



TM

EMPLOYEE HANDBOOK

Revised February 2009

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Handbook Acknowledgement Form

Dear Team Members,

You have joined a team of select individuals who are committed to sowing seeds of opportunity to our employees and to share the blessing of hospitality with our guests and the communities in which we do business. In other words, our collective vision is to be a company that creates opportunity for its employees, and that provides its customers with a dining experience that meets their expectations for hospitality and quality. By focusing on these two goals, and as a result of hard and diligent work, we will generate sales and profits sufficient to maintain our facilities and leave enough left over so that we can continue to grow and to support local charities and local community events. Welcome to the journey.

Our decisions and actions in pursuit of our goal are guided by our Mission, Vision, and Values. These goals serve as the foundation for our growth as a concept, as a company and as individuals. Miracle Restaurant Group is made up of a group of uncommon people--people who strive to be 100% present in Mind, Body, and Spirit. People who look to serve others without expectations or recognition or reward for themselves.

We strive to motivate our people, hold the highest integrity, deliver exceptional operational results, take accountability, celebrate success, and provide leadership to help our team prosper and grow.

Please take the time to familiarize yourself with the policies and procedures of MRG, Inc.

Information is found in many forms throughout our company, so while this Handbook covers many topics, it is in no way considered to be your only source for policies and procedures of our Company.

Information, policies, and procedures are also found in the Arby's Operations Standards Manual (OSM), your training workbooks, store postings, seminars and meetings, and many other sources.

Please read the Handbook and do not be afraid to ask questions! These policies were written with you in mind. Our goal is to provide a safe and fun environment for our employees and guests.

Once again, I welcome you to the MRG family and hope you find your contribution to our success to be rewarding and one that you will always remember with a smile.

Don Moore,
President and CEO
Miracle Restaurant Group, LLC



TM

Arby's/Miracle Restaurant Group's History

The first Arby's Restaurant was opened on July 23, 1964 in Boardman, Ohio by two brothers named Forrest and Leroy Raffel. The company name comes from the initials of the "Raffel Brothers:" R and B, or "Arby!"

At the first Arby's restaurants, you could order a Roast Beef Sandwich, potato chips, and soft drinks. Over the years, the menu has greatly evolved. Now we offer a wide variety of products, including the Market Fresh Line, specialty salads, appetizers, desserts, and of course, potato cakes and Jamocha Shakes!

In 1999, Arby's celebrated 35 years in the quick service industry. There are now over 3000 Arby's Restaurants in the U.S. and around the world!

In 2005, Don Moore and a group of investors purchased 45 Arby's restaurants from Chi-Co Inc. LLC to create **Miracle Restaurant Group.** In early 2007, Miracle Restaurant Group entered into an agreement with Dunkin Donuts Inc. to become a Franchisee in Indianapolis with a commitment to open at least 25 Dunkin Donuts restaurants. In August of 2007, Miracle Restaurant Group purchased 12 Arby's restaurants from Specialty Foods. Today Miracle Restaurant Group operates over 55 restaurants in 6 different states (IL,IN,TX,CO,LA,and MS).

Unit Team Information

Your Unit # _____ Your Unit Phone # _____

Your General Manager's Name and Phone _____ # _____

Your Shift Managers' Names and Phones

_____ # _____
_____ # _____
_____ # _____

Operations Area & Region Information

Your Region Name _____

Your Area Name _____

Your Area Supervisor/Director's Name and Phone _____ # _____

Your Regional Director of Operation's Name and Phone _____ # _____

Your Director Of Human Resources Name and Phone _____ # _____

Third Party Employee Issue Resolution contact Number **1-800-272-9764 (1-800-arbys64)**

MRG Vision

To become the pre-eminent franchisee of Arby's and Dunkin Donuts.

MRG Purpose

To sow seeds of opportunity to our employees and to share the blessing of hospitality with our guests and the communities in which we do business

MRG Mission Statement

To become the fast food restaurant of choice for our guests, by first becoming the fast food employer of choice for our employees. To benefit both by sharing the blessings we receive by always remembering to give back to the communities that we do business in.

MRG Core Values

Motivate: We will develop and motivate our employees by holding each other accountable and responsible to help those who want to grow and prosper

Integrity: Through our words and actions establish trust and trustworthiness--in ourselves first, then in our teams and our company

Results: We will continuously establish and achieve measurable, challenging goals, while always holding true to our Vision, Mission, and Values. We will always strive to improve regardless of our current results

Accountability: We will take accountability and responsibility for our actions. We will talk in the "I" and not in the "You"

Celebrate: An environment that recognizes and rewards cooperation and collaboration for the good of the team, its members, and the company

Leadership: Continuously provide direction for yourself and your team by taking measured risks, making mistakes, allowing mistakes, and learning from them. Think cutting edge, focused on adding value

Enthusiasm: We will strive to be 100% present in mind, body, and spirit. We will look to serve others without expectations of recognition or reward for ourselves

Introduction to MRG's Employee Handbook

This Handbook contains only general information and guidelines. It is not intended to be comprehensive or to address all of the possible applications of, or exceptions to, the general policies and procedures described. For that reason, if you have any questions concerning any of the policies or practices described herein, you should address your specific questions to your General Manager, Area Director or the Director of Operations.

Neither this Handbook nor any other MRG document confers any contractual right, either express or implied, to remain in MRG's employment. Nor does it guarantee any fixed terms and conditions of your employment. Your employment with MRG is "at will," which means either you or MRG can terminate your employment at any time, with or without cause. Your "at will " status cannot be modified except in writing signed by the Director of Human Resources.

The procedures, practices, policies, and benefits described herein may be modified or discontinued from time to time, without prior notice. We will inform you of any modifications as soon as practicable after they occur.

Training and Development:

There are several MRG Training Programs designed to aid in your career development:

Team Member Training Program (TMTP, SMTP)

Every Hourly Team Member begins the TMTP Workbook on their first day of employment. The TMTP Workbook contains important information on Arby's specs and procedures that you will need to know to perform your everyday job responsibilities. Every new employee starts as a Team Member Trainee. Over the next 90 days you will be taught the responsibilities necessary to become a Team member. You may receive a .10 cent raise when promoted. After six consecutive months of service and your successful completion of all modules of the TMTP, you may be promoted to a Senior Team Member and receive a .15 cent raise. You should then start to focus on your Shift Manager Training by going through our Shift Manager Training Program (SMTP). Once promoted to Shift Manager, your hourly compensation will be reviewed.

Management Training Programs (MTP, AMTP, GMTP)

Each Salaried Manager Trainee begins this 7-week program on their first day of employment. The MTP is done side-by-side with a Certified Training Manager in a Training Unit. The Trainee completes 2 weeks of team member positions before progressing to Management Training for the remaining 3 weeks. Any Shift Manager being promoted to Assistant Manager must also complete weeks 3-7 in a Training Unit. After completing the MTP, the Trainee is certified to run shifts in an Arby's Restaurant. The new Manager will begin working on Arby's Assistant Manager Training Program (AMTP). There are three different phases of AMTP. Once Manager completes AMTP, they will begin to work on Arby's General Manager Training Program (GMTP). More information about Arby's/Miracle's "Career Path" can be found on MRG's Intranet Site.

Career Development Program (CDP)

This program is for all levels of management, hourly or salaried. It is designed to assist you in the development of leadership and administrative skills and to prepare you for promotion to the next level. The CDP is an "at-your-own-pace" program. Managers set goals for completion, and Area Supervisors/Directors assist with development and provide follow-up.

Area Supervisor Development Program (ASDP)

ASDP is for General Managers being considered for promotion to Area Supervisor/Director. ASDP is an intensive, 2-part program, consisting of 1 day of classroom leadership seminars, and 2 days of Skill Assessment.

POLICIES

1. EMPLOYMENT AT WILL:

POLICY:

MRG employees are at will employees. MRG's employment relationships are terminable at any time at the discretion of the employer or an individual worker.

PROCEDURE:

- A. Any worker whose employment is not governed by the terms of a written contract with MRG is considered to be an "at will" employee. The employment of such workers may end at any time at the discretion of either the employer or the employee.
- B. Actions or comments of company personnel cannot modify the "at will" status of any employee.

2. EQUAL EMPLOYMENT OPPORTUNITY:

MRG maintains a policy of nondiscrimination regarding all employees and applicants for employment. MRG handles all aspects of employment with MRG on the basis of merit, competence, and qualifications. Employment decisions are not influenced in any manner by race, color, age, gender, national origin, disability, pregnancy status, veteran status, religion, sexual orientation, marital status, and/or other status protected by law.

MRG makes all decisions with respect to recruiting, hiring, and/or promotions for all job classifications based solely on individual qualifications related to the requirements of the position. Likewise, all other personnel matters, such as compensation, benefits, transfers, reductions in force, recall, training, education, and social/recreation programs, are to be administered free from any illegal discriminatory practices.

