

**Ponte's Diner**

**EMPLOYEE HANDBOOK**

*Created by Jacob Monty, The Monty Law firm  
Specializing in Labor and Employment Law  
Edited by Glen Garey, General Counsel  
Texas Restaurant Association*

## **WELCOME TO Ponte's Diner**

As a member of the Ponte's Diner's team, you are an important part of a Company highly dedicated to serving its customers. Our success in maintaining the high quality our customers have come to expect is only possible because of people like you and your fellow employees.

Because you are important to this restaurant's continued success, we want you to be completely familiar with your job responsibilities in your workplace as well as the wage and benefit package you are entitled to as an employee of Ponte's Diner.

This handbook is yours to keep. It is intended to apply to all employees of Ponte's Diner. It includes useful information about Ponte's Diner's policies, employee benefits, wages, safety requirements, work rules and more. If you have a question concerning the material in this handbook or any work-related question not covered in this handbook, we encourage you to consult your Supervisor.

This handbook is intended only for the purpose of fostering a better work atmosphere and should not be construed in any way to create an express or implied contract of employment between Ponte's Diner and its employees. The policies, practices, and procedures set forth in this employee handbook are guidelines for our employees. Ponte's Diner makes no promise of any kind in this employee handbook regarding working conditions, continued employment, or any other issue. Ponte's Diner may revise, delete, or supplement any policy, practice, or procedure in this handbook at any time in its sole discretion.

## **EQUAL OPPORTUNITY**

Ponte's Diner is an equal opportunity employer. Applicants and employees will be considered equally unless there is an occupational skill required, or a disability prevents the applicant or employee from performing an essential function of the job, with or without reasonable accommodation, or from performing the job in a safe manner.

## **NO HARASSMENT POLICY**

It is the policy of Ponte's Diner that it will not tolerate harassment of our employees. The term "harassment" includes, but is not limited to, slurs, jokes, and other verbal, graphic or physical conduct relating to an individual's race, color, sex, religion, national origin, citizenship, sexual orientation, age or disability. "Harassment" also includes sexual advances, requests for sexual favors, unwelcome, or offensive touching and other verbal, graphic, or physical conduct of a sexual nature.

If you feel you are being harassed in any way by another employee, or by a customer or vendor, or anyone with whom you come in contact during your work, you should make your feelings known immediately. You may report harassment to your supervisor or any member of management. There is no single person to whom you have to report your complaint.

Harassment is unequivocally prohibited when:

- *Submission to the conduct is made either an explicit or implicit condition of employment;*
- *Submission to or rejection of the conduct is used as the basis for an employment decision affecting the harassed employee; or*
- *The harassment substantially interferes with an employee's work performance or creates an intimidating, hostile or offensive work environment.*

Rest assured that you will not be penalized in any way for reporting harassment concerning yourself or any other person. Ponte's Diner will take immediate action to punish anyone who seeks reprisal because of harassment being reported.

All harassment complaints will be thoroughly investigated, and when appropriate, corrective action, including disciplinary action, will be taken. We consider harassment to be a major offense, which can result in the suspension or discharge of an offender.

Do not assume that Ponte's Diner is aware of your problem. It is your responsibility to make known your complaints and concerns so that they may be resolved. If you have reported harassment and are dissatisfied in any way with the action taken, immediately report your dissatisfaction to a higher authority.

## **HOURS OF WORK**

It is Ponte's Diner's policy to establish working hours as required by work load and production flow. There are different jobs in Ponte's Diner requiring different hours of work. An employee's work schedule will depend on the task(s) to which he or she is assigned.

Overtime may be scheduled when approved by a supervisor. The use of overtime will be limited to that absolutely essential for job accomplishment. Overtime will be paid in excess of forty hours per week at one and one-half times the employee's hourly rate of the job.

The work week begins on Tuesday. Rest breaks are considered as time worked but lunch periods are not. Employees are not permitted to work before their scheduled starting time or continue to work after their normal quitting time without the prior approval of the supervisor.

## **PAYROLL CHECKS DISTRIBUTION POLICY**

Checks are issued by your immediate supervisor Weekly.

Checks will not be issued to employees other than those whose name appears on the check unless written authorization with identification is provided.

## **ATTENDANCE POLICY**

All employees are expected to arrive on time, ready to work, every day. If you are unable to arrive at work on time, or must be absent for an entire day, you must contact your supervisor as soon as possible but no later than TWO hours before your shift starts. Leaving a message with a co-worker is **not** acceptable. Excessive absenteeism (excused or unexcused) or tardiness will result in discipline up to and including termination. Employees are not eligible for any sick leave pay on termination. A Doctor's note may be required to approve your absence and for you to return to work.

## **MILITARY LEAVE**

Any employee enlisting or entering the military service of the United States, pursuant to the provisions of the Uniformed Services Employment and Re-employment Act, as amended, will be granted all rights and privileges provided by the Act.

