EMPLOYEE HANDBOOK

Updated Jan.2024

ABOUT THIS HANDBOOK

Turtle Mountain Brewing Company has prepared this handbook to assist you in finding the answers to many questions that you may have concerning your employment with Turtle Mountain Brewing Company. Please take the time necessary to read it. If you have any questions about items or areas covered in the handbook, please speak with your manager.

This handbook is provided as a guide that you may use to familiarize yourself with Turtle Mountain Brewing Company. It is provided and intended only as a helpful guide. It does not constitute, nor should it be construed to constitute, an agreement or contract of employment, express or implied, or as a promise of treatment in any particular manner in any given situation. This handbook states general company guidelines. Turtle Mountain Brewing Company may, at any time, at its sole discretion, modify or deviate from anything stated in this handbook to the extent permitted by law. Since you are employed at-will, this handbook is not a contract of employment, and there is no restriction on your right, or the right of Turtle Mountain Brewing Company, to terminate the employment relationship at any time.

THIS HANDBOOK IS NOT AN EMPLOYMENT CONTRACT AND DOES NOT CREATE A CONTRACT, EITHER EXPRESS OR IMPLIED. NOTHING IN THIS HANDBOOK ALTERS THE AT-WILL EMPLOYMENT RELATIONSHIP.

This handbook supersedes all prior handbooks, manuals, policies and procedures issued by Turtle Mountain Brewing Company.

2024-01 TMBC Employee Handbook (google doc link)

INTRODUCTION

Policy and Procedures Information
The Employee Handbook is a collection of policies and procedures, and is a guideline for all Turtle Mountain Brewing Company employees. It should not be read as being all-inclusive, or including all the details of each policy. These policies and procedures are subject to change, amendment or waiver by Turtle Mountain Brewing Company at its sole discretion, without notice, at any time. Turtle Mountain Brewing Company will make good faith attempts to keep the manual current, but there may be times when policy will change before this material can be revised.

Not an Employment Contract
These policies and procedures may not be construed as an employment contract, or as an offer to establish such a contract, and do not guarantee employment for any definite period of time. This policy manual does not alter the employment-at-will relationship between employer and employee. All employees are “at-will” employees, and their employment and compensation can be terminated, with or without cause, and with or without notice, at any time at the option of either Turtle Mountain Brewing Company or the employee.

Oral vs. Written
For the sake of clarity, employees should understand that no oral representations, statements or promises made at any time which deviate from these written policies and procedures will be binding on Turtle Mountain Brewing Company unless they are made by the Owner of Turtle Mountain Brewing Company and reproduced in writing. In addition, all situations and circumstances are different and may indicate to Turtle Mountain Brewing Company that it should do something differently from what is described in the personnel policies and procedures without advance notice.

This Is a Guide, Subject to Change
These policies and procedures are a guide as to the general personnel administration for Turtle Mountain Brewing Company employees. They are also provided so that employees understand what is expected of them by Turtle Mountain Brewing Company. Turtle Mountain Brewing Company recognizes the value and need for consistent personnel administration, but it also recognizes that circumstances, needs and situations change; and our policies, procedures and practices may need to reflect those changes. As such, these policies and procedures are subject to constant change and refinement with or without notice.

Human Resource Records
Your employment record is kept on file at Turtle Mountain Brewing Company’s business office, and is also available to you online at **ADP Workforce Now**. All employees are required to register with **ADP Workforce** to create and maintain an up-to-date profile including, but not limited to, information such as your:

- Physical Address
- Telephone Number
- Valid Email Address
- Marital Status
- Tax Withholding Information
- Demographic Information
- Emergency Contact(s)

1. The Story Behind Turtle Mountain Brewing Company

Turtle Mountain Brewing Company (TMBC) is the end result of way too much drinking and dreaming on the part of the proprietor and your boss, Nico Ortiz. Starting with a student exchange to Germany when I was 16, I have dedicated my life to the pursuit of drinking beer, both quality and quantity. This brewpub is the result of over 30 years of “market research” in hundreds of bars, pubs, brewpubs, breweries, beer gardens, garages, and beer festivals all over the world.

The name Turtle Mountain comes from the Tewa name for Sandia Peak. My late father was born and raised in Ohkay Owingeh, formerly known as San Juan Pueblo, one of six pueblos that speak Tewa. His Indian name was Oḳú-pí^{n}, which translates as “Turtle Mountain.” As a tribute to my dad, who provided the inspirational and financial means to open the pub, I named it Turtle Mountain Brewing Company.

The business model for TMBC was the original Il Vicino on Central in Nob Hill by UNM. I encourage all of you who are interested to take a look at any of the Il Vicino restaurants around town. They provide a good idea of what Turtle Mountain was like back when we opened on March 22, 1999. The counter service here at Turtle Mountain only lasted about three months, but aside from that, the concept of gourmet pizzas and craft-brewed beers is still here. I also encourage you to visit all of the many breweries around Albuquerque as well as throughout New Mexico. The more you can compare and contrast Turtle Mountain with other breweries the better.

The guiding principle of Turtle Mountain Brewing Company is to provide the people of Rio Rancho, surrounding communities, and visitors from around the world with delicious, high quality foods and beverages at an affordable price in a comfortable, friendly environment. Being a huge fan of the show “Cheers”, I envisioned a pub where regulars and visitors alike can come in and feel like they are part of the family. I always hoped that Turtle Mountain would foster an environment where meaningful friendships could be developed between employees and patrons both inside and outside the pub. I encourage every employee to get to know the regular patrons, both by name as well as background and interest. These people are the foundation of what all of us have worked so hard to achieve, and are a very important part of the tapestry that is Turtle Mountain.

I also encourage every employee to get to know your fellow employees, both during work, and where applicable and comfortable, outside of work. TMBC sponsors occasional official events, and I encourage every employee who is able to attend to join us in blowing off some steam away from the workplace. And there are countless unofficial employee gatherings throughout the year where you can meet and hang out with many of your fellow employees. We are a tightly-knit team/family, and these events help to keep us that way.

2. How We Do Things Here at TMBC

OPERATING PRINCIPLES

The operating principles of Turtle Mountain come mostly from my pet peeves, developed over the years from poor experiences at bars, pubs and restaurants around the world.

The first of these is an **empty glass**, be it water, ice tea, beer, whatever. We are here to provide our customers with service, and nothing is more irritating and tip-reducing than being thirsty and having an empty glass in front of you. In addition, selling additional glasses of beer increases our sales and your tip. This is especially inexcusable when the restaurant is not full. Make sure that customers' glasses are full. This is everybody's job. Our choice of the 32-ounce tumblers for the sodas and iced tea was intentional. It saves on having to refill them, and not many customers will be drinking more than one or two.

Value for the money, or "**bang for the buck**," is another founding principle behind our pub. Having grown up in Santa Fe, I became very familiar with the practice at many of the fancy restaurants there of increasing their prices while at the same time reducing their portion sizes over the years. TMBC aims to give our customers value for their money, both in the size and prices of our menu offerings. People should be surprised at the amount of food they get for their money. This is what we want. Nowhere is this more important than with the beer. Another one of my biggest peeves is paying more than $7 for a commercially produced 16-ounce pint of beer. I don't care how good the beer is, it is not worth that much, unless it's a barley wine, Belgian lambic, or some other rare, unobtainium or high-gravity beer. A pint of beer in Rio Rancho should never cost more than $7. That is why we price our beers the way we do. People should be surprised at getting a craft brewed pint of beer for $6 during happy hour. Making money is nice, but it is not the main driving force behind our pub. Providing good value, and taking care of the needs of our patrons, is the driving force that we will continually pursue. The money will be there if our customers remain happy.

Things will not always go smoothly, this is a fact. Be sure you communicate with your tables, especially when there is a problem. Be sure to elaborate the issues at hand. If you made a mistake, let the customer know, "I'm sorry, I forgot to turn in your salad. Let me get that right away." Don't **transfer responsibility** (see above) to the bar or the kitchen, unless it truly is their fault. Most of the customers will appreciate your honesty. "Sorry your pizza is taking so long. I'm having the kitchen remake it. You said no green chile and there was green chile on it." Be honest and let them know what's going on. Most issues can be solved with a pint. Ask the Manager on Duty to assist you with this.

We also aim to provide a mellow, yet efficient, work environment. Most of the people we have working here are in their 20s and 30s. As mature men and women, I expect you to know what is appropriate, how to maintain a professional attitude, and to do your job to the best of your ability. We allow casual dress and casual attitude, as long as it does not interfere with our goal of serving the customer. That does not mean we are not guided by professional standards nor influenced by rules. As long as the job gets done to the satisfaction of management, this mellow environment will continue. But if it gets abused and taken advantage of, it will become more structured (the Employee Handbook used to only be a few pages long), to the detriment of all employees.

DO NOT TAKE ADVANTAGE OF
THE FREEDOM THAT WE GIVE YOU
WHILE WORKING HERE

NICO'S FOUR NEVERS

I have four equivalents to the "Deadly Sins" that I expect every employee of Turtle Mountain to know by heart, and to avoid at all costs. They are:

1. **Greed** – The interests of the restaurant are always more important than the interests of any one employee. I don't ever want to see any employee put their personal interests above those of the restaurant. This is grounds for immediate termination.

2. **Entitlement** – There is no Turtle Mountain employee, myself included, who is entitled to anything from Turtle Mountain. I don't care how long you have worked here, you are entitled to nothing. No one who works here deserves anything, either. The only way you can demonstrate your value to the organization is by working hard, thereby earning your right to raises and other benefits of hard work.

3. **Inattention to Detail** – There are very few accidents in life that can't be explained by inattention to detail. Breaking of plates and glassware happens because employees are not paying attention to what they are doing. Pizzas get burnt because not enough attention is being paid to the oven. Tickets are made wrong because cooks are not reading the tickets or the servers are not ringing in orders accurately. These are all preventable mistakes if one exercises attention to detail. Take the extra few seconds of time to make sure that you are doing your job right.