3. ANTI-HARASSMENT AND ANTI-DISCRIMINATION POLICY:

MRG is committed to a work environment in which all individuals are treated with respect and dignity. MRG believes every employee has the right to work in a professional atmosphere that promotes equal employment opportunities and that is free of unlawful discrimination, including unlawful harassment and retaliation. MRG expects that all relationships in the workplace will be business-like and free of bias, prejudice, harassment, and retaliation.

Legal Definitions of Harassment

Sexual harassment constitutes discrimination and is illegal under federal, state and local laws. As defined by the Equal Employment Opportunity Commission (EEOC) Guidelines, sexual harassment is unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when, for example: (i) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; (ii) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or (iii) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment. Note, however, that

MRG's policies focus on employee behavior and prohibit behavior that may not qualify as sexual harassment as defined by the EEOC or by law.

Sexual harassment may include a range of subtle and not so subtle behaviors and may involve individuals of the same or different gender. Depending on the circumstances, these behaviors may include, but are not limited to: unwanted sexual advances or requests for sexual favors; sexual jokes and innuendo; verbal abuse of a sexual nature; commentary about an individual's body, sexual prowess, or sexual deficiencies; leering, catcalls, or touching; insulting or obscene comments or gestures; display or circulation in the workplace of sexually suggestive objects or pictures (including through e-mail); and other physical, verbal, or visual conduct of a sexual nature. Sex-based harassment, that is, harassment not involving sexual activity or language (e.g., male manager yells only at female employees and not males) may also constitute discrimination if it is severe or pervasive and directed at employees because of their sex. Again, however, MRG's policies focus on employee behavior and prohibit behavior that may not qualify as sexual harassment as defined by the EEOC or by law.

Harassment on the basis of any other protected characteristic is also strictly prohibited. Under this policy, harassment is verbal or physical conduct that disparages or shows hostility or aversion toward an individual because of his/her race, color, age, gender, national origin, disability, pregnancy status, veteran status, religion, sexual orientation, marital status, or any other status protected by law or that of his/her relatives, friends, or associates, and that: (i) has the purpose or effect of creating an intimidating, hostile, or offensive work environment; (ii) has the purpose or effect of unreasonably interfering with an individual's work performance; or (iii) otherwise adversely affects an individual's employment opportunities.

Harassing conduct includes, but is not limited to: epithets, slurs, or negative stereotyping; threatening, intimidating, or hostile acts; degrading jokes and display or circulation in the workplace of written or graphic material that disparages or shows hostility or aversion toward an individual or group (including through e-mail).

Individuals and Conduct Covered

These policies apply to all applicants and employees, and prohibit harassment, discrimination, and retaliation whether engaged in by fellow employees, by a supervisor or manager, or by someone not directly connected to MRG (e.g., an outside vendor, consultant or customer).

Conduct prohibited by these policies is unacceptable in the workplace and in any work-related setting outside the workplace, such as during business trips, business meetings, and business-related social events.

Retaliation Is Prohibited

MRG prohibits retaliation against any individual who reports discrimination or harassment or participates in an investigation of such reports. Retaliation against an individual for reporting harassment or discrimination or for participating in an investigation of a claim of harassment or discrimination is a serious violation of this policy and, like harassment or discrimination itself, will be subject to disciplinary action.

Complaint Procedure: Reporting an Incident of Harassment, Discrimination or Retaliation

MRG uses a third party administrator to handle both internal and external complaints. The toll free number can be found on the "Back of House" Employee Communication Board. MRG strongly urges the reporting of all incidents of discrimination, harassment, or retaliation, regardless of the offender's identity or position. Individuals who believe they have experienced or witnessed conduct that they believe is contrary to MRG's policy or who have concerns about such matters should file their complaints with their immediate supervisor or the Human Resources Department immediately. Individuals should not feel obligated to file their complaints with their immediate supervisor first if they are uncomfortable doing so. All employees have the ability to either call Human Resources directly or use the toll free number to notify MRG's Third Party Administrator. MRG also refers employees to its mandatory Dispute Resolution Procedure.

IMPORTANT NOTICE TO ALL EMPLOYEES: Employees who have experienced conduct they believe is contrary to this policy have an obligation to take advantage of this complaint procedure.

Early reporting and intervention have proven to be the most effective method of resolving actual or perceived incidents of harassment. Therefore, while no fixed reporting period has been established, MRG strongly urges the prompt reporting of complaints or concerns so that rapid and constructive action can be taken. MRG will make every effort to stop alleged harassment before it becomes severe or pervasive, but can only do so with the cooperation of its employees.

The availability of this complaint procedure does not preclude individuals who believe they are being subjected to harassing conduct from promptly advising the offender that his or her behavior is unwelcome and requesting that it be discontinued.

The Investigation

Any reported allegations of harassment, discrimination, and/or retaliation will be investigated promptly, thoroughly, and impartially. The investigation may include individual interviews with the parties involved and, where necessary, with individuals who may have observed the alleged conduct or may have other relevant knowledge.

Confidentiality will be maintained throughout the investigation process to the extent consistent with adequate investigation and appropriate corrective action.

Responsive Action

Misconduct constituting harassment, discrimination, and/or retaliation will be dealt with promptly and appropriately. Responsive action may include, for example, training, referral to counseling, monitoring of the offender and/or disciplinary action such as oral or written warning, reprimand, reassignment, temporary suspension pending investigation, or termination, as MRG believes appropriate under the circumstances.

Finally, these policies should not, and may not, be used as a basis for excluding or separating individuals of a particular gender, or any other protected characteristic, from participating in business or work-related social activities or discussions in order to avoid allegations of harassment. The law and the policies of MRG prohibit disparate treatment on the basis of sex or any other protected status, with regard to terms, conditions, privileges, and perquisites of employment. The prohibitions against harassment, discrimination, and retaliation are intended to complement and further these policies, not to form the basis of an exception to them.

4. ATTENDANCE, PUNCTUALITY, AND DEPENDABILITY

POLICY:

Because MRG depends heavily upon its employees, it is important that employees attend work as scheduled. Dependability, attendance, punctuality, and a commitment to do the job right are essential to the success of MRG and its employees.

PROCEDURE:

- A. Consistent attendance and punctuality are required in the Company's business operation, and therefore an integral part of each employee's performance. Poor, uncertain, or irregular attendance produces disruptive results for the Company operations, lowers overall productivity, and is a burden to other employees. Excessive absenteeism which renders an employee insufficiently available for work will be evaluated on a case-by-case basis to determine the merits of correctional retention or termination.
- B. Employees are expected and required to report to their workplace at the prescribed time and manner in which work activity is to commence. Tardiness, unexcused absence, or failure to report as required may result in disciplinary action up to and including termination.
- C. An employee must notify his/her supervisor as far in advance as possible, but not later than three hours before his/her scheduled starting time if he/she expects to be late or absent.
- D. The Company shall regard an employee's job abandoned and the employee terminated when the employee is absent from work without official leave approval from supervisory personnel for two or more days, unless the employee can provide the Company with an acceptable and verifiable explanation. Employees who are absent without notice or authorization for less than two days, and who subsequently report to work, may be subject to disciplinary action up to and including termination of employment.
- E. Employees are expected to notify his/her supervisor themselves, unless there is an emergency that prevents him/her from doing so. The employee is required to speak directly with a Manager or the General Manager. Calling in to a Team Member will be considered unexcused.
- F. Employees are required to take all possible measures to cover his/her shift. To ensure that your absence is excused, employees may be required to provide a doctor's excuse or other documentation to return to work.

- G. In the case of an emergency, which affects business operations, employees may be required to work unusual schedules. For reasons of potential emergency situations, all employees must keep the workplace and their supervisor advised of a current address, phone number, and person to contact in case of emergency.

5. UNIFORM STANDARDS:

Miracle Restaurant Group will with-hold a refundable deposit of \$30.00 from at least two (2) payroll checks for company "Merchandise". Employees understand that the with-holding cannot bring their total wages earned under Minimum Wage for that pay-period. Employees further understand that they may receive back their deposit if and when they terminate from Miracle Restaurant Group and return the "Merchandise" (shirt, hat, apron, name tag, etc.) clean and in a good reusable fashion.

POLICY:

Proper personal hygiene and appearance demonstrate professionalism and pride to customers and are a key factor in providing the ultimate in dining experiences. Employees failing to do so may be subject to disciplinary action up to and including suspension pending investigation.

The following dress and appearance requirements apply to the employees indicated:

Team Members:

Arby's uniform shirt (clean and pressed)

Black casual dress pants or black jeans (no rips or fading)

Belt

Arby's nametag with label tape (no hand-written names)

Proper undergarments

Dark socks and black polishable, non-skid shoes

Arby's hat or visor

No beards or goatees

No noticeable skin abrasions

Sideburns must be trimmed to the earlobe

No artificial fingernails. No nail polish if handling food. Chipped polish must be removed

Uniform shirts and hats should not be worn outside of the restaurant except on the way directly to and from work. No excessive tattoos or facial/ear piercings- existing tattoos should be covered and piercings should be removed or covered while on duty. Only post earrings are permitted to be worn while on duty.

