



# EMPLOYEE HANDBOOK



Welcome to Ventura's!

We are pleased that you have decided to join our team of professionals. You can look forward to a future of achievement and personal growth, using the skills and tools provided through our training and beyond. This manual will provide you with an introduction to our company as well as guiding you through our policies and procedures for our restaurant.

You have joined an organization that possesses an outstanding reputation for quality products and service here in southern New Jersey. Credit for this goes to our people—people like you who will contribute to our continued success and make Ventura's the best in the business!

Congratulations and welcome!!

## **VENTURA'S NON-NEGOTIABLES**

These are items that no matter how busy, slow, behind, or any other excuse you may dream up, there is never, ever a time when these standards are not to be met:

Clean floors: restaurant dining areas, lobby, and kitchen

Spotless bathrooms

Great-looking dinner salads

All drinks to be served with cocktail/bar tray

No chewing gum/breath mints are ok

Telling others "It's not my job!"

No eating in the side stands, ever

Dirty, lipstick-stained glasses

Clean uniforms

Touching your hair, redoing your makeup in the view of customers

Complaining out loud about your co-workers or customer

Hair longer than your shoulders must be pulled back or up

**VENTURA'S OFFSHORE CAFÉ**  
**EMPLOYEE HANDBOOK**

## TABLE OF CONTENTS

I.	NON-HARRASSMENT POLICY.....	2
II.	SEXUAL HARRASSMENT POLICY.....	2
	A. PURPOSE AND SCOPE.....	2
	B. APPLICABILITY.....	2
	C. POLICY.....	2
	D. COMPLAIN RESOLUTION PROCEDURE.....	4
	E. QUESTIONS AND INFORMATION.....	5
	F. DISSEMINATION OF THE POLICY.....	5
III.	EQUAL EMPLOYMENT OPPORTUNITY POLICY.....	5
IV.	ELIGIBILITY FOR EMPLOYMENT.....	5
	A. IMMIGRATION REFORM AND CONTROL ACT.....	6
	B. BACKGROUND CHECK.....	6
V.	ORIENTATION.....	6
VI.	EMPLOYMENT CLASSIFICATIONS.....	6
VII.	PAY CLASSIFICATIONS.....	6
VIII.	PAY ADMINISTRATION.....	6
	A. CLOCKING IN AND WORK RECORDS.....	6
	B. OVERTIME.....	7
	C. LATENESS.....	9
IX.	PAYMENT OF WAGES.....	9
X.	ACCIDENTS AND JOB SAFETY.....	9
XI.	SAFETY POLICY.....	10
XII.	PROHIBITIONS AND INFRACTIONS.....	10
XIII.	CONDUCT AND DRESS CODE.....	11
XIV.	OFFICE PRECEDURES AND WORK ENVIRONMENT.....	12
	A. BULLETIN BOARD.....	12
	B. BREAKS AND MEALS.....	12
	C. OUTSIDE VISITORS.....	13
	D. EMPLOYEE PARKING.....	13
	E. TIPS.....	13
	F. HANDLING CASH.....	13

G. COMPUTER/E-MAIL/INTERNET USAGE.....	14
H. CONFLICTS OF INTEREST.....	15
I. GENERAL EMPLOYEE CONDUCT.....	15
J. POLITICAL ACTIVITIES.....	16
K. SUBSTANCE ABUSE POLICY.....	16
L. EMPLOYEE MOBILE/CELL PHONE USE POLICY.....	16
XV. EMPLOYEE BENEFITS.....	17
A. STATUTORY BENEFITS.....	17
B. SHORT-TERM DISABILITY BENEFITS.....	17
C. FAMILY AND MEDICAL LEAVE.....	17
XVI. PERSONAL/SICK LEAVE.....	18
XVII. SMOKING POLICY.....	18
XVIII. SEPARATION OF EMPLOYMENT.....	18
XIX. NJ CONSCIENTIOUS EMPLOYEE PROTECTION ACT.....	19
XX. SOLICITATION OF GOODS AND SERVICES AND DISTRIBUTION OF LITERATURE.....	19
XXI. PERSONNEL FILES.....	20
XXII. DISCLOSURE OF EMPLOYEE INFORMATION.....	20
XXIII. CHANGE IN STATUS OR PERSONAL INFORMATION.....	20
XXIV. EMERGENCY OR INCLEMENT WEATHER CLOSINGS.....	20
XXV. SEARCHES AND INSPECTIONS OF COMPANY PROPERTY.....	21

## **IMPORTANT NOTICE**

Ventura's Offshore Café expressly reserves the absolute right to terminate your employment at will. This means:

- Your employment is terminable at the will of Ventura's Offshore Café.
- Your employment by Ventura's Offshore Café is terminable with or without cause.
- Your employment by Ventura's Offshore Café is terminable with or without notice.

The contents of this handbook are guidelines only and supersede any prior procedures. Neither these procedures nor any other guidelines, policies, or practices nor any oral representations create an employment contract. Ventura's Offshore Café has complete discretion, with an individual case or generally, to change any of its guidelines, policies, practices, working conditions or benefits at any time.

No one is authorized to provide any employee with an employment contract or special arrangement concerning terms or conditions of employment.

This Notice applies to all employees regardless of date of hire. These policies are not intended to supplant or contradict any existing municipal, state, or federal law. Where direct contradictions occur, it is understood that the applicable law shall be given.

This handbook applies to all employees of Ventura's Offshore Café, which will be referred to as "the Company" in this handbook.