4. **Transference of Responsibility** – This is one of my hottest buttons and will tip the scale between getting a second chance and being asked to leave. There are times when mistakes are made, and while I don't like any mistakes being made because it likely demonstrates inattention to detail (see above), I expect every employee to take full responsibility when they do occur. Any attempt to transfer responsibility to a coworker, a customer, or anybody other than yourself will result in a significant loss of respect and thereby standing in the organization.

These 4 tenets are what drive my approach to management and ownership. Violation of any one of these pillars is cause for concern. Violation of more than one indicates a misunderstanding of who we are and what we do, and will likely lead to your departure from Turtle Mountain.

PROHIBITED BEHAVIORS that will not be permitted

The following actions will lead to immediate dismissal:

- Theft, attempted theft, removal or unauthorized possession of any property, such as food or beverages, Turtle Mountain Brewing Company property, or property of another employee or guest.
- Gambling on Turtle Mountain Brewing Company premises.
- Willful destruction or defacement of private or Turtle Mountain Brewing Company's property.
- Possession, sale, use or being under the influence of illicit drugs or alcohol on Turtle Mountain Brewing Company's property during, prior, or after working hours.
- Unprofessional behavior including but not limited to obscene language, insubordination, gossiping or discrediting Turtle Mountain Brewing Company and or its employees.
- Violent acts or threats.
- Falsification or misrepresentation of information on any forms including but not limited to employment application and time records.
- Immoral or indecent conduct on Turtle Mountain Brewing Company premises.

These examples are not exhaustive, and Turtle Mountain Brewing Company always retains the right to discipline and/or terminate employees for any reason. Nothing in the Code of Conduct alters the at-will nature of the employment relationship, and both employee and Turtle Mountain Brewing Company can end the relationship at any time and for any reason or no reason.

The following is a list of prohibited behaviors that will not be permitted. If observed they may lead to dismissal and will cause the working environment to become more restrictive, to the detriment of all:

- Offensive or disruptive behavior, including fighting with or threatening employees or guests, interfering with others in the performance of their duties, or acting in an immoral or indecent manner on Turtle Mountain Brewing Company property.
- Harassing, threatening, intimidating, coercing or unlawfully discriminating against others.
- Using abusive language or profanity.
- Discourteous or inappropriate conduct with guests or employees.
- Possessing, consuming, distributing or being under the influence of alcohol or any controlled substance on the premises or off premises in the performance of work duties.
- Unauthorized possession of weapons, firearms, explosives, or other dangerous devices on Turtle Mountain Brewing Company premises.
- Willful or negligent failure to abide by Turtle Mountain Brewing Company safety rules and practices, or conduct that tends to create a safety hazard.
- Disloyalty to Turtle Mountain Brewing Company, including but not limited to slandering Turtle Mountain Brewing Company, or acting in such a manner that could damage Turtle Mountain Brewing Company's reputation, or result in a loss of trust in Turtle Mountain Brewing Company.
- Solicitation of gratuities.
- Dishonesty regarding any aspect of employment with Turtle Mountain Brewing Company.
- Misappropriation of Turtle Mountain Brewing Company funds, or failure to handle funds in accordance with Turtle Mountain Brewing Company guidelines.
- Unauthorized distribution or solicitation during working time.
- Falsifying, altering or making material omissions in any Turtle Mountain Brewing Company documents or records, including but not limited to the employment application, time cards, tip reports and guest checks (including unauthorized adding or soliciting gratuities).
- Unauthorized discussion or removal of Turtle Mountain Brewing Company confidential information.

- Unexcused absence on scheduled work days, without an approval, reason and/or without proper notification.
- Excessive absenteeism or tardiness.
- Poor job performance, including an unsatisfactory attitude that detracts from job performance or the efficient operation of Turtle Mountain Brewing Company.
- Receiving visitors or conducting personal business during working time.
- Failure to abide by meal/break periods, or taking meal/break periods in an unauthorized area.
- Failure to report an on-the-job accident or injury.
- Falsely stating claims of injury.
- Failure to meet performance standards.
- Failure to follow grooming and appearance standards.
- Unauthorized departure from work before your shift and side-work are done.
- Willful insubordination or failure to follow through with reasonable managerial requests, such as not closing floor sections or the kitchen.
- Pocketing tips that are not yours from a table or the bar.
- Knowingly serving alcohol to underage customers or intoxicated customers.
- Giving free drinks and/or food to friends or family without a manager's knowledge and consent.
- Violations of state or federal laws on Turtle Mountain Brewing Company property.
- Refusal to sign an acknowledgment of receipt of documents required by the company, including, but not limited to, evaluations, disciplinary actions and policy additions or changes.
- Talking and/or texting on your cell phone while you are working. If you need to make or take a call, do so before or after your shift or while on break. Give the restaurant numbers, 505-994-9497 505-404-0414, to your family. MODs are the only front-house employees allowed to take work-related calls while working.

This is by no means a comprehensive list of guidelines, but more an example of some of the behaviors that we will not tolerate. Failure to follow these guidelines may result in termination from Turtle Mountain Brewing Company.

The Managers on Duty (MODs) are a vital part of our team, and will have more to do with your welfare and progress than any other people in our organization. The MODs are directly responsible for planning your work schedule, ensuring the quality of your work, and providing you with whatever assistance or training you may need. The MODs will arrange for your training, introduce you to your fellow employees, show you where things are, and advise you of your work performance. An important part of the MOD's responsibilities is to answer questions, listen to your work problems and take action where appropriate. In addition to assisting you, the MODs are also responsible for communicating your concerns to upper management. To achieve this goal, please discuss any problems or concerns you may have with an MOD. If the MOD does not have an answer to your question, they will make sure you get an answer.

Because of the non-corporate way we do things here at Turtle Mountain, we tend to have very low employee turnover for the restaurant business. Our team is like a family, and with that comes sibling-like conflicts. These conflicts, coupled with the high-speed, high-stress environment that comes with working in a busy restaurant, can become explosive. As an employee, I expect that you will leave your home problems and personal differences at the door. If you have an issue with another employee, **I expect you to resolve the issue amongst yourselves** in a professional and adult manner. When and if issues make it to upper management, the result might not be in your favor, so it is to your advantage to resolve differences amongst yourselves while compromise is still an option.

3. A Basic Job Description, and What We Need and Expect From You

We hired you to fill a specific position, but the needs and duties of that position are not carved in stone. We are all here, from management to bussers, to make sure that the customer is happy. No matter your job title, we want you to remember that periodically you **will** be helping someone else in a different job. Everyone is here for the same reason – to see that customers receive their food and drinks competently, quickly, and accurately. If you are a server, you will be expected to bus tables when the busser is busy doing other duties. If you are a busser, you might have to wash dishes and roll silverware. If you are the MOD, you might have to scrub toilets. **"That's not my job," is a phrase that should never be heard at Turtle Mountain**. There is a hierarchy here of authority, but not of who is responsible for getting every job done. When you're on the clock, expect to be working. We are **all** responsible for that.

In exchange for providing what I consider to be an enjoyable work environment, I expect some things of you in return. I expect you to be polite and professional both to our customers and to your fellow employees. Most importantly, I expect you to bring a positive attitude when you come to work at the pub. We hired you because we believe you have a good work ethic, like to be around people, are friendly, and above all believe a job well done still means something.

I expect every employee who serves customers to **know all the menu items and their prices, both food and beverages**, and to be able to make recommendations to patrons based upon their tastes, likes, and dislikes. Make it a point to try all of the menu items and specials so you can be well versed in what you are selling. If you do not think you are able to make recommendations about the beers, refer the customer to the bartender or the MOD, who will be happy to talk to them about our beer offerings. I take great pride in our foods and beers, which is why I have chosen to put the brewery, kitchens and wood-fired ovens on public display for all to see. Every employee should share in that pride by knowing and offering our daily food and beer specials.

TMBC aims to create and sustain a healthy and safe working environment for all employees. We will not judge people based on age, race, gender, sexual orientation or religion, nor will we make it criteria of employment. Hiring, retention, raises and promotion will be based on ability, attitude, work ethic and qualifications.

The management of TMBC is committed to providing our employees with an efficient and productive work environment. **TMBC has an "open door" policy** and welcomes any constructive suggestions about food, beer, customer service, training procedures and comfortable working conditions. Please feel free to voice or write any opinions that you may have about any of the policies and/or behavior of our management team, either face-to-face with an individual manager, or at an employee meeting. It is our belief that through open communication channels, thorough training and management support we will create an excellent working environment for everyone. Remember that if the management team is not aware of a problem, we cannot remedy the situation.

I expect you to understand and provide good customer service to our guests. **We are in the service industry**. The management of Turtle Mountain Brewing Company defines service as "the manner in which the customer is treated." Keep in mind that the customer's service expectations are based on the **type** of product we offer, the **price** of the product, the **environment** in which the product is being offered, and, most importantly, the **manner** in which the product is delivered. It is up to us to understand what the customer expects and to provide for their needs. Remember that good service starts with a friendly smile and a great attitude. All of our customers should not only be impressed with our quality food and microbrews, but walk out of the restaurant feeling that they also have had the best service. This will set us apart from our corporate counterparts.

Since we have an open floor plan, always assume your customers can see and hear everything you do (snide remarks, pointing, rolling your eyes, body language, etc.). They do notice and they do let me know. Stay professional while you are representing Turtle Mountain.

Service comes from every member of our team, starting with the greeting at the front door to the friendly service at the table to the sincere good-bye and thank you as they leave. Service is the most important item we sell. It is our invisible product, adding value to every purchase. And service is what ultimately brings the customer back. Providing great service is one thing we can do better than our competitors, no matter how much money they have. Providing great customer service is also something we can improve upon. Stay diligent in being creative and learning how to offer better customer service every day.

4. Nuts & Bolts, familiarize yourself with all of the below

A. Expectations

TMBC will require, and provide for, thorough training for the position for which you are hired. Because of this we will have certain expectations of every employee:

- Perform job duties using all safe working methods and techniques taught to you by TMBC.
- Report unsafe working conditions immediately to your MOD. (Electrical shorts, leaking pipes etc...)
- Report every accident or injury, no matter how insignificant it seems, directly to your manager. Failure to do so may result in disciplinary action.
- Report and log any bar-related incidents such as cutting-off a patron or violent and/or aggressive behavior. Get the time, names and descriptions for any possible actions such as lawsuits. Record the incident in as much detail as possible in the Manager's Log located in the office.
- Never use equipment on which you are untrained, especially the large Hobart mixer and slicer! Ask for instructions from a manager.
- We expect you to be prepared to work at the start of your shift, not walking in the door at the start of your shift. Arrive early so you can be ready when your shift starts.

