



## **EMPLOYEE HANDBOOK**

**As of 10/15/2020**





### Employment at-will

The contents of this handbook are meant as a guideline only and are subject to change at the sole discretion of Pinnacle Employee Services (hereinafter referred to as "PES") as are all policies, procedures, benefits or other programs relating to your employment. Your present on-site employer (Strada Mia) may issue separate written policies or procedures, which PES is not responsible for drafting or enforcing.

Nothing in this statement is intended to interfere with, restrain, or prevent interactive activity as protected by the National Labor Relations Act. Such activity includes employee communications regarding wages, hours, or other terms or conditions of employment. Strada Mia's employees have the right to engage in or refrain from such activities.

**This handbook is not and should not be construed as; a contract of employment and PES does not make any promises of any kind in this handbook. Regardless of what the handbook says or provides, PES remains free to change wages, benefits, and all other working conditions at any time without having to consult with anyone and without anyone's agreement.**

**In addition, employment with PES is "at-will". This means that PES or you may terminate the employment relationship at any time, with or without notice, for any reason or for no reason.**



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## WELCOME

On behalf of your colleagues, we are happy to welcome you aboard.

This handbook was developed to familiarize you with our organization and to outline the policies, programs, and benefits available to eligible employees. As you read it, you will find the answers to many of your questions about employment with us and our subscriber company. You are responsible for reading, understanding, and complying with the provisions of this handbook.

During the course of your employment with us, it may become necessary to make changes to the policies contained in this handbook and PES reserves the right to do so. You will be advised of any changes when they are made. **This handbook is not to be construed as an employment contract. In this state, the employment relationship is “at will,” which means that the relationship can be ended at any time, for any reason or for no reason, by either the employer or the employee.**

Best wishes for a challenging and productive career with us.

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**Policies**

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**EQUAL EMPLOYMENT OPPORTUNITY**

This company is committed to equal employment opportunity for all employees regardless of race, creed, color, sexual orientation and expression, age, marital status, disability, religion, national origin, military service, arrest/conviction record, victims of domestic violence, and genetics. In addition, we comply with all applicable federal, state and local laws governing non-discrimination in employment. This policy applies to all terms and conditions of employment, including, but limited to, decisions relating to hiring, placement, promotion, termination, compensation and training. All employees are expected to conduct themselves in a manner that is consistent with this policy.

**HARASSMENT PREVENTION POLICY****Introduction**

Pinnacle Employee Services and Strada Mia are committed to maintaining a workplace where all employees are treated with respect and dignity. All forms of harassment are workplace discrimination. Pinnacle Employee Services and Strada Mia have a zero-tolerance policy for any form of discrimination or harassment, and all employees are required to work in a manner that prevents harassment in the workplace. This Policy is one component of Strada Mia's commitment to a discrimination-free work environment. This policy should not, and may not, be used as a basis for excluding or separating individuals of any protected class from participating in business or work-related social activities or discussions.

Sexual harassment is against the law. All employees have a legal right to a workplace free from sexual harassment, and employees can enforce this right by filing a complaint internally with Strada Mia, or with a government agency or in court under federal, state, or local antidiscrimination laws.

**Policy:**

1. This policy applies to all employees, applicants for employment, interns, whether paid or unpaid, contractors, and persons conducting business with Strada Mia.
2. Sexual harassment will not be tolerated. Any employee or individual covered by this policy who engages in sexual harassment or retaliation will be subject to remedial and/or disciplinary action, up to and including termination.
3. Retaliation Prohibition: No person covered by this policy shall be subject to adverse employment action including being discharged, disciplined, discriminated against, or otherwise subject to adverse employment action because the employee reports an incident of sexual harassment, provides information, or otherwise assists in any investigation of a sexual harassment complaint. Strada Mia has a zero-

tolerance policy for such retaliation against anyone who, in good faith complains or provides information about suspected sexual harassment. Any employee of Strada Mia who retaliates against anyone involved in a sexual harassment investigation will be subjected to disciplinary action, up to and including termination. Any employee, paid or unpaid intern, or non-employee working in the workplace who believes they have been subject to such retaliation should inform a supervisor, manager, or HR at Pinnacle Employee Services. Any employee, paid or unpaid intern or non-employee who believes they have been a victim of such retaliation may also seek compensation in other available forums, as explained below in the section on Legal Protections.