The Company seeks a mutually satisfactory relationship with its employees. The Company further pledges to be fair and attempts to provide equitable treatment for all employees. To that end, the Company encourages you to bring any question, concern, complaint, or problem to a member of management for appropriate resolution.

## I. Non-Harassment Policy

The company is committed to providing a work environment free of illegal harassment. To that end, it is the policy of the Company not to tolerate any form of illegal harassment. Any instances of harassment should be reported immediately to an affected employee's supervisor or, if that would prove uncomfortable, to Lou DiVentura, Jr., who will ensure that a complete investigation is conducted and that appropriate measures are taken to stop any illegal harassment. No employee will be retaliated against for bringing, in good faith, any such information to the Company's attention. Employees should be particularly mindful of the Company's tolerance of sexual harassment, which policy is set forth below.

## II. Sexual Harassment Policy

### A. Purpose and Scope

The purpose of this policy is to express the Company's commitment to provide a work environment free of sexual harassment for all employees and to advise all employees that sexual harassment is expressly forbidden and will not be tolerated.

### B. Applicability

All officers, managers, department heads, visitors, vendors, customers, clients, guests, and employees.

### C. Policy

1. It is the policy of the Company to provide a work environment free of conduct which creates an intimidating, offensive, or hostile environment. The policy expressly prohibits sexual harassment in the workplace, including, but not limited to:

A. Severe or pervasive conduct which would not have occurred but for the sex of the employee and which unreasonably interferes with the victim's work performance or creates an intimidating, hostile, or offensive work environment;

B. Unwelcome conduct of a sexual nature directed towards an employee whose conditions of employment are affected or threatened to be affected based upon whether the employee submits to or rejects the unwelcome sexual conduct.

The sex of an employee cannot and will not be used as a factor by any supervisor when making any employment or performance decisions affecting employees of the Company.

2. While all forms of harassment are prohibited, it is the policy of the Company to emphasize that sexual harassment is specifically prohibited. Each employee has a responsibility to maintain a workplace free of any form of sexual harassment. No one shall threaten or insinuate, either explicitly or implicitly, that an employee's refusal to submit to sexual advances will affect the employee's employment, evaluation, wages, advancement, assigned duties or any other condition of employment or career development. Not shall any officer, manager, department head or supervisory employee favor in any way any applicant or employee because that person has submitted to or shown a willingness to submit to sexual overtures or advances of the officer, manager, department head or supervisory employee.

3. Other sexually harassing conduct in the work place committed by anyone employed by the Company is also prohibited. A general outline of the most common examples is as follows:

- a. Unwelcome sexual flirtations, touching, advances, or propositions;
- b. Slurs or other verbal abuse of a sexual nature;
- c. Graphic or suggestive comments about an individual's dress or body;
- d. Sexual degrading words to describe an individual;
- e. The display in the work place of sexually suggestive objects or pictures;
- f. Off-color language or jokes of a sexual nature;
- g. Asking questions regarding an individual's sexual conduct.

The foregoing list is meant to be illustrative only. Conduct which is not specifically listed, but which would otherwise violate this policy against sexual harassment, is prohibited.

4. The Company's policy to provide a work environment free of sexual harassing conduct extends to the conduct of customers, clients, guests, visitors, vendors and other persons who enter the restaurant. No person may engage in

sexually harassing conduct, as defined in this policy, while engages in any Company-sponsored activity or function or while on Company property.

5. The Company prohibits all forms of sexually harassing conduct including harassment by peers as well as by supervisory personnel, and harassment against males as well as females.

#### D. Complaint Resolution Procedure

The Company strongly encourages you to utilize this complaint procedure. The Company welcomes the opportunity to promptly investigate and remediate any instances of sexual harassment.

1. Any employee or applicant who feels they have been subject to sexual harassment in violation of this policy should report such a complaint to Lou DiVentura, Jr. or to his/her designee. If that would prove to be uncomfortable, the employee may contact any supervisor to report such a complaint. It is part of your job duty, as an employee of the Company, to report incidents of sexual harassment.

Most importantly, employees must rest assured that they are encouraged to bring complaints to the attention of the Company. No employee will be retaliated against for bringing in good faith any such information to the Company's attention.

All information regarding harassment complaints will be kept in confidence to the greatest extent practical and appropriate under the circumstances.

We will promptly commence an investigation. The investigation will include interviews with all the relevant persons including the complainant, the accused, and other potential witnesses. The Company will review its findings with the complainant at the conclusion of the investigation. It is imperative that there be no discussion of any aspects of the complainant with anyone except to the extent necessary to conduct the investigation.

2. All persons employed by the Company should take the initiative, in situations where they become aware of harassment through means other than the usual complaint process, by putting a stop to the action or conduct.

3. Any person employed by the Company who is found after appropriate investigation to have engaged in harassment of another employee will be subject to whatever disciplinary action the Company in its sole discretion considers appropriate under the circumstances, up to and including termination of employment for the first offense. The Company's obligation is to take all action necessary to put an end to the harassment.

4. No individual who files a complaint or participates in the complaint resolution procedure or provides information pursuant to this policy will be subject to retaliation of any kind for that activity.

5. If the validity of the complaint cannot be determined, immediate and appropriate action will be taken to assure that all parties are reacquainted with this non-harassment policy and to avoid sexual harassment in the future. There will be at least two (2) follow-up sessions with the complainant to ensure that no sexual harassment is occurring or to prevent the recurrence of harassment.

E. Questions and Information

Any questions about this policy may be directed to management or any supervisor.

F. Dissemination of the Policy

1. The policy will be posted on all bulletin boards.
2. The policy will be included in employee orientation materials.
3. The policy will be included in the personnel procedures.