B. Emergency Procedures:

- **Do Not** move an injured person.
- Stay with the injured person and send or call for someone to notify the Manager on Duty immediately.
- Make a mental picture of the details of the situation to document afterwards.
- Record the incident in as much detail as possible in the Manager's Log.
- In the event that a customer becomes unruly or presents a weapon on company property, contact the Manager on Duty immediately and he or she will call the police. Remain calm until the police arrive and let them handle the situation. The Manager on Duty will do their best to keep the customer away from other employees and patrons. Do your best to ensure the safety of other employees and patrons while the Manager on Duty is dealing with the problem customer.

C. First Aid Kit:

First Aid Kits are available in the MOD offices, behind the door at South on the racks at North. Use the contents to take care of any minor cut, scrape or burn like you would at home, or ask for assistance from your manager. It is necessary to report any injury, regardless of how minor, to your manager. Any employee who is engaged in food prep or cooking who has skin infections or communicable forms of infection, including but not limited to cuts, burns, abrasions, boils or bandages on the hands or face, or is sick with a cold, flu, or other easily communicable illness shall be temporarily excluded from work activities in which there is a likelihood of contaminating food or food-contact surfaces.

D. Fire:

- Keep all exits and fire doors clear and unlocked when open for business. If there is a fire, call 911 immediately.
- Evacuate the area and notify the manager immediately.
- Locate the nearest fire extinguisher and use it if it is practical to do so. (Smaller fires that can be contained.)

E. Power Failures:

In the case of a power failure, switch off all kitchen equipment that was being used. Stand away from sharp items and/or hot areas and use common sense. Wait until the lights come back on before moving about the kitchen or front of house. Let the MOD verify that the registers have rebooted before entering customer orders or running any credit cards.

F. Robbery Attempts:

Cooperate completely with the individuals. **DO NOT RESIST**. We are insured and value your life. Make a note of the physical appearance of the perpetrator and the time of the incident for the police, and notify the manager when the threat of danger has passed.

G. Safety Procedures:

Safety is a priority for all TMBC employees. Remembering that all hazards within the workplace are controllable, employees can work accident-free if **attention to detail** is paid to the tasks at-hand. The following is a list of requirements for a safe workplace:

- Do not take unnecessary risks. Use common sense in potentially dangerous situations.
- Managers will teach and enforce safe working techniques.
- Never lift over fifty pounds without assistance from a co-worker. Lift properly with your legs. And always wear a lift belt when handling heavy weights.
- Know where the CO2 monitors are in the keg coolers. If the alerts are lit, leave the area immediately and notify the MOD.
- If you are under 18, you are not permitted to use the Hobart floor mixer or the slicer.
- Use pushcarts to move large amounts of plates and glassware. Large plates are $17.82 each.
- Use proper knife skills as taught to you by your manager. Never send a blade to the dishwasher, use it to pry open cans or bang them on the countertops.
- Use a broom and a dustpan to pick up broken glass. Deposit it directly into the glass recycling behind the bar if not too full or a to-go box and take it immediately to the dumpster outside. **Do not put it in a trash can!**

- If food has been contaminated with glass, chemical or other debris, dispose of it immediately and report it to a manager so it can be logged as waste.
- **Clean all spills immediately** and notify the MOD! Even miniscule spills and small wet areas can be extremely hazardous in a busy restaurant. Employees and guests could go down hard and quickly. A single slice of tomato or cucumber can break a hip or a skull. Always use a “wet floor” sign while mopping and allow the spill to dry thoroughly before removing the sign.

H. Sanitation:

Proper sanitation, food storage and food handling are essential and mandatory for our restaurant to run properly.

- Wash your hands often. Always wash after using the restroom, smoking a cigarette or getting wood, using a mop or broom, taking out the trash and when returning from a break. Never touch your hair, face, or facial hair without washing your hands afterward.
- Never use the kitchen hand sink for anything other than hand washing.
- Always legibly label, date, face and rotate food items. Pay special attention to expiration dates for perishable products.
- Be aware of dangerous cross-contamination when using cutting boards. Never cut vegetables after raw meat on the same board. Always sanitize work areas after prepping raw meats or seafood.
- Deliver silverware by the handles only and glasses by their bases. Do not touch plated foods waiting to be delivered to tables.
- Wash every implement that has been dropped on the floor.
- Inspect all dishware, silverware and/or glassware before use for cleanliness, chips or cracks.
- Change your gloves often and every time you touch a contaminated surface or eat.

I. Quitting and Termination:

TMBC will try to be fair in the handling of all employee disciplinary actions. For offenses such as tardiness and dress code violations management discretion will determine the penalty. Most minor offenses will result in a verbal warning, written warning and, if still not satisfactorily remedied by the employee, termination. Major offenses such as, but not limited to, fighting or threats of violence, stealing, drunkenness, drug use and no-call/no-shows can result in immediate termination. A continual bad attitude is considered a major offense and will result in continual write-ups and possible termination.

The first 90 days of employment at TMBC are probationary, and infractions within this period will be scrutinized thoroughly. You may be terminated during this time without prior warning for rules infractions.

Upon completion of the probationary period, violations will be written and placed in employee files. When three written warnings have been compiled and signed by the employee within a rolling calendar year, the employee’s work performance will be reviewed by managers, and termination may be carried out.

If you decide to quit your job at TMBC, first discuss your decision with a manager. There could be a simple solution to the problem. But if not, we ask that adequate notice of at least two weeks be given to allow us to fill your position. Your last paycheck will be available on the regular payday or when required by state law if requested. If you quit within the 90 days probationary period, the cost of your gratis issued work shirt may be deducted from your final paycheck at its regular retail price.

Turtle Mountain Brewing Company has a binding arbitration policy wherein controversies concerning the application, terms, conditions, or scope of your employment with the Company will be handled in

arbitration, rather than a court of law. Such controversies include, but are not limited to, other benefit programs, claims regarding compensation or breach of contract, tort claims, wrongful termination, sexual harassment, discrimination based on race, sex, age, religion, national origin, medical condition or disability; or claims for violating any other federal, state or local governmental law, statute or regulation. Employees are obligated to familiarize themselves with the specific terms and conditions of the arbitration policy.

J. Personal Appearance and Conduct:

Please remember that you are a representative of TMBC every time you are in the building for work or socializing. Remain professional at all times.

- While on the clock, front house employees must always wear a **clean** Turtle logo shirt and shorts or pants. No cut-offs (sleeves or shorts). Modified work shirts should not reveal bra straps or too much skin. No yoga pants. No sagging pants that reveal your underwear. No pants or shorts that are overly torn or tattered. No short-shorts. Use your fingertips when standing as a guideline.
- No open-toe shoes are allowed at Turtle Mountain. Only closed toe shoes with a defined low heel and **non-skid soles** will be allowed. This means no flip-flops, Tevas, sandals, Birkenstocks, etc. Crocs without holes and with a heel are acceptable. This applies to all employees.
- Cooks must wear a hat, bandana/do rag, or other headgear while in the kitchen, unless your hair is less than ½ inch long.
- All employees who handle food (servers, runners, hostesses, bartenders, and kitchen) must tie their hair back and tuck it under their hat/bandana/do rag to avoid any contact with food.
- All employees who handle food (servers, runners, hostesses, bartenders, and kitchen) may not wear false nails or loosely dangling jewelry to avoid any contamination of food.
- Keep both head and facial hair clean and neat.
- Keep up with personal hygiene. Shower and brush your teeth regularly.
- Do not use excessive cologne or perfume. We want the customers to smell their food, not you.
- Wash your hands frequently.
- Do not chew gum or tobacco while at work.
- Show up for your shift on time, in uniform and prepared to work.
- ~~If you are an alcohol server, have your server's certificate on hand at all times while working.~~
- If you wear nail polish or fake nails to work your polish or nails must have no chips or we will make you remove it or them.

K. Scheduling

Schedules are set up so that TMBC will run as efficiently as possible. Employees being present for scheduled shifts is a part of that equation. If you have limited availability, do not expect to get shifts on all of your available days. The more availability you have, the more likely you are to get more shifts. We use an on-line schedule that is also printed and available at the pub, so you should never have doubts about what times you are scheduled to work. Even though we use an on-line schedule, the master printed schedule at the pub is the schedule from which we work. Make sure to double-check your shifts with this printed schedule. Be 10 minutes early for all of your shifts and any shifts you are covering for another employee so that you will be clocked in and ready to work by the time your shift begins. If you need to request time off for any reason, speak with a manager to seek alternate arrangements. All schedule changes, temporary and permanent, must meet these criteria:

- If you are calling in, you **must speak to a manager** and it must be at least four hours before the start of afternoon shifts and at the earliest possible time for morning shifts. Do not have someone else call in

for you. **You are responsible for covering your own shift and exhausting all alternatives for coverage before speaking with a manager.**

- If you are running late, be considerate and inform your MOD by calling the pub or by direct text.
- All shift changes need to be approved through a manager and signed off in the master printed schedule. If a switch is not manager approved, it does not exist and you are still responsible for the shift.
- The person with whom you switch must be trained for your position and be approved to work that position.
- If the person with whom you switch fails to show up for the shift, ultimately this shift absence is still your responsibility and you may be written up as well.
- **The change must not result in any overtime for the covering employee.**

- All requests for time off need to be submitted to the scheduling manager no later than **Tuesday,** prior to the Thursday posting of the new two week schedule. **Plan ahead. Some requests can be nearly 3 weeks away.** (e.g. If you wish to request Saturday Feb.25th off, and it's the last Saturday of the Feb.12 - Feb.25 two week schedule, your request must be in by Feb.6th)
- Requests for days off will be honored on a first-come, first-served basis. This is especially true of requests for multiple days or a day with multiple requests, like concerts or school events. If you are planning on taking a week off, please let us know as far in advance as possible.
- FOH & support staff requests must be made through the 7Shifts app. Kitchen requests need to be discussed in person with your KM. Texting and phone calls are not acceptable.
- If a FOH request is not in the 7Shifts app, and manager-approved, it does not exist.
- Bring in a doctor's note to verify any illness serious enough to keep you from working three or more consecutive shifts.

