

# MISSION STATEMENT

El Chaparral Mexican Restaurant, Inc., is committed to providing a healthy, safe, and productive work environment for its employees, while providing excellent customer service and a fine dining experience for its customers. Of course, El Chaparral is also committed to providing delicious and high quality Mexican food with a "A Taste Like No Other." Although El Chaparral is a family-owned and operated restaurant, it is a business whose goal is not only continued profitability but also to maintain its impeccable reputation in the community. El Chaparral strives for continued growth and success. In doing so, it will continue to provide employment for its employees and will continue to serve its customers.

# INTRODUCTION

The following pages comprise El Chaparral Mexican Restaurant, Inc.'s, Employee Manual. The purpose of this manual is to outline El Chaparral's rules, regulations, policies and procedures; to provide employees with the necessary information for them to carry out their job duties. This manual was prepared for the convenience of employees and to ensure the smooth operation of the restaurant. Employees are responsible for reading this Employee Manual and becoming familiar with its content, specifically El Chaparral's rules, regulations, policies and procedures.

# LEGAL DISCLOSURES

## **Not An Employment Contract**

This Employee Manual, in whole or in part, does not constitute an employment contract between El Chaparral and employees; nor is it a promise for future or continued employment. The information contained in this manual is provided to employees for information purposes only; and to ensure that employees have a clear understanding of El Chaparral Mexican Restaurant, Inc.'s policies and procedures. This Employee Manual does not constitute an offer of employment nor a promise for continued employment.

## **Equal Opportunity Employer**

El Chaparral Mexican Restaurant, Inc., is an Equal Opportunity Employer. The company strives to provide fair and equitable job practices for all of its employees. El Chaparral complies with all state and federal laws in this regard. All applicants and/or employees will be interviewed, hired, trained compensated, evaluated, disciplined and/or promoted without regard to race, color, creed, religion, age, gender, national origin, disability, veteran status, marital status, sexual orientation or any other factor that is not related to performance or job requirements. Furthermore, El Chaparral will not engage in, nor will it condone any of its employees to discriminate against any applicants and/or fellow employees due to race, color, creed, religion, age, gender, national origin, disability, veteran status, marital status, sexual orientation or any other factor not

related to performance or job requirements.

## **"At Will" Employment**

Employment at El Chaparral is "AT WILL" per Texas law. This means that employees may be discharged from their employment at any time, for any non-discriminatory reason.

## **Changes to Employee Manual**

Any portion or portions of this Employee Manual and/or company policies and procedures are subject to change without notice and at the sole discretion of El Chaparral management. However, El Chaparral will make every reasonable effort to promptly inform its employees of any changes to the Employee Manual and/or policies and procedures.

# **EMPLOYMENT MATTERS**

## **Pre-Employment**

El Chaparral will distribute and provide interested persons with employment applications when there is a job(s) available. Applications will not be handed out unless there is an opening for employment. Providing an interested applicant, an employment application does not constitute a guarantee and/or promise of employment. Upon obtaining an application, an applicant must completely and accurately fill out the application and turn it in to a Manager for consideration. Only a Manager is authorized to communicate information regarding job openings and hiring matters to applicants.

## **The Employment Application**

Employment applications are crucial to the hiring process at El Chaparral. That is why it is important that applications are completely and accurately filled out. Applications become part of employees' permanent files upon being hired. El Chaparral may verify some or all of the information in employment applications, including but not limited to an applicant's prior employment, references and employment dates. Employees may be discharged if false information is discovered in his/her application and/or if it is determined that the employee withheld requested information.

## **Employee Records - Files**

An individual file will be maintained for each employee. Employees are responsible for ensuring the accuracy of information maintained in their files, including but not limited to the following: change of address, change of marital status, a change in the number of dependents, name changes, new telephone numbers, new emergency contact information, child support withholding, and/or other withholdings. When applicable, employees may be asked to sign a new W-4 form. Employee files are the property of El Chaparral. The information contained in employee files is confidential and may only be released with an employee's written consent. If an employee specifically desires for his/her personal information, such as earnings, to be given to a third party (bank, university, or other agency) said third party must mail a letter requesting the needed information along with the employee's written consent to:

**Attn: Employee Records**

**El Chaparral Mexican Restaurant, Inc.**

**15103 Bandera Road**

**Helotes, Texas 78103**

No information will be provided unless the above terms are met. Written requests and employee authorizations will be kept in the employee's file. No information will be provided by telephone.

## **Testing (Skills)**

In order to verify basic skills that may be crucial for the successful performance of a given job, El Chaparral reserves the right to test prospective employees, when and if applicable, to verify statements concerning an applicant's proficiency in a given area.

## **TABC Certification**

All wait staff is required to be certified by the Texas Alcoholic Beverage Commission (TABC). Wait staff will not be allowed to wait on customers until management has been provided a TABC certificate. Employees may obtain information concerning requirements and classes directly from TABC's office and/or website for classes: *Learn2serve.com*.

## **Medical and Other Examinations**

As a condition of employment, El Chaparral reserves the right to require employees to take a drug or alcohol test, or strength and endurance evaluation, when and if necessary. The cost of such examinations will be paid by El Chaparral. Individuals applying for management positions will be required to submit to a drug test prior to being hired. Other employees must submit to random drug testing when required by El Chaparral.

