it anonymously or under a pseudonym, their identity can still be revealed.
- A team member is not required to be online "friends" with his or her manager, and a manager is not required to be online "friends" with his or her team members.
- Team members should exercise sound judgment and common sense, and remember if there is any doubt, DO NOT POST IT. If a team member thinks what they are about to post is inappropriate, then they shouldn't hit the "send" button. Remember, that what a person publishes belongs to them – as is the responsibility. So they should always be sure before they post.

If a team member believes this policy has been violated, the team member should report the violation to a manager or Human Resources. Misuse of social networking and/or failure to abide by the Company's Social Media Policy will result in disciplinary action, up to and including immediate termination of employment. Nothing in this or any other policy alters the at-will status of any team member's employment.



## **DRUGS AND ALCOHOL TESTING**

The Company is committed to providing a safe and healthy workplace for its team members. Team members are expected to be in a suitable mental and physical condition while at work, allowing them to perform their jobs effectively and safely.

Whenever use or abuse of any mood-altering substance (such as alcohol or other drugs) interferes with a safe workplace, appropriate action must be taken. The Company has no desire to intrude into its team members' personal lives. However, both on-the-job and off-the-job involvement with any mood-altering substances can have an impact on our workplace, the Company's interests and reputation, and on the Company's ability to achieve its objectives of safety and security. Team members are expected to report to the Company's premises, work sites, vehicles, client locations or customer work sites with no mood-altering substances in their body. Further, the possession, sale or use of mood-altering substances at work, or coming to work under the influence of such substances will be a violation of safe work practices and may result in disciplinary action, including possible termination.

All team members are prohibited from the unlawful use, sale, dispensing, distribution, possession, or manufacture of illegal drugs or alcoholic beverages on the Company's premises, work sites, vehicles, client locations or customer work sites or any time while working, including breaks. This includes when team members are in personal or Company vehicles while working. Team members will be subject to disciplinary action, up to and including termination, for violations of this Policy.

Any team member who is convicted or pleads guilty under any federal or state criminal drug and/or alcohol statute must notify their supervisor or human resources within five (5) days of the decision or plea, and may receive some form of disciplinary action, including termination. Failure to do so, will result in discipline up to and including termination.

An individual's proper use of prescription (controlled medications) and over-the-counter drugs as part of prescribed treatment by a licensed physician does not constitute a violation of this Policy. Any team member taking prescribed or over-the-counter medications will be responsible for consulting with the prescribing physician and/or pharmacist to ascertain whether the medication may interfere with the safe performance of his/her job. If the use of a medication could compromise the safety of the team member, fellow team members or the public, it is the team member's responsibility to use appropriate personnel procedures (e.g., notify supervisor, call in sick, use leave, request change of duty) to avoid unsafe workplace practices.

The Company may also search Company-owned property or premises used by the team members, as well as the personal effects of team members (to include clothing,

vehicles, containers, packs, purses, briefcases and the like) brought onto the Company's property. The Company may take into custody any illegal, unauthorized or prohibited items and may turn them over to the proper law enforcement agencies. Refusal to allow a search or interference with a search may result in disciplinary action, including possible termination.

### **Individuals Subject to Drug or Alcohol Testing**

All team members are subject to drug or alcohol testing and the provisions of this Policy.

### **Marijuana Use, Possession or Influence**

The Company prohibits all team members – including those with valid Oklahoma medical marijuana licenses – from using or possessing marijuana while on the Company's premises or during the hours of a team member's employment. This prohibition against marijuana use or possession applies to any of the Company's properties or work sites, including exterior areas, parking locations, personal vehicles or Company vehicles and during any hours of employment when a team member is performing work or providing services. The prohibition also applies to customer, client or other third-party locations or premises where a team member is performing work or providing services. If a team member's hours of employment include transportation or travel, then the prohibition against marijuana use or possession applies to that transportation or travel time.

The Company prohibits all team members – including those with valid Oklahoma medical marijuana licenses – from being under the influence of or impaired by marijuana during any hours of employment, regardless of location. A team member is under the influence or impaired when marijuana use adversely affects ability to perform a job, interact with others, exercise judgment and/or work safely.

Violation of this Policy may result in discipline up to and including termination. If you have any questions about this Policy or its application, please contact human resources.

### **Circumstances for Testing**

The circumstances under which the Company may request or require drug or alcohol testing are:

A. For-Cause Testing: Any time the Company reasonably believes an individual is under the influence of drugs or alcohol, the Company may require a drug or alcohol test. Circumstances causing the Company to require testing of an individual may include, but are not limited to:

1. Drugs or alcohol on or about the individual's person or an individual's vicinity;
2. Conduct on the individual's part that suggests impairment or influence of drugs or alcohol;
3. A report of drug or alcohol use while at work or on duty;
4. Negative performance patterns; or

5. Excessive or unexplained absenteeism or tardiness.

B. Post-Accident Testing: When involved in an on-the-job accident that results in damage to a vehicle or a citation to the team member under state or local law for moving violations, arising from the accident or when any vehicle requires towing from the accident scene, or any involved person requires treatment away from the accident scene. A team member in such an accident is required to report it to their supervisor and human resources as soon as they leave the scene of the accident. Failure to notify their supervisor and human resources may result in discipline up to and including termination. If a team member's conduct could have contributed to a vehicle accident while working which results in an injury to the team member or another person or damage to property, including damage to a vehicle or equipment, the team member may be required to undergo drug and or alcohol testing.

### **Substances Which May Be Tested**

Under this Policy, the Company shall test for drugs and alcohol, including marijuana.