4. Sexual harassment is offensive, is a violation of our policies, is unlawful, and subjects Strada Mia to liability for harm to victims of sexual harassment. Harassers may also be individually subject to liability. Employees of every level, including managers and supervisors, who engage in sexual harassment or who knowingly allow such behavior to continue will be penalized for such misconduct.
5. Strada Mia will conduct a prompt, thorough, and confidential investigation that ensures due process for all parties, whenever management receives a complaint about sexual harassment, or otherwise knows of possible sexual harassment occurring. Effective corrective action will be taken whenever sexual harassment is found to have occurred. All employees, including managers and supervisors, are required to cooperate with any internal investigation of sexual harassment.
6. All employees are encouraged to report any harassment or behaviors that violate this policy. Strada Mia will provide all employees with a complaint form for employees to report harassment and file complaints.
7. Managers and supervisors are required to report any complaint that they receive, or any harassment that they observe to HR.
8. This policy applies to all employees, paid or unpaid interns, and non-employees all must follow and uphold this policy. This policy must be posted prominently in all work locations and be provided to employees upon hire.

### **What is “Sexual Harassment”?**

Sexual harassment is a form of sex discrimination and is unlawful under federal, state, and (where applicable) local law. Sexual harassment may include a range of subtle and not-so-subtle behaviors and may involve individuals of the same or different gender. Sexual harassment includes harassment on the basis of sex, sexual orientation, gender identity and expression, and the status of being transgender. Title VII of the Civil Rights Act of 1964 recognizes two types of sexual harassment: quid pro quo and hostile work environment.

Sexual harassment includes unwelcome conduct which is either of a sexual nature, or which is directed at an individual because of that individual’s sex when:

- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment, even if the complaining individual is not the intended target of the sexual harassment.
- Such conduct is made either explicitly or implicitly a term of employment; or
- Submission to or rejection of such conduct is used as the basis for employment decisions affecting an individual's employment.

A sexually harassing hostile work environment consists of words, signs, jokes, pranks, intimidation, or physical violence which, are of a sexual nature, or which are directed at an individual because of that individual's sex. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory statements, or sexually discriminatory remarks made by someone which are offensive or objectionable to the recipient, which cause the recipient discomfort or humiliation, or which interfere with the recipient's job performance.

Sexual harassment also occurs when a person in authority tries to trade job benefits for sexual favors. This can include hiring, promotion, continued employment, or any other terms, conditions, or privileges of employment. This is also called "quid pro quo" harassment.

Any employee who feels harassed should complain so that any violation of this policy can be corrected promptly. Any harassing conduct, even a single incident, can be addressed under this policy.

### **Examples of Sexual Harassment**

The following describe some of the types of acts that may be unlawful sexual harassment and that are strictly prohibited:

- Physical assaults of a sexual nature, such as:
  - Touching, pinching, patting, grabbing, brushing against another employee's body, or poking another employee's body
  - Rape, sexual battery, molestation, or attempts to commit these assaults.
- Unwanted sexual advances or propositions, such as:
  - Requests for sexual favors accompanied by implied or overt threats concerning the victim's job performance evaluation, a promotion, or other job benefits or detriments;
  - Subtle or obvious pressure for unwelcome sexual activities.
  - Leering, whistling or touching.

- Sexually oriented gestures, noises, remarks, jokes, or comments about a person's sexuality or sexual experience, which create a hostile work environment.
- Sexual or discriminatory displays or publications anywhere in the workplace, such as:
  - Displaying pictures, posters, calendars, graffiti, objects, promotional materials, reading materials, or other materials that are sexually demeaning or pornographic. This includes such sexual displays on workplace computers or cell phones and sharing such displays while in the workplace.
- Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity, and the status of being transgender, such as:
  - Interfering with, destroying, or damaging a person's workstation, tools or equipment, or otherwise interfering with the individual's ability to perform the job;
  - Sabotaging an individual's work
  - Bullying, yelling, name-calling

### **Other Types of Workplace Harassment**

Harassment on the basis of any protected characteristic is strictly prohibited; it is not just based on gender or inappropriate sexual behavior in the workplace. This includes but is not limited to verbal, written, or physical conduct that belittles or shows hostility and/or hatred toward an individual because of any protected characteristic (race, color, religion, sex, sexual orientation, gender identity or expression, national origin, age, disability, marital status, citizenship, genetic information, or any other characteristic protected by law).