**All employees must sign the attached Authorization accepting these terms.**

## **Probationary Period**

All employees are hired on a probationary basis and will remain on probation for 90 consecutive days, from the date of hire. An evaluation of probationary employees may be given at the end of 30 days, depending on the necessity for such evaluation. At the end of the probationary period, there will be a final evaluation of probationary employees, at which time, El Chaparral will determine if said employees will continue their employment relationship with El Chaparral. NOTE: During the 90 day probationary period, El Chaparral reserves the right to discharge probationary employees without cause.

## **Employees Who Are 15 Years Old**

El Chaparral complies with state and federal law regarding the hiring of 15 year olds. El Chaparral also complies with the restriction concerning the number of hours that 15 year old employees are allowed to work on school nights.

# **DEFINITION OF EMPLOYMENT AND RELATED MATTERS**

## **Types of Employment**

### **Full Time:**

A regular full time employee is one who is hired or promoted to a full-time position. A full-time employee works a minimum of 35 hours per week; 52 weeks per year.

### **Part Time:**

A part-time employee is one who works less than 35 hours per week, or as otherwise designated by management.

### **Temporary:**

A temporary employee is one who works in a position established for a specific time period, such as student employment or seasonal employment (Christmas time, summer, etc.). All employees are considered temporary employees during the probationary 90 day period.

## **Work Week and Hours**

El Chaparral is open 7 days a week. The work week begins on Monday and ends on Sunday. Employees may be assigned to work on any of these days within the restaurant's hours of operation. If you are an El Chaparral Redland employee, the work week begins on Sunday and ends on Saturday.

## **Payroll and Employee Paychecks**

Prior to being placed on the company payroll, employees must complete a W-4 Federal IRS Form and provide all requested information for the 19 Form. Each paycheck will include employees' wages for the indicated pay period less the following deductions:

1. Federal Income Tax: per law, deductions are made at specified rates determined by employees' salary/wage level and any exemptions to which employees are entitled;
2. FICA (Social Security Tax): per law, deductions are made each pay period to provide an allowance when employees reach the age of retirement;
3. Other Deductions: any other deductions that are authorized by employees (*example*: for uniforms, stolen or damaged property) or required by law (*example*: child support withholding; IRS wage garnishment, etc.).

NOTE: Management will distribute W-2 forms to current employees each year by January 31<sup>st</sup>. Management will mail employees who are no longer employed with the company, their W-2's via regular U.S. Mail by January 31<sup>st</sup>. Employee paychecks are distributed by a Manager between 2:00 pm and 4:00 pm on Wednesdays; unless there is a superseding event or circumstances which will prevent the regular distribution of pay checks during the allotted. Employees must sign the required form to acknowledge receipt of their paychecks. El Chaparral Redland employees paychecks are distributed on Thursdays between 2:00 pm and 4:00 pm.

## **Tip Reporting**

Per IRS requirements, it is the responsibility of each employee to report all of his/her tips on a daily basis. El Chaparral must have the daily tip reports to prepare required IRS paperwork at the end of each year. Employees who fail to report 100% of their tips or who under report their tips are in violation of company policy and are subject to immediate discharge.

## **Overtime**

When necessary, employees may be asked to work overtime. Non-salaried employees will be paid overtime rates per applicable state and federal laws.

## **Holidays**

El Chaparral observes the following holidays. Non-salaried employees are not

paid on these days.

1. Easter Sunday
2. Thanksgiving Day
3. Christmas Day

## **Expense Reimbursement**

Certain company-related expenses incurred by managers are reimbursable. Managers must obtain prior approval from their supervisor for such expenses. A receipt or other relevant documentation is required in order to be reimbursed. In order for managers to be reimbursed, all receipts and documentation must be submitted to the business office within 30 days of the date of the expense.

## **Advances/Employee Loans**

As a general rule, El Chaparral does not provide advances for employees, nor does the company give employees any loans. Any exceptions to this policy are within management's discretion.

# **IMPORTANT POLICIES**

## **Sexual Harassment**

El Chaparral will not tolerate or condone, under any circumstances, sexual harassment by any of its employees; including any management members. Any employee who engages in any conduct of sexual harassment will be subject to immediate discipline up to and including immediate discharge. Sexual harassment is defined as the unwelcome, unsolicited, repeated physical advances or gestures (even if humorous in context). Sexual harassment is present when:

1. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting the individual's employment; or continuing employment in a current position.
2. Such conduct has the purpose or effect of substantially interfering with an individual's work performance, or creating intimidating, coercive, hostile, or an offensive working environment.

If an employee believes that he/she has been subjected to sexual harassment, he/she must immediately inform the person (including but not limited to a co-worker, manager, customer, supplier/vendor, or other individual) who is engaging in the sexually harassing conduct to STOP. The next step is to inform a manager of the situation, preferably in writing. If a manager is sexually harassing the employee, then he/she must inform another manager.

Employees must be aware of and be sensitive regarding any acts or conduct which may be considered offensive to others and inappropriate in a work setting. Inappropriate and offensive language or conduct may be in the form of the following, including but not limited to: sexual jokes, sexual rhymes or riddles, inappropriate e-mails that are sexual in nature, discussions about sex, pictures from magazines or books, suggestive gestures, suggestive looks, touching and other physical contact (*example*: patting someone in any inappropriate manner

on any part of the body), etc.

All complaints of sexual harassment will be promptly investigated and appropriate action will be taken by El Chaparral. Management cannot be responsible for any sexual harassment that is not reported.