III. Equal Employment Opportunity Policy

Ventura's Offshore Café is an Equal Opportunity Employer which does not discriminate on the basis of race, color, sex, sexual or affectional orientation, religious creed, national origin, nationality or ancestry, marital or familial status, citizenship, age, legally defined disability, veteran status or eligibility for service in the armed forces. This policy applies to all employment actions, including, but not limited to, recruitment, selection, training, promotion, transfer, layoff or termination. Violations of this provision are to be reported immediately to the manager. If an employee is uncomfortable with reporting violations of this provision to the manager he/she may report directly to the owner.

IV. Eligibility for Employment

A. Immigration Reform and Control Act

All employees must comply with the Immigration Reform and Control Act by producing original acceptable documents which establish the identity and eligibility to work of every newly hired individual. An appropriate Company representative will explain what documents are acceptable at your employment orientation. Additionally, all employees must provide updated eligibility information when requested.

## B. Background Check

All employees will undergo a complete and thorough background check. Upon beginning employment, every new employee must sign a form permitting the Company to conduct a complete background check. The initial background check will be completed at the time of hire. Management reserves the right to conduct follow-up background checks at any time during an employee's employment with the Company.

## V. Orientation

All new employees will receive an orientation about employment with the Company from a designated supervisor. The orientation session will include a review of your primary duties and hours of employment, a tour of the restaurant, distribution of the employee handbook, distribution of health insurance information, and completion of personal data, payroll, and IRS forms. Should you have any questions about the orientation process, please direct them to management.

## VI. Employment Classifications

- \* Full Time: A Full Time employee is regularly scheduled to work forty (40) hours or more per week.
- \* Part Time: A Part Time employee is regularly scheduled to work at least twenty (20) hours but less than forty (40) hours per week. Part time employees are not eligible for any employee benefits.

## VII. Pay Classifications

The Company recognizes three pay classifications: exempt, non-exempt, and hourly. Exempt employees are paid a set salary each pay period. Non-exempt employees receive wages based on the amount of hours worked in a pay period. Hourly employees are paid an hourly rate for each hour worked.

The regular schedule is a 5 day week, with shifts between 8 and 12 hours per shift. The work schedule is always posted in the office hallway.

An office employee's work schedule is individually assigned based upon the nature of the employee's responsibilities, the Company's needs and the ability to ensure coverage during lunch and break periods.

## VII. Pay Administration

### A. Clocking In and Work Records

If you are a manager, non-exempt or hourly employee, you must clock in before the start of each working day and clock out at the end of the workday. If you are a

manager, non-exempt or hourly employee, you must also clock out and in if you leave the premises for lunch or any other reason. If you are an exempt employee, you must complete a work record indicating the use of vacation, sick, bereavement, holiday and personal time on a bi-monthly basis. Although all employees remain employed at will, clocking in for another employee, altering or removing another employee's clocking in status is against Company rules and will result in immediate termination.

If an employee does not accurately clock in/out, the MICROS system will notify Bookkeeper of the inaccuracy. In that case, the employee must complete a Time Clock Adjustment form and have it signed by his or her supervisor. The payroll records will be amended and the form will be placed in the appropriate files for future reference.

#### B. Overtime

If you are a manager, non-exempt or hourly employee, you will receive overtime pay at a rate of time and one-half for hours worked over forty (40) weekly. The week begins on Sunday and ends on the following Saturday. Overtime must be approved by your supervisor before you work. Managers, non-exempt or hourly employees who work on a Company holiday (described in Section XVII-B) will receive pay at time and one-half for the actual hours worked plus the employee's regular holiday pay. Exempt employees are not eligible for overtime pay.

The Company may require employees to work overtime. You must ensure that any outside commitments, such as second jobs, do not interfere with your responsibility to work mandatory overtime.

### Exempt Employees: Pay Deductions for Salaried Employees and Complaint Mechanism

#### Section A:

1. An employee will be considered paid on a salary basis when paid a predetermined amount in each pay period. The predetermined amount shall not be subject to reduction due to the variance in quality or quantity of work performed by the employee. Subject to certain exceptions outlined below in Section B, employees paid on a salary basis will receive the predetermined amount for any week in which an employee performs any work, without regard for the number of days or hours worked. Salaried employees will not, however, receive payment for any week when such employees perform no work, unless such employee is on an employer-approved vacation leave, personal leave, or legitimate sickness or disability.
2. An employee's salary shall not be deducted when a salaried employee does not perform work due to operating requirements of the employer or due to absences occasioned by the employer.

## Section B:

The prohibitions on deductions outlined in Section A, above, are subject to the following exceptions:

1. Deductions to the employee's pay may be made when a salaried employee is absent for one or more full days due to personal reasons, other than sickness or disability. Deductions will only be made in full day increments, i.e. an employee out for one and one half (1 ½) days due to personal reasons shall only be deducted for one full day.
2. Deductions may be made when a salaried employee is absent from work for one or more full days of sickness or disability (including work-related accidents) when such days are in excess of those provided by the employer to such employee pursuant to the employer's sick leave policy. Deductions may be made for full days of sickness before an employee has earned sick days pursuant to the employer's sick leave policy. Deductions may also be made when an employee is receiving salary replacement benefits under State disability insurance laws or worker's compensation laws.
3. The employer shall not deduct pay from an employee who is required to attend jury duty, is required to be a witness or for temporary military leave, provided that any sums of money received by the employee as jury or witness fees or military will be offset by the employee's salary, i.e. an employee receiving twenty dollars (\$20.00) for serving on a jury will be deducted such money received.
4. Deductions may be made as penalties should the employer find that an employee has violated safety rules of major significance. Such penalties will be imposed when the employee has caused serious danger to the workplace and/or other employees.
5. Deductions may be made when an employee has received an unpaid disciplinary suspension of one or more full days as a result of infractions of workplace conduct rules. The suspension must be imposed pursuant to a written policy applicable to all employees.
6. The employer is not obligated to pay for any partial week worked at the inception or termination of an employee's employment with the employer. For example, if an employee begins work on a Tuesday, the employer is not obligated to pay such employee for any portion of the previous Monday.
7. Deductions shall be made for any unpaid leave time taken by the employee pursuant to the Family and Medical Leave Act. When time is taken pursuant to the Family and Medical Leave Act, the employer may pay a proportionate amount of salary for the time actually worked. For example, if an employee works on a Monday and takes unpaid FMLA leave for the rest of the week, the employer is