Gum or tobacco chewing is not permitted while on duty. Dyeing the hair in extreme colors is not permitted. No excessive jewelry

Management (Men)

Professional dress shirt (clean and pressed) or Arby's logo polo shirt

Dark professional dress pants (no khakis)

Belt

Dark socks and dark polishable, non-skid shoes

Proper undergarments

No beards or goatees

Sideburns must be trimmed to the earlobe

Management (Women)

Professional dress shirt or blouse with pin or scarf at the neck or Arby's logo polo shirt

Professional dress pants or skirts (no khakis)

Belt

Hosiery with dark polishable, non-skid shoes
Proper undergarments.
No artificial fingernails. No nail polish if handling food. Chipped polish must be removed.

6. DATING AND FRATERNIZATION:

POLICY:

Consenting "romantic" or sexual relationships and fraternization between a supervisor/manager and an employee are strictly prohibited. Anyone in a supervisory capacity may not date or fraternize with a subordinate. These types of situations may lead to complications and significant difficulties for all concerned.

PROCEDURE:

If a romantic or sexual relationship between a supervisor/manager and an employee should develop, then it shall be the responsibility and mandatory obligation of the supervisor/manager to promptly disclose the existence of the relationship to his/her supervisor. The employee involved may make a disclosure as well, but the burden of doing so shall be upon the supervisor/manager. Failing to do so may result in disciplinary action up to and including termination. MRG will then determine the appropriate next steps including possible disciplinary action such as oral or written warning, reprimand, reassignment, temporary suspension pending investigation, or termination, as MRG believes appropriate under the circumstances.

7. E-MAIL AND INTERNET USAGE:

POLICY:

The purpose of this policy is to establish policies governing the use of all forms of the Company's electronic equipment and media.

PROCEDURE:

This policy applies to all forms of communication and electronic media provided by MRG for use by its employees and the guests of its offices or restaurants, whether accessed on premise or remotely. These electronic equipment, media, and services are provided by the Company, and are considered proprietary property, with a purpose of facilitating legitimate company business. MRG has the ability, and reserves the right to, monitor each Website visit, chat, newsgroup, or e-mail message, and file transfer into and out of our internal networks. No employee should have any expectation of privacy as to his or her Internet/Intranet usage.

Electronic media may not be used for knowingly transmitting, retrieving or storing of any communications that:

- are discriminatory, harassing, and/or retaliatory in nature;
- are derogatory to any individual or group;
- are obscene or X-rated;
- are defamatory or threatening in nature;
- resemble "chain letters"; and/or
- represent any purpose that is illegal, against Company policy, or contrary to the best interest of the Company.

8. EMPLOYER INFORMATION AND PROPERTY:

POLICY:

The protection of MRG's business information, property and all other Company assets is vital to the interests and success of MRG.

PROCEDURE:

Employees may not take, loan, donate, sell, damage, or use company assets for non-corporate purposes unless specifically authorized. Much of the information developed or held by MRG is confidential and must be protected from unauthorized disclosure. MRG and its employees are responsible for safeguarding such information in order to maintain our competitive advantage in the market. No MRG-related information or property, including, without limitation, documents, files, records, computer files, equipment, office supplies, or similar materials may therefore be removed from the Company's premises. In addition, when an employee leaves MRG, the employee must return to the Company all MRG-related information and property that the employee has in his/her possession, including personal computer or files on a computer disc, supplies, and/or equipment or office supplies.

9. RESTAURANT CLEAN AIR POLICY:

POLICY:

MRG shall provide a clean air environment for our employees, partners, and guests to promote a healthy, efficient, and effective work place. All smoking inside Company restaurants is prohibited.

PROCEDURE:

All MRG restaurants are classified as "Non-Smoking". Management has the option of restricting hourly employees from smoking during their work shift as well. However, any employee that is in direct contact with our guests may not smoke on MRG premises during their shift. Back of House employees may be allowed to smoke in a designated area during a break. This area will be far removed from any food prep area or areas containing combustible items.

10. VOLUNTARY TERMINATIONS:

POLICY:

MRG realizes that at times, employees may decide to leave our Company.

PROCEDURE:

MRG requests employees provide the Company with a written two-week advance notice of the employee's resignation. Vacation days and holidays may not be included in the two-week notice period. An exit interview may be conducted by the Director of Human Resources.

If the employee fails to provide the two week advance notice prior to leaving his/her employment, then the employee shall not be paid for their accrued but unused vacation time, unless such vacation time is required to be paid pursuant to state law.

If, as sometimes happens, the employee's supervisor wishes for the employee to leave prior to the end of the employee's two-weeks notice, the employee will be paid for the employee's unused, accrued vacation upon termination or resignation.

Upon leaving their employment, Employees must turn in all property of MRG, including keys, uniforms, discount and/or food credit cards, computers, cellular phones, etc. Employees will receive their last paycheck for hours worked on their next normally scheduled payday unless state law prohibits MRG from doing so.

All benefits end the last day the employee works with the exception of Health, Dental, Vision and Life Insurance, which will remain in effect until the last day of the month in which the eligible employee terminates. (See Group Health Plan under Benefits sections for continuation of insurance after termination).

11. INVOLUNTARY TERMINATIONS:

POLICY:

The purpose of this policy is to define specific circumstances necessary for involuntary termination. All MRG employees are "at will" employees, which means the employment relationship may be terminated at any time by either party without a reason being given.

PROCEDURE:

Employees who are involuntarily terminated will not be eligible for rehire without prior approval from the Director of Operations, Controller and Director of Human Resources. In certain circumstances, terminated employees may be kept from entering an MRG establishment as a customer. When and if this occurs, the Executive Director of Human Resources should be notified (603-674-1621).

Employees will receive their last paycheck for hours worked on the normally scheduled payday, unless they reside in a State that requires earlier provision of final wages. If the employee is involuntarily terminated, then the employee shall not be paid for their accrued but unused vacation time, unless such vacation time is required to be paid pursuant to state law.

All benefits end the last day the employee works with the exception of Health, Dental, Vision and Life Insurance, which will remain in effect until the last day of the month in which the eligible employee terminates. An exit interview may be conducted by the Director of Human Resources.

12. MANAGERIAL DRUG AND ALCOHOL TESTING:

POLICY:

MRG has a vital interest in maintaining a safe, healthy, and efficient working environment for all its employees. Drug and alcohol abuse are regarded as serious social and economic problems. Individuals under the influence of drugs or alcohol present safety and health risks to themselves and their fellow employees and have a detrimental effect upon high standards of performance and conduct. This policy is in effect for all MRG management

PROCEDURE:

Drug and Alcohol Testing: Drug and alcohol tests will be administered under the following conditions:

- A. When an employee behaves erratically, smells of alcohol/drugs, and/or shows signs of impairment on the job;
- B. When a manager is subject to complaints from employees and guests regarding drug and alcohol use;
- C. After any accident or occurrence that results in an injury on the job;
- D. After any vehicular accident while the manager is engaging in work for MRG and when it appears that the manager might reasonably have avoided the accident or minimized the consequences, but did not do so;
- E. At hiring time, when all management new hires will be required to pass a pre-employment drug-screening test as a condition of employment. NOTE: if an applicant fails a pre-employment drug-screening test, they cannot reapply for a management position for a minimum of 90 days;
- F. On a random basis at the discretion of management; and
- G. Under any other circumstances at MRG's discretion.

Employees who refuse to submit to a drug test will be Suspended pending termination.

13. DRUG AND ALCOHOL POLICY:

POLICY:

MRG has a vital interest in maintaining a safe, healthy, and efficient working environment for all its employees. Drug and alcohol abuse are regarded as serious. Individuals under the influence of drugs or alcohol present safety and health risks to themselves and their fellow employees and have a detrimental effect upon high standards of performance and conduct. This policy is in effect for all MRG employees.

PROCEDURE:

Use, possession, sale, purchase or transfer of drugs or alcohol by employees or contractors while on the job or while on MRG property is prohibited and is subject to disciplinary action up to and including termination. Alcohol may be consumed at some MRG Company sponsored events with the approval of the CEO; however, MRG employees are personally responsible for their actions. MRG reserves the right to administer progressive discipline, up to and including termination, for inappropriate actions due to the consumption of alcohol during such events.

14. EMPLOYMENT OF RELATIVES:

POLICY:

The purpose of this policy is to establish guidelines with respect to the employment and placement of relatives of employees. MRG wishes to avoid creating or perpetuating circumstances in which the possibility of favoritism, conflicts of interest, or impairment of efficient operations may occur.

PROCEDURE:

While relatives of employees may be hired, **prior approval** must be obtained by the Hiring Manager's direct Supervisor and the Director of Operations. **Relatives may never engage in a direct supervision relationship unless prior approval is obtained from the Director of Human Resources.** Supervisors should exercise caution in hiring decisions to ensure that a new employee is not placed in a direct reporting relationship with a relative, as defined by this policy. Should two employees in a reporting relationship become relatives during their employment, the choice will be theirs as to which employee pursues a transfer into another position, if one is available, which matches the skill and experience of the employees. However, if neither wants to transfer, it will be at the discretion of the Director of Operations and the Director of Human Resources as to how the situation will be handled.