## **Other Harassment**

El Chaparral will not engage in, nor will it condone any of its employees to harass fellow employees due to race, color, creed, religion, age, gender, national origin, disability, veteran status, marital status, sexual orientation or any other factor not related to performance or job requirements. Harassment is generally defined as the act of worrying or tormenting others. Harassment is present when an employee, supervisor or co-worker, worries, or torments a person because of that individual's race, color, creed, religion, age, gender, national origin, disability, veteran status, marital status, sexual orientation, or any other factor not related to job performance or job requirements. Harassment includes verbal or physical contact that has the purpose of creating an intimidating, hostile or offensive work environment, or in any way interferes with an individual's work performance.

**All harassment complaints will be promptly investigated and appropriate action will be taken by El Chaparral. Management cannot be responsible for any harassment that is not reported.**

## **Drugs, Alcohol and Substance Abuse**

Per El Chaparral's Standard of Conduct, the company seeks to maintain a work environment free of drugs and alcohol. It is a violation of El Chaparral's policy to use, solicit, transfer, possess or to be under the influence of alcohol, illegal drugs or any other intoxicants when working on company premises, in company vehicles, and/or being present at company-sponsored events. Employees who violate this policy may be terminated immediately. However, admitting to a manager or owner that one has an alcohol, drug or substance abuse problem is not, in and of itself, grounds for dismissal. A personal leave of absence, without pay, may be requested and granted to an employee who desires to get substance abuse treatment. The authorization of said leave is within management's discretion;

## **BENEFITS**

El Chaparral is required by law to make contributions on employees' behalf to federal and state insurance programs. While required by law, these insurance programs are a very real part of employees' fringe benefits.

### **Social Security (FICA) Insurance**

These benefits include retirement allowance benefits - disability benefits -

survivor benefits - medical (medicare) benefits. As your employer, we match the deduction on employees' checks 100%

## **Unemployment Insurance**

El Chaparral pays weekly income protection as provided by state law. We pay 100% of this premium.

## **Medical Plan**

After 90 days of employment, salaried employees will be eligible for El Chaparral to pay 100 % (one hundred per cent) of their medical insurance premiums. Upon request, more detailed information will be provided to qualified employees from the business office concerning this benefit.

## **Vacation**

Employee vacations are compensated based upon the hourly pay rate and the scheduled hours for the week prior to the vacation. Vacation hours are not vested and are a condition of on-going employment. There will be no carry over vacation time from previous years. Hours are computed at the following rates:

1. After two (2) years of continuous full time employment, employees will be entitled to one (1) week of paid vacation.
2. After four (4) years of continuous full time employment, employees will be entitled to two (2) weeks of paid vacation; the two weeks shall not be taken consecutively.

## **Employee Meal Plan:**

Upon being hired by El Chaparral, all employees (including kitchen workers) will be eligible for one meal from the designated employee menu, per shift at a discounted price. Veteran employees, those employed by el Chaparral four (4) years or more, are allowed to eat free. NOTE: A food ticket must be written up for ALL employee meals AND drinks and approved by a manager before employees consume any discounted or free meals.

Employees must eat their meals at the restaurant (NO "TO GO" MEALS ALLOWED) when they are off the clock only; for example, when they have finished their shift. Employees may not remove food from the restaurant under any circumstances. The employee meal plan is for El Chaparral employees only and is not transferable to others (not friends, family members, customers or other individuals). Employee meals must be eaten between 10:00 and 10:30 a.m. and/or between 3:00 and 4:00 p.m., in designated employee eating areas only,



per management's instructions.

## **Employee Bonuses**

Employee bonuses will be given to employees per management's discretion. Factors, including but not limited to the company's profitability, employees' job performance, etc., will be considered in this regard. There is no scheduled time of the year for employee bonuses.

## **OTHER EMPLOYEE MATTERS**

### **Evaluations**

Job performance evaluations will be conducted on an "as needed" basis for new employees after the probationary period. Evaluations will be conducted for all other employees on an annual basis. Please note that employee evaluations should not be equated with a raise or bonuses.

### **Restaurant Office and Managers' Office**

In order to maintain the continuity of our business operations as well as for security reasons, employees are not permitted to be in the restaurant office and/or managers' office without permission.

Employees are not allowed to remove any items (supplies, materials, documents, etc.) from any of these offices without authorization. Employees are not allowed to use the computers in said offices or to look through any company records at any time. Only authorized personnel are allowed to be in said offices. NOTE: Any violation of this policy may result in immediate termination.

### **Company Property**

Company equipment (kitchen equipment, cash registers, computers, office equipment, video cameras, cameras etc.) is costly and is designated for specific purposes. Equipment, materials and supplies should not be used for a job for which they are not intended. All equipment should be restored to good, clean, and operating condition after each use. All movable equipment must be returned to its proper place and/or storage area. Employees must exercise care at all times when using company property, equipment, materials, and supplies. El Chaparral does not lend any company property, equipment, materials, or supplies to employees, nor authorize its removal. As such, employees are prohibited from removing any company property, equipment, materials or supplies from the restaurant.

### **"Comping" Food Tickets**

Only El Chaparral managers and/or owners are allowed to "comp" food tickets.

Employees must NEVER "comp" a food ticket for a customer, co-worker, family member, friend or other individual. This means that employees must always charge customers, co-workers, family members, friends and other individuals for all food consumption in the restaurant and on "to go" orders.