## **JURY DUTY**

Employees will be allowed unpaid leave to serve on jury duty. Employees must notify their supervisor when summoned for jury duty. Employees are expected to keep their supervisor informed as to the expected length of service on the jury and to be available for return to work at the conclusion of the trial.

## **FAMILY AND MEDICAL LEAVE**

Under Federal law, eligible employees may take up to 12 weeks of unpaid family and medical leave within any 12-month period and then be restored to the same or equivalent position upon the return to Ponte's Diner. To be eligible, the employee must have been employed for at least 12 months and have worked 1,250 hours during the 12-month period immediately preceding the commencement of the leave period. Employees may take family and medical leave for: (1) the birth or adoption of a child of the employee, (2) caring for a spouse, child, or parent with a serious health condition, and (3) a serious health condition of the employee.

Any leave of absence that is granted to an employee under this policy or any other policy for the purpose specified about shall be credited against the 12-week limit contained in this policy if and to the extent permitted by state and federal laws. If family medical leave is granted, any available vacation may be used as part of your family and medical leave. Any portion of the leave that is used after all vacation is exhausted shall be without pay, unless otherwise specified.

If your need for general medical leave is foreseeable, you must give 30 days prior written notice. If the need is not foreseeable, you must give as much notice as possible. All leaves of absence should be requested through your immediate manager and you are required to provide medical certification from a healthcare provider if you are requesting a leave because of your own serious health condition or to care for a covered relative with a serious health condition. Failure to provide a satisfactory medical condition may result in the denial or delay of a leave request. In addition, if you take leave because of your own serious health condition, you are required to provide medical certification that you are able to resume work before you return.

## **PERSONAL LEAVES OF ABSENCE**

All requests for a personal leave of absence must be in writing and include the reason for the absence and the amount of time requested. All requests must be submitted with sufficient lead-time for approval prior to your leave of absence. Employees on leave of absence will not be eligible for any pay or Company-provided benefits. Personal leaves of absence are not encouraged and will be considered only in unusual or emergency situations. No personal leave of absence for non-medical or non-disability reasons may exceed thirty (30) calendar days or the maximum number of days permitted under any applicable state or federal law, whichever is greater. Employees may take a personal leave for the death of an immediate family member, not to exceed three days. All personal leaves of absence are subject to approval by the employee's supervisor.

## **RETURNING FROM A LEAVE OF ABSENCE**

Any employee who fails to return to work at the expiration of a personal leave of absence will be deemed to have abandoned their job, unless Ponte's Diner is notified of a reason, satisfactory to management, for not returning to work at the end of the leave of absence.

## **AUTHORIZATION FOR ABSENCE**

Employees must call their immediate supervisor four hours before you are scheduled to work if you will not be in or will be late for work.

To return to work from an accident, illness or medical leave, a doctor's release may be required.

## **WORK RULES**

Violation of any of the following rules will subject an employee to discipline, which may include written warning, suspension, or discharge. The gravity of the offense and extenuating circumstances will be considered by Ponte's Diner in determining the appropriate penalty, if any.

Disciplinary action for any of the following may consist of:

- a. Oral reprimand
  - b. Written reprimand
  - c. Termination
1. Failure to observe Ponte's Diner's rules for traffic on Company property.
2. Possession/use of a personal cellular phone while on Company time.
3. Smoking while on Company time.
4. Use of foul and abusive language.
5. Creating or contributing to unsanitary conditions on Company premises.
6. Stopping work before breaktime, lunchtime, or quitting time, or repeated tardiness or absence.
7. Habitual failure to punch in or out.
8. Personal work on Company time.
9. Carelessness, resulting in damage, destruction, or delay to work in progress, materials or Company property, tools, equipment or the property of other employees.
10. Disregard of safety rules and common safety practices.
11. Engaging in dishonest acts or conduct that appears to be dishonest.
12. Personal conduct at work that is dangerous to others.
13. Repeated productivity and workmanship not up to standard.
14. Failure to notify supervisor prior to being late or absent. Excessive or consistent absenteeism or tardiness.
15. Not recording sales of Company product properly.
16. Reporting to work while under the influence of alcohol or drugs.
17. Unauthorized operation, repair of or attempt to repair machines, tools, or equipment.