15. OPEN DOOR POLICY:

POLICY:

MRG promotes an atmosphere whereby employees can talk freely with members of the management staff. Employees are encouraged to openly discuss with their supervisor any problems so appropriate action may be taken. If the supervisor cannot be of assistance, Human Resources is available for consultation and guidance. MRG is interested in our employees' success and happiness with us. We, therefore, welcome the opportunity to help employees whenever feasible. MRG has established a toll free 1-800 24 hour hotline. Employees are encouraged to make use of it when needed.

PROCEDURE:

MRG's open door policy encourages employees to reach all levels of management to voice any areas of concern. This can be done by calling our Employee Relations Hotline at 985-674-5840 x20, our 1-800 24 hour Hotline or through a letter sent to the attention of our Human Resources Department, if an employee does not feel comfortable going through the traditional chain of notice.

CHAIN OF Command:

- A. Supervisor:
It is often most effective to report our concerns to our immediate supervisor. Supervisors are directly responsible for providing their employees with the resources necessary to resolve problems or concerns. Employees should first approach your immediate supervisor with questions or concerns. If you do not get your issue resolved or are uncomfortable talking to your immediate supervisor you should feel free to go to the next level of management.
- B. Area Director or Human Resources
In the event an issue is not handled to your satisfaction or you are not comfortable discussing it with your immediate supervisor, you can take the matter to the next level of management. Another effective channel for problem solving is Human Resources. Human Resources can be reached by calling **603-674-1621**.
- C. Senior Executive:
If these steps do not resolve the issue, you can make arrangements to review the situation with a Senior Executive, if applicable.

The Company will investigate employee complaint within a reasonable period of time while preserving the confidentiality and privacy of those involved to the extent feasible.

16. PROGRESSIVE DISCIPLINE:

POLICY:

For circumstances that require disciplinary action, up to and including suspension or termination, MRG has established a Progressive Discipline Process. This process is designed to give employees an opportunity to improve their behavior or eliminate the need for progressively more serious action. Based on the seriousness of the offense, MRG reserves the right to administer, at any time, any step of the Progressive Discipline Policy it deems necessary. All Salaried Management and full-time office employees may attend a one day training on MRG's Progressive Discipline System.

PROCEDURE:

Employees who violate MRG policies and procedures will have disciplinary action taken against them. Disciplinary action may vary according to the severity of the violation.

Verbal "Oral" Warning

Verbal warnings may be issued to an employee for minor infractions of policies and procedures. These warnings are issued in the manner of an immediate corrective action. Verbal warnings are issued when the severity of the infraction does not warrant a written plan of corrective action. Verbal warnings may be documented.

Written Warning

A written warning is issued when the violation of policies and procedures is severe enough, in the supervisor's view, to warrant a written plan of corrective action. A written warning will also be issued for repeated violations of verbal warnings.

Suspension Pending Termination

The following violations will be deemed grounds for discharge and may result in the immediate suspension and investigation of an employee. If after investigation, the facts around such violation are sustained, termination of the employee may result.

- a) Verbal, psychological or physical abuse of a customer and/or other MRG employee.
- b) Reporting to work under the influence of, or consuming on the premises, any controlled substances, unprescribed drugs, alcohol or illegal drugs.
- c) Falsifying work reports and/or time cards.
- d) Falsifying employment data.
- e) Theft from MRG (or associated entity), co-workers, customers, and/or visitors.
- f) Possession of weapons on the premises.
- g) Smoking on the premises other than in designated smoking areas.
- h) Lying or falsely accusing a fellow employee.
- i) Excessive tardiness.
- j) Sleeping on the job.

- k) Unauthorized long-distance phone calls or personal use of company resources.
- l) Insubordination.
- m) Inappropriate conduct while on the premise.
- n) Not performing work or other job tasks as assigned by your supervisor.
- o) If permitted by applicable law, failure to pass a drug or alcohol test to the satisfaction of the management of MRG.
- p) Unexcused failure to report to work.
- q) Any other reason deemed appropriate for termination in the sole discretion of the management of MRG.

Suspension

MRG may suspend an employee without pay to allow time for the investigation of the charges against the employee, but is not required to do so. If such charges are not sustained the employee will be reinstated with wages paid for lost work time.

17. PERSONAL LEAVE:

POLICY:

The purpose of this policy is to define the procedure under which an employee may receive an approved leave of absence (unpaid) for personal reasons not covered under any other type of company leave. Personal leave may be granted for a minimum period of seven (7) consecutive calendar days and a maximum period of 120 consecutive calendar days per occurrence from the date leave is requested.

PROCEDURE:

- A. To be eligible for Personal Leave, an employee must have been employed for ninety (90) days prior to the date the requested leave of absence is to begin.
- B. The employee should submit a Leave of Absence request to his/her supervisor at least thirty (30) days prior to the date the requested Personal Leave is to begin. If the need for Personal Leave is not foreseeable, the employee must notify his/her supervisor as soon as practical under the circumstances.
- C. Personal Leave requests will be reviewed on a case-by-case basis by your supervisor and submitted to the Corporate Office for processing. The decision to approve or disapprove will be based on the circumstances, the length of time requested, the employee's job performance, attendance and punctuality records, the reason for the leave, the affect the leave will have on the work place and the expectation that the employee will return to work when the leave expires.
- D. If a Personal Leave is approved, the employee will be required to use any accrued, unused vacation or sick days prior to the approved Leave, and will not receive pay for time lost, holiday pay, or accrue any vacation time during the Leave.
- E. Hourly vacation eligibility will not apply to any employee who worked less than a consecutive 12 month period prior to the personal leave.

- F. Employees will not lose seniority or other benefits accumulated before the Personal Leave began. Employees will not be entitled to raises, promotions, or other benefits that become available during the leave. Additional benefits will only be earned by an employee once he/she returns to work on a regular basis. Upon return, the employee will retain their original hire date as when the leave began.
- G. If an employee does not return from a Personal Leave, the termination date will be the last day of the authorized Personal Leave period or the date on which the employee notified his/her supervisor that they would not be returning (whichever is sooner). Such employees will be considered eligible for reemployment.
- H. While on Personal Leave, the employee's medical coverage (if participating in the Group Plan) will end on the 1st day of the month following the start of the Personal Leave. Employees will have the opportunity to continue their benefits for a maximum period of 18 months by paying the monthly premiums as required by COBRA legislation.
- I. If an employee's most recent job or a comparable job for which he/she is qualified is not available at the time the absence ends, the employee will be given the opportunity to accept other open jobs for which he/she is qualified and eligible. If a suitable position is not identified within 30 days from the date the leave to end, he/she will be terminated.

18. HOURLY SHIFT MANAGER VACATION PAY:

To qualify for hourly vacation pay, an employee must have attained the position of Shift Manager and been certified by his or her Area Director. They then will need to be recertified every quarter. They must work an average of 25 hours per week beginning on the employee's promotion date to Shift Manager.

All new Shift Managers will accrue vacation upon their promotion date. No vacation pay will be given for time off before

Vacation pay is based on a minimum average work week of 25 hours for the year and is relative to the length of service as outlined below. Any earned vacation must be taken prior to the next anniversary of the employee otherwise, that vacation pay will have expired. A **Vacation Request Form** must be submitted by employee's General Manager, to payroll, at least 3 weeks in advance of requested vacation for verification and approval.

Years of Service	Vacation Hours Earned
1	24 hours
2	32 hours
3 plus years	40 hours

19. MANAGER AND ABOVE VACATION:

Manager Vacation Time:

Years of Service	Vacation Earned
1 year	2 Weeks
4 years	3 Weeks
10 years	4 Weeks

- A. Vacation may be combined with days off at the beginning or the end of a workweek, however the employee's immediate supervisor will have the final decision in allowing for this to take place.
- B. Vacation time (combined with days off) may not exceed nine consecutive days at a time unless otherwise approved by a Senior Executive. Vacation requests may not always be approved based on circumstances related to the Employer or Employee.
- C. An employee may borrow a week of vacation after 6 continuous months of employment at the discretion of the Director of Human Resources. Vacation taken prior to accrual date must be repaid to the Company at termination of employment.
- D. Time taken exceeding your annual accrued time will be unpaid.
- E. Forty hours of vacation may be carried over into the next year. All requests must be approved by the Director of Human Resources and a Senior Executive in writing.
- F. Managers may not be paid for unused vacation if they do not give two weeks notice of resignation or are involuntarily terminated, unless otherwise required by state law.
- G. A Vacation Request Form must be submitted, to Payroll at least 3 weeks in advance of vacation.
- H. Vacation days must be taken at least **3 at a time** unless approved in advance by the employee's immediate supervisor.