## **Communication**

El Chaparral is committed to open and honest communication with employees about all aspects of the work environment. It is a responsibility shared by employees and management, alike. Employees are encouraged to speak to their managers if they have a problem, concern, suggestion and/or idea. Employees are also welcome to submit any issues in writing for management's consideration.

## **Notices**

As stated above, El Chaparral will make every effort to keep its employees informed about any changes/corrections regarding the Employee Manual, company policies and procedures. From time to time, management may post special notices in specified areas for employees to see. Non-business related notices by employees require management's approval before they are posted.

## **Employee Recognition Awards**

From time to time, El Chaparral may recognize employees for outstanding customer service or another reason. However, it is within management's discretion to designate the reason, date, and type of recognition (example: gift certificate, plaque or bonus) to be given to employees. Employee recognition may include but is not limited to "Employee of the Month" when applicable.

## **Solicitation**

In order to avoid unnecessary disruptions to customers and employees, undue pressure, and embarrassment, El Chaparral does not allow anyone to solicit at the restaurant. Employees are specifically prohibited from doing the following:

1. Soliciting any funds or monies for any purpose and in any form, unless the solicitation is company-sponsored and has been specifically approved by the company President in writing;
2. Distributing literature, flyers, cards or other written announcements that do not have to do with El Chaparral; and/or
3. Selling any articles, displaying any articles for sale or the taking of orders for any type of merchandise.

## **Confidentiality and Conflict of Interest Matters**

It is imperative that employees treat any information about customers, suppliers and El Chaparral's internal operations and records, with absolute confidentiality. Employee records, customer lists, supplier lists, and pricing information are the property of El Chaparral and are not to be disclosed to anyone. Employees' personal relationships should not compete with, compromise or disturb El Chaparral's business interests. The following guidelines, will assist employees to avoid situations in which a conflict may arise, including but are not limited to:

1. Not accepting gifts or other favors of value, which are offered as a result of carrying out your duties for the company;
2. Not divulging internal information; including but not limited to company records, supplier/vendor pricing information, to anyone outside of the company, (including competitors, suppliers, vendors, customers, family members, and/or friends;
3. Cooperating with management in resolving any possible conflict of interest situations involving employees.

## **Outside Employment**

Employees may be asked to end or reduce their hours for outside employment if their job elsewhere interferes with their job performance or work schedule at El Chaparral.

## **Personal Telephone Calls**

The company's telephones are for business purposes only. No personal calls will be allowed unless it is an emergency. Employees must ask permission from a manager before making any calls. Use of company telephones to make long distance calls is not permitted, unless it is an emergency and has been approved by a manager.

## **Cellular Telephones and Pagers**

Employees are required to leave their cellular telephones and pagers in their vehicles or at home while working. Violation of this policy may result in employees being written up and/or terminated for continued violations.

## **Employee Dating**

In an effort to avoid unpleasant situations, undue stress and/or conflicts, El Chaparral discourages employees from dating co-workers. Managers are NOT allowed to date subordinates. Any violation of this policy will result in immediate disciplinary action, which may include termination.

## **Personal Business**

Personal business is not allowed to be conducted on company time. This includes but is not limited to the following: doing work for another employer while at work at El Chaparral, studying for school exams, making doctor or other appointments, reading books, magazines/novels, etc. If an employee needs time away from work, management requires at least a one (1) week notice for doctor's appointments or other similar appointments, so that they can adjust the work schedule. If an employee does not have vacation time available, management may grant unpaid time off, depending on the circumstances, for the employee to handle his/her personal business matter.

## **Closing Time**

For safety and security reasons and to avoid distractions, employees who are not scheduled to close are not allowed to be inside the restaurant (including the restaurant's premises, parking lot, and patio area) after the restaurant has closed and during the time that other employees are engaged in closing duties. Employees are not allowed to bring anyone (including but not limited to family members, friends, significant others, etc..) to the restaurant after closing time and/or while closing duties are taking place. For safety and security reasons, once the restaurant has closed, the doors must be locked to prevent outside entry. Employees who are scheduled to close and are working on closing duties should NEVER prop the doors open or place any items on the doors which will allow outside entry into the restaurant. Doing so, may present a dangerous situation to employees who are performing cleaning/closing duties.

# **UNIFORMS AND DRESS CODE**

## **Employee Uniforms**

All employees are required to look presentable and well-groomed when working at El Chaparral, specifically those employees who come into contact with customers. Please review the section regarding El Chaparral's Standard of Cleanliness and Appearance, specifically the section on Grooming.

Hostesses, wait staff, bartenders and bussers, expeditors and runners must wear black pants to work. Blue jeans are not allowed to be worn by employees who

are in contact with customers (managers, hostesses, bartenders, wait staff, bussers). Probationary employees will be required to wear black pants, black socks, black shoes and a white collared shirt, which designates said employees as being "in training." Employees who are deemed to be dressed inappropriately (*example: not in proper uniform, not well-groomed, uniform is not ironed, etc.*), per management's discretion, expertise and experience will be sent home to change into proper uniform and/or to make themselves presentable. Management will inform all employees regarding uniform options that take place due to seasonal changes and special events.