Again, time off requests must be approved by a manager! Reasons for denial of requests may include but are not limited to: overtime by covering employees, short-staffing due to special events or circumstances which would result in hardships on the operation of Turtle Mountain, prior abuse or misrepresentation of requests, etc. If you decide to take an unapproved leave of absence, when you return your schedule and position may be different if it exists at all.

L. Leaves of Absence Without Pay:

Leaves of absence without pay can be granted for a variety of instances. A request for leave must be in writing, and include the start date, return date and reason for leave. TMBC recognizes the following types of leave without pay.

- Disability (including Maternity and Paternity Leave). Up to six weeks in the case of medical disability in the case of employees who have worked at least 1250 hours in the past 12 months immediately preceding the date of requested leave. The specific period must be supported by a physician's statement.
- Military service. (Veteran's Reemployment Rights Act).
- Military Reserve Training. (Up to two weeks a year)
- Bereavement. In the event of a death in your immediate family you may have up to two weeks to handle family affairs and attend the funeral.
- Jury Duty.
- Eligible employees are entitled to FMLA leave for certain reasons. See the ADDENDUM: FMLA Fact Sheet (pg. 29)

If you decide to take an unapproved leave of absence, when you return your schedule and position may be different if it exists at all. We highly recommend that you get any time-off longer than three consecutive work shifts approved by management in advance.

M. Paid Time Off (PTO):

The first step in requesting any sick-pay or xPTO:
https://turtlemountainbrewing.com/pto/

PTO:

- All employees, including full-time, part-time, seasonal and temporary workers, will accrue paid time off (PTO) at a rate of one hour for every 30 hours worked.
- Your current balance of accrued PTO hours can be viewed in **ADP Workforce Now** under **My Time Off ➔ Sick Pay Policy**
- Employees may be compensated for up to 64 hours of PTO per 12-month period. PTO will be accrued and paid at the employee's regular hourly rate when it was earned. **Employees may carry over any accrued, unused PTO**; however only 64 hours of PTO may be used in any 12 month period of time. Use of accrued PTO, for reasons other than actual sick pay covered by the NM-HWA, is capped at 40 hours quarterly. Do not expect to use more than 40 hours quarterly for reasons such as vacation, cashing-in, etc.
- Accruement of PTO **does not necessarily guarantee time-off requests** (for reasons other than those covered by the NM-HWA) will be approved. Your accrued compensation is guaranteed. However, requests for time off are governed by the policies outlined above in section: K. SCHEDULING

X-PTO: Long-term full-time employees may earn additional paid time off (X-PTO) as follows:

- Current balances of X-PTO hours can be viewed in **ADP Workforce Now** under **My Time Off ➔ xPTO**

- After 5 years of continuous employment, full-time employees are eligible to earn up to a total of 80 hours PTO beginning in the 6th calendar year of employment. For example, if your hire date is 3/17/2020 you will be eligible for **16 additional hours** of X-PTO above the maximum yearly earned PTO of 64 hours on 1/1/2026. These additional hours are “use-it-or-lose-it”. Your 16 extra hours expire on 12/31/2026.

- After 10 years of continuous employment, full-time employees are eligible for a total of 120 hours PTO beginning in the 11th calendar year of employment. For example, if your hire date is 3/17/2020 you will be eligible for **56 additional hours** of X-PTO above the maximum yearly earned PTO of 64 hours beginning in 2031. Accrual of these hours is split semiannually. **28 extra hours** will be earned on 1/1/2031 and then **28 extra hours** on 7/1/2031. These additional hours are “use-it-or-lose-it”. For example, your first 28 hours expire on 6/30/2031.

- After 15 years of continuous employment, full-time employees are eligible for a total of 160 hours PTO beginning in the 16th calendar year of employment. For example, if your hire date is 3/17/2020 you will be eligible for **96 additional hours** of X-PTO above the maximum, yearly, earned PTO of 64 hours beginning in 2036. Accrual of these hours is split triannually. **32 extra hours** will be earned on 1/1/2036 and then **32 extra hours** on 5/1/2036 and **32 extra hours** on 9/1/2036. These additional hours are “use-it-or-lose-it”. For example, your first 32 hours expire on 4/30/2036.

N. Workman's Compensation:

You are automatically covered by Workers' Compensation Insurance from your first day of work with Turtle Mountain Brewing Company. You must report any job-related injury or illness immediately to your manager no matter how minor the injury or illness may seem. You should seek medical treatment promptly. While Turtle Mountain Brewing Company encourages the reporting of any valid job related injury or illness, abuse of the Workers' Compensation benefit will not be tolerated. Turtle Mountain Brewing Company reserves the right to investigate the legitimacy of any claim for Workers' Compensation and will take appropriate action where an employee is found to have deliberately filed a false claim. If you have become incapacitated and claim workman's compensation, please keep in touch with your manager as to your ability to return to work. Failure to call within two weeks of your leave will result in an automatic release from employment with TMBC.

If you are on medical disability from an on-the-job injury, a physician's note is necessary. TMBC will follow the doctor's recommendation on the amount of time away from work. If an employee does not return to work within two scheduled shifts from the time the doctor recommends, they will be considered resigned from TMBC.

O. Pay and Pay Days

TMBC will pay employees every other Wednesday by Noon. Do not show up before noon looking for your paycheck. Do not impose upon your busy MOD, server, bartender, or your Stein.

Initial pay rates for tipped employees will be based upon industry standards and conform to the current required minimum wage. Non-tipped employees will be paid according to position, ability and experience.

Kitchen employees' pay will be determined by the Kitchen Manager and based upon experience, ability and budget. Raises will be awarded based upon performance, including but not limited to ticket times, kitchen and personal cleanliness, overall attitude, accuracy of order preparation, timeliness, respect for your fellow co-workers and a positive work ethic.

All relevant paperwork and requests relating to any given payroll must be submitted by the **last day of the pay period**. This is the Tuesday preceding the Wednesday Payday by a **full week** (e.g. By Tuesday 2/7/2023 for the Wednesday Payday on 2/15/2023). Do not wait to request sick-pay or to change your withholding, etc., until Wednesday or Thursday. You will not be accommodated.

The first step in requesting any sick-pay or xPTO:
https://turtlemountainbrewing.com/pto/

P. Health Insurance

Health, Dental, Vision and various AFLAC coverages insurance are available to all full-time employees who work 30 hours per week and who have worked at Turtle Mountain for a minimum of 60 days. See Stein for paperwork to get this started. New managers become eligible for insurance after completing six months of full-time employment. Your paperwork needs to be in to Stein by the 15th of the month prior to your effective date of enrollment. There is open enrollment for current employees once a year on January 1st, so your paperwork must be in to Stein by December 15th to allow processing time. Turtle Mountain will cover at least 50% of the monthly premium for employee's health insurance, but every employee will be responsible for 100% of their Dental, Vision and AFLAC premiums.

Q. Retirement Plan

Salaried employees, hourly managers who work at least 2 MOD shifts per week, and all other employees older than 21 who work at least 1000 hours per year and have completed one year of uninterrupted employment at Turtle Mountain are eligible to join our 401(K) plan. Turtle Mountain will match an employee's contributions to their pre-tax 401(K) or Roth IRA up to a maximum 4% of gross wages toward a pre-tax 401(K) account.

R. Loss Prevention and Cash Control Policies:

Controlling costs and loss is crucial to the success of TMBC. With that in mind, please note the following policies:

- Portion control. All employees are responsible for properly sized portions being served (food, beverage or garnish). You are all trained in the proper size and appearance of all the products that TMBC sells. All of our menu items have been costed to ensure that the bottom line is sufficient to cover your wages and allow for the continued growth of both TMBC and your paycheck. Compliance with portioning rules will be strictly monitored.
- Accuracy of customer orders. Make sure and check that what you have written down and entered into the computer is actually what the customer has ordered. Double check orders before sending them to the kitchen. We see too many voids from double-rung tickets and other easily avoidable mistakes. If we notice that any one server is responsible for too many incorrect orders being rung in and high food cost items being made that go to waste, **you will be paying for it out of your wages**.
- Accuracy of preparation. Read the ticket thoroughly. Special orders are just as important as regular menu items. This is especially important with very high food cost items like seafood, steaks, fried appetizers, etc.
- Waste Prevention. This goes along with portion control. Please keep waste to a minimum and notify your manager of excessive spoilage. If you are moving product from one place to another, be careful. A spilled pan of sliced turkey is about $35, or 3-4 hours pay. Do not throw away the ends of the provolone stick. Add it to a mozzarella bin. Vegetable ends can be used in stews and soups – ask the kitchen manager if you are not sure where to put something.
- Walk-outs. Most of the time walk-outs are regular customers who simply forget to pay on their way out the door. Please print an extra copy of the bill to present to the customer if you know them. If it is someone that we all know, and we do receive payment for the walk-out, you will not be held responsible. **If the walk-out is due to your inattentiveness or negligence, you will be held financially responsible for their bill. Be vigilant and attentive!**
- Customers who walk out with both copies of their credit card slip. Unfortunately you are out of luck and will not be getting a tip from that table. We are not able to add a tip to a slip without the cardholder's permission.
- Cash control policies. Bartenders and servers are solely responsible for their own money banks and receipts in their cash drawer. Do not let anyone touch the drawer when you are responsible for the money inside – it only risks your own pocket book. If you are not responsible for the drawer, do not cash anything out or you will share the responsibility for any lost money. At the beginning of the day, verify the starting balance of your cash drawer and report any discrepancy. After your shift, a sales report will be run by a manager to ensure the drawer is still accurate. Any discrepancies will be dealt with immediately. When multiple forms of payment are used towards a single ticket, be attentive to the amount being charged per credit card, and be sure to not use the same card more than once. The server or bartender will be fully responsible for the entire amount that Turtle Mountain has to reimburse any customer resulting from **inattention to detail**.