20. EMPLOYEE CATEGORIES:

POLICY:

Based on the conditions of employment, employees of MRG fall into the following categories:

PROCEDURE:

All employees of MRG will be designated as a part of the following categories:

- A. **Full-time:** an employee who works the standard working hours of the Company each week (for these purposes, a minimum of 40 hours per week on a continuing basis). Full-time employees can be classified as exempt or non-exempt.
- B. **Part-time:** an employee who works a regular schedule of less than 40 hours per week. Part-time employees can be classified as exempt or non-exempt.
- C. **Salaried:** an employee whose wage is calculated on an annual basis and is paid their annual wage on a bi-weekly basis.
- D. **Hourly:** an employee whose wage is calculated on an hourly basis. Hourly employees are classified as non-exempt employees and are eligible for overtime pay in accordance with our overtime policy.
- E. **Exempt:** an employee whose job duties are classified as exempt from the overtime provisions of the Federal and State Wage and Hour Laws. Exempt employees are not eligible for overtime pay.
- F. **Non-Exempt:** an employee whose job duties are classified as eligible for overtime pay in accordance with our overtime policy.
- G. **Active:** an employee who currently is actively working a regular schedule.
- H. **Leave of Absence:** an employee who qualifies for a medical or personal leave of absence and is not currently working a regular schedule.

21. TENURE REINSTATEMENT:

POLICY:

MRG provides guidelines for tenure reinstatement when returning to MRG after a termination or leave of absence.

PROCEDURE:

Guidelines for reinstatement after a termination:

- A. An employee who terminates his/her employment with MRG and provides two weeks notice is eligible for rehire and will receive credit for previously earned tenure if the employee returns to the organization in 90 days of termination.

- B. The employee must return to the Company within 90 days of termination to receive his/her original hire date. If the employee returns to the Company more than 90 days after their termination date, he/she will receive a rehire date that will serve as his/her new hire date.
- C. An employee may avoid losing tenure by utilizing MRG's Leave Policy where the circumstances are applicable.

Guidelines for reinstatement after an unpaid leave:

- A. During any company-approved unpaid leave of absence, the tenure of the employee will continue. Therefore, the employee will retain their original hire date as when the leave began.
- B. Upon return of an employee after an approved leave of absence from his/her position, the Company will attempt to reinstate the employee to the same or comparable position within 4 weeks of notification of end of leave.
- C. When a leave of absence extends beyond the approved time, the employee will be eligible for reinstatement but tenure will be adjusted to reflect the tenure reinstatement policy (i.e. a new hire date will be issued if the person was gone longer than 90 days past their leave of absence approved time).

22. RESTAURANT WORK SCHEDULE:

POLICY:

MRG will maintain work hours for its employees in accordance with Federal and State regulations, work load, customer service needs and the efficient management of human resources. Overtime will be defined as all hours worked over forty in a workweek except for those positions defined as exempt under the State and Federal law.

PROCEDURE:

- A. The basic hours of operation (opening/closing times) of MRG restaurants are determined by Senior Management. Restaurant management may often have to work hours earlier and/or later than the basic hours of operations.
- B. Management is to be on duty, at a minimum of every day during the peak lunch and dinner business. Exceptions can be made only with the approval of the restaurant's Director of Operations.
- C. MRG General Managers or Managers may be asked to close their restaurants Friday, Saturday and Sunday nights. Managers must be able to work all shifts.
- D. The restaurant work schedule should be posted on the Thursday prior to the week scheduled. All employees should be advised to check the schedule often, as last minute changes might occur. Schedule requests must be submitted in writing by the Monday one-week prior.
- E. Each hourly employee's work schedule and hours will be based on the needs of the restaurant for which the employee works. Communication with the General Manager will help to determine how many hours each employee will have to work each week. Employees should be aware that some scheduling may need to be changed without the usual notice.

- F. If the employee would like to request a particular day or night off, sufficient advance notice should be given to the General Manager/Manager. If a request is turned down and the employee fails to show up as scheduled, disciplinary action will be taken.

23. EMPLOYEE REFERENCE INFORMATION:

POLICY:

MRG provides certain employee reference information. However, in providing the information, it is MRG's goal to avoid potential charges of "blacklisting" of a current or past employee of MRG while still verifying employment.

PROCEDURE:

- A. It is MRG's policy when giving references, to state only whether or not the employee has worked for MRG, the position held by the employee, and their employment dates. References for employees currently working for MRG will be handled in the same manner. MRG does not provide information about rehire status.
- B. All requests for employee reference information must be faxed or mailed to the Payroll Department.

24. SOCIAL SECURITY NUMBER DISCREPANCY:

POLICY:

MRG requires all employees to submit accurate Social Security Numbers (SSN). Routinely, a list of new employee Social Security Numbers is sent to the Social Security Administration (SSA) to check for accuracy. In the event the Social Security Administration reports discrepancies in Social Security Numbers, the following procedure will be administered.

PROCEDURE:

- A. A letter will be delivered to the employee, via the General Manager, stating the SSN they reported on their New Hire Paperwork did not agree with the SSA records. The General Manager is to give the letter to the employee.
- B. The Employee and General Manager are required to complete the following steps to correct the company records.
 - 1. The Employee must promptly meet with their General Manager and present their Social Security card to compare to our records. If the employee has lost their card, they must contact the nearest Social Security office to apply for a replacement card. The employee should be given the opportunity to review the New Hire Paperwork to correct any obvious errors.
 - 2. If our records are incorrect, the General Manager will resubmit the employee's New Hire Paperwork with the correct name and/or Social Security number. The employee can continue to work their regular schedule.

3. If the above steps do not resolve the discrepancy, the employee must contact the Social Security office. Once they have visited the Social Security Office, they are to inform their General Manager of any changes and the General Manager will correct their records.
4. The employee will have 14 days from receipt of this letter to correct their records. When the 14-day deadline expires, the General Manager will suspend scheduling the employee for shifts until the corrected records are brought to his/her attention. If corrected records are not brought to the General Manager within 30 days, the employee will be considered to have abandoned their position.

25. EMPLOYEE MEALS AND BREAKS:

POLICY:

MRG provides employees with meal and rest periods to allow them to maintain their performance levels. Employees should be aware of the Food Discount policy further detailed in the Policy Manual.

PROCEDURE:

- A. Break and meal periods shall be provided in compliance with any relevant State laws.
- B. Hourly Team Members and Office Staff receive a 50% meal discount on breaks, on, before or immediately following their scheduled shift. Hourly and Salaried Managers and above receive a free meal for each shift worked. Discounts are for MRG employees only, and are not to be applied to family or friends.
- C. When ordering food, all employees must go to the front register to place their order. Employees are not permitted to make their own food. Eating food without having it rung into the register may be considered theft and may result in disciplinary action up to and including termination.
- D. Soft drinks, coffee, tea and tap water are free to employees during their shifts. Employees must use their Employee cup to receive these beverages at no cost.
- E. All food and beverages must be consumed in the designated break area and never in a food preparation area or on the front line.
- F. All food must be consumed at the restaurant. No "Doggie Bags" allowed.

26. CLOCKING IN AND OUT:

POLICY:

MRG assures that employees are paid for all working time required by MRG.

PROCEDURE:

- A. All employees (including Management) are to be "clocked in" and paid for any time spent working in or for the restaurant, including any business meetings or errands required by management.
- B. At no time is an employee to ever work unless clocked in. Employees may not work off the clock for anyone for any reason.

- C. Should an employee fail to clock-in or clock-out, the times should be adjusted by the Manager in the POS system. If it is too late in the pay cycle to enter those hours, they should be manually submitted by the manager in writing via fax or e-mail.
- D. It is each employee's responsibility to clock themselves in and out. No hourly employee may clock in or out for another employee.
- E. Employees must be allowed to clock-in at their scheduled work time or must leave the premises. Managers may not require them to wait until it is busy to clock in.
- F. Failure to "clock in and out" may result in disciplinary action up to and including termination.

27. AMERICANS WITH DISABILITIES ACT:

MRG is committed to complying with all applicable provisions of the ADA and applicable state laws. It is MRG's policy not to discriminate against any qualified employee or applicant with regard to any terms or conditions of employment because of such individual's disability or perceived disability so long as the employee can perform the essential functions of the job. Consistent with this policy, MRG will provide reasonable accommodations to a qualified individual with a disability, as defined by the ADA and applicable state law, who has made MRG aware of his or her disability, provided that such accommodation does not constitute an undue hardship on MRG.

Employees with a disability who believe they need a reasonable accommodation to perform the essential functions of their job should contact the General Manager of their restaurant and/or the Director of Human Resources. On receipt of an accommodation request, the General Manager or Director of Human Resources will contact the employee to discuss and identify the precise limitations resulting from the disability and the potential accommodation that MRG might make to help the employee overcome the limitations.

MRG will determine the feasibility of the requested accommodation as required by law.

This policy requires MRG to make only reasonable accommodations that are effective. It does not require MRG to make the accommodation of the employee's choosing, to make the best possible accommodation, to reallocate essential job functions, or to provide personal use items (i.e., eyeglasses, hearing aids, wheelchairs, etc.).

An employee or job applicant who has questions regarding this policy or believes that he or she has been discriminated against based on a disability or other protected characteristic should notify the General Manager and/or Director of Human Resources. MRG will as soon as is reasonably practicable respond to such complaints of discrimination and take whatever steps necessary to remedy any such discrimination. MRG will treat questions/complaints under this policy as confidential to the extent possible, but cannot guarantee confidentiality. MRG has no tolerance for any violation of this policy.