Kitchen Staff: Kitchen staff will be required to wear the designated kitchen uniform, which includes chef pants, chef shirt and an El Chaparral logo cap. The chef pants and shirt will be sold at cost; one logo cap will be provided free of charge to all kitchen employees. Subsequent caps may be purchased by employees who want additional caps. Employees working in the kitchen must wear hair nets, hats and/or aprons as designated by management. These employees must also use/wear any other items as instructed by management such as plastic gloves when handling food and safety belts when lifting heavy items.

Jewelry: Jewelry which interferes with employees' work duties, which draws too much attention or which is controversial in nature is not acceptable and will not be allowed. Any determinations in this regard are within management's discretion, expertise and experience.

Shoes: Employees' shoes should be clean and presentable at all times. Employees are required to wear black shoes (no laces). It is the responsibility of employees to select shoes that are comfortable and are not slippery or hazardous to the conditions at the restaurant. Tennis shoes are not permitted for servers, bussers or other employees working in the front of the restaurant.

## **WORK SCHEDULES**

Employees must adhere to work schedules at all times, including management. Tardiness and absenteeism will not be tolerated and is subject to disciplinary action, including termination.

### **Unforeseen Circumstances**

Employees are expected to show up to work and to be ready to work at their scheduled times. Employees are responsible for immediately notifying management of any unforeseen circumstances that prevent an employee from working, as scheduled. Employees must do the following:

1. Notify management at least four (4) hours before the start of the scheduled shift for which they will be tardy or absent. Employees must actually speak to a manager and not simply leave a message

- on voice-mail or with another employee;
2. If possible, employees should coordinate their absence with a back up (another employee). However, any schedule changes require management approval before another employee works for a scheduled employee who cannot work.

Frequent violations of work schedules by employees are grounds for disciplinary action, including termination. Three incidents of tardiness are considered excessive and could result in employees immediate discharge. If employees miss one or more days from work due to illness or injury, whether work-related or not, employees are required to provide a medical release by a doctor before returning to work. If employees are absent from work once, without notifying management, they will be deemed to have abandoned their employment with El Chaparral.

In order to avoid disruptions, employees are only allowed to clock in for work, five (5) minutes before their scheduled shifts, unless otherwise instructed by a manager. When employees' scheduled shifts end, they must not disrupt other employees, managers or customers.

### **Request for Schedule Changes**

Employees are responsible for requesting schedule changes to management, either in writing (based on location and manager) or through automated smartphone application Hot Schedules. Due to scheduling constraints, a request for a schedule change does not in and of itself guarantee that management will comply with said request. However, management will make every effort to accommodate employees if it does not interfere with the restaurant's operations. Student employees are requested to notify management in writing, with at least a one (1) week notice of special school events that will prevent them from working their scheduled time.

## **JOB PERFORMANCE AND EXPECTATIONS**

### **Expectations and Attitudes**

El Chaparral provides its employees with a friendly and healthy work environment as well as with a good opportunity to work. In turn, El Chaparral expects employees to show up for work on time; work their scheduled hours; be courteous and respectful towards co-workers, managers, and customers; be helpful towards co-workers managers and customers; have a positive attitude on the job; be honest and loyal to the company; and following all company policies

and procedures. In addition to the above-mentioned expectations, employees are responsible for reading their Employee Manual and being familiar with El Chaparral's standards, policies and procedures below.

## **El Chaparral's Standards**

### ***Standard for Customer Service***

Employees are expected to uphold and maintain El Chaparral's high standards concerning customer service. This means that employees must be friendly, courteous and respectful to customers at all times. If there is a problem concerning a customer that cannot be resolved by an employee, a manager must immediately be informed. Employees must never be rude or argue with customers. Employees must never ignore customers or do anything else to offend customers. Furthermore, employees must never argue with each other, their manager, or engage in any other improper conduct in front of customers.

### ***Standard for Vendor and Visitor Relations***

The key to El Chaparral's success and future is not only its customers but also its vendors and other visitors (repair/maintenance personnel). Employees must conduct themselves in a professional and business-like manner at all times. Employees must be friendly, courteous and respectful to vendors and other visitors at all times. Employees should immediately contact a manager when a vendor or other visitor makes any type of inquiry. Only managers are authorized to meet with vendors and other visitors about company business. Employees must never approve a sale for any item for the restaurant or agree to any repairs or maintenance.

### ***Standard of Cleanliness and Appearance And Common Sense Matters***

Employees are also expected to uphold and maintain El Chaparral's standards of cleanliness. Employees are expected to help maintain the restaurant clean at all times. If there is a problem concerning cleanliness (restrooms, waiting area, dining area, kitchen, outside area, parking lot etc.) employees must take care of the situation, if appropriate under the circumstances, or immediately contact a manager. Employees must always cooperate and assist El Chaparral in maintaining its good image and excellent reputation!

Smiling: A pleasant smile is always welcoming. A smile is also a basis of good customer service. Show us your smile!

Grooming: When working, employees must always be well groomed and in proper uniform; as provided by El Chaparral's Uniform Policy above. Employee uniforms must be clean and ironed at all times. Under no circumstances will employees be allowed to clean or iron their clothes at El Chaparral. Good grooming also includes good breath. Employees who come in contact with customers (hostesses, wait staff, bussers, bartenders, managers) must brush their teeth before beginning their shift. Employees must never groom themselves in front of customers; this includes but is not limited to applying make-up, putting on nail polish or trimming nails, brushing or combing hair, flossing/picking teeth, changing clothes in any areas that are visible by customers.