This protects employees or associates that have the purpose or outcome of:

- Creating an intimidating, hostile, or offensive work environment
- Unreasonably interfering with an individual's work performance
- Otherwise adversely affects an individual's employment opportunities.

Harassing conduct includes but is not limited to name-calling, slurs or negative stereotyping; threatening, intimidating, or hostile acts; condescending jokes; and written or graphic material that belittles or shows hostility or hatred toward an individual and/or group that is placed anywhere on PES or Strada Mia's premises or that is circulated in the workplace during working time or using company equipment (e-mail, phone, voicemail, text messaging, social networking sites, or other means of communication).

**Who can be a Target of Sexual Harassment?**

Sexual harassment can occur between any individuals, regardless of their sex or gender. New York Law protects employees, paid or unpaid interns, non-employees, including independent contractors, and those employed by companies contracting to provide a service in the workplace. A perpetrator of sexual harassment can be a superior, a subordinate, a coworker, or anyone in the workplace including an independent contractor, contract worker, vendor, client, customer, or visitor.

**Where can Sexual Harassment Occur?**

Unlawful sexual harassment is not limited to the physical workplace itself. It can occur while employees are traveling for business or employer sponsored events or parties. Calls, texts, emails, and social media usage by employees can constitute unlawful workplace harassment, even if they occur away from the workplace premises or not during work hours.

**What is “Retaliation”?**

Unlawful retaliation can be any action that would keep a worker from coming forward to make or support a sexual harassment claim. Adverse action need not be job-related or occur in the workplace to constitute unlawful retaliation.

Such retaliation is unlawful under federal, state, and (where applicable) local law. The New York State Human Rights Law protects any individual who has engaged in “protected activity.” Protected activity occurs when a person has:

- Filed a complaint of sexual harassment, either internally or with any anti-discrimination agency.
- Testified or assisted in a proceeding involving sexual harassment under the Human Rights Law or other anti-discrimination law;
- Opposed sexual harassment by making a verbal or informal complaint to management, or by simply informing a supervisor or manager of harassment;
- Complained that another employee has been sexually harassed; or
- Encouraged a fellow employee to report harassment.

**Reporting Sexual Harassment**

**Preventing sexual harassment is everyone’s responsibility.** Strada Mia cannot prevent or remedy sexual harassment unless it knows about it. Any employee, paid or unpaid intern, non-employee who has been subjected to behavior that may constitute sexual harassment is encouraged to report such behavior to a supervisor, manager, or HR. Anyone who witnesses or becomes aware of potential instances of sexual harassment should report such behavior to a supervisor, manager, or HR.

Reports of sexual harassment may be made verbally or in writing. A form for submission of a written complaint is attached to this Policy, and all employees are encouraged to use this complaint form. Employees who are reporting sexual harassment on behalf of other employees should use the complaint form and note that it is on another employee's behalf.

Employees, paid or unpaid interns or non-employees who believe they have been a victim of sexual harassment may also seek assistance in other available forums, as explained in the following sections on Legal Protections.

### **Supervisory Responsibilities**

All supervisors and managers who receive a complaint or information about suspected sexual harassment, observe what may be sexual harassing behavior, or for any reason suspect that sexual harassment is occurring **are required** to report such suspected sexual harassment to HR.

In addition to being subject to discipline if they engage in sexually harassing conduct themselves, supervisors and managers will be subject to discipline for failing to report suspected sexual harassment or otherwise knowingly allowing sexual harassment to continue.

Supervisors and managers will also be subject to discipline for engaging in any retaliation.

### **Complaints and Investigation of Harassment**

All complaints or information about suspected harassment or sexual harassment will be investigated, whether that information was reported in verbal or written form. Investigations will be conducted in a timely manner and will be confidential to the extent possible.

An investigation of any complaint, information, or knowledge of suspected harassment or sexual harassment will be prompt and thorough and should be completed within a reasonable time frame. The investigation will be confidential to the extent possible. All persons involved, including complaints, witnesses, and alleged perpetrators will be accorded due process to protect their rights to a fair and impartial investigation.