18. Sleeping during working hours.
19. Unauthorized personal use of a Company vehicle or other Company property.
20. Disorderly conduct or causing a disturbance on Company property.
21. Threatening or intimidating fellow employees.
22. Stealing private or Company property.
23. Gambling on Company property.
24. Deliberate destruction or abuse of Company or other employee's property.
25. Processing, consuming, or distributing alcoholic beverages or controlled substances while on Company property.
26. Reporting incorrect hours of work or reporting incorrect tip income.
27. Intimidation or harassment of employees. Any employee who experiences conduct of this sort must bring it to the attention of management.
28. Deliberately restricting production or abandoning the job.
29. Two consecutive unexcused absences without notification will be considered as job abandonment.
30. Possession of weapons, explosives, or other dangerous items on Company premises without notification.
31. Falsification of employment application or falsifying other Company records.
32. Insubordination. Refusal to obey orders or supervision or refusal to perform job assignment.
33. Leaving Company premises without permission while on duty.
34. Misuse or alteration of containers or their contents.
35. Posting, altering, or removing any material on bulletin boards or on other Company property.
36. Improper use of Company communications equipment such as radios, intercom, speaker systems, computer systems, or telephones.
37. Violation of any safety regulation, including sanitation food safety regulations.
38. Violation of any security procedure.

#### **ALCOHOL SERVICE POLICY**

It is Ponte's Diner's policy that no minor or intoxicated person shall be served. Employees who willfully violate this policy will be terminated immediately. Any employee who negligently serves a minor or an intoxicated person will be counseled on proper service technique and will be terminated on the second violation of this policy.

Employees must card anyone ordering an alcoholic beverage who does not appear to be well over the age of 30. When attempting to illegally purchase alcohol, minors usually exhibit behavior that should be easily identifiable by the astute server or seller. As with anyone who is attempting a dishonest act, minors may: appear anxious or nervous; stutter, stammer or confuse their words; avoid eye contact with the seller; appear overly anxious or inappropriately.

While serving alcohol to your customers, you should take reasonable precautions. Taking steps to prevent alcohol abuse in your establishment can help protect the public from harm and keep you from being named in a liquor liability suit.

As an alcohol server, you should know the laws and regulations concerning the serving and consumption of alcohol within a licensed premises. Serving under-aged and intoxicated persons is unlawful and can have criminal penalties. Furthermore, if an intoxicated person, after leaving your establishment, should be involved in an accident the injured parties may file a lawsuit against you. Follow some simple guidelines when serving alcohol and prevent this from happening to you.

One method for safe alcohol service follows the same basic sequence of a traffic signal. The levels of intoxication are organized into red, yellow and green colors.

GREEN = GO. Everything seems normal; it is OK for this customer to drink at a safe pace.

YELLOW = CAUTION The customer is showing signs that the alcohol is beginning to affect them.

RED = STOP The customer is obviously intoxicated and no alcohol should be served.

If you observe a customer reaching the YELLOW level, you need to take steps so they don't reach the RED level. The following are some steps you may take when a customer is in the YELLOW zone.

- Refill their glass at a slower rate.
- Serve one drink at a time; don't bring two or three drinks at once to a single person.
- Offer or suggest the sale of protein food or appetizers. Do not offer coffee or other caffeinated drink; this may cover the true extent of the patron's intoxication.
- Suggest low alcohol content or filling drinks such as ice cream drinks.
- Serve water or fruit juices with all straight drinks.

Despite all your good efforts, a customer may become intoxicated and should not be served additional alcohol. When a customer reaches the RED level, every effort should be made to stop alcohol service. Here are some suggestions to use when "cutting off" a customer.

- Avoid a confrontation.
- Do not attempt any physical confrontation.
- Make the manager and all personnel aware of the problem.
- Bring menus to the table or casually suggest an appetizer.
- Suggest an alternative form of transportation. If the patron insists on driving, report this to your supervisor at once.

## **EMPLOYEE EATING SCHEDULE**

Employees who are working can purchase a meal at half of the menu price. All orders should be placed with a host or manager at the front of the restaurant. Before you eat a ticket must be in the register, signed, and either charged or paid for. Failure to do this will be considered stealing. When eating you must sit in a closed section not easily viewed by a customer. If there are no closed sections, choose a table that is unobtrusive and out of the way.

These mealtimes are non-negotiable.

- 6-2: You may eat at half-price immediately before you punch in or immediately after you punch out.
- 11-2: You may eat at half-price immediately before you punch in or immediately after you punch out.
- 11-5: You may eat anytime after 3:30 while on the clock when business permits.
- 2-10: You may eat immediately before you punch in or immediately after you punch out, before 5:00 P.M. if business permits, or after 9:00 P.M.
- 11-10: You may eat at the same times listed for the 2-10 shift.
- 5-10: You may eat immediately before you punch in or immediately after you punch out.

The Manager on duty MUST O.K. all eating times.

## **APPEARANCE, DRESS AND HYGIENE POLICY**

Employees should dress properly for the job. Loose clothing and jewelry are dangerous while working. You should be fully dressed and ready to work when you walk in the door. You will not be allowed to apply makeup or fix wet hair once you enter the building. Also, you should not remove your uniform until you are off Sam's property.