### **Testing Methods and Collection Procedures**

A. Samples shall be collected and tested only by individuals deemed qualified by the State Department of Health and may be collected at the testing facility;

B. Only samples deemed appropriate by the State Department of Health for drug and alcohol testing shall be collected;

C. The collection of samples shall be performed under reasonable and sanitary conditions;

D. A sample shall be collected in sufficient quantity for splitting into two separate specimens, pursuant to rules of the State Board of Health, to provide for any subsequent independent analysis in the event of challenge of the test results of the main specimen;

E. Samples shall be collected and tested with due regard to the privacy of the individual being tested. In the instances of urinalysis, no employer or representative, agent or designee of the Company shall directly observe a team member in the process of producing a urine sample; provided, however, collection shall be in a manner reasonably calculated to prevent substitutions or interference with the collection or testing of reliable samples;

F. Sample collection shall be documented, and the documentation procedures shall include:

1. labeling of samples so as reasonably to preclude the probability of erroneous identification of test results, and

2. an opportunity for the team member to provide notification of any information which the team member considers relevant to the test, including identification of currently or recently used prescription or nonprescription drugs, or other relevant information;

G. Sample collection, storage, and transportation to the testing facility shall be performed so as to reasonably preclude the probability of sample contamination or adulteration;

H. Sample testing shall conform to scientifically accepted analytical methods

and procedures. Testing shall include confirmation of any positive test result by gas chromatography, gas chromatography-mass spectroscopy, or an equivalent scientifically accepted method of equal or greater accuracy as approved by Board rule, at the cutoff levels as determined by Board rule, before the result of any test may be used as a basis for any action by an employer pursuant to 40 O.S. § 562 of this act;

I. A written record of the chain of custody of the sample shall be maintained from the time of the collection of the sample until the sample is no longer required; and

J. The Company will use testing services and facilities which have been licensed by the State Department of Health to test for the presence of or abuse of drugs or alcohol.

### **Consequences for Violating the Testing Policy**

A. Refusal to be Tested: Any individual who refuses to submit to the Company's request for drug and/or alcohol testing or refuses to complete the required forms will be subject to termination from employment. Interfering with and/or failing to cooperate with the testing process will be treated as refusal to be tested.

B. Adulteration, Tampering or Manipulation of Samples: The actual or attempted tampering, adulteration and/or manipulation of drug and alcohol testing samples is prohibited. Any individual who attempts to alter, tamper or manipulate any testing samples will be subject to termination from employment.

C. Personnel Action Which May Be Taken as a Result of Violating the Policy or a Positive Test Result:

1. Any individual who violates this Policy regarding actual or intent to possession, consumption, use, transfer, solicitation or sale of illegal drugs, illegal possession or inappropriate or moderate use of alcohol or the abuse of prescription or over-the-counter drugs will be subject to disciplinary action, including but not limited to termination.

2. Any team member who tests positive will be subject to discipline up to and including termination. Discipline selected by the Company may depend on a variety of factors, including prior work record of the team member, the length of prior employment, the prior accident and attendance record of the team member, the team member's job duties, the circumstances which lead to the testing and the proposals by the team member to address the problem. A team member who has been afforded the opportunity to complete a program of rehabilitation or treatment, but who does not successfully complete the program will be subject to termination from employment.

3. An individual who receives a positive test for marijuana will be asked to demonstrate whether they have a valid Oklahoma medical marijuana license.

a. For team members with a valid medical marijuana license and who are not in safety-sensitive positions, no employment action will be based solely upon a positive test for marijuana components or metabolites.

b. Safety-sensitive positions: Team members who hold positions designated by the Company as safety-sensitive are subject to discipline up to and including termination if they test positive for marijuana

components or metabolites. These safety-sensitive prohibitions apply to team members who have valid Oklahoma medical marijuana licenses.

### **Confidential Explanation By Individual**

Any individual who receives a positive drug test result or has otherwise violated this Policy will be given an opportunity to offer an explanation, in confidence, to a representative of the Company.

### **Records**

Records of all drug and alcohol test results and related information are the property of the Company. However, upon written request, those test results and related information will be made available for inspection and copying to the individual tested. The drug and alcohol test results and related information will be treated as confidential and will be maintained separate from other personnel records. The Company will not release these records other than to the individual, or the Company's review officer, unless the individual has expressly and in writing granted permission for the Company to release such records, or in order to comply with or respond to a valid judicial or administrative order. The team member grants permission to the Company to release testing records and/or results for purposes of unemployment, Workers' Compensation and other employment-related legal actions.

The testing facility, or any agent, representative or designee of the facility, or any review officer, will not disclose to the Company, based on the analysis of a sample collected from an individual under this Policy, any information relating to the general health, pregnancy or other physical or mental condition of the individual. The testing facility will release the results of the drug or alcohol test, and any analysis and information related thereto, to the individual testing upon request.

### **Appeal Procedures**

Within 24 hours of receiving notice of a positive test, an individual may request a subsequent confirmation test of a sample. The individual shall pay all costs of the subsequent confirmation test, unless the subsequent confirmation test reverses the findings of the challenged positive test. In those cases where the confirmed test reverses the initial findings, the Company will reimburse the individual for the cost of the subsequent confirmation test.

An individual who is aggrieved by an alleged violation of the Oklahoma Standards for Workplace Drug and Alcohol Testing Act may file a civil action within one year of the alleged willful violation.

### **Changes to this Policy**

Any part of this Policy can be changed by the Company with ten (10) days written notice.

**Severability Clause**

If any part of this Policy is held invalid by a competent authority, such part shall be invalid, and the balance of the Policy shall continue to be valid and in full force and effect.