Any employee may be required to cooperate as needed in an investigation of suspected harassment or sexual harassment. Employees who participate in any investigation will not be retaliated against.

Investigations will be done in accordance with the following steps:

- Upon receipt of complaint, HR will conduct an immediate review of the allegations, and take any interim actions, as appropriate. If the complaint is verbal, encourage the individual to complete the Complaint Form in writing.

- If he or she refuses, prepare a Complaint Form based on the verbal reporting.
- If documents, emails, or phone records are relevant to the allegations, takes steps to obtain and preserve them.
  - Request and review all relevant documents, including electronic communications.
  - Interview all parties involved, including any relevant witnesses.
  - Create a written document of the investigation (such as a letter, memo, or email), which contains the following:
    - A list of all documents reviewed, along with a detailed summary of relevant documents
    - A list of names of those interviewed, along with a detailed summary of their statements
    - A timeline of events
    - A summary of prior relevant incidents, reported or unreported
    - The final resolution of the complaint, together with any corrective action(s)
  - Keep the written documentation and associated documents in the employer's records.
  - Promptly notify the individual who complained and the individual(s) who responded of the final determination and implement any corrective actions identified in the written document.
  - Inform the individual who complained of their right to file a complaint or charge externally as outlined below.

Misconduct constituting harassment, sexual harassment, discrimination, or retaliation will be dealt with as deemed fit. Responsive action may include training referral to counseling, or disciplinary action such as a warning, reprimand, reassignment, temporary suspension (either paid or unpaid), or termination.

False or malicious complaints of harassment, discrimination, or retaliation (as opposed to complaints that, even if erroneous, are made in good faith) may be the subject of appropriate disciplinary action listed above.

### **Legal Protections and External Remedies**

Sexual harassment is not only prohibited by Strada Mia but is also prohibited by state, federal, and (where applicable) local law. Aside from the internal process at Strada Mia, employees may also choose to pursue legal remedies with the following government entities **at any time**. An individual is not required to make an internal complaint in order to pursue any of these additional external options.

### **New York State Division of Human Rights (DHR)**

The Human Rights Law (HRL), codified as N.Y. Executive Law, art. 15, § 290 et seq, applies to employers in New York State with regard to sexual harassment, and

protects employees, paid or unpaid interns, and non-employees regardless of immigration status. A complaint alleging violation of the Human Rights Law may be filed either with DHR or in New York State Supreme Court. Complaints with DHR may be filed any time **within one year** of the harassment (**three years beginning on August 12, 2020**). If an individual did not file at DHR, they can sue directly in state court under the HRL, **within three years** of the alleged discrimination. An individual may not file with DHR if they have already filed an HRL complaint in state court. Complaining internally to Strada Mia does not extend your time to file with DHR or in court. The one year or three years is counted from date of the most recent incident of harassment.

You do not need an attorney to file a complaint with DHR, and there is no cost to file with DHR.

DHR will investigate your complaint and determine whether there is probable cause to believe that discrimination has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If discrimination is found after a hearing, DHR has the power to award relief, which varies but may include requiring your employer to take action to stop the harassment, or redress the damage cause, including paying monetary damages, attorney's fees, and civil fines.

DHR's main office contact information is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, NY 10458; (718)741-8400; [www.dhr.ny.gov](http://www.dhr.ny.gov) Contact DHR at (888)392-3644 or [visit dhr.ny.gov/complaint](http://www.dhr.ny.gov/complaint) for more information about filing a complaint. The website has a complaint form that can be downloaded, filled out, notarized, and mailed to DHR. The website also contains contact information for DHR's regional offices across New York State.

### **United States Equal Employment Opportunity Commission (EEOC)**

The EEOC enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Acts (codified as 42 U.S.C § 2000e et seq.). An individual can file a complaint with the EEOC anytime within **300 days** from the harassment. There is no cost to file a complaint with the EEOC. The EEOC will investigate the complaint, and determine whether there is reasonable cause to believe that discrimination has occurred, at which point the EEOC will issue a Right to Sue letter permitting the individual to file a complaint in federal court.