It is the policy of Ponte's Diner that employees always wear closed toe shoes and no high heels while working in or passing through the production area. It is the objective of this policy that NO employee be injured due to the wearing of sandals and high heels of any type. Employees who work in the general office areas may wear shoes of any type, however, when entering a production area, they must comply with the policy. All shoes should be neat and clean.

While personal hygiene is critical for being presentable to guests; it is imperative for the protection of their health. Employees must bathe and brush their teeth before reporting to work, have their fingernails clipped, clean, and free from polish, and keep their hair clean, neat, and worn in such a way as to avoid food contamination. Facial hair should be kept neat and well-trimmed.

You can wear ONE ring of a plain band type, no stones or ornamentation. Bracelets and watches are not allowed as per Texas health code. The only visible piercings we allow are earrings, small nostril studs (under 2 mm in size), and septum piercings. Large gauges are not allowed. You will be asked to remove any additional piercings before starting to work.

Perfume, strongly scented deodorants, scented hairspray, or excessively strong-smelling lotions are not allowed. You should not have a strong odor while at work.



Any person with hair longer than the top of your collar must wear it pulled back and fastened with a clip or hair band. Also, if your hair is continuously falling into your face where it is a nuisance you must keep it pinned back. Colored hair is allowed as long as it is professionally done and is kept neat and clean. Any hair that is starting to look unkempt, faded, or dirty may result in you being sent home and written up.

Excessive, offensive, or vulgar tattoos are not allowed. All tattoos must be professionally done and kept covered until completely healed. Visible body scarification, dermal piercings, and body modifications are prohibited. Tattoos anywhere above your shoulders are not allowed.

Your job title will determine the type of clothing you must wear. All clothing should be clean and wrinkle free. Also, all appropriate undergarments must be worn at all times. Below is a list of jobs and their clothing:

**HOST:** Hosts must wear denim jeans without holes and a company shirt (that is issued to you). Your pants must be loose fitting straight leg or boot cut. Your shirt should be tucked into your pants and a belt worn. Your belt should be black or brown and plain – no large or ornate buckles. Shoes should be clean nonskid SHOES FOR CREWS OR another approved brand of skid resistant shoes.

**SERVERS:** Servers must wear denim jeans without holes and a company shirt (that is issued to you). Over that you must wear a black Sam's logo apron. Your apron should be clean and not wrinkled. If it is dirty or wrinkled, you may be sent home to clean and iron it before returning to work. Your pants must be loose fitting straight leg or boot cut. Your shirt should be tucked into your pants and a belt worn. Your belt should be black or brown and plain – no large or ornate buckles. Shoes should be clean nonskid SHOES FOR CREWS OR other approved brand of skid resistant shoes.

Frequent hand washing is the first line of defense in preventing food borne illness. **Always wash your hands when changing tasks.** Examples include before starting work, during work as often as necessary to avoid cross-contaminating food and to maintain cleanliness, after smoking, coughing, sneezing, eating, touching your hair/face and after each visit to the toilet.

If you feel ill or have been diagnosed with a food borne illness report this to your supervisor before starting work. Symptoms which indicate you may have an illness which could be food borne include vomiting, fever, diarrhea, or jaundice (yellow appearance to your skin). Infected cuts or sores are also a means of transmitting a food borne illness. Even if they are not infected, all cuts or sores must be bandaged and when on your hands covered with waterproof disposable gloves.

## Food Sanitation Information

Ponte's Diner is well known for the quality food we serve as well as the quality service we offer. Our customers expect and receive quality food. They also expect and can be assured that our kitchen is a clean food preparation area where employees and managers follow government and company health and sanitation standards. The food we serve must meet our quality standards as well as all Health Department standards. We must constantly be on the lookout for actions which may bring about incidents such as food poisoning.

Food contamination is caused by microorganisms, such as bacteria and viruses, that multiply to dangerous levels. This happens when:

- Food is exposed to warm air and moisture for long periods of time.
- Food is cooked or stored improperly.
- The people who handle the food and equipment contaminate the food.
- Cross contamination of products occurs when uncooked product interacts with cooked products or old products are mixed with new ones.

Signs of contamination in food products include:

- Changes in color.
- A lack of moisture in food
- Foul Odor.

## TABLE OF TEMPERATURES FOR BACTERIA CONTROL

Bacteria thrive and multiply only in certain conditions. Temperature control is the most effective way of avoiding bacteria growth. All food handlers should be familiar with the temperatures.

**Bacteria multiply rapidly between 41° to 135°**

<b>212 degrees:</b>	Boiling point of water. Most bacteria will be destroyed at this temperature.
<b>160 degrees:</b>	Minimum temperature to which cold foods should be initially heated. Minimum temperature for holding hot food. Warming temperatures prevent growth, but allow survival of some bacteria.
<b>135 degrees:</b>	Bacteria incubation zone. Rapid growth!
<b>45 degrees:</b>	Bacteria is likely to proliferate.
<b>70-90 degrees:</b>	Room temperature--bacteria thrives!
<b>35-41 degrees:</b>	Ideal temperature range for holding food in cold storage. Cold temperatures permit slow growth of some bacteria that may cause spoiling.
<b>32 degrees:</b>	Freezing point of water. Stops growth of bacteria, but may allow it to survive.
<b>0 degrees:</b>	Ideal temperature for holding food in frozen storage.