not obligated to pay the employee for any time during that week after Monday, Additionally, should an employee take off a number of hours in a given day as unpaid FMLA leave, the employer may deduct a percentage of the employee's salary for such week in proportion to the number of hours usually worked.

C. Lateness

You are considered late if you are not at your work area ready to work at your starting time. Continued lateness will subject you to disciplinary action including termination. However, you remain an employee at will, and the Company reserves the right to terminate your employment at any time, with or without cause and with or without notice.

IX. Payment of Wages

The company work week is Sunday to Saturday. Because State law requires records of time worked and of vacation, sick and person days taken, if you are a non-exempt employee, you must submit signed time sheets to your supervisor on the last work day of your week. If you are an exempt employee, you must identify sick time, personal time, bereavement time, holidays and vacation time taken in a record submitted to your supervisor on a bi-monthly basis. Paychecks will usually be distributed on Sunday each week.

X. Accidents and Job Safety

It is the Company's aim to provide you with a safe working environment. Your safety and health is of utmost importance to our operations. We make strenuous efforts to safeguard all operations by providing safety equipment and instructions, not only for job efficiency, but primarily for your and your fellow employees' protection.

Worker's compensation laws provide compulsory insurance against injury or disease as a result of your occupation under the laws of the state in which you work. If you are injured on the job or while traveling on legitimate business for the Company, you are **required** to notify your supervisor immediately and complete all the necessary worker's compensation forms to be eligible for those benefits.

Safety is everyone's responsibility. If you become aware of an unsafe situation, you must immediately advise your supervisor. With everyone's cooperation, we can have safe, accident-free operations throughout the restaurant.

When you are performing certain operations, you must wear the proper personal safety equipment and follow all safety procedures. Remember, violations of a safety rule or safety instructions may be followed by disciplinary action, even though a resulting accident may not cause an actual injury. This does not change

the employee's at-will status. Ignorance of a rule or procedure will not be accepted as an excuse for any violation. If you are not sure, ask!

Employees are required to report all accidents immediately to their immediate supervisor, who shall in turn report the incident to the owner as soon as reasonably practical, and in no case longer than twenty-four (24) hours. Accidents include injury on the job as well as damage to public/private property. Employees will be required to fill out an accident report. Reports shall be in writing in the form prescribed by the owner.

## XI. Safety Policy

The restaurant insists that each employee act in a safe manner in the restaurant. Unsafe actions by anyone will not be tolerated. If you have any questions about your personal safety, be sure to bring them to the attention of your immediate supervisor. If you have any suggestions or ideas on how to improve individual or restaurant safety, please bring these ideas to the attention of your immediate supervisor.

For purposes of security, any employee who has been issued keys or access codes to any Ventura's Offshore Cade owned property may not duplicate those keys without the permission of the owner.

**IMPORTANT!** You must:

- \* Use safety equipment
- \* Wear safety clothing
- \* Not operate equipment for which you are not properly trained
- \* Warn co-workers/Help each other
- \* Report defective equipment and dangerous or unsafe conditions
- \* Report injuries and accidents
- \* Report unsafe conditions that will affect the public
- \* Take care of tools and equipment and they will take care of you

Remember: Think Safety

## XII. Prohibitions and Infractions

As discussed throughout this handbook, the employment relationship between you and the Company is at-will, meaning that your employment may be terminated by you at any time or by the Company at any time with or without notice and with or without reason or cause in its absolute discretion. However, it is helpful to review certain serious infractions and examples of unacceptable conduct. It is not possible to list all types of serious infractions. However, some examples are as follows:

1. Dishonesty of any kind.

2. Possession of firearms, fireworks, explosives, or weapons on Company property.
3. Unauthorized possession of intoxicants, narcotics or illegal drugs on Company property.
4. Reporting to work in an intoxicated condition or under the influence of alcohol or drugs.
5. Mistreating and/or abusing a customer.
6. Fighting on Company property.
7. Theft of any Company property or the property of any of its employees.
8. Willful abuse or destruction of Company property or the property of any of its employees.
9. Insubordination (which is defined as the refusal to perform any reasonable instruction given by an employee's supervisor or by management).
10. Misrepresentation in obtaining employment with the Company.
11. Falsifying or permitting falsifying on one's own or fellow employee's time card.
12. Tardiness or absenteeism that is excessive or repetitive.
13. Failure to comply with any Company policy, work or safety rule that is found to be a serious infraction under the circumstances.