28. FMLA POLICY:

POLICY:

To provide leave to "eligible" employees in accordance with Family and Medical Leave Act.

PROCEDURE:

Eligible employees are entitled to up 12 weeks per year of unpaid leave for certain family and medical reasons. Employees are eligible if they have worked for MRG for at least 12 months and have worked 1,250 hours within those 12 months.

Leave will be granted for any of the following reasons: (1) to care for the employee's child after birth or placement for adoption or foster care; (2) to care for the employee's spouse, son or daughter, or parent who has a serious health condition; or (3) for the employee's own serious health condition that makes the employee unable to perform his or her job. The 12-week period is determined on a rolling calendar year based on the start of the leave. In certain circumstances, leave may be granted on an intermittent or reduced schedule basis, as required by law.

The employee must provide 30 days' advance notice when the leave is foreseeable. Otherwise the employee must provide as much advance notice as is practicable. After the employee notifies his/her supervisor, the supervisor will complete an Leave Request form. A copy will be provided to the employee. MRG may require medical certification to support a request for leave because of a serious health condition, and may require second or third opinions and a fitness for duty report to return to work.

For the duration of the leave, MRG will maintain the employee's health coverage under the company's group health plan as well as other paid benefits (although the employee will be expected to contribute the employee share of the premium during the leave). Upon return from leave, the employee will be restored to his or her original position or an equivalent position with equivalent pay, benefits, and other employment terms.

Employees must use any FMLA leave concurrently with accrued but unused vacation and/or **other** leave.

29. MILITARY LEAVE POLICY:

It is the policy of MRG to honor such re-employment rights as are required by the laws of the United States and or by state law.

30. CONFLICT OF INTEREST:

POLICY:

MRG expects its employees to conduct business according to the highest ethical standards of conduct. Employees are expected to devote their best efforts to the interests of the Company. Business dealings that appear to create a conflict between the interests of the Company and an employee are

unacceptable. A violation of this policy will result in immediate and appropriate discipline, up to and including immediate termination.

PROCEDURE:

- A. Employees may engage in off-duty employment provided that the employment does not conflict with the employee's work schedule and/or duties and responsibilities; create a conflict of interest or incompatibility with MRG employment; create a detrimental effect upon the employee's work performance; or involve conducting business during hours of employment with MRG.
- B. Self-employment is considered off-duty employment and falls under the same conditions as other off-duty employment, with the addition of the restriction the employment does not involve ownership of a private business that is incompatible with an employee's position with MRG.
- C. Assistant Managers and above may not work for a direct competitor while working for MRG.

31. CONFIDENTIAL NATURE OF WORK:

POLICY:

All MRG records and information relating to MRG or its customers are confidential and employees must, therefore, treat all matters accordingly.

PROCEDURE:

- A. No MRG or MRG-related information, including, without limitation, documents, notes, files, records, oral information, computer files or similar materials (except in the ordinary course of performing duties on behalf of MRG) may be removed from MRG premises without permission from MRG.
- B. Additionally, the contents of MRG records or information otherwise obtained in regard to business may not be disclosed to anyone, except where required for business purpose.
- C. Employees must not disclose any confidential information, purposefully or inadvertently through casual conversation, to any unauthorized person inside or outside the Company.
- D. Employees who are unsure about the confidential nature of specific information must ask their supervisor for clarification.
- E. Employees will be subject to appropriate disciplinary action, up to and including dismissal, for knowingly or unknowingly revealing information of a confidential nature.

32. MANDATED RESTAURANT POSTINGS:

POLICY:

MRG assigns responsibility to Restaurant Management to be aware of and comply with the proper posting of company policies and Government mandated rules, regulations, and notifications. MRG has installed in every restaurant "Back of House Communication Boards."

PROCEDURE:

- A. It is the responsibility of the Restaurant General Manager/Manager to maintain the "Back of House communication Board" and all required postings in the restaurant. These include, but are not limited to, governmental issued licenses; local, state and federal agency rules and regulations (Health Department, OSHA, FMLA, Wage & Hours Laws, etc.) and special MRG policies.
- B. MRG's Corporate Office will forward the appropriate postings as they become available from the providing agency or source.
- C. Licenses issued by governmental agencies must be monitored for renewal dates. The Restaurant General Manager/Manager must notify the Area Director, Director of Operations, or Director of Human Resources well in advance of the expiration of any license so that the proper applications for renewal may be made.

33. MANAGER COMPENSATION AND APPRAISALS:

POLICY:

MRG provides a pay structure that is equitable and competitive with consistent application. The policy has been formulated to conform to government regulations including equal opportunity, non-discrimination in pay practices and equal pay for equal work.

PROCEDURE:

- A. Performance appraisal scores will be averaged to determine the result of the salary review and subsequent financial adjustment. Performance rankings (A, B, C) will then be used.
- B. Performance reviews may be conducted twice per year (every 6 months) for all Restaurant Managers and above. Merit increases will be in-line with employee's anniversary date. No Merit increase is every guaranteed.
- C. Salary ranges are divided into three zones. The lowest zone is called the "Threshold". The Middle is called the "Mid Zone". The highest is called the "Max". An individual's position in the range will determine the amount of raise possible. When an individual's salary is above the "Max" salary range, it will be referred to as "red circled" and will be handled differently. If a manager's current base salary is above the maximum for their job title and they scored an Outstanding on their evaluation, they are eligible for a lump sum payment. This amount is a one-time payment and is not added to their base salary.
- D. Salary ranges for each job are designed to bring salaries up quickly, with larger raises in the beginning, decreasing the rate of growth in salary at the upper end of the range.
- E. Salary ranges and salary guides will be reviewed annually to take into consideration inflation, competition, etc.
- F. All GMs and above are exempt from overtime. All GMs and above are expected to work as many hours per week as it takes to get the job done satisfactorily.

34. HOURLY COMPENSATION AND APPRAISALS:

POLICY:

MRG provides an opportunity for all hourly employees to have formal performance reviews on a regular basis. In addition, MRG provides a pay structure that is equitable and competitive with consistent application.

PROCEDURE:

- A. Every Hourly employee joins MRG as a Team Member in Training. Upon 90 days of successful performance, the employee may be promoted to Team Member and may receive up to a .10 cent raise. After 6 months of successful Performance and the completion of all TMTP modules, the employee may be promoted to Senior Team Member and may receive an increase of up to .15 cents per hour. All other reviews will take place every six months as determined by the employee's hire date, however Merit increases are never guaranteed.
- B. Each formal performance evaluation will be thoroughly discussed with the employee to point out areas of successful performance and areas that need improvement or are unacceptable. These sessions should be held in a setting that is as private and free from distractions or interruptions as possible.
- C. Employees are encouraged to comment about their work performance, in writing or verbally, and to discuss working conditions and offer suggestions for improving business operations. Employees who are dissatisfied with their evaluations should put their objections in writing and submit copies of this statement to their Manager and their Area Director, who will review the worker's complaint and determine what action, needs to take place.
- D. The employee is asked to sign the performance evaluation to acknowledge awareness of its content and discussion with the supervisor. The employee's signature does not necessarily mean that the employee fully agrees with the contents of the report, and the employee may state so on the form prior to signing.
- E. Strong performance evaluations **do not guarantee an hourly pay increase**. In order to be considered for a pay increase, the hourly employee must:
 - a. become proficient in their current job function;
 - b. take on new job tasks and become cross-trained in other areas;
 - c. be willing to take on more responsibility; and
 - d. have schedule flexibility.
- F. If an employee has not accomplished several of the items listed above, they should not receive a pay increase. Furthermore, it is not intended that pay increases will occur each time an employee receives a performance evaluation.
- G. Pay range guides are provided and should be used to determine starting pay amounts and pay increase amounts for hourly employees. The guides show ranges of pay, therefore, the manager must determine the best pay rate for the employee within the range. Pay rates of other employees with comparable skills and experience will be considered as a means of comparison to ensure fairness and consistency.

- H. If a manager plans to raise an employee's pay above the maximum amount allowed for the job, according to the pay range guide, the manager must receive approval from their Area Director and Director of Operations.

35. PAYMENT OF WAGES:

POLICY:

MRG has defined certain payroll policies that it consistently follows.

PROCEDURE:

- A. All payroll checks must be picked up in person by the employee. Checks will not be given to family members or friends. Exceptions require Human Resources approval.
- B. Payroll is computed on a bi-weekly basis.
- B. Salary information is confidential and not to be discussed.
- C. Paychecks may not be cashed in the restaurant.
- D. Overtime payment, which is included with the non-exempt employee's base salary payment, is also paid bi-weekly with such payment covering hours and overtime worked in the prior bi-weekly period.

36. OVERTIME COMPENSATION:

POLICY:

The purpose of this policy is to define the guidelines for calculations of overtime compensation to non-exempt employees. Depending on the Company work needs, employees will be required to work overtime when requested to do so.