**NOTICE OF EMPLOYMENT AT-WILL STATUS**

THIS POLICY DOES NOT ALTER THE NATURE OF YOUR EMPLOYMENT. YOU HAVE THE RIGHT TO TERMINATE YOUR EMPLOYMENT AT ANY TIME, WITH OR WITHOUT CAUSE OR NOTICE AND ESKIMO JOE'S, INC., HAS THE SAME RIGHT. FURTHERMORE, YOUR STATUS AS AN AT-WILL TEAM MEMBER MAY NOT BE CHANGED EXCEPT IN WRITING SIGNED BY THE PRESIDENT OR CEO OF ESKIMO JOE'S, INC

---

DATE: March 1, 2010

POLICY: 325

## **GUEST INJURIES**

### INTRODUCTION:

The Company does consider making our facilities and products free of hazards a priority and continually evaluates them for improvement. We have a responsibility to make sure our facilities are safe for our guests and employees.

### POLICY:

In the event of an injury, management **must** react to the guest's injury ***immediately!*** If a guest calls about a possible food poisoning, fall, or other instance, it is imperative a manager take the call and deal with the situation ASAP!

### PROCEDURE:

When a guest reports an injury, we must show concern for what happened, without admitting we are liable for the accident.

It is very important to deal with the situation appropriately. Express concern for the guest, first and foremost. You may say something such as, "Oh my gosh, I am so sorry you are hurt". Do not try to assign blame to the guest or the company, At this point we want to make sure the guest is taken care of and understand that we are concerned about them.

On a blank piece of paper, write the information the guest gives you including their contact information, then let them know that we might like the opportunity to discuss the incident further.

If a guest calls to report an injury, etc. sustained at the Company, a manager should take the call immediately. If a manager is not readily available, the employee should take the customer's name and number and assure them that a manager will call back ASAP. At that time, the employee must find a manager or the Director of Restaurant Operations immediately and notify them to call the guest back ASAP.

**Remember, it is not appropriate for employees to discuss with co-workers the merits of the guest's complaint or how the injury occurred, outside of an investigation of the incident.**

If the incident has just occurred or the guest is present, make sure to get the guest's name and phone number. ***Immediately*** after the customer has gone, a manager must complete an **Incident Evaluation Form**. **Do not fill out the form with the customer present!** The guest should not even be made aware that the form exists. Once the form is completed, send it to the Assistant to the President at Stan Clark Companies, Inc. then, call and confirm receipt of the information.

A representative of the insurance company will be in contact with the manager that completes the form. The Assistant to the President will give a copy of the incident report to the Director of Restaurant Operations within 24 hours of the incident.

#### How to Handle a Call/Complaint of Food Poisoning

All calls concerning food poisoning should always be deferred to and taken by a manager. Any messages received on a complaint such as this should be handle immediately. First ask how they are feeling and always show empathy and concern. Then ask when they ate at the restaurant and what they had. Typically, they will give you all the information you need. Don't ask too many questions, but always show empathy and concern without admitting anything was done at the restaurant wrong. Tell them we will look into the products they had and get back with them. **Be sure to get a contact name and number.** All calls of this nature must be turned over to your GM for investigation. The Director of Restaurant Operations should be informed as well. The GM will handle the resolution of all food borne illness complaints.



## GUEST INCIDENT EVALUATION FORM

If there is an incident involving a guest, a Guest Incident Evaluation Form is to be completed by the Manager on duty. The manager will complete the form with information provided by any witnesses available.

1. This form is to be forwarded to Kendra Burtrum at the Corporate Office.
2. Kendra will file the incident with our insurance carrier.
3. The manager completing the form will be contacted by a representative of insurance company.
4. The guest will be contacted by a representative of the insurance company.
5. If you have questions concerning an incident you may call Kendra. You may give her phone number to the guest.

To Be Completed by Manager:

Name of company where incident occurred: \_\_\_\_\_

Street Address: \_\_\_\_\_ City/State: \_\_\_\_\_ Zip: \_\_\_\_\_

Manager completing form: \_\_\_\_\_ Incident Date/Time: \_\_\_\_\_

Telephone Number: Day: \_\_\_\_\_ Evening: \_\_\_\_\_

Name of Guest Involved in Incident: \_\_\_\_\_

Street Address: \_\_\_\_\_ City/State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone Number: Day: \_\_\_\_\_ Evening: \_\_\_\_\_

Reason for being on premises: (Dining, Shopping, service call, etc.) \_\_\_\_\_

What happened? (Describe incident, location in store, and any pertinent conditions):

\_\_\_\_\_

\_\_\_\_\_

Describe nature of injury, if any: \_\_\_\_\_

\_\_\_\_\_

Name of Witness to Incident: \_\_\_\_\_

Street Address: \_\_\_\_\_ City/State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone Number: Day: \_\_\_\_\_ Evening: \_\_\_\_\_

Name of Witness to Incident: \_\_\_\_\_

Street Address: \_\_\_\_\_ City/State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone Number: Day: \_\_\_\_\_ Evening: \_\_\_\_\_

DATE: March 1, 2010

POLICY: 326

## **STATE AND GOVERNMENT REGULATIONS**

---

POLICY:

It is our policy to work within the laws of the State of Oklahoma and the United States of America in providing quality service, product and value in our operations. In all ways that we are aware we will abide by such laws in dealings with our suppliers, employees and guests. Examples include Americans with Disabilities Act, Family and Medical Leave Act, Oklahoma Tax Commission and IRS rules and regulations regarding payments of tax.

We recognize that some of these laws are being refined and interpreted in the courts daily and will make every attempt to adjust our policies and procedures as needed to allow for changes in rules, regulations and laws.

## **WEAPONS**

### **INTRODUCTION:**

The Company strictly prohibits possession of weapons of any type by employees during working time or any Company-sponsored event or on Company property, except in a locked vehicle. This includes both visible and concealed weapons and those for which the owner has obtained the necessary governmental permits. While this list is not all encompassing, weapons are further defined to include firearms, knives, explosives or any other deadly weapon or object.