- Breakage. Plates and glasses are expensive but necessary for TMBC to operate properly. Be careful handling dishes, especially the large dinner plates, which cost over $17 per plate. Use bus carts to move dishes about the restaurant for breakage control and safety reasons. We reserve the right to charge you for broken dishes if you break an excessive amount and/or are reckless with TMBC property. All broken glassware, plates and bowls need to be logged in the manager log book.

S. Tips (this only applies to servers and bartenders):

- It is Federal Law that all tips received must be reported to the Internal Revenue Service. Employees are expected to comply with the Tipped Employee Participation Agreement (TEPA) as part of the tip rate determination agreement with the Internal Revenue Service. What we will do instead of having you track and declare your own tips is that we will declare and withhold taxes on all of your charge tips earned during a given pay period. Since about 81% of our sales are credit card sales, this means that we declare about 80% of your tips over the course of the year, surpassing the IRS comfort zone of 75%.
- Any server caught taking tips off of another server's table, or caught steering patrons into their section with the intention of making higher tips will be terminated. This is a classic example of **Greed**. We know there are some patrons who typically tip very well, but we use a hostess who will be seating based on availability of tables, not who the server in any given section might be. If the patron requests a specific server then every attempt to seat them in that server's section will be made. Any server who cashes out another server's table without prior consent or request will also be terminated. Be fair to your friends and fellow employees.
- Customers who can't add properly. Sometimes this works in your favor, sometimes not. If the customer adds their total incorrectly, you must take the bottom total as the correct amount. This is what the customer is expecting to see on their bill, and it may end up shorting you or benefitting you. Unreasonable tips (an extra $10, etc.) will be corrected by a manager to reconcile your 15-20% average.
- We will not tolerate any forging or altering of credit card receipts.
- **If you are caught adding a discount to a tab, not ringing in drinks, or otherwise reducing a customer's tab in any way, and with the intent of increasing the size of your tip, you will be immediately terminated.**
- Turtle Mountain Brewing Company wants to see our service staff rewarded with the best possible quality of life. We are pleased when a guest tips you generously, and we are also disappointed when you receive a poor gratuity, whether it was unreasonable, or a guest statement about substandard service. Please know that it is entirely unacceptable for an employee to initiate a conversation regarding a gratuity, good or bad, anywhere on the premises. Guests do not deserve to hear about it, and the kitchen staff or other non-tipped positions do not want to hear about it. Any service team member who solicits a gratuity, or discusses a gratuity with a guest, is out of bounds and will be subject to disciplinary action, up to and including termination.

T. Personal Property:

We are not responsible for personal items lost or stolen while you are at TMBC. Please use common sense to reduce the risk of losing personal property while at work. Do not leave anything of value in your car. Your personal items are not to be left around the restaurant. Place your personal effects in designated areas and try to leave tempting items at home. Your work shirts should not be left at the restaurant because you need to take them home and wash them. Don't forget your coffee cups, phone chargers, sunglasses, etc. after your shift.

U. Parking:

TM South employees are **REQUIRED to park at the NORTH end** of the back parking lot.

TM North employees are **REQUIRED to park** two rows to the east and at least one light pole away to the south in the parking lot. This is so customers can use the parking spaces close to both pubs and also in the TM South cul-de-sac.

TM South's east lot is for managers and key holders only. This is because they daily need to run errands or walk to their car after hours.TM North's back road is reserved for those actively dropping off supplies or goods.

For employees who work at night and may need an escort to your car, please ask for one. You will be allowed, when the restaurant has slowed down, to walk over and move your car closer to the pubs.

Do not park in TM South's neighboring business' parking lots or you will be written up and possibly towed away. We want to maintain a good relationship with them, and they have asked if we would help keep our employees out of their lots.

V. Policy on Drugs and Alcohol:

Turtle Mountain Brewing Company strives to foster a drug and alcohol free workplace. Turtle Mountain Brewing Company has a policy to maintain a work environment that is free from substance abuse. The intent of the policy is to: (1) provide clear guidelines and consistent procedures for handling incidents of employee use of alcohol, drugs, or other controlled substances; (2) ensure compliance with state and federal laws; and (3) to provide a safe environment for employees and guests. As part of that policy, the employee is prohibited from: (1) arriving to work under the influence of alcohol or illegal drugs; (2) using, possessing, distributing, or manufacturing illegal drugs on Turtle Mountain Brewing Company property or while performing Turtle Mountain Brewing Company business; (3) bringing or consuming alcoholic beverages on Turtle Mountain Brewing Company property. If the employee is under the influence of any legally prescribed medication that may have the effect of impairing his/her ability to perform his/her job in a safe and effective manner they must advise the MOD of that fact.

Turtle Mountain Brewing Company retains the right to have employees submit to random drug tests under specific conditions. Turtle Mountain Brewing Company will also conduct drug and alcohol testing as required by federal and state laws and regulations. Employees are prohibited from the illegal use, sale, dispensing, distribution, possession, or manufacture of illegal drugs, controlled substances, narcotics or alcoholic beverages on Turtle Mountain Brewing Company's premises, or off-premise, if such off-premise conduct adversely affects, or may adversely affect, job performance, safety, or Turtle Mountain Brewing Company's reputation. Employees and applicants may be asked to take a test at any time to determine the presence of drugs or alcohol. Employees will be required to sign a consent form authorizing testing and Turtle Mountain Brewing Company's use of test results. **If there is a work related accident, the employee will automatically be tested for drugs and/or alcohol**.

Turtle Mountain Brewing Company reserves the right to test applicants and employees to the maximum extent permitted by law. The basis for such testing may include pre-employment, post- accident, and reasonable suspicion tests. Reasonable suspicion tests are administered when Turtle Mountain Brewing Company has reason to believe an employee might be under the influence of alcohol or drugs. Symptoms suggesting drug or alcohol use include, but are not limited to, visible needle marks, red eyes, smell of alcohol on breath or clothing, sudden changes in work performance, inappropriate behavior and unexplained and/or frequent absenteeism. Any employee subject to testing who refuses to submit to a test may be subject to disciplinary action, up to and including termination.

The consumption of alcohol while on the clock or before your shift is strictly forbidden and may lead to disciplinary action, up to and including termination.

For employees that are of legal drinking age, you are welcome to have beer (in moderation) after your shift is over and you are clocked-out as long as you:

- Respect our 3 beer limit. This limit applies to patrons and employees alike.
- Employees are not allowed 20oz pours. You work in a brewery. Drink a proper 16oz pint.
- Keep yourself in control at all times while you are here, on or off the clock, you are still representing TMBC. We will not tolerate any misconduct including, but not limited to: foul and abusive language within earshot of customers, roughhousing, lewd comments or gestures, sexual harassment, or any other behavior which may be considered inappropriate.

W. Policy on Employee Beer Prices and Growler and Howler Fills:

For employees that are of legal drinking age, we will allow you to enjoy a drink after your shift is completed. These are considered “shift drinks” which implies that you have worked a shift that day. Remember, bartenders are often very busy and their first duty is to our customers. **Please be the best type of patron and wait patiently for them with cash in hand for your discounted beers. All employee beers must be paid for immediately, and the bartender or MOD must pour the drinks**.

The employee beer discount price is only for employees who work three shifts or more per week. If you only work one or two shifts, then you must pay full prices for your beers.

Current Employee Beer Prices:

- $2 16oz pints of TMBC beer, $3 Brewer’s Specials pints
- $8 Quarty Cans of TMBC beer, $10 Quarty Cans of Brewer’s Specials
- $10 Growler Fills of TMBC beer, $11 Growler Fills of Brewer’s Specials
- $5 Howler Fills of TMBC beer, $7 Howler Fills of Brewer’s Specials

Certain beers may be deemed specialty or even unavailable to employees at any time depending on product availability. Wine and some bottled/canned beers are also available for a discounted price to employees. Employee discounts on glasses of wine only apply to opened bottles. If a new bottle needs to be opened, employees will pay full price for that glass.

Employee beers are NON-TRANSFERABLE. You cannot give your shift drinks to other employees or patrons. You cannot purchase drinks for patrons at your employee price. Abuse of Turtle Mountain’s generosity in this regard will result in revocation of your employee beer privileges indefinitely. Employee beers are a privilege not a right, and may be terminated at any time for everyone if I feel that the privilege is being abused by any employee.

X. Employee Meals:

Our policy regarding employee meals is as follows:

- Management
  – One meal per MOD shift is complimentary, up to $16.00.
- Kitchen employees (including dishwasher)
  – One complimentary meal per shift up to $16.00. See below.
- Bartender, server, expo, busser and host(ess)
  – 50% off any menu item up to $16.00.
- All employees who work two scheduled shifts on the same day get
  – One complimentary meal, up to $16.00.

These policies are graciously being provided, in part as encouragement to explore & familiarize yourself with the menu. You are not simply entitled to them. If you do not wish to eat, **giving another employee your meal is severely frowned upon**. This is not the intent of TMBC's generous policy. Don't take advantage.

No employee, including management, may order personal food during peak times in the kitchen. Come in early to eat before your shift. You may not turn in any personal orders when the kitchen is overly busy. Customer orders come before yours, so if the kitchen gets busy your order will be delayed. We are not in the business of feeding you. We're here to feed our customers.

Y. Clocking In/Out:

In order to get paid you must clock in and out for every shift you work. We will allow you **ONE CHANCE** to forget to clock in/out. After that, you will have worked that shift for **FREE**, because we don't know how long you worked, and if we don't know that, we can't pay you. Ultimately you are responsible for knowing the hours for which you have worked, and you are responsible for communicating this to your MOD ASAP or contacting Stein if you feel that there has been a mistake on your paycheck.

You are only allowed to clock in under your own employee number. Clocking in under any other employee's number that has not been approved by management will result in termination. Clocking in any other employee who is not working is also prohibited. This will also result in termination.