Hair: Employees hair must not interfere with their work; especially kitchen staff and wait staff. Hair should be neat and clean at all times.

Facial Hair: Employees must maintain any facial hair (mustache, beard) well groomed at all times.

Nails: Employees should keep their nails clean and trimmed at all times, especially food servers, kitchen employees and wait staff.

Chewing Gum: Employees are not allowed to chew gum at work.

Smoking: Employees are not allowed to smoke while wearing El Chaparral's uniform at work; this includes inside or outside of the building.

Illnesses: If employees are sick (including but not limited to: coughing, sneezing, sniffing, fever, etc.) or become sick after they report to work, they will be sent home per management's discretion, expertise and experience. Employees who have open sores, wounds, or cuts will not be allowed to greet customers, wait on customers or handle food.

Washing Hands: Before beginning their shift, employees must wash their hands thoroughly with warm water and soap. Employees must wash their hands thoroughly with warm water and soap after using the restroom, after any absence from their work station, after each break, when their hands become dirty or contaminated for any reason; including but not limited to the following: picking up silverware from the floor, handling a dirty paper towel/napkin, or after touching their face or hair, etc.

Aprons: Employees, who wear aprons, must always remove their aprons when using the restroom. Aprons must be worn again after washing one's hands and before returning to work.

Other Unpleasant Practices: Although these may seem obvious to most, it is important to mention that employees must never apply makeup, polish nails, trim nails, bite their nails, brush/comb their hair, pick their teeth, pick their nose, adjust themselves and their clothing (bra, pantyhose, touch themselves in an



inappropriate manner) and/or engage in any other unpleasant practice in front of customers and/or fellow employees.

## ***Standard of Conduct***

El Chaparral's standard of conduct for employees is crucial for the orderly and efficient operation of the restaurant. Employees could face disciplinary action, up to and including immediate termination on the first offense, if they engage in any of the following activities while working (including catering events, or while on company property). Company property includes patio areas, parking lots, company vehicles, and company-owned buildings and premises.

If employees are dismissed for any of these activities, they will not be eligible for re-hire. The prohibited activities include but are not limited to the following:

- Providing false information on an employment application, during a job interview, withholding pertinent information from management and/or providing false information to management, verbally or in writing while employed;
- Engaging in the unauthorized removal of company property from company premises, including but not limited to: equipment, materials, supplies, company records, food (cooked or uncooked), food scraps, trash, drinks, alcoholic beverages (individual soft drinks, beer bottles/cases, liquor bottles/cases);
- Clocking in or out ("*punching*" in or out) another employee on or off work or having someone else clock ("*punch*" in or out) you on or off work;
- Taking a co-worker's tips or personal property; taking a customer's or anyone else's personal property;
- Questioning or arguing with customers regarding the amount of a tip;
- Removing food (including bean soup, tostadas, tortillas, hot sauce, soft drinks, etc.) from the restaurant without recording it as an employee sale or employee meal;

- Failing to properly record food and drink (including alcoholic beverages) tickets/receipts; altering any food and drink (including alcoholic beverages) receipts/tickets; keeping cash on food and drink (including alcoholic beverages) purchases/sales;
- Falsifying or altering company documents and/or records such as time records, cash register tapes, credit card receipts, food purchase receipts/tickets, accounting reports, expense reports, accident reports, personnel data and/or any other company documents and records;

### ***Standard of Conduct***

- Engaging in acts of carelessness or negligence, such as horseplay, scratching, hitting, punching or any other physical contact, which may harm a co-worker, customer, or other individual and/or endanger anyone's life or personal property;
- Refusing to follow a manager's instructions or directions; insubordination;
- Disclosing confidential company information; including but not limited to information about sales, earnings, recipes, company records; disclosing personal and confidential information (including but not limited to employment matters and disciplinary issues) regarding co-worker's, manager's and owners; disclosing any other information about the owner's personal and private matters, etc.;
- Engaging in discourteous, rude, disrespectful or mean behavior towards anyone (co-workers, supervisors, owners, customers, vendors, or other visitors to the restaurant);
- Using any offensive language, such as curse words, racial slurs, discriminatory language, and/or any other derogatory language towards anyone (co-workers, supervisors, owners, customers, vendors, or other visitors) while at work;
- Accepting unauthorized gifts or money from customers, vendors and/or other visitors;
- Agreeing to any sales or purchases from vendors or approving any maintenance/repairs without a manager's express approval or instructions;
- Having excessive and un-excused absences from work and being tardy for work; failing to show up for work as scheduled without notifying management;
- Failing to perform one's job or specific task(s) per El Chaparral's Employee Manual, policies, procedures, regulations, training and expectations;

- Engaging in an disruptive behavior such as creating a disturbance while at work, including a company-sponsored event, a catering event, and/or on company property (including parking lots, patio areas, company vehicles, company-owned buildings and premises);
- Remaining inside the restaurant or on the company's premises, including the parking lot and patio area after the restaurant has closed and/or while cleaning duties are taking place and employee is not scheduled to close; allowing other individuals to come inside the restaurant or to be on the company's premises, including the parking lot and patio area, after the restaurant has closed or employee is engaged in closing duties;