### **POLICY:**

Any employee who has knowledge that an employee, visitor or non-employee is in possession of a weapon on Company's property, or of any violation of this policy, should immediately notify his or her supervisor or any other member of management.

Possession of a concealed handgun permit does not allow you to bring a firearm or any other weapon on company property, except in a locked vehicle. Moreover, violators of this policy will be subject to termination and/or criminal prosecution.

## **USE OF COMPANY COMPUTERS**

---

### INTRODUCTION:

The intent of this policy is to ensure that all computer and network property maintained by the Company is kept in the best possible working condition and to ensure proper utilization and security of each device. The Company recognizes that use of “**electronic devices**”, (such as desktop computer, laptops, tablets, mobile and desktop phones, POS registers, etc.) have many benefits and can make workplace communication more efficient and effective. Therefore, team members are encouraged to use the electronic devices appropriately. Unacceptable use of these devices can place the Company and others at risk. This policy outlines the company’s guidelines for acceptable use of these devices.

### POLICY:

It is the responsibility of each employee to maintain his/her company electronic devices in an orderly fashion and follow all company guidelines to ensure its’ proper use and maintenance. All devices connecting to “**company resources**” (such as networks, bandwidth, Wi-Fi, email, software, company data, etc.) are governed by this policy. The Company has established the following guidelines for team member’s use of devices in an appropriate, ethical and professional manner.

1. In general, use of the company’s electronic devices and company resources should be job-related and not for personal convenience.
2. Employees may not use the Company’s resources to transmit, retrieve or store any communications or other content of a defamatory, discriminatory, harassing or pornographic nature. No messages with derogatory or inflammatory remarks about an individual’s race, age, disability, religion, national origin, physical attributes or sexual preference may be transmitted. Harassment of any kind is prohibited.
3. Disparaging, abusive, profane or offensive language; materials that might adversely or negatively reflect on the Company or be contrary to its legitimate business interests; and any illegal activities—including piracy, cracking, extortion, blackmail, copyright infringement and unauthorized access to any devices are forbidden.
4. Login information for the network and company software programs must be protected at all time and should not be disclosed to anyone else unless prior

written authority to do so is given by your supervisor, the IT Director, or Human Resources. Deliberately disclosing such information, for malicious or personal gain is subject to discipline up to and including termination.

5. Employees may not use the devices in a way that disrupts its use by others. This includes sending or receiving excessive numbers of large files and “spamming” (sending e-mail to thousands of users.) Along those same lines, do not use “reply all” unless everyone really needs the information.
6. Before gaining access to company resources all electronic devices must conform to the Company’s security policies. See **Company Security Policy #328A** for more details.
7. Every team member of the Company is responsible for the content of all text, audio or image files that he or she places or sends over the company’s resources. No electronic communications may be maliciously sent that hides the identity of the sender or represent the sender as someone else. The Company’s corporate identity is attached to all outgoing e-mail communications, which should reflect corporate values and appropriate workplace language and conduct.
8. E-mail and other electronic communications transmitted by Company equipment, systems and networks are not private or confidential, and they are the property of the company. Therefore, the Company reserves the right to examine, monitor and regulate e- mail and other electronic communications, directories, files and all other content, including internet use, transmitted by or stored in its technology systems, whether onsite or offsite.
9. All documents composed, modified, received and stored are and remain at all times the property of the company. They are not private property of any team member and may be searched with or without notice and/or permission at any time the Company deems appropriate.
10. Work files are to be grouped in an approved location. For more details see **“Computer Approved Storage Locations Policy #328B”** section of this policy. Additionally, team members should periodically clean out and purge emails and files located on these drives. Emails that haven’t been accessed in 24 months should be *(or will be automatically)* deleted. If you will need this email longer than 24 months you should save it on the company network.
11. Internal and external e-mail, voice mail, and text messages are considered business records and may be subject to discovery in the event of litigation. Employees must be aware of this possibility when communicating electronically within and outside the company.
12. Only company approved devices may access the company network. VPN access can only be installed on company equipment.
13. If a device that has access to Company resources, or is used to administer Company social media accounts, is lost or stolen, IT must be notified with 24 hours so that security may be implemented.

14. Only company approved devices may access the company network. VPN access can only be installed on company equipment.
15. If a device that has access to Company resources, or is used to administer Company social media accounts, is lost or stolen, IT must be notified with 24 hours so that security may be implemented.

If you have computer issues you should create an IT ticket. To do this you will send an email to [help.desk@quest411.com](mailto:help.desk@quest411.com) In the body of the email, explain what issue you are having and/or what assistance you would like from IT.

### **The Company's Right to monitor and Consequences for Misuse**

All company-supplied technology, including computer systems, Wi-Fi, internet, equipment and company-related work records, belongs to the Company and not to the team member. Team members understand the company routinely monitors use patterns, and team members should observe appropriate workplace discretion in their use and maintenance of such company property. Because all the company-supplied technology is the property of The Company, all company policies apply to their use and are in effect at all times. Any team member who abuses the company-provided access to e-mail, the internet, or other electronic communications or networks, including social media, may be denied future access, and, if appropriate, be subject to disciplinary action up to and including termination.

### **Questions Regarding the Use of the Company Technology**

If you have questions regarding the appropriate use of The Company supplied technology, including e-mail and the internet, please contact your supervisor, manager or the IT Director.

Should any employee have knowledge of any misuse, he/she must notify his/her supervisor, manager, Human Resources or the IT Director immediately. Any employee found in violation of this policy will be subject to discipline up to and including termination and illegal activities may result in prosecution by legal authorities. All employees that are provided access to a company computer are required to complete the Employee Acknowledgement Form.