Z. Breaks:

All employees will be allowed to take limited duration breaks (**15 minutes max**) when business allows. **You must approve all breaks with a manager. Failure to do so can result in termination.** A break is defined as using the phone for personal use, sitting outside for a cigarette, getting some fresh air and the like. You are required to stay on-site when you are taking your break. Bathroom breaks are allowed. If you must leave the premises for any reason, you must clock out for liability reasons.

For servers, this means you can take a break when all of your tables are cashed out or when you have so few tables that you can leave for 5 minutes. You must, however, **inform the hostess**, **ask another server** to monitor your section, **ask the MOD for permission** to take a break, and inform the MOD who is covering your section. Kitchen staff may take a break when there is enough staff in the kitchen to handle the existing orders, and when you have permission from the Kitchen Manager or Shift Lead.

Kitchen employees may not take breaks until all of the orders that they have begun are finished accurately and accepted by the customers. Remember, you "own" all the orders that you prepare, and are responsible for them being done accurately. This also applies to prep cooks. You are not allowed to take a break while making pretzels or croutons, for example, because you might forget and they might get burnt. You MUST finish whatever you are prepping prior to taking a break or leaving.

At no time will any breaks be allowed when the restaurant is at full capacity and there are orders to be prepared and patrons to be waited upon. If management sees any employee taking a break when there is work to be done it will be an instant write-up for your file. In addition, excessive breaks will be grounds for a write-up. We pay you to work, not to sit outside and smoke. If you feel you would like to take a longer break, clear it with your manager and clock out. If not, stay inside and work.

At no time will more than one front house or back house employee be allowed to take a break together. There is too much to be done in either station to justify group breaks. There needs to be someone to cover the station while the other server or cook has a break. You need to stay on TMBC property for your break unless

cleared by a manager and you have clocked out. If you leave the property without manager knowledge, we will assume that you are leaving and you will be clocked out and issued a written warning that could result in termination.

When taking a break, make sure and clean up after yourself.

AA. Friends and Family

Your friends and family members are more than welcome to come into the restaurant as paying customers, as long as they do not become a distraction to your job performance. We will not tolerate handouts or unauthorized discounts to your friends or family. They must pay full price along with any other patron. Behavior that will not be tolerated includes loitering and drinking outside the licensed area, taking up seats that paying patrons could be using, and general disrespect for TMBC property. Your friends and family should not be hanging out while you are working. They shouldn't stay any longer than a reasonable dining experience warrants, and are expected to tip their server on the full amount of the bill.

BB. POS System

Be gentle with our POS system. Do not touch the screen with pens, cards, fingernails, etc. Use the pad of your finger only.

CC. Social Media Guidelines and Policy

These guidelines apply to TMBC employees or contractors who create or contribute to blogs, wikis, social networks, virtual worlds, or any other kind of Social Media. Whether you log into Facebook, Instagram, Google Maps, TikTok, Twitter, Yelp, Wikipedia, Trip Advisor, or comment on online media stories or business reviews — these guidelines are for you.

We expect everyone who participates in online commentary to understand and to follow these simple but important guidelines. These rules might sound strict and contain a bit of legal-sounding jargon, but please keep in mind that our overall goal is simple: to participate online in a respectful, relevant way that protects our reputation and of course follows the letter and spirit of the law.

- Be transparent and state that you work at TMBC. Your honesty will be noted in the Social Media environment. If you are writing about TMBC or a competitor, use your real name, identify that you work for TMBC, and be clear about your role. If you have a vested interest in what you are discussing, be the first to say so.
- Never represent yourself or TMBC in a false or misleading way. All statements must be true and accurate; all claims must be substantiated.
- Post meaningful, respectful comments — in other words, no spam, and no remarks that are off-topic or offensive.
- Use common sense and common courtesy: for example, it's best to ask permission to publish or report on conversations that are meant to be private or internal to TMBC. Make sure your efforts to be transparent don't violate TMBC's privacy, confidentiality and legal guidelines for external commercial speech.
- Stick to your area of expertise and feel free to provide unique, individual perspectives on non-confidential activities at TMBC.
- When disagreeing with others' opinions, keep it appropriate and polite. If you find yourself in a situation online that looks as if it's becoming antagonistic, do not get overly defensive and do not disengage from

the conversation abruptly: feel free to ask Nico for advice and/or disengage from the dialogue in a polite manner that reflects well on TMBC.

- If you want to write about the competition, make sure you behave diplomatically, have the facts straight and the appropriate permissions.
- Never comment on anything related to legal matters, litigation, or about any parties with whom TMBC may be in litigation.
- Never participate in Social Media when the topic being discussed may be considered a crisis situation. Even anonymous comments may be traced back to your or TMBC's IP address. Refer all Social Media activity around crisis topics to Nico.
- Be smart about protecting yourself, your privacy, and TMBC's confidential information. What you publish is widely accessible and will be around for a long time, so consider the content carefully. Google has a long memory.
- Use the "bartender's code". Do not post pics or comments revealing customer's personal business or whereabouts. It's rude.

NOTE: Mainstream media inquiries must be referred only to Nico.

PROHIBITED SOCIAL MEDIA activities include but are not limited to:

- Engaging in illegal, fraudulent or malicious activities.
- Offensive or suggestive language of a sexual nature and/or harassing or intimidating e-mails.
- The use of sexually explicit or suggestive images, comments or jokes, ethnic slurs, social epithets or anything else that may be construed as harassment or disparagement of others based on their race, national origin, sex, sexual orientation, disability, age, religious beliefs or political beliefs.
- Transmitting uninvited e-mails of a personal nature.
- Using another individual's account or identity without explicit authorization.
- Permitting any unauthorized individual access to Turtle Mountain Brewing Company's systems or accounts.
- Allowing unauthorized access to proprietary information in our systems or accounts by people not employed by Turtle Mountain Brewing Company.
- Unauthorized transferring or selling of database information.
- Distributing or storing chain letters, jokes, solicitations or offering to buy or sell goods, or other non-business material of a frivolous nature, or forwarding non-business messages to multiple parties.
- Chat rooms, music download sites, game sites, gambling sites, dating, romance, pornography and astrology sites and similar non-business sites are prohibited.

Any impermissible use of inappropriate communications must be reported to a manager immediately and are grounds for disciplinary action up to and including termination.

Electronic media and services are provided by Turtle Mountain Brewing Company primarily for our employees' business use. The use of e-mail and the internet for personal use is prohibited. Internet usage is subject to monitoring by Turtle Mountain Brewing Company and is not to be considered private or personal.

DD. Romantic Relationships Between Co-workers

Romantic relationships between employees of similar rank, while not strictly forbidden, are strongly discouraged for obvious reasons. While I do not approve of these relationships because of their potential for causing drama in the workplace, as long as they do not negatively impact either the operation of the restaurant or the ability of **all** employees to do their jobs they will be tolerated. As soon as any relationship begins to negatively impact the operation of the restaurant, however, it becomes my business and I will take whatever

actions that I deem necessary to ensure the continued smooth operation of the restaurant. Keep your private lives private and away from the restaurant. **Romantic relationships between any management / supervisory level employee and non-management / directly-supervised employee are strictly forbidden and may result in the immediate termination of one or both of the employees.**

EE. Mandatory Employee Meetings

Turtle Mountain has mandatory employee meetings a few times per year to discuss new policies, changes in the menu, and any information that needs to be disseminated to the full staff. Attendance at these meetings is mandatory, and failure to attend will result in a write-up, or if you already have a write-up in your file for missing a meeting, will result in suspension or termination. Notice of these meetings will be posted in both the kitchen and server alleys at Turtle Mountain locations, and it is your responsibility to be aware of these notices. Excuses such as “I didn’t know about the meeting” are unacceptable. Ask one of your fellow employees or any manager if there is a meeting if you will not be working for a period of two weeks or longer.

FF. Procedure When a Debit Card Gets Authorized for the Wrong Amount:

While I don’t like it, I must accept the fact that inattention to detail will always exist in the restaurant business, with some inattention being much worse than others. **This is one of the worst ones**. In the event that you authorize a debit card for the wrong amount because you were looking at the wrong check or some other inattention to detail, here is the proper procedure to follow:

1. Tell the MOD what happened so that he or she is aware of which table and for how much the improper authorization was made.
2. Tell the cardholder of the improper authorization. If the card was a credit card, the charge should not appear on their statement and all should be well. If the card was a debit card, however, the full amount of the authorization may appear in their on-line banking register for up to five business, not calendar, days. Make sure that the cardholder is aware of the debit card rules, and explain that unfortunately there is nothing that Turtle Mountain can do to unlock the authorized funds.
3. If the table appears to be angry or to not accept your explanation, get the MOD and let them handle the situation.

GG. Employee Bathrooms:

Keep them clean! Do not take napkins into the bathroom for any reason. Do not throw paper towels or toilet paper on the floor. Always remember to flush the toilet and **wash your hands**.

HH. Smoking Policy:

It is a violation of New Mexico law to smoke inside Turtle Mountain Brewing Company premises. Turtle Mountain Brewing Company wishes to provide a healthful, smoke-free environment for employees. Therefore, Turtle Mountain Brewing Company bans smoking and e-cigarettes in all indoor work areas and public service areas. This ban extends to all enclosed public places, such as restrooms, the vestibule, banquet room, brewery, and the area immediately outside of all entry doors. While on the clock, employee smoking is allowed at TM South on the loading dock & in the back brewer’s alley. While on the clock, employee smoking is allowed at TM North only on the back sidewalk. **The most important thing to remember is always be away from customer view. If you can see them, they can see you. This includes e-cigarettes.**

II. Solicitation:

Soliciting or distributing printed materials during the working time of either the employee making the solicitation or the targeted employee is prohibited. The term “working time” includes an employee’s authorized meal or break period or other times when the employee is not required to be working while on the premises. Distribution of printed materials is prohibited in work and customer areas at all times. Off-duty employees are not allowed to return to the interior or working areas of Turtle Mountain Brewing Company until their next scheduled work time, except as a customer. Individuals who are not employed by Turtle Mountain Brewing Company and are not customers, vendors or manager-approved invitees are prohibited from entering the non-customer areas and from engaging in solicitation or distribution anywhere on Turtle Mountain Brewing Company’s premises at any time. It is imperative that this policy be strictly enforced.