### XIII. Conduct and Dress Code

Regardless of your individual job description or position, you are at all times during work hours a representative of the Company and we require you to behave and dress accordingly. Piercings may be worn in each ear. Visible piercing in other parts of the body (tongue piercings, eyebrow piercings, lip piercings, etc.) are not permissible. facial hair must be clean-shaved. All tattoos may not be visible when in uniform. All other Ventura's dress code will be explained in detail upon hiring. Food servers, bartenders and busboys are issued two Ventura's signature shirts. Additional uniforms may be purchased from management. A food server must purchase uniform pants from the Uniform Store. Only pants from the Uniform Store are permitted. A food server must wear black socks and black non-slip shoes. Bartenders will wear uniform shirts which can be purchased from management. A bartender must purchase uniform pants from the Uniform Store. Only pants from the Uniform Store are permitted. A bartender must wear black socks and black non-slip sneakers. Packaged goods employees will wear uniform shirts which can be purchased from management. A Packaged Goods employee must purchase black uniform pants from the Uniform Store. A Packaged Goods employee must also wear black socks and black non-slip sneakers. Hostesses shall wear a signature Ventura's shirt with tailored professional black pants, black socks, and black non-slip shoes. The kitchen staff will wear clean appropriate clothing. Delivery drivers are issued two Ventura's signature shirts and one Ventura's signature delivery jacket. Delivery drivers must wear black work pants or knee-length shorts, black socks and black non-slip shoes. Additional shirts can be purchased through management.

Tank tops, sandals or flip flops and shorts are prohibited. Torn clothing or clothing that is revealing or has any derogatory or crude slogans or statements written on it is inappropriate office attire. Behave in a courteous and welcoming manner to anyone in the restaurant, and assist them to accomplish their objective.

#### XIV. Office Procedures and Work Environment

You may not use the Company's resources (copiers, overnight mail, voice mail, telephone service, etc.) for your personal use. Ventura's Offshore equipment and supplies may not be used for personal, private, social, cultural, or any other organizations that are not job-related and authorized.

##### A. Bulletin Board

The Company bulletin board is located in the kitchen hallway leading to the Package Goods store. We will post all official notices, announcements, and schedules on this board and consider this adequate notice for all employees. It is important that you check the bulletin board on a timely basis.

##### B. Breaks and Meals

As a benefit, front of the houses employees are entitled to the entire menu to one meal per shift at a 40% discount. These meals need to be consumed either before or after your shift and you need to be clocked out to eat. Employee meals can be ordered up to 30 minutes prior to the kitchen closing. **No employee meals may be taken to go.** If you want to order food for your family and/or friends, it must be at full cost. Coffee, tea, and soft drinks are free to all employees, front and back of the house. All front of the house employees will eat in the 60s or 30s—only when those areas are free from customers. Smoking is only permitted with a manager's approval and when a fellow server covers your station. Smoking is only permitted on loading dock behind the kitchen. (See XVII Smoking Policy)

Back of the house employees are entitled to one free meal per shift from the employee menu on the Micros system. The Restaurant Manager on duty must be presented with all employee checks.

Employees are not permitted to come into Ventura's to socialize on the days off, as it interferes with the proper functioning of the establishment. If an employee wishes to dine at Ventura's for lunch, dinner, or late night snack, they are required to call ahead and obtain the approval of management. Any employee breaking this house rule is liable for suspension and/or termination.

##### Employee Drinking Policy

Due to the rising cost of beer, wine, liquor, and cordials, we will no longer be able to offer our employees a FREE shift drink. You may, however, purchase your favorite alcoholic drink from our bar at the current menu price. As a benefit for our managers, they will be allowed to consume one free drink per work day. **Any abuse of this policy will result in disciplinary action up to and including**

termination from Ventura's. Drinks are not to be consumed at or in the bar area. In addition, no employee is allowed to sit at the bar before midnight. Ventura's is not responsible for personal items brought into the workplace. Please do not bring personal items to work. You are responsible for protecting your belongings. Please check the lost and found box for lost items; this box is located at the hostess station.

C. Outside Visitors

Employees may not have outside visitors during work hours or within their work areas. Any visitor to the restaurant must come in to the hostess desk.

D. Employee Parking

There is an employee parking lot provided. Day shift employees must park in the spots furthest away from the restaurant. Employees arriving after 4:00pm must also park in the lot. There is no exception to this policy.

E. Tips

Recognizing that the success of our Restaurant is in part based on the mutual cooperation of our employees, we strongly urge food servers to participate in the following tip sharing schedule: food servers shall tip the bar tender 10% of the total tips and provide 10% of their tips to the busboys as a group. If there is a food runner, 1% of the total paid checks is appropriate. In cases of extraordinary or much-appreciated effort, the tip may be more at a server's discretion. Tipped employees are prompted by MICROS to claim their direct tips as they clock out daily. It is the employee's responsibility to record their tips. That amount will be reported to the payroll company.

F. Handling Cash

All employees who handle money are responsible for their banks. Food servers are not given a bank to begin their shift. They are responsible for settlement of all of their customers' checks. They are to drop the total of "cash deposit" on their server out at the end of each shift with all of their settled checks. Bartenders also receive two (2) change banks of \$150.00 for which they are accountable. First, the change box(es) is/are to be counted and initialed by the bartender on each shift. Any discrepancy must be made up by the bartender(s) on whose shift a mistake was made. Secondly, the bartenders are responsible for their registers. If there is less than \$150.00 after the cash deposit is counted out in either change bank, the bartender(s) must make up for the deficit. In the case of more than one bartender working at a time, all bartenders are held responsible for the mistakes in both banks. They are responsible for any check that they open. Packaged goods employees are also responsible for their bank. They are given a \$150.00 bank at the start of their shift. They are responsible for any shortages at the end of their

shift. Hostesses are also given a \$150.00 bank at the start of their shift. They are responsible for any shortages at the end of their shift.