## **USE OF COMPANY COMPUTERS EMPLOYEE ACKNOWLEDGEMENT**

I, \_\_\_\_\_, have read and fully understand Policy #328, Use of Company Computers, dated 05/1/16. I understand that my use of the Company computers and network constitutes full acceptance of the terms of this policy and agree to abide by this policy. I also understand that failure to follow this policy may result in a coaching form and/or discipline up to and including termination.

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_



## **COMPUTER SECURITY POLICY**

This policy describes a basic required security configuration and approved application list for devices used to receive, process, store, or transmit information related to the business of SCC.

### Security Configuration & Company Supported Apps for Personal Devices

1. Must prompt for password before using
  - a. Password must be changed every 6 months
2. Anti-virus software installed and up to date
  - a. IT will recommend good free antivirus/security product
3. Company Supported Applications For Personal Devices
  - a. Gmail
  - b. Chrome
  - c. Google Drive
  - d. Filemaker
  - e. MS Office
  - f. CTuit
  - g. Schedulefly
  - h. At Ease (Facilis)

### Loss of Personal Device Using Apps that Access Company Data

If you lose a personal device that has access to company data or manage a company's social media account you must inform IT within 24 hours so that appropriate steps can be taken to restrict your user account. This will prevent SCC data access by unauthorized parties.

### Approved Operating Systems (Company Provided & Personal Devices)

All devices (company provided and personal) that access company services must comply with the type and version requirements of the operating system list below. They must also comply with the approved application list for the specific platform being used. These are the approved operating systems:

1. MS Windows
2. OS X
3. iOS
4. Android
5. Linux

## 6. ChromeOS

### **Important Note Regarding Versions of Operating Systems**

For each approved operating system (Windows, OS X, iOS, Android, etc.) it is required that a company or personal device use the latest version, or one version older than the latest version, of that operating system.

#### **Examples:**

1. An Apple phone must use iOS 9 (latest as of Spring 2016), or iOS 8 (one version older as of Spring 2016).
2. An Android phone must use Android 6 (latest as of Spring 2016) or Android 5 (one version older as of Spring 2016).
3. A Macbook must use OS X 10.10 Yosemite (latest as of Spring 2016) or OS X 10.11 El Capitan (one version older as of Spring 2016).
4. A Windows PC must use Windows 10 (latest as of Spring 2016) or Windows 7. Window 7 is still approved and preferred over Windows 8 due to the usability problems associated with Windows 8 for our businesses.

#### **Expectations of Support for Personal Devices:**

SCC IT will not repair or troubleshoot hardware issues related to a personal device. SCC IT will not install, uninstall, or troubleshoot apps that aren't approved above or the operating systems on a personal device. SCC IT will not assist an employee with migrating data from one device to another. SCC IT will not provide data backups or security software (antivirus/anti-malware) for personal devices.

## **Security Configuration & Approved Apps for Company Provided Devices**

### **MS Windows 7+**

1. All vendor updates applied within a week of their release
2. Approved Antivirus solution installed and up to date
3. Windows firewall active with a deny all policy on public networks
4. Google Chrome set as default web browser
5. Password must be changed every 6 months

### **MS Windows Approved Applications**

1. Applications/drivers required for the proper functioning of the hardware in each PC
2. MS Office
3. Google Chrome & Drive
4. Filemaker
5. Staff Files
6. Quickbooks
7. CounterPoint
8. Putty
9. Org Chart Software
10. Door Security Software
11. Video Surveillance software (various from approved vendors)
12. Font Explorer
13. Adobe Creative Cloud Applications
14. Print drivers for SCC provided printers & copiers
15. OpenVPN
16. Sharpdesk
17. Aloha
18. SecureAccess
19. LogMeIn
20. AVG Antivirus
21. Vipre

### **Approved Web Applications**

1. Juvo Custom Applications
2. ScheduleFly
3. Google Apps
4. Wordpress
5. Drupal
6. Ctuit

## 7. Facilis

### **OS X 10.10+**

1. All vendor updates applied within a week of their release
2. Approved Antivirus solution installed and up to date
3. Firewall active with a deny all policy on public networks
4. Google Chrome set as default web browser
5. Password must be changed every 6 months

### **OS X Approved Applications**

1. Applications/drivers required for the proper functioning of the hardware in each PC
2. MS Office
3. Google Chrome & Drive
4. Filemaker
5. Staff Files
6. Quickbooks
7. CounterPoint
8. Putty
9. Org Chart Software
10. Door Security Software
11. Video Surveillance software (various from approved vendors)
12. Font Explorer
13. Adobe Creative Cloud Applications
14. Print drivers for SCC provided printers & copiers
15. OpenVPN
16. Sharpdesk
17. Aloha
18. SecureAccess
19. LogMeIn
20. AVG Antivirus
21. Vipre

### **Approved Web Applications**

1. Juvo Custom Applications
2. ScheduleFly
3. Google Apps
4. Wordpress
5. Drupal
6. Ctuit
7. Facilis

### **iOS 9+**

1. All vendor updates applied within a week of their release
2. Approved Antivirus solution installed and up to date
3. Firewall active with a deny all policy on public networks
4. Google Chrome set as default web browser
5. Password must be changed every 6 months

### **iOS 9 Approved Applications**

1. Applications/drivers required for the proper functioning of the hardware in each PC
2. MS Office
3. Google Chrome & Drive
4. Filemaker
5. CounterPoint
6. Video Surveillance software (various from approved vendors)
7. Font Explorer
8. Adobe Creative Cloud Applications
9. Print drivers for SCC provided printers & copiers
10. OpenVPN
11. LogMeIn
12. Vipre