The EEOC does not hold hearings or award relief but may take other action including pursuing cases in federal court on behalf of complaining parties. Federal courts may award remedies if discrimination is found to have occurred.

If an employee believes that they have been discriminated against at work, they can file a "Charge of Discrimination." The EEOC has district, area, and field offices where complaints can be filed. Contact the EEOC by calling 1-800-669-4000 (1-800-669-6820 (TTY)); visiting their website at [www.eeoc.gov](http://www.eeoc.gov) or via email at [info@eeoc.gov](mailto:info@eeoc.gov) If an individual filed an administrative complaint with DHR, DHR

will file the complaint with the EEOC to preserve the right to proceed in federal court.

### **Local Protections**

Many localities enforce laws protecting individuals from sexual harassment and discrimination. An individual should contact the county, city, or town in which they live to find out if such a law exists. For example, employees who work in New York City may file complaints of sexual harassment with the New York City Commission on Human Rights. Contact their main office at Law Enforcement Bureau of the NYC Commission of Human Rights, 40 Rector Street, 10<sup>th</sup> Floor, New York, NY; call 311 or (212)306-7450; or visit [www.nyc.gov/html/cchr/html/home/home.shtml](http://www.nyc.gov/html/cchr/html/home/home.shtml)

### **Contact the Local Police Department**

If the harassment involves physical touching, coerced physical confinement, or coerced sex acts, the conduct may constitute a crime. Contact the local police department.

### **Additional Information**

If you have any questions about this policy, please contact Heidi Lupi, Vice President of Pinnacle Employee Services at (315) 295-3883 for additional information. If you have other questions or concerns about discrimination or harassment, you may also contact Strada Mia.

## **NEW YORK STATE REPRODUCTIVE HEALTH ACT**

The New York State Reproductive Health Act prohibits discrimination based on an employee's or a dependent's reproductive health decision making. PES and Strada Mia are prohibited from accessing an employee's personal information regarding the employee's or the employee's dependent's reproductive health decision making, including but not limited to, the decision to use or access a particular drug, device or medical service without the employee's prior informed affirmative written consent.

PES and Strada Mia shall not:

(a) discriminate nor take any retaliatory personnel action against an employee with respect to compensation, terms, conditions, or privileges of employment because of or on the basis of the employee's or dependent's reproductive health decision making, including, but not limited to, a decision to use or access a particular drug, device or medical service; or

(b) require an employee to sign a waiver or other document which purports to deny an employee the right to make their own reproductive health care decisions, including use of a particular drug, device, or medical service.

An employee may bring a civil action in any court of competent jurisdiction against PES and Strada Mia alleging to have violated the provisions of this section. In any civil action alleging a violation of this section, the court may:

- (a) award damages, including, but not limited to, back pay, benefits and reasonable attorneys' fees and costs incurred to a prevailing plaintiff;
- (b) afford injunctive relief against any employer that commits or proposes to commit a violation of the provisions of this section;
- (c) order reinstatement; and/or
- (d) award liquidated damages equal to one hundred percent of the award for damages pursuant to paragraph (a) of this subdivision unless an employer proves a good faith basis to believe that its actions in violation of this section were in compliance with the law.

Nothing in this section shall be construed to limit any rights of an employee provided through any other provision of law, common law or collective bargaining unit. Any act of retaliation for an employee exercising any rights granted under this section shall subject PES and Strada Mia to separate civil penalties under this section. For the purposes of this section, retaliation or retaliatory personnel action shall mean discharging, suspending, demoting, or otherwise penalizing an employee for:

- (a) making or threatening to make, a complaint to an employer, co-worker, or to a public body, that rights guaranteed under this section have been violated;
- (b) causing to be instituted any proceeding under or related to this section; or
- (c) providing information to, or testifying before, any public body conducting an investigation, hearing, or inquiry into any such violation of a law, rule, or regulation by such employer.

## **OPEN DOOR COMMUNICATIONS**

We are committed to providing a positive environment that will enable our employees to achieve their professional goals. Our policy is to treat each employee as an individual, but at the same time to encourage employees to work together as a team.

To this end, we are constantly striving to maintain strong communications between management and employees so that problems regarding working conditions and procedures can be freely discussed and satisfactorily resolved.