G. Computer/E-Mail/Internet Usage

Computers, computer files, the e-mail system, the internet, and all software furnished for employee use are Ventura's Offshore Café's property and are solely intended for Ventura's Offshore Café use. To ensure compliance with this policy, computer and e-mail usage may be monitored.

E-mail may not be used to solicit others for commercial ventures, religious or political causes, or any other non-company related matters.

Ventura's Offshore Café has established the following policy for the use of Ventura's Offshore Café computers with access to the internet:

1. Internet access is intended for Ventura's Offshore Café business only.
2. Chat room usage is prohibited.
3. E-mail is authorized for Ventura's Offshore Café business only.
4. All communications, e-mail, memoranda, letters, reports, and data bases on or prepared on a Ventura's Offshore Café computer are the property of Ventura's Offshore Café.

Ventura's Offshore Café retains the right to monitor computer usage. Violation of this policy may result in disciplinary action.

Ventura's Offshore Café assumes no responsibility for any damages, direct or indirect, arising from its connections to the internet.

Ventura's Offshore Café employees are cautioned that ideas, points of view, and images can be found on the internet are controversial, divergent, offensive and/or inflammatory. The provision of access for Ventura's Offshore Café use does not mean or imply that Ventura's Offshore Café endorses or sanctions the content or point of view of any of the information or commentary which may be found on the internet. The internet offers access to a wealth of information for Ventura's Offshore Café use. But, because the internet is a vast and somewhat unregulated information network, it also enables access to ideas, information, images, and commentary beyond the confines of Ventura's Offshore Café's mission and policies. Because of this, and the fact that access points on the internet can and do change often, rapidly and unpredictably, Ventura's Offshore Café cannot protect individuals from information and images that they might find offensive and/or disturbing. Ventura's Offshore Café assumes no responsibility for such images or information which one may find offensive and/or disturbing.

## H. Conflicts of Interest

Ventura's Offshore Café employees have an obligation to conduct business within guidelines that prohibit actual or potential conflicts of interest.

An actual or potential conflict of interest occurs when an employee is in a position to influence a decision that may result in a personal gain for that employee or for a relative of that employee. This is a general guideline for dealing with this issue. Employees must seek further clarification from the manager of they believe that they may have an actual, potential, or even a perceived conflict of interest.

## I. General Employee Conduct

It is the duty of all Ventura's Offshore Café employees to conduct themselves at all times in a manner which brings credit to Ventura's Offshore Café. Any conduct that is inconsistent with this high standard will not be tolerated. Examples of inappropriate conduct include, but are not limited to:

1. Reporting to work under the influence of alcohol, prescription, non-prescription/illegal drugs, or using these substances during work hours;
2. Being absent from work without permission or failing to report to a superior in a timely manner when absent;
3. Habitual absenteeism or tardiness;
4. Wasting material, property, or work time;
5. Inability to work effectively with the public or fellow employees;
6. Failing to observe proper security or safety procedures;
7. Commission to an indictable offense or disorderly persons offense or a crime of dishonesty;
8. Speaking critically or making derogatory or false accusations so as to discredit other employees or supervisors;
9. Removal of Ventura's Offshore Café funds or property, including property in the custody of Ventura's Offshore Café, without permission;
10. Falsification of payroll records, including but not limited to, punching another employee's time card;

11. Divulging or misusing confidential information;
12. Obtaining pay for sick leave under false pretenses;
13. The use of profanity or abusive language toward a fellow employee or a member of the general public while performing one's official duties;
14. Insubordination;
15. Violation of Ventura's Offshore Café's drug policy.

Employees found to be in violation of this general code of conduct are subject to discipline, up to and including termination.

J. Political Activities

It shall be Ventura's Offshore Café's policy to appoint, promote, demote, transfer, and terminate all employees without regard to political considerations. Ventura's Offshore Café employees shall not engage in any political activities during working hours or on Ventura's Offshore Café property.

Nothing in this section shall be constructed to prevent Ventura's Offshore Café employees from becoming or continuing to be members of any political party, club, or organization, attending political meetings off Ventura's Offshore Café property, or voting with complete freedom in any election.

K. Substance Abuse Policy

Ventura's Offshore Café will not tolerate or condone substance abuse. It is the policy of Ventura's Offshore Café to maintain a workplace free from alcohol and other drug use and its affects.

It is the policy of Ventura's Offshore Café that employees who engage in the sale, use, possession, or transfer of illegal drugs or controlled substances, or who offer to buy or sell substances, use alcohol during working hours, or abused prescribed drugs, will be subject to disciplinary action, up to and including termination.

It is the policy of Ventura's Offshore Café to commit the resources necessary to achieve and maintain a drug- and alcohol-free environment.

L. Employee Mobile/Cell Phone Usage Policy

Ventura's Offshore Café forbids the use of a cell phone hands on or hands off or similar devices during business hours, whether the business conducted is personal or company-related. This prohibition includes receiving or placing calls, text messaging, surfing the internet receiving or responding to email, checking for

phone messages, or any other purpose. All employees are not permitted to carry their cell phones. Any employee caught using their cell phone other than the designated times will be terminated. ***This is your final warning!***

Ventura's is well aware that the cell phone may be the only way of communication between family and emergencies. Please advise friends and family to call the restaurant for emergencies. Ventura's being sensitive to emergencies will allow employees to use their cell phones within the designated area and time frame listed below.