### **Approved Web Applications**

1. Juvo Custom Applications
2. ScheduleFly
3. Google Apps
4. Wordpress
5. Drupal
6. Ctuit
7. Facilis

## **Android 5+**

1. All vendor updates applied within a week of their release
2. Approved Antivirus solution installed and up to date
3. Firewall active with a deny all policy on public networks
4. Google Chrome set as default web browser
5. Password must be changed every 6 months

## **Android 5+ Approved Applications**

1. Applications/drivers required for the proper functioning of the hardware in each PC
2. MS Office
3. Google Chrome & Drive
4. Filemaker
5. CounterPoint
6. Video Surveillance software (various from approved vendors)
7. Font Explorer
8. Adobe Creative Cloud Applications
9. Print drivers for SCC provided printers & copiers
10. OpenVPN
11. LogMeIn
12. Vipre
13. Customer Survey Application for Restaurants

## **Approved Web Applications**

1. Juvo Custom Applications
2. ScheduleFly
3. Google Apps
4. Wordpress
5. Drupal
6. Ctuit
7. Facilis

## **ChromeOS**

1. All vendor updates applied within a week of their release
2. Firewall active with a deny all policy on public networks
3. Google Chrome set as default web browser
4. Password must be changed every 6 months

## **ChromeOS Approved Applications**

1. Applications/drivers required for the proper functioning of the hardware in

- each PC
- 2. MS Office
- 3. Google Chrome & Drive
- 4. Filemaker
- 5. CounterPoint
- 6. Video Surveillance software (various from approved vendors)
- 7. Font Explorer
- 8. Adobe Creative Cloud Applications
- 9. Print drivers for SCC provided printers & copiers
- 10. OpenVPN
- 11. LogMeIn
- 12. Vipre
- 13. Customer Survey Application for Restaurants

### **Approved Web Applications**

- 1. Juvo Custom Applications
- 2. ScheduleFly
- 3. Google Apps
- 4. Wordpress
- 5. Drupal
- 6. Ctuit
- 7. Facilis

## COMPUTER APPROVED STORAGE LOCATIONS

### Approved locations for the storage of specific types of company files:

This table uses a classification system for files described as follows:

1. **Sensitive:** Files containing SSNs, credit card numbers, or medical information about individuals. This category would include any files governed by US Law including but not limited to FERPA, HIPAA, PCI-DSS, and performance reviews. Files containing financial information pertaining to individuals as well as any file that contains a password to any SCC computer system or server, GL and balance sheets, income statements or vector art files. Also, finished client art files that hasn't been used in 30 days.
  
2. **General:** Files containing company revenue or expense information, depreciation schedules, parts of financial statements (but not whole picture), Working art files that are currently being used (w/i 30 days) and all other files. Web quality pictures and files that are used for social media.

Type Of File	G, S, Art, Drives (Inhouse Server)	Google Drive	Gmail	One Drive	C Drive Desktop Downloads file
Sensitive	Yes	No	No	No	No
General	Yes	Yes	Yes	Yes	No

No Company files in Dropbox or personal OneDrive accounts at any time. Evernote by permission



DATE: March 15, 2014

POLICY: 329

## **USE OF JC, SCC, AND EJPPG VEHICLES**

---

### POLICY:

Stan Clark Companies (SCC) vehicles may be used on occasion for company business as a part of our management service contract with them for out of town travel and occasional business use as needed to fulfill the duties of team member's jobs. In addition, if there is not a suitable SCC vehicle available, Eskimo Joe's Clothes ("JC") or Eskimo Joe's Promotional Products Group, Inc. ("EJPPG") vehicles can be rented as well.

### Reserving a vehicle:

SCC – Contact the Assistant to the Founder and CEO during office hours (Monday – Friday 8 am – 5 pm)

JC – Contact the Call Center during business hours (Monday – Saturday 9 am – 9 pm and Sunday 11 am – 8 pm.).

EJPPG - Contact the Production Manager during office hours (Monday – Friday 8 am – 5 pm)

Scheduling and completing paperwork in advance, with at least one day's notice is encouraged, especially when needing a vehicle before these offices open. When scheduling be sure to let them know if you will need all the seats in the vans. On the day of pickup, you must arrive a few minutes early to complete paperwork. All drivers must have a current driver's license, be at least 18 years of age and have a current "Driving History Questionnaire" and a signed "Vehicle Use Agreement" on file prior to using any vehicle. A copy of a rental agreement will need to be completed for a JC or EJPPG vehicle. A copy of each form is located at g:\All Companies Info\Forms. A good driving record is defined as no Type A violations and less than 3 Type B violations in the last three years. Management team members are required to notify their supervisor and the Assistant to the Founder and CEO if they receive a Type A or B violation. Furthermore, the company would have the legal right to check their driving record with any governmental motor vehicle authority at any time. Keys should be picked up and signed for from the office scheduling the vehicle. You will be held responsible for those keys until they are returned. There will be a charge to anyone losing a set of keys. This charge will be the cost of a replacement key or the cost of re-keying the vehicle.

### TYPE A VIOLATIONS:

- Driving under the influence of alcohol or drugs
- Refusing to take a substance test
- Driving with an open container (alcohol)
- Reckless driving or careless driving
- Hit and run
- Fleeing or evading police or roadblock
- Racing/speed contest
- Driving on suspended or revoked license
- Vehicular assault

### TYPE B VIOLATIONS:

- Moving violations that include:
  - Speeding
  - Improper lane change
  - Failure to yield
  - Failure to obey traffic signal or sign
- Accidents
- Having a license suspended in past related to moving violations

When you return the vehicle, it should be returned with a full tank of gas, exceptions to this would be made for short runs, i.e. less than 10 miles. There is a Phil Fleet credit card in each vehicle that may be used at all OnCue locations as well as other gas stations across the state, however a PIN number is required. A PIN number may be obtained from Accounting in the Corporate Office.