Bring your concerns to the attention of your supervisor. If you do not feel comfortable with your supervisor or you do not receive an adequate response, please discuss the situation with a member of management at PES and Strada Mia.

Our door is always open. We believe that discussing issues directly with one another will enable us to maintain the spirit of cooperation that has contributed to our continued success over the years.

### **CONFLICT OF INTEREST**

It is PES and Strada Mia's policy that employees shall not have any direct or indirect financial interest in or personal business relationships with any firm or person that does business with PES and Strada Mia, nor shall employees engage in any other activity that would conflict with the interests of PES and Strada Mia.

### **SUBSTANCE ABUSE POLICY**

It is the policy of PES and Strada Mia to provide our employees with a safe and healthy workplace. In order to do so, the following policies will be strictly enforced.

- Employees are prohibited from being under the influence of alcohol or drugs while on premises during working hours.
- The sale, possession, transfer, or purchase of illegal drugs on company property or while performing company business is strictly prohibited. Such actions will be reported to the appropriate law enforcement officials.
- The use, sale, or possession of an illegal drug, alcohol, or controlled substance while on duty may result in discharge.
- Prescription drugs may only be brought on company property and used by the person to whom they are prescribed. Such drugs must be used only in the manner, combination, and quantity prescribed.
- Employee who wishes to drink alcoholic beverages in the Restaurant must do so outside of working hours and at a time when the employee is not wearing clothing with Strada Mia's name on it.
- Employees who are under the age of 21 are prohibited from drinking alcohol on the premises at any time.
- Employees are prohibited from being under the influence of alcohol or drugs while on premises during working hours.
- If a customer offers an employee any illicit drugs, alcohol, or other intoxicants while during working hours, employees are required to politely decline the offer.
- Employees are expected to show up to work in an appropriate mental and physical condition ready and willing to work

All employees who are not federally regulated may, smoke or ingest cannabis outside of work hours. However, you must be off Strada Mia's premises, including Strada Mia's vehicles, equipment, and/or other property. Employees forfeit their protections if they smoke or ingest any form of marijuana during work hours, on Strada Mia's premises, or while using company vehicles and/or equipment. If an employee does not follow the new regulations on where and when they can smoke or ingest cannabis, they will be subject to immediate termination.

Strada Mia may take action against employees when the employee is "impaired" by the use of cannabis, to include the employee displays specific symptoms of being impaired while working, that decreases or lessens the employee's performance of duties outlined in their job descriptions, or that the symptoms interfere with Strada Mia's obligation to provide a

safe and healthy workplace, free from recognized hazards, as required by the state and federal occupational safety and health law.

Failure to adhere to these policies may result in immediate discharge.

## **SMOKING**

In consideration of our employees' health and to ensure the safety of our work environment as well as to comply with State law, smoking is permitted only in designated areas outside the building. This includes Electronic Cigarettes or any other type of vapor producing products.

Employees who smoke will be allowed to leave the building at times to be determined by your supervisor. Employees who smoke outside the building are required to dispose of smoking materials in the containers provided.

Smoking is prohibited in the workplace.

## **RIGHT TO KNOW**

You have the right to know about any hazardous substances that you might use or encounter on the job. We maintain Safety Data Sheets (SDS) for each potentially hazardous chemical used in our workplace which can be found in the on-site supervisor's office.

If you are unable to locate a SDS for a particular substance, please ask the general office of PES and Strada Mia for further information.

## **SAFETY**

Safety is everyone's responsibility. Please take precautions to use materials and equipment with care and do your part to keep the work site free from hazards. Safety rules are distributed or posted and will be strictly enforced.

Every accident or injury that occurs during working hours, however minor, must be reported immediately to your onsite supervisor or Strada Mia. If he or she is unavailable, contact PES at (315) 295-3881.

## **CELL PHONE POLICY**

While at work employees must exercise the same discretion in using personal cell phones as for the use of Company phones. Personal calls during working time, regardless of the phone used can interfere with employee productivity and be distracting to others. Cell phones are not to be carried on the job during working time without specific permission from management who will keep supervisors regularly informed of this permission. Employees will inform their supervisor of the need to carry a phone who in turn will set up a meeting with management to discuss with the employee a need to have a cell phone on the job. Permission for use will be granted / denied on a case-by-case basis. All employees are asked to make personal calls during

breaks and meal periods and to ensure that friends and family members are aware of this policy. The Company will not be liable for the loss of personal cell phones brought into the workplace. Employees are not authorized to use personal cell phones in place of Company provided beepers and radios.