### Contaminants

Chemical contamination of food is a matter of concern to all food service employees.

There are three kinds of chemical hazards:

- Contamination of food by pesticides.
- Excessive use of additives and preservatives.
- Contamination of food by toxic metals.

Physical contaminants include such things as chips of glass from broken light fixtures or glassware and metal fragments from kitchen and tableware. Managers and employees must be alert to minimize these hazards.

Some examples of contaminants are:

- Metal curls from a worn can opener.
- Glass chips from a glass that is used to scoop ice from an ice bin.

## EMPLOYEE SAFETY

It is the policy of Ponte's Diner to strive for the highest possible level of safety in all activities and operations, and to carry out our commitment of compliance with all health and safety laws applicable to our business by enlisting the help of all employees to ensure that public and work areas are free of hazardous conditions.

Ponte's Diner will make every effort to provide working conditions that are as healthy and safe as possible, and employees are expected to be equally conscientious about workplace safety, including proper work methods, reporting potential work hazards, and abating known hazards. Unsafe work conditions in any work area that might result in an accident should be reported immediately to a supervisor.

If an employee is injured in connection with employment, regardless of the severity of the injury, the employee must immediately notify his or her supervisor. If medical care is needed immediately, supervisors will assist their employees in getting the necessary medical attention promptly.

The following will provide an understanding of what we must all do to protect your welfare and the welfare of your friends and fellow employees:

1. All accidents, regardless of severity, are to be reported immediately to the supervisor.

2. No employee will be assigned to work under unsafe conditions or with unsafe tools or equipment. In the event that such condition develops, it will be immediately reported to the supervisor.
3. Employees should pay strict attention to their work. Practical joking and horseplay are strictly prohibited and will not be tolerated.
4. Employees should be alert to things, which may cause accidents and correct them or notify their supervisors of such items for corrections.
  - a) Aisles, doorways, stairways, and floors should be kept clear.
  - b) Work areas should be kept clean, neat and orderly.
  - c) Spills should be cleaned up.
  - d) Brooms, mops, etc., should be returned to their proper place.
5. Employees should follow the instructions of their supervisors.
6. Employees should use the right tools and equipment for the job. If you need a tool for your job, ask your supervisor.
7. Because of the hazards inherent in running, employees should refrain from running. When approaching corners and blind spots, employees should slow down and be extra cautious.
8. Machinery must be shut off and locked out or unplugged before cleaning, repairing, or adjusting is undertaken.
9. No machine or equipment will be operated when guards are removed or when safety devices are not operating properly.
10. Employees will not operate any machines or vehicles unless it is part of their job and they have been properly trained to operate them safely.
11. Warning signs and signals posted to alert employees to dangerous conditions are to be obeyed.

### **Employee Safety Responsibilities**

#### *Falls (slippery/wet floors)*

- Wipe up all spills immediately using a clean, dry cloth or mop.
- Wear approved slip-resistant footwear.
- Place something over a spill if you can't wipe it up immediately.
- Inform managers of dangerous areas so that mats may be put down.
- NEVER RUN! Use slow deliberate movements with firmly planted feet.
- Pay attention in high traffic areas.

#### *Falls (climbing, collapses)*

- Use a step ladder or stool (do not climb on shelving or equipment, do not stand on chairs, etc.)
- Ask for someone to hold the ladder for stability.
- Never stand on the top rung of the ladder or step ladder.
- Place ladders/stools on clean, dry surface.

*Cuts (knives/equipment)*

- Wear cutting gloves.
- Follow all proper procedures for operating/cleaning equipment.
- Use only sharp knives/blades.
- Store knives in a safe place.

*Cuts (broken glass)*

- Use an ice scoop at all times (never scoops a glass into the ice).
- Never place ice in a hot glass.
- Dispose of broken glass properly.
- Sweep up all broken glass (never use your hands).
- Do not place silverware in glasses.

*Burns (equipment)*

- Follow proper operating procedure for all equipment.
- Use hot pads, mitts, or a **dry** towel at all times.
- Never take more than one pan out of an oven at one time.
- Use a spatula or tongs when handling hot foods.

*Burns (hot liquids)*

- Check all containers for cracks and holes before filling them.
- Do not let pan handles hang over edge of counters or stoves.
- Use hot pads, mitts or towels at all times.
- Do not carry large pans of hot liquid.
- Wear proper clothing (solid shoes, long pants, etc.)
- Never use coffee carafes that have boiled dry.