JJ. Food Handler Card Policy

Effective March 1, 2017, all food employees working in the State of New Mexico are required to complete a state approved Food Handler Certification Training Program and obtain a Food Handler Card. Employees without a valid Food Handler Card are not eligible by state law to work for a food employer. As an employee of Turtle Mountain Brewing Company, it is your responsibility to complete an approved training program and to obtain and maintain your Food Handler Card. **Failure to do so by the 30 day deadline will cause you to be ineligible to continue working for Turtle Mountain Brewing Company. Your shifts will be withheld.**

A list of state approved training programs may be obtained by contacting the New Mexico Environment Department. Optionally, you may also contact the New Mexico Restaurant Association at (505) 343-9848 or online at **https://www.nmrestaurants.org/food-safety-certification/** to obtain information about their training program.

KK. FOH Cross Training

Statement of Intent: TMBC’s cross training program is intended to give people a new work experience, help out with staffing shortages in certain positions, and give people who are interested the opportunity to pick up more shifts if available.

1. Cross training is open to all front of house staff (including support staff) with Nico’s approval.
2. Details will be worked out mainly between Jesus and Daniel on what days, shifts, and positions will work for each individual.
3. Cross training does not mean you’ll be put on the schedule, but will make you eligible to pick up shifts at the new location
4. A cross training opportunity MUST be treated like a new job: there will be 1 - 2 training shifts to learn new menu items, seating chart, dress code, and the different bar offerings.
5. A 90 day probationary period will be in place where cross training can be pulled for any reason (this might extend further if there are consistent issues with any type of “culture clash”).
6. A menu test must be passed at the completion of training before each cross trainee can pick up shifts. (Bar menu included)
7. Individuals who are cross training are expected to learn and follow the rules and norms of the new location they’re training at (i.e. waiting for a shift beer until you are finished with your sidework, paying for cocktails, etc.)
8. All cross trainees across ALL positions are expected to fulfill tasks and duties for their respected positions THAT THEY HAVE BEEN TRAINED FOR at their new locations. They MAY NOT exceed the responsibilities of that position at their new location (e.g. A bartender from South being trained as a

North server may not pour their own beers. A hostess from North being trained as a South hostess is not solely responsible for to go orders and shouldn't expect the associated tips, etc.) If these boundaries are being crossed, it will be brought up with the MOD, relayed to Jesus or Brittney and could end in termination of cross training for that individual.

9. These guidelines will continue to grow and change throughout the cross training program to take into account unforeseen problems in the future while we monitor these specific employees.
10. Cross trainees are expected to treat their new coworkers and managers with respect and integrity. Any instances of insubordination will be reported to back to Jesus or Brittney and could end in a write-up and/or termination from the cross training program.

LL. COVID-19 Policy

If, at any time, you experience any highly suspicious covid-19 symptoms
STAY HOME! YOU MUST TEST BEFORE RETURNING TO WORK!

Highly suspicious symptoms:

- Fever over 100.4°
- Loss of Taste or Smell
- Repeated Shaking with Chills
- Shortness of Breath Worsening over 48 hours

Other warning symptoms:

- Severe Headache, Severe Worsening Cough, Sore Throat, Congestion or Runny Nose (unrelated to seasonal allergies)

If you do test positive for covid-19:

- **Inform your management staff immediately**
- **Self-quarantine for 5 DAYS.** Stay at home in a room away from others in your household.
- **If you still have a fever,** continue to stay home until your fever is gone for 24 hours.
- **If you have no symptoms after 5 DAYS, you can leave your house and return to work, BUT you must wear a mask for 5 more days.**
- **We do not require a negative test to return to work.**

EVERYONE please be EXTRA VIGILANT and PROACTIVE!

Anyone who works a shift with an infected individual has had **Close Contact** as defined by the NMDOH:

• **Close Contact means** spending 15 minutes or longer within 6 feet of someone who is confirmed to have covid-19 when that person was in their infectious period. Wearing a mask or cloth-face covering does not affect the definition for close contact.

• **Infectious Period for People With Symptoms:** begins 2 days before the person experiences symptoms and extends 10 days after the onset of symptoms, provided that there has been no fever for at least 24 hours without using fever-reducing medicines, and symptoms have resolved or improved.

Because the NMDOH health order has expired (we're clear of turquoise as of July 2021) we do not require any employees **without** symptoms to self-quarantine or get negative tests before returning to work regardless of close contact. But, we highly recommend that you do get tested, especially anyone who may be at a greater risk because of a prolonged exposure from a co-worked shift or individuals who have not been fully vaccinated.

Coronavirus Health Hotline `1-855-600-3453`
Visit `cv.nmhealth.org` for medical advice
Visit `cvprovider.nmhealth.org/directory.html`
for NM testing locations.

WASH YOUR HANDS!

MM. FMLA Fact Sheet

The Family and Medical Leave Act (FMLA) entitles eligible employees of covered employers to take unpaid, job-protected leave for specified family and medical reasons. This fact sheet provides general information about which employers are covered by the FMLA, when employees are eligible and entitled to take FMLA leave, and what rules apply when employees take FMLA leave.

COVERED EMPLOYERS
The FMLA only applies to employers that meet certain criteria. A **covered employer** is a:

- Private-sector employer, with 50 or more employees in 20 or more workweeks in the current or preceding calendar year, including a joint employer or successor in interest to a covered employer;
- Public agency, including a local, state, or Federal government agency, regardless of the number of employees it employs; or
- Public or private elementary or secondary school, regardless of the number of employees it employs.

ELIGIBLE EMPLOYEES
Only eligible employees are entitled to take FMLA leave. An **eligible employee** is one who:

- Works for a covered employer;
- Has worked for the employer for at least 12 months;
- Has at least 1,250 hours of service for the employer during the 12 month period immediately preceding the leave; and
- Works at a location where the employer has at least 50 employees within 75 miles.

The 12 months of employment do not have to be consecutive. That means any time previously worked for the same employer (including seasonal work) could, in most cases, be used to meet the 12-month requirement. If the employee has a break in service that lasted seven years or more, the time worked prior to the break will not count unless the break is due to service covered by the Uniformed Services Employment and Reemployment Rights Act (USERRA), or there is a written agreement, including a collective bargaining agreement, outlining the employer's intention to rehire the employee after the break in service.

LEAVE ENTITLEMENT

Eligible employees may take up to **12 workweeks** of leave in a 12-month period for one or more of the following reasons:

- The birth of a son or daughter or placement of a son or daughter with the employee for adoption or foster care;
- To care for a spouse, son, daughter, or parent who has a serious health condition;
- For a serious health condition that makes the employee unable to perform the essential functions of their job; or
- For any qualifying exigency arising out of the fact that a spouse, son, daughter, or parent is a military member on covered active duty or call to covered active duty status.

An eligible employee may also take up to **26 workweeks** of leave during a "single 12-month period" to care for a covered servicemember with a serious injury or illness, when the employee is the spouse, son, daughter, parent, or next of kin of the servicemember. The "single 12-month period" for military caregiver leave is different from the 12-month period used for other FMLA leave reasons. See Fact Sheets 28F: Qualifying Reasons under the FMLA and 28M: The Military Family Leave Provisions under the FMLA.

Under some circumstances, employees may take FMLA leave on an intermittent or reduced schedule basis. That means an employee may take leave in separate blocks of time or by reducing the time he or she works each day or week for a single qualifying reason. When leave is needed for planned medical treatment, the employee must make a reasonable effort to schedule treatment so as not to unduly disrupt the employer's operations. If FMLA leave is for the birth, adoption, or foster placement of a child, use of intermittent or reduced schedule leave requires the employer's approval.

Under certain conditions, employees may choose, or employers may require employees, to "substitute" (run concurrently) accrued paid leave, such as sick or vacation leave, to cover some or all of the FMLA leave period. An employee's ability to substitute accrued paid leave is determined by the terms and conditions of the employer's normal leave policy.

NOTICE

Employees must comply with their employer's usual and customary requirements for requesting leave and provide enough information for their employer to reasonably determine whether the FMLA may apply to the leave request.

Employees generally must request leave 30 days in advance when the need for leave is foreseeable. When the need for leave is foreseeable less than 30 days in advance or is unforeseeable, employees must provide notice as soon as possible and practicable under the circumstances.

When an employee seeks leave for a FMLA-qualifying reason for the first time, the employee need not expressly assert FMLA rights or even mention the FMLA. If an employee later requests additional leave for the same qualifying condition, the employee must specifically reference either the qualifying reason for leave or the need for FMLA leave. See Fact Sheet 28E: Employee Notice Requirements under the FMLA .

Covered employers must:

- (1) Post a notice explaining rights and responsibilities under the FMLA (and may be subject to a civil money penalty of up to $110 for willful failure to post);
- (2) Include information about the FMLA in their employee handbooks or provide information to new employees upon hire;
- (3) When an employee requests FMLA leave or the employer acquires knowledge that leave may be for a FMLA-qualifying reason, provide the employee with notice concerning their eligibility for FMLA leave and their rights and responsibilities under the FMLA; and
- (4) Notify employees whether leave is designated as FMLA leave and the amount of leave that will be deducted from the employee's FMLA entitlement.

See Fact Sheet 28D: Employer Notice Requirements under the FMLA.

CERTIFICATION
When an employee requests FMLA leave due to their own serious health condition or a covered family member's serious health condition, the employer may require certification in support of the leave from a health care provider. An employer may also require second or third medical opinions (at the employer's expense) and periodic recertification of a serious health condition. See Fact Sheet 28G: Certification of a Serious Health Condition under the FMLA. For information on certification requirements for military family leave, See Fact Sheet 28M(c): Qualifying Exigency Leave under the FMLA; Fact Sheet 28M(a): Military Caregiver Leave for a Current Servicemember under the FMLA; and Fact Sheet 28M(b): Military Caregiver Leave for a Veteran under the FMLA.