Designated Area: The rear loading kitchen dock

Designated Times: Day Shift: 10:30-11:00am or 2:00-2:30pm

Night Shift: 4:30-5:00pm or 9:00-9:30pm

## XV. Employee Benefits

### A. Statutory Benefits

Regular Full-Time employees also receive the following statutory benefits in compliance with law:

- \* Social Security/Medicare contributions made on your behalf by the Company
- \* Unemployment insurance paid on your behalf by the Company
- \* Workers Compensation Insurance paid on your behalf by the Company to cover the cost of medical treatment and loss of wages for job-related accidents

### B. Short Term Disability Benefits

Short term Disability Insurance paid for by deduction from your paycheck is designed to pay you in case you are unable to work due to non-job-related accident or illness. This benefit will also cover you if you take time off due to your pregnancy or childbirth and your physician approves it.

### C. Family and Medical Leave

The Company provides family and medical leave to eligible employees in accordance with applicable laws. An eligible employee is one who has worked at least 12 months for the Company and has worked at least 1250 or 1000 hours, depending on the leave sought. The federal law currently permits eligible employees to take up to 12 weeks of unpaid leave for the birth of a child, the adoption of a child, the placement of a foster child, the serious health condition of a child, spouse, or parent of the employee, or the serious health condition of the employee that makes the employee unable to perform one or more of the essential functions of the employee's job. The state law permits leave for the same reasons, except that they state law does not permit leave for the employee's own illness. An employee is guaranteed certain reinstatement rights up to the end of the twelve

(12) week period. Employees who request family leave are encouraged to contact management for additional information.

XVI. Personal/Sick Leave

The professional skills, experience and commitment to our employees cannot be utilized effectively when absences occur for whatever reasons. It is important that you are at work as scheduled.

For the occasions when you are unable to work because of illness or medical treatment, you may be absent from work. In all cases of absences, you must notify management before the beginning of a work day and inform him/her of the reason for the absence. If you are absent for an illness of three (3) working days or more, a doctor's note is required. This note must be given to your supervisor on your first day back to work. This policy must be strictly adhered to.

The Company provides family and medical leave to eligible employees with applicable laws.

XVII. Smoking Policy

Employees are prohibited from smoking within the restaurant. An employee may smoke only on the loading dock designated as the smoking area. No one employee is allowed to smoke between the hours of 11am-2pm and 5:30pm-8:30pm.

XVIII. Separation of Employment

Separation of employment occurs when the employment relationship between the Company and the employee ends. There are three types of separations: voluntary resignation, layoff, and discharge.

1. Voluntary resignation occurs when the employee ends the employment relationship. All employees must submit a written notice of resignation at least two (2) weeks before their final work day. All notices of resignation will be addressed to your supervisor and must specify the effective date of the resignation. Please also send a copy to the payroll office.
2. Layoff occurs when business reasons require the elimination of either positions or employees. The Company will give advance notice of the layoff in accordance with applicable law to affected employees.
3. Discharge occurs when the Company chooses to end the employment relationship. As discussed in the Important Notice, the Company may discharge you at any time, with or without cause. Discharge requires no advance notice.

Upon separation, you shall meet with management to complete any appropriate forms. Upon any separation of employment, you shall receive pay for accrued, earned salary. Vacation, sick, or personal time cannot be used in lieu of notice. At the separation of employment, your identification badge, keys, codes, and any other Company property must be returned to your supervisor.

In order to provide for smooth and orderly transition, proper notice of resignations must be given. Resignation shall be in writing to your supervisor. All notices of resignation will be addressed to your supervisor and must specify the effective date of the resignation. An additional copy must be sent to the payroll office. Ventura's Offshore Café will notify employees in writing of acceptance of resignation.

Employees are encouraged to provide four (4) weeks' notice. All employees shall give a minimum of two (2) weeks; notice prior to the effective date of the resignation.

Prior to receipt of any final payment, all employees shall return all Ventura's Offshore Café owned property, including but not limited to, keys, Ventura's Offshore Café ID, etc

#### XIX. NJ Conscientious Employee Protection Act

In accordance with New Jersey State Law, an employee is protected against retaliation be cause he/she

1. Discloses or threatens to disclose to a supervisor or public body an activity, policy or law practice of his/her employer that he/she reasonable believes is in violation of a law or regulation.
2. Provides information to or testifies before a public body conducting an investigation or hearing concerning such a violation.
3. Objects to or refuses to participate in an activity, policy or practice if he/she reasonably believes that it is in violation of a law or regulation or is fraudulent or that is incompatible with a clear mandate of public policy concerning the public health, safety or welfare.

If you believe that, in the scope of your employment, you have been involved in or have knowledge of any action which may be in violation of law, regulation or public policy, we urge you to notify Lou DiVentura, Jr. or Lou DiVentura, Sr. so that the matter may be investigated and corrected. The Company ensures the confidentiality of your report.

#### XX. Solicitation of Goods and Services and Distribution of Literature

Solicitation by an employee of another employee is prohibited while either person is on working time. Working time does not include scheduled breaks, lunch periods or the time before the start or after the end of the work shift. These rules apply to all solicitations, including those for other employees, such as an employee's marriage.

Employees may not distribute literature to co-workers on working time or in work areas at any time. Outside visitors are not permitted to solicit on the Company property without prior approval of Lou DiVentura, Jr. or his designee.

XXI. Personnel Files

The Company maintains personnel files on each employee. All records and documents pertaining to your employment with the Company shall be maintained by office personnel and remain confidential. You may review your personnel file by contacting management and scheduling a mutually convenient appointment.

XXII. Disclosure of Employee Information

The Company will not disclose personal information without your written consent. Only members of management are permitted to respond to telephone, written or other inquiries about current or past employees.