*Exposure to Chemicals*

- Refer to Material Safety Data Sheet (MSDS) for all chemicals.
- Follow all directions exactly.
- Never mix chemicals.
- Use recommended personal protective equipment.

*Strains*

- Use recommended lifting procedures. Bend knees, lift with legs instead of back, hold heavy items close to your body.
- Use coordinated lifting (ask for help) if you **MUST** lift items over 35-40 pounds.
- Always check the weight before lifting.
- Reduce the size of the lift whenever possible.
- Use carts, or other devices, whenever possible.
- Limit overhead lifts to 25 pounds.
- Use both hands for stability.
- Ask for assistance when emptying trash receptacles.

*Miscellaneous Physical Hazards*

- Keep all walkways free of clutter, equipment.
- Call “corners” and “behind you” when passing by people.
- Watch where you are going/stepping at all high traffic areas (blind corners, uneven surfaces, tile missing, obstacles in pathway).

## **DRUG ABUSE POLICY**

This policy is implemented as part of Ponte's Diner's overall program to maintain the health and safety of employees, customers, and the public; and to prevent civil and criminal liability. This policy covers all employees and prospective employees. It covers the possession, use, distribution or sale of drugs and drug paraphernalia. The term drug refers to those substances regulated under State and Federal Law, inhalants, alcoholic beverages, and prescription drugs. The use of prescription drugs when taken as directed by a doctor are excluded from coverage under this policy. In those cases where an employee is using prescription drugs that could impair the employee the employee should inform their supervisor.

**It is the policy of this Company that we maintain a drug free work place. No drug or drug use is allowed on Ponte's Diner premises.**

In order to implement this policy Ponte's Diner may monitor employees for drug use, conduct drug screenings, and search the premises, including employees' personal possessions and vehicles on the premises, for drugs and/or drug paraphernalia. Failure to submit to a search may result in Ponte's Diner's refusal to hire or to continue employment, or any other action in conformity with Ponte's Diner's usual disciplinary procedures.

Monitoring of employees may include direct observation and third party reporting of drug possession or use. Observation of inconsistent work quality or performance, carelessness or the taking of needless risks, disregard for the safety of others, mood swings, and other indicia of drug use may also constitute grounds for further inquiry including testing for drug use. An employee may report concerns or observations to any supervisory personnel.

Screening for drugs may be carried out under the following circumstances:

- A) pre-employment;
- B) upon suspicion of use or possession based on
  - 1) impairment,
  - 2) discovery of drugs on premises,
  - 3) report from third party;
- C) after an on-the-job accident;
- D) randomly; and
- E) universally

The testing may be by any means including blood, hair, and urine samples. Testing will be performed by an independent laboratory. Failure to submit to the test will result in the same penalties as are imposed for a positive test result.

If an employee or prospective employee is found to have drugs in their possession or tests positive for drugs Ponte's Diner may refuse to hire or to continue employment or may take any other action in conformity with Ponte's Diner's usual disciplinary procedures. An employee will be afforded an opportunity to explain a positive test result. Ponte's Diner shall make the final determination as to what action will be taken.

## **SOLICITATION**

### **EMPLOYEES**

There should be no solicitation or distribution of literature of any kind by any employee during actual working time of the employee soliciting or the employee being solicited. Working time does not include lunch and rest breaks. Any employee who violates any part of this policy will be subject to counseling and disciplinary action up to and including dismissal.

### **NON-EMPLOYEES**

Non-employees are prohibited from soliciting and distributing literature at all times anywhere on Company property. Non-employees have no right of access to any area of the premises other than areas open to the public, and then only in conjunction with the area's public use.

## **SECURITY**

It is the policy of Ponte's Diner to maintain strict control over entrance to the premises, access to work locations and records, computer information, and cash or other items of monetary value. Employees who are assigned keys, given special access, or assigned job responsibilities in connection with the safety, security, or confidentiality of such records, material equipment, or other items of monetary or business value will be required to use sound judgment and discretion in carrying out their duties, and will be held accountable for any wrong-doing or acts of indiscretion.

Ponte's Diner has a vital interest in maintaining safe, helpful and efficient working conditions. The use or possession of alcohol, drugs, weapons, or other intoxicants creates a serious threat to the health and safety of employees. Ponte's Diner also has a vital interest in protecting its property and the property of fellow employees from theft. In order to assist in maintaining a safe and enjoyable work environment, Ponte's Diner has adopted the following policy:

Ponte's Diner may conduct unannounced searches for illegal drugs, alcohol, controlled substances, weapons, stolen property, evidence of stolen property, or stolen property of others within any area of the restaurant or office. Employees are expected to cooperate in the conducting of such searches. All employee lockers, desks (including desk drawers,) file cabinets, purses, briefcases, lunch containers, and automobiles on Company property shall be subject to unannounced search. An employee's consent to search pursuant to this policy is required as a condition of employment. The employee's refusal to comply with this policy will result in disciplinary action up to and including termination. Searches on Company facility can be conducted at any time and do not have to be based on reasonable suspicion.