### ***Standard of Conduct***

- Engaging in any act of sexual harassment towards anyone (co-worker, supervisors, owners, customer vendors or other visitors); engaging in an other type of harassment towards anyone (co-worker, supervisors, owners, customer vendors or other visitors) with the intent of intimidating said individual.
- Distributing, possessing or using illegal drugs, alcohol, or any other intoxicant while at work;
- Carrying, possessing lethal weapons, firearms and/or knives while at work;
- Engaging in or soliciting gambling activities where money is exchanged, such as games of chance, football pools/pots, and any other games while at work;
- Violating any portions of El Chaparral's Employee Manual, company policies and procedures, including but not limited to harassment policies, standards of customer service, standards of cleanliness, standards of conduct, and safety policies, etc.;
- Violating any local, state or federal laws which govern the way business is conducted, including but not limited to: Wage/Hour laws, Equal Employment Opportunity (EEOC); Texas Workforce Commission (TWC), Texas Alcoholic Beverage Commission (TABC); and/or
- Violating any local, state or federal criminal laws.

## **DISCIPLINARY ACTION**

Employees are expected to follow rules of acceptable social behavior, as well as the established policies and procedures in El Chaparral's Employee Manual.

Employees may be given verbal warnings, when permitted by the given circumstances. When necessary, employees will be "written up" and counseling

forms will be given to an employee in response to any violations of company rules, regulations, policies, and/or procedures. Written counseling forms will describe the incident or problem and may include information on improvement or the corrective action required. Receipt of a counseling form must be acknowledged by the disciplined employee. All notes of verbal reprimands, counseling forms and any other disciplinary or incident reports will remain in the employee's permanent file.

## CONFLICT RESOLUTION

In order to provide employees with a prompt and fair means of resolving personal complaints regarding work and working relationships, a formal complaint procedure must be followed. This procedure will ensure the prompt resolution of conflicts as well as the courteous and fair treatment of all employees. All employee complaints and problems are taken seriously and will be investigated by El Chaparral. An investigation may include but is not limited to conversations with the employee who made the complaint, witness interviews, document review, and/or other inquiries.

If an employee has a complaint, problem or experiences an unpleasant situation with a co-worker, manager, customer, supplier/vendor and/or a visitor to the restaurant, the employee must immediately inform El Chaparral in writing of the specific issue, per the Organizational Chain of Authority described below. Depending on the seriousness of a complaint, El Chaparral will make every attempt to acknowledge receipt of an employee's complaint in writing. However, in cases where a complaint requires immediate action by management, a manager may take action to immediately resolve the situation without written acknowledgment of a given complaint; for example, when an employee is working a busy shift or when safety is a concern, The following is the Organizational Chain of Authority:

- First Level:** Employee's immediate supervisor. This can be a shift manager (including assistant manager);
- Second Level:** A General Manager or the Operations Manager;
- Third Level:** Company President.

If the employee is not satisfied with the resolution of the complaint or problem, the employee must proceed to the next level, respectively, in the Organizational Chain of Authority. It is El Chaparral's goal to promptly resolve all employee complaints and problems. However, the speedy resolution depends on the nature of a given complaint, the required investigation needed, including witness interviews and other inquiries, as well as other factors. Any employee complaints

and description of the resolution will be made part of the employee's file.

## **SAFETY AND HEALTH**

We are all obligated to abide by local, state and federal safety and environmental laws. Because El Chaparral is genuinely concerned for its employees, it strives to maintain a safe work environment. El Chaparral needs employees' cooperation and participation in keeping a safe work environment at all times. Employees will be informed of any specific safety issues regarding their positions as needed. Employees will be informed of any safety meetings to be held. All injuries and safety or health concerns must be immediately reported to management!

### Fire Prevention

Employees may extinguish small fires if no one is in imminent danger. Fire extinguishers are available in the hostess' area, the kitchen and all fountain stations. In case of a serious fire that may cause bodily harm to anyone, employees must immediately evacuate the building and warn others to evacuate by yelling "FIRE" or any other warning that will alert others. PEOPLE ARE MORE IMPORTANT THAN PERSONAL PROPERTY!!! Once, everyone is safely outside, the fire department must BE immediately contacted by dialing:

9 1 1. By following these rules (not all-inclusive) employees will help prevent fires and injuries related to fires:

1. Do not stack or place materials or equipment in front of, against, or on top of fire extinguishers;
2. Employees must keep aisles and exits clear of debris and other obstructions; and
3. Know the locations of fire exits, alarm boxes as well as the type of fire fighting equipment available.

### First Aid

First aid kits are available in the kitchen office, for minor injuries.

### Other Emergencies

In most emergencies, common sense usually dictates the course of action to be taken, especially when personal injury is involved. Employees must immediately contact a manager, who will assess the situation and call the appropriate emergency or law enforcement personnel as soon as possible.

The emergency steps to follow, include but are not limited to:

1. Immediately call a manager to the scene of an emergency;
2. If a manager cannot be located quickly enough, call emergency

- personnel immediately: CALL 9 1 1
3. For a dire emergency, locate someone (doctor, nurse, etc.) in the restaurant who is qualified to administer first aid, such as CPR, before emergency personnel arrive at the scene;
  4. Do not attempt to move anyone who has suffered serious bodily injury due to a fall or other accident; moving an injured person may cause the person's injuries to be aggravated and may interfere with subsequent medical treatment.

### On-the-Job Injuries

On-the-Job injuries must be reported immediately to El Chaparral whether or not medical care is necessary. Management will document any such injuries and refer the employee for treatment, if any, is required.