PROCEDURE:

- A. Prior approval of a supervisor is required before any non-exempt employee works overtime. Employees working overtime without approval will be subject to disciplinary action.
- B. Hourly, non-exempt employees who work overtime as defined by federal or state law will be paid an hourly rate of pay equal to one and one-half times their hourly rate.
- C. Time for which an employee is paid for holidays, vacation days, sick days, jury duty, or funeral leave will not be counted as hours worked for the purpose of overtime calculations.

37. Sick Days/Bereavement:

POLICY:

Salaried Managers and full-time Office Staff are eligible for **3 paid sick or personal days per year**. Sick/ personal days may not be carried over from year-to-year and **days not taken will be forfeited as of the last day of the year, or in the event of termination, immediately**. Personal days must be scheduled in advance with your Area Director, Director of Operations or Controller approval.

Paid sick days may need to be verified by a Doctor's excuse (at MRG's request). Any unexcused absences may result in disciplinary action.

If there is a death in your immediate family, Salaried Managers and full-time Office Staff are entitled to bereavement time of up to 3 days. Immediate family includes parents, children, siblings, grand parents, and spouse (spouse's immediate family members) or significant other. All other requests must be approved by the Director of Operations or the Director of Human Resources.

38. PERSONNEL RECORDS:

POLICY:

MRG's goal is to ensure that information about employees in the organization's personnel files and records is accurate, relevant, and safe from improper disclosure.

PROCEDURE:

- A. Necessary job-related and personal information about each employee will be retained in an official personnel file. The contents of these files will include: basic identifying information (such as the worker's name, address and job title); completed employment applications and other hiring-related documents; notices of pay changes; performance evaluations and information on other employment-related actions (such as promotions, training course participation, and disciplinary action); and other relevant job-related information or documents deemed essential by management. Essential records of current and former workers will be kept as required by federal and state law.
- B. Personnel files for General Managers/Managers and Corporate Employees will be maintained at the corporate office. Personnel files for hourly employees will be maintained at the individual restaurant.
- C. Managerial access to an individual's file is limited to General Managers, Managers, Area Directors, Directors of Operations, and Executive Team members who are considering the worker for a promotion, transfer, disciplinary or other personnel action, and other management officials who have a legitimate, verifiable need to know specific information about the worker.
- D. The employer reserves the right, however, to verify basic information, such as employment status and job title, without notification to the individual involved, and to cooperate with law enforcement, public safety, or medical officials who have a valid need to ascertain limited, specific information about an individual.
- E. Employees and former employees may access their personnel files as permitted by State law. A written request may be required.

- F. Individuals who question the accuracy or completeness of information contained in their files should bring such matters to the attention of management. The employer will consider the worker's objections and correct or remove erroneous or improper information. If management decides to retain the disputed information in the file, the employee is entitled to place a brief statement in the record identifying the alleged errors or inaccuracies.

39. BONUS PAYMENT:

POLICY:

MRG reserves the right to offer discretionary bonuses to employees. Bonus is never guaranteed.

PROCEDURE:

- A. The Director of Operations and the Director of Human Resources must approve all bonus payouts. Area Directors and Managers must be in position the first day of the month and or quarter to be eligible to participate for that month's/quarter's bonus payout.
- B. Area Directors and Directors of Operations must approve all requested bonus payments for restaurant management with final approval from the Director of Human Resources. Criteria for the bonus payments will be established according to restaurant or departmental needs and goals. Restaurant bonus programs will be detailed and provided to management as necessary.
- C. Only associates currently employed and in good standing at the date of check distribution qualify to receive earned bonus from the prior quarter. An associate must be "in good standing". Associates who are suspended or who receive a written warning may forfeit the bonus for the quarter in question. Associates on an action plan will forfeit bonus for the month(s)/quarter(s) covered by the action plan.
- D. Bonus pertaining to any quarter or quarters may be forfeited due to neglect by Area Director or Manager to comply with any administrative duty, responsibility or policy where the profitability of MRG may be adversely affected. Intentional manipulation that may affect any of the measurements in the bonus program is grounds for immediate termination.
- E. The bonus program will be reviewed on a periodic basis, and may be changed, amended or terminated at the sole discretion of MRG in light of changes in law and/or changes in Company policies, procedures or management philosophies and/or any other reason.

40. GARNISHMENTS:

POLICY:

MRG has a responsibility to ensure that garnishments and court ordered involuntary assignments of wages are carried out according to federal and state guidelines.

PROCEDURE:

- A. A garnishment is an order of the court to an employer (the garnishee) to withhold a sum of money from an employee's earnings for payment of a debt. Any garnishment order received at the restaurant must be immediately forwarded to the Corporate Office.

- B. The Corporate Office will provide the employee with a copy of the court order, which will contain all information about the garnishment. This will be done prior to or at the time income withholding occurs.
- C. Employees may not be disciplined, suspended or otherwise discharged because of a garnishment or income assignment either for support or for another kind of debt.
- D. Failure of employees to meet personal financial obligations imposes an administrative and financial burden on MRG.
- E. MRG will not disclose employee financial information to outside sources except as required by law.
- F. Credit checks may be conducted on employees or candidates being considered for promotions, transfers, or hire to positions where personal financial considerations may impact the employee's ability to perform the job and with the employees express permission.

41. PROMOTIONS:

POLICY:

MRG provides employees an opportunity to be considered for higher-level positions and encourages employees to apply for those positions for which they qualify. In addition, MRG will often post corporate level jobs in order to offer qualified employees an opportunity to bid for certain positions.

PROCEDURE:

- A. Job vacancies will be filled by promotion of qualified employees within MRG whenever possible. However, promotions are never guaranteed. A **Promotional Profile** may be conducted on each qualified employee prior to any decision being made.
- B. Generally, employees must be in their job for at least 6 months before applying for a change in position, unless they have been requested to change positions or another more qualified candidate does not exist.
- C. The Department Head, Director of Human Resources, and Director of Operations in whose area the vacancy occurs normally will be the persons responsible for making a promotion decision. When necessary, management should remind employees that while current employees normally receive priority consideration for job openings, promotions are never guaranteed.
- D. The primary factors taken into account in all promotion decisions will be relative ability and merit of all candidates for an open position. The hiring manager will consider, among other things, each individual's job related skills, knowledge, experience, ability, efficiency, initiative, and attitude (as reflected in previous performance appraisals or personnel records), attendance record and performance in selection interviews. When assessments of job-related skills are required, all qualified candidates for the position may take different "assessments". Candidates who get promoted may be required to take a drug test. Failure to do so could exclude the employee from being promoted.

42. SECURITY PROCEDURES:

POLICY:

Security procedures at MRG are strongly emphasized to provide the employees with a safe and secure working environment at all times.

PROCEDURE:

- A. Never count or talk about money while there are still customers in the building. Keep money secured until the last customer has left and the doors are locked.
- B. All employees should circle the lot when arriving for work, noting anything suspicious and informing the General Manager/Manager.
- C. The back door is not to be used as an exit or entry by employees. It must be locked at all times except for the removal of trash before 5 p.m. and for deliveries. All delivery persons must check in through the front door first.
- D. Except in the case of an emergency, once the dining room doors are locked, no doors should ever be opened during an overnight shift (not for trash, smoking, fresh air, or any other reason).
- E. Lock the register if it is necessary to leave it unattended. Only the employee assigned to the cash register and the person in charge should have a key.
- F. Employees working evening hours should park where it is well lit.
- G. If employees are ever the victims of an armed robbery, then they are to offer no resistance whatsoever. They are to do as they are told and nothing else. The only exception might be to tell the robber if there is someone in the restroom or back room so the robber would not be surprised when they came out and take violent action.
- H. There is never to be less than two people in the restaurant after 5 p.m.
- I. Posted in each restaurant is a copy of the security procedures. These policies are to be followed at all times.
- J. Suspicious activities by a customer, vendor, or fellow employee should be reported immediately to employee's immediate Supervisor.

43. SAFETY & HEALTH PROCEDURES:

POLICY:

To identify the employer's safety and health rules and procedures designed to ensure that each job and area of the workplace is as free as possible from hazards.

PROCEDURE:

- A. MRG will establish procedures to identify existing and potential hazards and to remove or guard against these dangers.

- B. Employees who are aware of an unrecognized or poorly identified hazard or potential hazard in their jobs or the workplace are encouraged to report such hazards to their General Managers/Managers. Any ideas for removing or guarding against the hazard are encouraged and should be given to the employee's Supervisor.
- C. General Managers/Managers will have the primary responsibility for ensuring compliance with the organization's safety and health rules in their restaurants. To help them carry out these responsibilities, General Managers/Managers will receive special safety and health training.
- D. Penalties for employees who violate established safety and health rules or procedures will range from written Counseling Forms to dismissal, depending on the severity and frequency of the violation.
- E. An Incident Report is to be filled out to document and describe any occurrence of any unusual situation, i.e., robbery, irate customer, employee or customer injury, foreign object found in product, etc. This form should be filled out immediately and faxed to the office within 24 hours. The Manager on duty must immediately notify his/her Supervisor of the event. Therefore, it is imperative that employees communicate with the management of any incident of which they are aware.
- F. Automobile accidents involving on-duty personnel must be reported to the Director of Human Resources.
- G. It is the policy of MRG that all employees to be trained concerning the use of hazardous chemicals in the restaurant. It is the responsibility of the employee to reduce the risks associated with these hazardous chemicals by following safe work practices

44. THEFT:

POLICY:

To define employee theft and the consequences thereof.