1. Personal visitors are not permitted in work areas.
2. If it is necessary for a friend or relative to speak with an employee during working hours, the individual will be directed to the manager for assistance.
3. Business visitors will be escorted to the person they wish to see, and under no circumstances, will they be permitted in the employee only areas of the restaurant unescorted.

### **GENERAL SECURITY PROCEDURES**

1. Secure and maintain visibility into your restaurant
  - Work with Managers to improve security in and around the work place.
  - Place valuable items out of sight, if possible in a locked area.
  - Be discreet; don't advertise your social life or vacation plans, or those of Managers or employees.

- Windows blocked with posters or signs can hide an armed robber.
  - If a person is easily seen inside your restaurant from the street and parking area, than any robbery might just as easily be observed by witnesses and/or passing police.
2. Notify the police of suspicious persons
- Trust your instincts. Don't hesitate to report anything that makes you suspicious.
  - If any suspicious person arrives or departs in a car, get a license number.
  - Armed robberies are being committed by an increasing number of 13 to 16 year olds.
  - Be alert to any suspicious person loitering in or near your restaurant with no apparent intention of making a purchase (for example, a person sitting in a parked car or an unfamiliar customer who asks questions about how many employees are in the store when you close).
  - Don't rush to conclusions about a customer's intentions, but don't be afraid to notify your Manager.
  - Your awareness may prevent a robbery or increase the possibility of arrest.
  - Make certain that the telephone of the police department is readily available (In Fairfield just dial 911).
  - If it is impossible for a Manager to get to a phone, you or a customer may have to call the police and give them a description of the suspicious person or vehicle.
3. Opening Safety Procedures
- Always try to enter through the front door of the restaurant.
  - You may be scheduled to open or close with the Manager.
  - Most robbers prefer a one-on-one confrontation.
  - Two people opening and closing a business will be a deterrent to a potential robber.
  - If you are opening with a Manager, you should drive around the building looking for anything or anyone suspicious prior to entering the business.
  - Do not enter the building if there are strange cars or people in or near the vicinity of the restaurant. Leave the area and call the police. Let the police check the situation. Remember, this is what the police are for—to protect you.
  - The front door is to remain locked prior to the restaurant opening
4. Back Door/Unauthorized Persons
- Always try to leave through the front door of the restaurant.
  - Many robberies occur when employees leave through the back door to empty trash or to go home.
  - Robbers often force their way into the restaurant with employees or purveyors (i.e., delivery persons).
  - Do not allow anyone unfamiliar to you in the back door.
  - Check the identification of anyone you do not know who claims to be a new employee, delivery person, salesperson, inspector, or repairman.
  - No delivery people should be allowed to carry anything out of the restaurant unless authorized by the Manager on duty.
  - The back door is not to be propped open, even during deliveries, shift changes, or when taking out the trash.
  - After each opening, make sure the back door has completely closed.
  - If in doubt, do not open the door! If necessary, call the police.
5. Office/Money
- The office door must be locked at all times.
  - When exiting the office, check the door to see that it closes completely and locks.
  - Do not give out information, sales volume, or cash.

- Money should never be left on the desk without the Manager's approval.

6. Closing/After Dark Procedures

- The closing Manager and at least one employee must leave the restaurant together.
- Premises should be well lighted, including entrances, exits, and parking areas.
- An armed robber will not wait around a lighted area for any length of time, but a darkened area around a restaurant provides an ideal place to hide and observe the restaurant's operation.
- Before opening the door to leave at night, thoroughly check the parking lot for anyone sitting in a car or other suspicious situation.
- At night, employees must exit through the back door by the office.
- If anything is unusual, do not unlock the front door; notify the Manager.
- The Manager will call the police and have the premises checked.
- After close, if anyone approaches the front door, do not go to the door. If the person appears to be hurt notify the Manager.

7. Parking Your Car

- Park in areas that are well lighted and will STILL be well lighted when you leave.
- Look around before you get out of your car.
- Always lock your doors, no matter how soon you plan on returning.
- Keep valuables and packages locked in the trunk.
- You are allowed to park on the north and west side of the building only.

8. Returning to Your Car

- Have your car keys IN HAND before you get to your car and be aware of occupied cars around you.
- If you are carrying packages, try to keep one hand free, even if it means making an extra trip.
- Look inside and under your car before you unlock the door.

## **COMPUTER AND TELEPHONE POLICY**

I understand that all electronic and telephonic communications systems and all information transmitted by, received from, or stored in these systems are the property of Ponte's Diner. I also understand that these systems are to be used solely for job-related purposes and not for personal purposes except as authorized by your supervisor, and that I have no expectation of privacy of any personal privacy right in connection with the use of this equipment or with the transmission, receipt, or storage of information in this equipment.