### Injuries to Customers

Employees must notify management immediately of any injuries suffered by customers, as minor as they may seem. A manager will complete an incident report to document the situation.

### Robberies and Other Crimes

Employees must notify management immediately of any theft, robbery or other crime that is committed at the restaurant. Management will notify law enforcement personnel accordingly. However, if a manager cannot be reached or located for any reason, employees should contact law enforcement personnel immediately if there is an emergency.

In the event of a robbery, employees must turn over money or other valuables. Employees must never attempt to be heroes! The safety of employees, customers, and other individuals in the restaurant during a robbery or other crime is the top priority.

## LEAVES OF ABSENCE

Upon a written request by employees and with proper approval, El Chaparral grants leaves of absence as required by law. A leave of absence is defined as a leave from your job without pay. A leave of absence may only be granted by management.

### **Military Leave**

Employees who are called to active duty with any branch of the U.S. Armed Forces will be granted an unpaid leave of absence and will be eligible for re-employment as per the Military Selection and Service Act of 1967, as amended. Employees requesting a military leave of absence must submit a copy of their enlistment papers, induction papers, or reserve duty orders to management.

### **Non Military Leave**

## ***Bereavement***

In case of the death of an immediate family member, employees must notify management regarding a request for leave time. El Chaparral provides up to three (3) days of unpaid leave for employees to attend a funeral. Should additional time be required, employees must immediately notify management, preferably in writing, if possible under the circumstances. The granting of additional leave time is within management's discretion.

## ***Other Leaves of Absence***

Employees may also request a leave of absence for other reasons, including but not limited to personal problems that are not medical in nature, such as school purposes, an extended vacation, or other reasons. El Chaparral may grant one (1 ) to two (2) weeks of unpaid leave, within management's discretion. However, each request will be addressed on a case by case basis. A request for a leave of absence (non military or non FMLA) does not automatically entitle an employee to such leave.

## **Federal Medical Leave Act**

Under the Federal Medical Leave Act (FMLA) El Chaparral provides "eligible employees" with up to 12 weeks of unpaid leave during a 12 month period for the following reasons:

1. The birth of a child;
2. The placement of a child for adoption or foster care;
3. The serious health condition of the employee's spouse, son, daughter, or parent if the employee is needed to care for the person; and
4. The employee's own serious health condition, which prevents the employee from being able to perform the essential functions of his/her job.

## ***Serious Health Condition***

A "serious health condition" includes an illness, injury, impairment or physical or mental condition that involves:

1. Inpatient care in a hospital, or residential medical care facility, including any period of incapacity or subsequent treatment connected with the inpatient care; or

2. Continuing treatment by a health care provider;

## ***Medical Certifications***

### **Contact with Health Care Provider**

Under the FMLA, El Chaparral may require an employee to submit a medical verification of the qualifying condition; to provide periodic verification of the "serious health condition" during the leave; and may require a fitness-for-duty exam before the employee returns to work.

### **Leave Time**

Under the Federal Medical Leave Act (FMLA), El Chaparral provides "eligible employees" with up to 12 weeks of unpaid leave during a 12 month period for the above-stated reasons.

### **Initial Certification**

El Chaparral may require employees to provide a medical certification (date, probable duration, and medical facts) issued by a health care provider in support of a request for FMLA leave.

**IMPORTANT NOTE: *This section is not the complete law on the FMLA; it is only intended to highlight pertinent parts of the FMLA***

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### **Jury Duty**

Employees are required to inform management in writing when they need time off to report for jury duty.

## **POST EMPLOYMENT**

### **Separation of Employment**

Employees who leave without providing a two (2) week notice or who are discharged by El Chaparral will not be eligible to be re-hired. Employees who leave under these circumstances will not be allowed to pick up their final pay check in person. Their final pay check will be mailed to their last known address, per state and federal law requirements.

### **Letters of Reference**



It is within management's discretion whether to provide letters of reference for former employees. Any requests for such letters must be in writing and sent to:

Attn: Employee Records  
El Chaparral Mexican Restaurant, Inc.  
15103 Bandera Road  
Helotes, Texas 78103

Only management can answer any questions about an individual's employment with El Chaparral. A request for a letter of reference does not guarantee that management will be able to provide one.

### **Return of Company Property**

Employees must turn in any items or property; including but not limited to keys, supplies, materials, cash register cards, etc.; belonging to El Chaparral when they leave their employment with the company. Per the Authorization signed by employees at the time they were hired regarding the deduction of lost, stolen or damaged property at the hand of said employee, these damages will be deducted from the employee's final paycheck.

## **CONCLUDING REMARKS**

**Dear Employee,**

**Congratulations. You have completed reading the Employee Manual for El Chaparral Mexican Restaurant. We appreciate your time and attention in thoroughly reviewing our policies and procedures. Should you have any questions, please consult a Manager. We look forward to building a positive and continuing relationship with you and all of our employees. We value you as an individual and as an employee!**

**Sincerely,  
The Garcia Family**

## IMPORTANT NOTE:

EMPLOYEE ACKNOWLEDGMENT FORMS ARE ATTACHED FOR YOUR SIGNATURE. PLEASE SIGN AND RETURN ALL FORMS TO MANAGEMENT WITHIN THREE (3) DAYS FROM RECEIPT OF THE EMPLOYEE MANUAL!