In addition, fuel/oil purchases can be charged to a company or personal credit card or charged to the company account at Boyer's 66 (6th and Main).

This account is under the name of Stan Clark Companies, Inc. When signing a ticket for gas, please sign your name legibly **and** note a purpose for your trip, then turn the charge ticket in with the vehicle keys.

Any maintenance needs that you become aware of while using a vehicle should be reported when returning the keys.

Always remove everything from the vehicles (this includes your trash). Never leave things in the vehicles on the assumption that the vehicles won't be used until you come back to get your things out.

Vehicles are to be returned to their designated parking locations.

Insurance verification forms and a registration form are kept in the dash pocket of the vans and in the glove box of the cars.

Keys to the vehicles should be returned immediately after you are finished with the vehicle unless you return after 5:00PM or on a weekend. If returning after hours, keys should be placed in the mailbox on the East side of the corporate office unless alternate arrangements have been made. Keys to the JC vehicles should be returned immediately after you are finished with the vehicle unless you return after 9:00PM or on a weekend. If returning after hours, keys should be returned in the morning of the next business day unless alternate arrangements have been made. Don't leave keys on the desk in the office for someone to get later. You are responsible for the set of keys and you must return them to the person scheduling the rental.

**Note:** Before taking a SCC, JC, or EJPPG vehicle overnight, please check to make sure the **renting company is aware** of your expected return time and that extra vehicles are available for others to use.

CONFIDENTIAL Driving History Questionnaire

Name \_\_\_\_\_ Company \_\_\_\_\_

1. Do you have a current valid United States Driver's License? YES \_\_\_\_\_ NO \_\_\_\_\_

2. DRIVER LICENSE # \_\_\_\_\_ State \_\_\_\_\_

Date Of Birth \_\_\_\_/\_\_\_\_/\_\_\_\_

Expiration Date \_\_\_\_/\_\_\_\_/\_\_\_\_ Verified \_\_\_\_\_ by \_\_\_\_\_

3. Is your license now revoked or suspended? YES \_\_\_\_\_ NO \_\_\_\_\_

Why? \_\_\_\_\_

4. Have you been charged with any Type A or Type B violations in the last three years?

YES \_\_\_\_\_ NO \_\_\_\_\_

If yes, please list them all below:

<u>DATE</u>	<u>CITY/STATE</u>	<u>DESCRIPTION</u>

TYPE A VIOLATIONS:

- Driving under the influence of alcohol or drugs
- Refusing to take a substance test
- Driving with an open container (alcohol)
- Reckless driving or careless driving
- Hit and run
- Fleeing or evading police or roadblock
- Racing/speed contest
- Driving on suspended or revoked license
- Vehicular assault

TYPE B VIOLATIONS:

- Moving violations that include:
  - Speeding
  - Improper lane change
  - Failure to yield
  - Failure to obey traffic signal or sign
- Accidents
- Having a license suspended related to moving violations

You are required to notify your immediate supervisor and the Assistant to the Founder and CEO, within 24 hours, if your license is revoked or suspended for any reason.

This authorization and consent for release of personal information acknowledges that Stan Clark Cos., Inc. (Hereafter referred to as "Company") and/or its agent, Investigative Concepts, Inc., may now, or at any time while I am employed by this Company, conduct investigations whether the records are of a public, private or confidential nature. These investigations might include, but are not limited to, state driving records; criminal history information on file in local, state or federal agencies; and motor vehicle records.

I understand that these searches will be used to determine work assignment or employment eligibility under the Company's employment policies. Therefore, I authorize and consent for full release of records (either orally or in writing) to the authorized representatives of the Company. In addition, I release and discharge the Company and its agent and associates to the full extent permitted by law from any claims, damages, losses, liabilities, costs expenses or any other charge or complaint filed with any agency arising from retrieving and reporting this information. After reading this document, I fully understand its contents and authorize the verification.

The undersigned certifies that all information provided above is correct and truthful. Any falsification of information or failure to comply with the mandatory regulations may result in disciplinary action, up to and including termination.

---

**APPLICANT'S SIGNATURE**

---

**DATE**

## COMPANY VEHICLE USE AGREEMENT AND REGULATIONS

1. Any Driver of a Company vehicle shall at all times be in possession of a valid United States driver's license. Licenses suspended or revoked for any reason shall be reported to the driver's immediate supervisor and the Assistant to the Founder and CEO.
2. Non-authorized use of Company vehicles is prohibited.
3. The number of passengers may not exceed the number of seat belts.
4. The driver assumes full responsibility for any fines resulting from traffic or parking violations arising out of the use the vehicle.
5. Transporting hitchhikers or other non-authorized passengers is not permitted at any time.
6. No tobacco use is allowed in Company vehicles (this includes e-cigarettes with or w/o tobacco).
7. The vehicle ignition must be off and vehicle locked when unattended.
8. Driving is not permitted while under the influence of alcohol or drugs.
9. Drivers and all passengers are required to wear seat belts in Company vehicles.
10. Consideration of turning off the passenger side air bag shall only be made when a child is riding in the passenger front seat, and must be reengaged before returning the vehicle.
11. Drivers must abide by all traffic rules and regulations, included speed limits.
12. For safety reasons, the vehicle shall not be used to push, propel, or tow another vehicle(s) and installation of any and all luggage racks or other items on the vehicle roof is prohibited.
13. Because of driver fatigue, drivers shall not drive more than four hours without stopping for rest, nor exceed more than fifteen hours driving in any twenty-four hour period.
14. An alert alternate driver is required for any and all late night driving.
15. In the event of damage to the vehicle and/or any other vehicles due to collision it is the driver's responsibility to notify their immediate supervisor and the Assistant to the Founder and CEO as soon as reasonably possible, but no later than 2 hours after the accident. The driver must also obtain a copy of the Police Report for the Company.
16. The vehicle shall not be used to carry passengers or property for hire.
17. The vehicle shall not be used for carrying passengers other than in the interior or cab of the vehicle.
18. The vehicle shall not be used for any race or competition.
19. The vehicle shall not be used for any illegal purpose.
20. Authorized drivers shall not operate said vehicle in a negligent manner.
21. Use of cell phones, and other electronic devices, while driving should be kept to a minimum. Drivers need to be aware when use of such device is creating a distraction from safe driving and adjust their usage accordingly, including pulling off the road to a safe location to continue/finish the conversation or task if needed. Whenever possible, Drivers should complete calls while the vehicle is parked and/or use the phone in a "hands free" mode via a headset or speaker. While driving, attention to the road and safety should always take precedence over conducting business over the phone.
22. Reading and/or sending texts and/or emails while driving is prohibited.