PROCEDURE:

Stealing includes but is not limited to the following:

- A. Taking cash from the cash register, the safe, or fellow employees is stealing. Removing cash and/or property that belong to MRG in any other manner whatsoever is stealing.
- B. Eating or taking MRG products without paying for them with Employee Food Credit or cash is stealing.
- C. Giving unauthorized discounts to friends or relatives is considered stealing.
- D. Giving food or drinks to friends or relatives is stealing.
- E. Employee theft will not be tolerated. Employees caught stealing from MRG will be Suspended Pending Termination and may be prosecuted.
- F. Any employee witnessing employee theft should notify their immediate supervisor or their General Manager.

45. VIDEO SURVEILLANCE OF RESTAURANT:

MRG reserves the right to conduct video surveillance in its restaurants and restaurant parking lots. Employees should be on noticed that they could be under video surveillance in the working areas of the restaurant, public areas of the restaurant, and/or restaurant parking lots.

46. WEAPONS POLICY:

POLICY:

To prohibit employees from bringing any weapons to the workplace or property, and to prohibit possession of concealed weapons in the performance of company related business.

PROCEDURE:

- A. Employees may not possess, transfer, or use any weapon, whether legally licensed or not, either while working or during non-working times, on properties or businesses owned by, leased by or under the control of MRG.
- B. Neither may any employee possess, transfer or use any weapon while on duty, but off the workplace premises (i.e., during delivery, caters, while making bank deposits, etc.).
- C. Weapons include, but are not limited to, handguns, switchblade knives, explosives, and objects carried to injure or intimidate other people.
- D. Exempt from this policy are licensed law enforcement officers who are obligated by their commission to carry firearms at all times and security personnel contracted by MRG to enhance the safety and security of its property and employees.
- E. Any violation of this policy will be handled through established disciplinary procedures, up to and including termination.

47. CELLPHONE POLICY/UNIT PHONES:

POLICY:

Employees on duty may not use cell phones and pagers. Any cell phones or pagers brought into the unit or office by any employee of MRG must be placed on "vibrate" or "silent" modes. Calls should be received or returned only while on break, or after the shift. Abuse of the policy will result in disciplinary action up to and including Suspension Pending Termination. MRG is **not liable** for any personal property that is stolen or lost while working. Personal property should not be brought into the restaurant.

The store and office phones are for business use, and should not be used for personal calls. If it is necessary to use the phone for a brief personal call (such as an emergency, schedule change, or ride). Employees must receive permission from their Manager prior to making any call that is not an emergency.

Unit phones should always be answered in the following way: "Thank you for calling Arby's (or Arby's), this is (Your Name). May I help you?"

48. HOLIDAYS:

POLICY:

So that employees may enjoy the holidays with friends and family, MRG Arby's restaurants are closed on Thanksgiving, Christmas, and Easter, which are paid holidays for Assistant Managers and above. Assistant Managers and above who wish to observe other religious holidays in lieu of these should notify their General Manager, Area Director, or Supervisor at least 2 weeks in advance. The restaurants may also be closed early prior to some holidays at the discretion of the Senior Management team. Once again, only Assistant Managers and above will be compensated for a full days pay when and if this occurs.

The Corporate Office may be closed on government holidays and days that are not conducive to conducting business. (i.e. bank, post office and FedEx closings) Such days include New Year's Day, Mardi Gras, Memorial Day, July 4th, and Labor Day. There may be floating holiday days as well.

49. VENDOR RELATIONS:

POLICY:

It is against company policy to accept gifts, favors, or monetary awards in excess of \$50.00 from any company, supplier, or potential supplier. In the event a vendor or supplier wishes to make a gift, perform a favor, or offer monetary awards, prior approval from the Director of Operations or the Director of Human Resources is required. Violation of this policy may result in disciplinary action including dismissal.

50. CASH POLICY:

POLICY:

Managers are responsible for enforcing all Cash Policies. All Team Member Cash Policies also apply to the Management Team.

PROCEDURE:

- A. Employees must verify the total of their cash drawer with the Cash Manager at the beginning of the shift after clocking in. At the end of the shift, while on the clock, employees may observe the Cash Manager as he/she balances their drawer. Employees must sign the Daily Cash Sheet to verify the drawer amount.
- B. **Front Counter employee's are 100% responsible for their cash draws.** Employees should not allow anyone other than the Cash Manager on duty to have access to their cash drawer. Do not leave the cash drawer open at any time. Close it immediately upon making change. Employees must notify the Cash Manager immediately when they have a void or a return. Employees must sign the Void/Return form and the receipt. If an employee's cash draw comes up short, the employee may receive discipline action up to and including termination.
- C. Skims are to be made hourly, or more often as needed. Employees should initial the Daily Cash Sheet for each skim. Place all \$20 bills under the tray. We do NOT accept personal checks or traveler's checks. Employees should close the cash drawer and notify the Cash Manager immediately if they get confused, or believe someone is trying to shortchange them.

- D. One manager per shift should be the Cash Manager. The Cash Manager should have the only access to employee drawers and the safe. The Cash Manager should complete and sign off on the Daily Cash Sheet for every skim, deposit, cash over/short, and safe verification.
- E. A "clean" drawer should be assigned with each change of a cashier, and the new cashier's name entered into the system. When a \$50 or \$100 bill is presented to a cashier for payment, the Cash Manager must verify the bill for authenticity. A counterfeit pen should be kept in each unit.
- F. Drawers should be skimmed a minimum of once per hour. The amount of cash in the drawer should never exceed \$150.
- G. The safe must be verified by the Cash Manager at the following times each day:
- ◆ Prior to opening the unit
 - ◆ At every shift change (must be verified simultaneously by the outgoing and incoming Cash Managers)
 - ◆ After closing the unit
- H. In 24-hour units, the outgoing and incoming Cash Managers must verify the safe at the following times:
- ◆ 8 am shift change
 - ◆ 4 pm shift change
 - ◆ 12 am shift change
- I. The safe should remain locked at all times. Leaving the safe on day lock is NOT permitted.
- J. Deposits are to be made twice a day (3 times in 24-hour units) and taken to the bank twice a day. The day shift deposit must be taken to the bank before dark.
- K. Employees should follow these additional safety measures whenever taking deposits to the bank:
- ◆ Vary your routes and times
 - ◆ Conceal the deposit
- L. In 24-hour units, 3 deposits must be made:
- ◆ Following 8 am shift change (Taken to the bank by 10:00 am)
 - ◆ Following 4 pm shift change (Taken to the bank before dark.)
 - ◆ Following 12 am shift change (Kept in the safe & taken to bank with the 8 am deposit.)
- M. Deposit bags and deposit slips must be picked up every business day prior to 10:00 am. Deposit slips must be attached to your DAR/DSR and sent to Corporate each Monday. Managers missing a deposit receipt can not make another deposit without the Area Directors approval.

- N. Managers should NEVER allow anyone to borrow their safe, alarm or register codes, or safe, register or unit keys. Leaving manager keys or codes unattended or available to others may be cause for disciplinary action including termination.
- O. All codes should be changed each period. Locks must be changed after each change of management personnel, termination of any manager, or any time that keys have been lost.
- P. Cash may never be "borrowed" from the unit. **Credit Card Terminals are only be used for Arby's Business and never for Personal Business.** This is considered theft and possible fraud. Making deposits late, regardless of the reason, is considered theft. Anyone "borrowing" money or otherwise mishandling or misappropriating company funds or property will be suspended pending investigation.

MRG Handbook Acknowledgement Form

I hereby acknowledge receipt of the Miracle Restaurant Group Employee Handbook. As part of that acknowledgement, I acknowledge the following:

- I have read/will read the employee manual _____
- MRG specifically covered its Equal Employment Opportunity and Anti-Harassment and Anti-Discrimination Policies with me and allowed me to ask any questions I had about those Policies _____
- I understand my rights and obligations under MRG's Equal Employment Opportunity, Anti-Harassment and Anti-Discrimination, and other policies _____
- I will abide by MRG's Equal Employment Opportunity, Anti-Harassment and Anti-Discrimination, and other policies _____
- My employment with MRG is "at will" at all times _____
- MRG may delete, alter, amend, or modify any policy in the employee manual at any time _____
- In the event of any alteration, amendment, or modification of the employee manual, I will read and abide by such alteration, amendment, or modification of the employee manual _____
- As of my signature below, I do not have any questions about the employee manual that I have not had an opportunity to ask _____
- If I have any future questions about the employee manual or my employment with MRG, I will direct such question(s) to the Director of Human Resources _____

My signature below indicates my acknowledgment of the above and my receipt of MRG's employee handbook.

Employee's Signature

Date

Employee's Name (typed or printed)

Supervisor's Signature

Date

Supervisor's Name (typed or printed)