JOB RESTORATION AND HEALTH BENEFITS
Upon return from FMLA leave, an employee must be restored to their original job or to an equivalent job with equivalent pay, benefits, and other terms and conditions of employment. An employee's use of FMLA leave cannot be counted against the employee under a "no-fault" attendance policy. Employers are also required to continue group health insurance coverage for an employee on FMLA leave under the same terms and conditions as if the employee had not taken leave. See Fact Sheet 28A: Employee Protections under the Family and Medical Leave Act .

OTHER PROVISIONS
Special rules apply to employees of local education agencies. Generally, these rules apply to intermittent or reduced schedule FMLA leave or the taking of FMLA leave near the end of a school term.
Salaried executive, administrative, and professional employees of covered employers who meet the Fair Labor Standards Act (FLSA) criteria for exemption from minimum wage and overtime under the FLSA regulations, 29 CFR Part 541, do not lose their FLSA-exempt status by using any unpaid FMLA leave. This special exception to the "salary basis" requirements for FLSA's exemption extends only to an eligible employee's use of FMLA leave.

ENFORCEMENT
It is unlawful for any employer to interfere with, restrain, or deny the exercise of or the attempt to exercise any right provided by the FMLA. It is also unlawful for an employer to discharge or discriminate against any individual for opposing any practice, or because of involvement in any proceeding, related to the FMLA. See Fact Sheet 77B: Protections for Individuals under the FMLA . The Wage and Hour Division is responsible for administering and enforcing the FMLA for most employees. Most federal and certain congressional employees are also covered by the law but are subject to the jurisdiction of the U.S. Office of Personnel Management or Congress. If you believe that your rights under the FMLA have been violated, you may file a complaint with the Wage and Hour Division or file a private lawsuit against your employer in court.

For additional information (including above referenced Fact Sheets), visit our Wage and Hour Division Website: http://www.wagehour.dol.gov and /or call our toll-free information and helpline, available 8 a.m. to 5 p.m. in your time zone, 1-866-4-USWAGE (1-866-487-9243).

NN. EQUAL OPPORTUNITY STATEMENT

General Policy
Turtle Mountain Brewing Company maintains equal employment opportunity in all its policies affecting recruiting, hiring, training, promotion, compensation, and other benefits and conditions of employment. These policies and practices will be administered in compliance with any state or federal laws which prohibit discrimination on the basis of race, color, religion, sex, national origin, age, physical or mental handicap, serious medical condition, veteran status, sexual orientation, gender identity, or any other protected status, except where a bona fide qualification applies. Turtle Mountain Brewing Company supports the right of all employees to work in an environment free from discrimination, retaliation, intimidation and harassment because of their race, color, religion, sex, national origin, age, physical or mental handicap, serious medical condition, veteran status, sexual orientation, gender identity, or any other status or condition protected by applicable law. Suspected violations of this right must be reported immediately to the Manager on Duty.

Disability Accommodations
Turtle Mountain Brewing Company will seek to reasonably accommodate qualified individuals with a disability. Disability refers to a physical or mental impairment that substantially limits one or more of the major life activities of an individual. A qualified person with a disability means an individual with a disability who, with or without reasonable accommodation, can perform the essential functions of the position. Such reasonable accommodations may take the form of making existing facilities readily accessible to, or usable by, individuals with a disability, restructuring jobs, modifying schedules, acquiring or modifying equipment, adjusting training materials, adjusting employment policies and the like. Reasonable accommodation will be made unless it creates undue hardship for Turtle Mountain Brewing Company. Any employee with a disability who requires accommodation should speak immediately with their manager. The employee has the responsibility to provide adequate information to Turtle Mountain Brewing Company as part of the accommodation process.

Religious Accommodations
Turtle Mountain Brewing Company will seek to reasonably accommodate the religious beliefs and practices of applicants and employees. Such reasonable accommodations may take the form of restructuring jobs, modifying schedules, adjusting training materials, adjusting employment policies and the like. Reasonable accommodation will be made unless it creates undue hardship for Turtle Mountain Brewing Company. Any employee with a religious belief who requires accommodation should speak immediately with their manager. The employee has the responsibility to provide adequate information to Turtle Mountain Brewing Company as part of the accommodation process. Please remember that social, political, or economic philosophies, or personal preferences, are not "religious" beliefs and will not be considered.

Harassment
Turtle Mountain Brewing Company is committed to providing a work environment that is free of harassment, and it will not tolerate harassment in any form no matter who the harasser is, including coworkers, managers, vendors, and guests. This includes harassment based upon a person’s race, color, religion, gender, national origin, age, ancestry, sexual orientation, gender identity, disability, marital status, status with regard to public assistance, veteran status, or any other legally protected status. It is expected that employees will act professionally and treat colleagues with dignity and respect. Sexual or racial jokes, racial, ethnic, national origin, or disability slurs and other harassing language or conduct have no place in our business.

Sexual Harassment Policy
Turtle Mountain Brewing Company is committed to providing a work environment that is free of sexual harassment. Turtle Mountain Brewing Company will not tolerate sexual harassment in any form. Such behavior or tolerance of behavior, on the part of any director, officer, or employee of Turtle Mountain Brewing Company is in violation of state and federal law and may result in disciplinary action, up to and including termination of employment. Sexual harassment is prohibited in Turtle Mountain Brewing Company's offices, restaurants and in other work-related settings.

Definition of Sexual Harassment
For the purposes of this policy, sexual harassment is behavior that includes slurs, threats, derogatory comments, unwelcome jokes, teasing, sexual advances, unwelcome touching or hugging and other similar verbal or physical conduct when:

- submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; or
- submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individual; or
- such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Reporting Sexual Harassment
An employee who believes that he or she has been subjected to sexual harassment, or who is aware of sexual harassment, must report the conduct immediately to their Manager on Duty, and in the event the manager is the aggrieving party, to Nico Ortiz at (505) 238-3032 or Jason Stein at (505) 263-9012. Whenever an employee reports sexual harassment, a thorough, objective investigation will be undertaken in as confidential a manner as possible under the circumstances. The reporting party may be asked to provide a written statement detailing their allegations of harassment. If harassment is found to have occurred, prompt and appropriate remedial action will be taken. Any employee found to have violated this policy will be subject to disciplinary action, up to and including termination of employment. No employee will be retaliated against for reporting sexual harassment or participating in a related investigation.

Reporting
All members of management will be held accountable for the effective administration of this policy. If an employee has been subjected to sexual harassment, or experiences any other job-related harassment based on their race, color, religion, national origin, age, disability, sexual orientation, marital or veteran status or any other factor illegal under federal, state or city laws, or believes they have been treated in an unlawful, discriminatory manner, whether by a co-worker, superior, or other non-employee who conducts business with Turtle Mountain Brewing Company, the employee should promptly report the incident, either verbally or in writing, to their Manager on Duty. In the event that the employee believes it would be inappropriate to discuss the matter with their manager, it must be reported directly to Nico Ortiz at (505) 238-3032. All reports of harassment will be put in writing by the person receiving the complaint and signed by the complainant. If a person other than Nico Ortiz receives the complaint, they will then confer with Nico Ortiz, who will coordinate and direct an investigation into the allegations. When necessary, Turtle Mountain Brewing Company will engage a lawyer or consultant to investigate the complaint and provide guidance in handling the matter.

Resolving the Complaint
Upon completing the investigation of a harassment complaint, a manager will communicate Turtle Mountain Brewing Company's findings and intended action to the complainant and alleged harasser. If Turtle Mountain Brewing Company determines that an employee is guilty of harassing another individual, appropriate disciplinary action up to and including termination will be taken against the offending person. Appropriate

sanctions will be determined by Turtle Mountain Brewing Company, in consultation with the person conducting the investigation and/or any outside counsel or consultant so engaged. In addressing confirmed incidents of harassment, Turtle Mountain Brewing Company's response, at a minimum, will include reprimanding the offender and preparing a written record of the offense. Additional action may include, but is not limited to: referral to counseling, withholding of a promotion, reassignment, temporary suspension without pay, financial penalties or termination. Although Turtle Mountain Brewing Company's ability to discipline a non-employee harasser is limited by the degree of control, if any, that Turtle Mountain Brewing Company may have over the alleged harasser, any employee who has been subjected to harassment should report the matter so that Turtle Mountain Brewing Company may attempt to take prompt action.

Retaliation Prohibited
Retaliation is a serious violation of this policy and should be reported immediately. Any person found to have retaliated against another individual for reporting harassment will be subject to the same disciplinary action decided for harassment offenders. Turtle Mountain Brewing Company will not in any way retaliate against an individual who reports harassment or provides information concerning an act of harassment, nor will it permit any employee to do so.

False Accusations
If, after investigating any complaint of harassment, Turtle Mountain Brewing Company determines that the complainant or purported witness falsely accused another of harassment knowingly, the complainant or witness, as the case may be, will be subjected to appropriate sanctions. We trust that all employees will continue to act in a responsible and professional manner to establish a pleasant working environment free of discrimination. Violations of this policy will not be tolerated and will result in discipline up to and including termination.

Open Door Policy and Open Communication
Through effective and open dialogue at all levels, your concerns can be identified and resolved. You are encouraged to speak to your immediate supervisor, to Jason Stein, or directly with Nico Ortiz. Do not allow minor concerns to grow into major problems. Where areas of concern are discussed in an atmosphere of free exchange, equitable solutions are usually found.

Turtle Mountain Brewing Company is strongly committed to maintaining open communication. Therefore, this manual is provided to assist employees in understanding Turtle Mountain Brewing Company's philosophy regarding administration of employee personnel policies and procedures. Turtle Mountain Brewing Company maintains an open door policy for all employees. Turtle Mountain Brewing Company is a team and wants to discuss problems, concerns or ideas that employees have. Employees may always go to supervisors or managers with any issues, or they may follow the problem solving procedure in this manual.

Coverage
This policy covers all employees of Turtle Mountain Brewing Company, without exception. Turtle Mountain Brewing Company will not tolerate, condone or allow harassment, whether engaged in by fellow employees, supervisors, managers, independent contractors or other non-employees who conduct business with Turtle Mountain Brewing Company. Turtle Mountain Brewing Company requires the reporting of all incidents of harassment, regardless of who the offender may be.