### ADVISORY PRECAUTIONS:

1. Reduce speed below posted limits when roads are wet or slippery.
2. Use turn signals for every turn or lane change.
3. Exercise extra caution when backing up.

**I have read the Vehicle Use Agreement and Regulations and agree to comply with all requirements and regulations.**

\_\_\_\_\_  
**APPLICANT'S SIGNATURE**

\_\_\_\_\_  
**DATE**

## **PERSONAL VEHICLES ON COMPANY BUSINESS**

### **INTRODUCTION:**

The intent of this policy is to ensure that all team members understand the requirements and duties regarding driving their personal vehicles on company business.

### **POLICY:**

Management team members are expected to drive their personal vehicle for local company business as part of their job duties. If a manager does not feel comfortable with accepting this additional duty, they should notify their supervisor so that a replacement driver can be assigned, unless driving is an essential job function for that position. In addition, Stan Clark Companies maintains a fleet of company vehicles for out of town business, as well as, certain job specific job duties such as catering. All team members when traveling on company business must wear seatbelts. Cell phone use while driving should be kept to a minimum. Drivers need to be aware when use of the cell phone is creating a distraction from safe driving and adjust their usage accordingly, including pulling off the road to a safe location to continue/finish the conversation if needed. Whenever possible, drivers should complete calls while the vehicle is parked and/or use the phone in a "hands free" mode via a headset or speaker. While driving, attention to the road and safety should always take precedence over conducting business over the phone. Reading and/or sending texts and/or emails while driving is prohibited. Team members must have a valid driver's license and current auto insurance to operate a personal vehicle while on company business. In addition, team members are expected to drive in a safe and responsible manner and maintain a good driving record. A good driving record is defined as no Type A violations within the last 3 years and/or less than 3 Type B violations in the last three years. Management team members are required to notify their supervisor and the Assistant to the Founder and CEO if they receive a Type A or B violation. Furthermore, the company would have the legal right to check their driving record with any governmental motor vehicle authority at any time. Any team member averaging at least 25 miles per week would need to annually complete a Driving History Questionnaire and have the company check their MVR records. Note any fines incurred as a result of driving or parking violations while on company business will not be reimbursed.

### **TYPE A VIOLATIONS:**

- Driving under the influence of alcohol or drugs
- Refusing to take a substance test
- Driving with an open container (alcohol)
- Reckless driving or careless driving
- Hit and run
- Fleeing or evading police or roadblock
- Racing/speed contest
- Driving on suspended or revoked license

- Vehicular assault

#### TYPE B VIOLATIONS:

- Moving violations that include:
  - Speeding
  - Improper lane change
  - Failure to yield
  - Failure to obey traffic signal or sign
- Accidents
- Having a license suspended in past related to moving violations

#### MILEAGE:

Personal vehicle mileage will be reimbursed at 80 percent of the IRS standard rate, currently \$0.56 cents a mile. This is intended to repay team members for their expenses in operating the vehicle including the cost of gas, oil, tires, depreciation, maintenance and the cost of insurance. Mileage can be accumulated prior to submitting for reimbursement until at least \$25.00 is accumulated, however, forms must be submitted to the corporate office no later than two weeks following the end of the calendar quarter (January 15, April 15, July 15, October 15), in order to be reimbursed.

#### LIABILITY:

We require that all team members who drive personal vehicles on company business carry at least the state minimum 25/50/25 of liability protection. The purchase of “comprehensive” and collision insurance is at the team member’s discretion. We encourage team members to check with their carrier to make sure there are no exclusions eliminating coverage when driving for business purposes.

Remember, the auto insurance that a team member purchases are what will protect them on or off company time. The Company’s automobile insurance policy provides no physical damage coverage through the company on a personal vehicle. Team members are responsible for the deductible portion of the personal collision coverage and they are responsible for any increased personal automobile insurance premiums as a result of an accident. Team member’s liability insurance card received from their insurance agent needs to be in their possession when using a personal vehicle for company business.

#### PASSENGERS:

Passengers are generally limited to those individuals who need to ride in the vehicle to conduct company business, such as other team members, vendor representatives, etc. Passengers who are also company team members on official business may receive workers’ compensation coverage; however, the driver’s personal insurance would still provide primary coverage for injuries and liability to the passengers.

#### ACCIDENT:

If a team member is involved in an accident while driving on company business they must notify their supervisor as soon as reasonably possible, but not longer than 2 hours



after an accident. They must submit a copy of the police report, if any, for review and the team member may be taken for a drug and alcohol test.