I agree not to use a code, access a file, or retrieve any stored communication unless authorized. Further, I agree to disclose information or messages from electronic or telephonic communications systems only to authorized individuals. I acknowledge and consent to Ponte's Diner monitoring my use of this equipment at any time at its discretion. Such monitoring may include printing up and reading all electronic and telephonic mail entering, leaving, or stored in these systems. No privacy right whatsoever exists at the workplace and Ponte's Diner reserves the right to monitor the workplace by electronic means to ensure employees are complying with its policies.

## **TRADE SECRETS**

It is unfair competition to steal, copy or communicate or transmit a former employer's trade secret information. A trade secret is defined as "the whole or any part of any scientific or technical information, design, process, procedure, formula, or improvement that has value and that the owner has taken measures to prevent from becoming available to persons other than those selected by the owner to have access for



limited purposes.” Our internal procedures and recipes are of great value to Ponte's Diner. Employees are not to disclose any proprietary processes or recipes to any person unless directed to by Ponte's Diner's management. Ponte's Diner will institute civil action against anyone who violates this policy.

## **EMPLOYEE COMPLAINTS**

It is the policy of Ponte's Diner to ensure that every employee individually has the right to discuss their complaints and suggestions with management without fear of being subject to reprimand or discipline for requesting that a complaint or suggestion be processed through the approved procedure.

**Step 1:**

Any employee who has a complaint or suggestion concerning his/her job or any other matter, which affects the employee, should take the matter up with his/her immediate supervisor.

**Step 2:**

If the immediate supervisor cannot resolve the complaint or take action on the suggestion to the satisfaction of the employee, he or she will go with the employee to the General Manager for problem resolution.

**Step 3:**

If the matter is not settled by the General Manager, he or she is to brief Gilbert Daniel, Jr. on the complaint or suggestion and arrange for a meeting with the employee to discuss and resolve the matter.

The history of the complaint, including all documentation, will be completed by the General Manager as the complaint is processed through the steps in the above procedure.

## **TERMINATION OF EMPLOYMENT**

When an employee is terminated by reason of resignation, the supervisor shall notify the Personnel Department.

Every effort will be made to conduct an exit interview for the purpose of determining the reasons for the employee leaving Ponte's Diner.

- A. Recover employee's keys (if applicable), uniforms, id cards, or any other company property in the employee's possession
- B. Learn of any grievance or problems the employee may have with Ponte's Diner so that management can investigate possible solutions.
- C. Inquire as to any problems between the employee and the immediate supervisor, so that a similar situation can be avoided in the future.

The Personnel Department will then initiate a Personnel Action Form documenting the separation and forward this to the Payroll Department.



## RECEIPT AND ACKNOWLEDGEMENT OF EMPLOYEE HANDBOOK

This Employee Handbook is an important document intended to help you become acquainted with Ponte's Diner. This Handbook will serve as a guide; it is not the final word in all cases. Individual circumstances may call for individual attention.

Because the general business atmosphere of Ponte's Diner and economic conditions are always changing, the contents of this Handbook may be changed at any time at the discretion of Ponte's Diner.

Please read the following statements and sign below to indicate your receipt and acknowledgement of Ponte's Diner Employee Handbook.

- I have received and understand that I must comply with the policies described in Ponte's Diner Handbook. I understand that the policies, rules, and benefits described in it are subject to change at the sole discretion of Ponte's Diner at any time and are effective at Ponte's Diner's discretion without providing notice to me. Only the owner of Ponte's Diner may make changes to this Handbook. I understand that this Handbook replaces (supersedes) all other previous manual for Ponte's Diner.
- I affirm that I have read Ponte's Diner's drug policy as stated in Ponte's Diner's policy handbook. I understand that I may be requested to submit to drug testing by any accepted medical method including blood, urine, and hair samples. I understand that I may be requested to allow the search of my personal belongings, vehicle, and person. I understand that if I refuse to consent that Ponte's Diner may refuse to hire or to continue employment or may take any other action in conformity with Ponte's Diner's usual disciplinary procedures and this policy.
- I further understand that my employment is terminable at will for any reason or no reason, either by myself or Ponte's Diner regardless of the length of my employment or the granting of benefits of any kind.
- I understand that my signature below indicates that I have read and understand the above statements and have received a copy of Ponte's Diner Employee Handbook.
- I acknowledge that this Handbook is provided as an informational guide only and is not considered to be as a contract between myself and Ponte's Diner and that either I or Ponte's Diner may terminate employment at any time for any reason or no reason with or without notice.
- **Upon leaving the employ of Ponte's Diner, I agree to return this Handbook to my manager or supervisor.**

\_\_\_\_\_  
**Employee Name (*printed*)**

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

\_\_\_\_\_  
**Date**