Employees are entitled to review their individual personnel records during normal business hours and within a reasonable time of the request to review such records. Only those employees charged with personnel responsibilities shall have the authority to review other employees' personnel records. Personnel records shall be reviewed in the presence of the manager.

XXIII. Change in Status or Personal Information

It is important that the Company maintain current information on all of its employees. It is your responsibility to notify office personnel of any changes in your name, address, telephone number, marital status, dependent status, beneficiary, emergency contact or any other necessary information.

All employees shall immediately notify the manager of any revisions in personnel information, including but not limited to, name, address, telephone number, marital status, dependents and insurance beneficiaries. Ventura's Offshore Café is not responsible for lack of insurance coverage due to an employee failing to notify Ventura's Offshore Café in a timely manner.

XXIV. Emergency or Inclement Weather Closings

The Company may be closed due to an emergency or inclement weather. It is your responsibility to contact the restaurant. If the restaurant is open, you are expected to make every reasonable attempt to arrive at work on time.

The restaurant is usually open during inclement weather, such as snowstorms. We expect our employees to make a sincere effort to come in. If you have reported to work and we close, hourly employees will be paid for the hours worked and shift employees will be paid for the shift.

#### XXV. Searches and Inspections of Company Property

To ensure its ability to effectively conduct business, the Company reserves the right to access at all times Company property, equipment, records, documents, and files and to protect against unauthorized use and removal of Company property. Accordingly, the Company has established this policy concerning inspections and searched on Company premises. This policy applies to all employees of the Company. All lockers, offices, mail and packages are subject to searches at any time without notice. All telephone calls are subject to monitoring.

To assure access at all times to Company property, and because you may not always be available to produce Company property or information related to Company business properly in your possession when needed in the ordinary course of the Company's business, the Company reserves the right to conduct a routine inspection or search at any time of Company property.

Routine searches or inspections on Company property may include your office, desk, file cabinet, closet, computer files or similar places where you may place or store Company property or Company-related information, whether or not such places are locked or protected by passwords or access codes.

Because a routine search on and of Company property might result in the discovery of your personal possessions or those of others, you are encouraged not to bring into the workplace any item of personal property you do not want to reveal to the Company.

**DISCLAIMER**

The employment relationship between Ventura’s Offshore Café and its employees is terminable at the will of either party. The employment relationship is terminable with or without cause and with or without prior notice. No employee, agent, manager or supervisor of Ventura’s Offshore Café has the authority to add to, subtract from or modify this disclaimer in any way, whether orally or in writing. This Handbook does not constitute a contract of employment.

TO BE SIGNED AND RETURNED TO EMPLOYER:

**Acknowledgement of Receipt and Understanding by Employee**

By my signature below, I certify that:

I have received a copy of Ventura’s Offshore Café Employee Handbook.

I have read and become familiar with the terms of the Policies. I understand that the Employee Handbook does not constitute a contract.

I understand that the Employee Handbook supersedes and replaces all prior personnel policies and procedures, whether oral or written, that may previously have existed. Any such prior personnel policies and procedures are void and of no effect whatsoever.

I have read the “Important Notice” and understand that Ventura’s Offshore Café has the absolute right to terminate me at any time, with or without cause and with or without notice.

\_\_\_\_\_  
(Print Name of Employee)

\_\_\_\_\_  
Employee’s Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
(Print Name of Management  
Witness)

\_\_\_\_\_  
Signature of  
Management Witness

\_\_\_\_\_  
Date

## **ALCOHOLIC BEVERAGE AWARENESS**

Ventura's prides itself in providing the type of atmosphere where our guests may enjoy themselves from time and time again.

It is our obligation to protect our guests from causing harm to themselves or others while under the influence of alcohol.

It is also our obligation to protect ourselves and Ventura's from possible third party liability claims.

## **ABSORPTION RATES**

Alcohol, after being consumed, is absorbed into the bloodstream where it travels to the other organs of the body such as the brain. How quickly alcohol is absorbed by the blood is called the absorption rate. The absorption rate varies from customer to customer. It really depends upon physical factors such as weight, height, and build. The absorption rate is much slower if drinks are consumed after eating a meal, rather than on an empty stomach. Taking prescribed medication can also affect the absorption rate. Quite frankly, even a customer's emotional factor has a direct effect when alcohol is consumed.

## **RECOGNIZING DRINK LEVELS**

### **Green Level**

This level is generally reached after one drink. Most drinkers will feel relaxed, comfortable and talkative. They can be very sociable and will act as though they have not been drinking.

### **Yellow Level**

The yellow level of drinking is characterized by a change in personality or behavior. Some customers may begin to talk loudly and act a little more over-friendly with the staff or other patrons. Please stop serving a patron at this time, so he or she does not enter the red level.

### **Red Level**

At this level, the customer has entered an impaired judgment state. The next behavior progression is poor motor coordination, glassy eyes, stumbling and looking for a fight with staff or other patrons. At this time if management cannot handle the situation the local police should be called.

## **THIRD PARTY LIABILITY**

It states that if a patron consumes too much alcohol in Ventura's, and has had an accident in or around the establishment, Ventura's, the manager on duty, and the server and/or

bartenders are all held liable as a third party. Possible fines and criminal penalties are subject to Ventura's and all involved with the red level patron.

### **Safe Alcohol Serving Agreement**

I have read and understand the important responsibility I have to ensure responsible and safe alcoholic beverage service to our guests. This includes proper carding procedure, being proactive and aware of alcohol consumption and the communication to the management team of any guest who has been over-served.

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Printed Name)

This form will be placed in the crewmember's file.