### **PERSONAL USE OF COMPANY-PROVIDED CELL PHONES, BEEPERS AND RADIOS**

Where job or business needs demand immediate employee access, a business cell phone, beeper and/or two-way radio may be issued. For business and tax reasons the personal use of such equipment is not permitted. Phone records may be audited for compliance. If an employee experiences a personal emergency that requires use of the business cell phone, they are required to report this to their supervisor. Failure to report such use may result in disciplinary action up to and including termination. Employees in possession of Company equipment such as cell phones, beepers and radios are expected to protect the equipment from loss, damage or theft. Upon resignation or termination of employment, or at any time upon request, the employee must return the equipment.

### **CELL PHONES AND DRIVING**

Employees whose job responsibilities include driving and who must use a cell phone for business use are expected to refrain from using their phone while driving. Allow voice mail or your passenger to handle calls when possible. Safety must come before all other concerns. Regardless of the circumstances, including slow or stopped traffic, employees are strongly encouraged to pull off to the side of the road and safely stop the vehicle before placing or accepting a call.

#### **If acceptance of a call is unavoidable and pulling over is not a safe option,**

Use hands-free devices; use the voice-activated or “speed dial” feature; keep the call short; do not take notes, text message or e-mail while driving; refrain from discussion of complicated or emotional issues; and, keep eyes and attention on the road and both hands free to operate the vehicle.

#### **Special care should be taken in situations;**

When there is moderate to heavy traffic; inclement weather; or, driving in an unfamiliar area.

In situations where employees drive and accept phone calls, state law, as well as this policy, requires the use of “hands-free” equipment. Under no circumstances are employees allowed to place themselves at risk to fulfill business needs. Employees who are charged with traffic violations resulting from the use of their phone while driving will be solely responsible for all liabilities that result from such actions. Violations of this policy will be subject to discipline, including termination.

#### **Special Responsibilities for Managerial Staff**

As with any policy, management staff is expected to serve as role models for proper

compliance with the provisions above and are encouraged to regularly remind employees of their responsibilities in complying with this policy.

### **YOUR PERSONNEL FILE**

You are responsible for notifying PES's Central Office of any changes in name, address, telephone number, marital status, number of dependents, or any other information in your employment records. Incomplete or outdated information may result in incorrect taxes being withheld from your paycheck, interrupted benefits for you and your family, and difficulty in notifying the appropriate person in the event of an emergency.

Personnel files are the property of PES and access to the information they contain is restricted. Only those officials and representatives of PES who have a legitimate reason to review information in a file are permitted to do so. Any employee who wishes to review his or her personnel file should contact Pinnacle Employee Services main office in advance to arrange for an appointment.

### **EMPLOYMENT APPLICATIONS**

PES and Strada Mia rely on the accuracy of the information on your employment application and other information you provide throughout the hiring process and during the course of your employment. Any misrepresentation, falsification, or significant omission in any of this information may result in a decision to disqualify you as a candidate for employment or, if you have already been hired, to terminate your employment.

### **VIOLENCE IN OUR WORKPLACE**

PES and Strada Mia are committed to providing a workplace for our employees that is healthy and safe. PES will not tolerate acts or threatened acts of violence by employees or non-employees in our facilities, on our property or on Strada Mia's property.

Employees and non-employees are prohibited from bringing guns or other weapons onto our property, including, but not limited to, weapons in vehicles in the parking lots. Violations of this policy will subject employees to discipline up to and including termination. If a non-employee enters our work place carrying a weapon the authorities will be called immediately.

Other examples of prohibited conduct include, but are not limited to, striking or attacking another employee or verbally or physically threatening an employee with bodily harm. Any employee who has been a victim of workplace violence or is aware of such conduct between other employees should immediately report it to your onsite supervisor or management at PES.

All reports will be promptly investigated and appropriate action will be taken. Employees will not be subject to discipline or retaliation of any form by management or fellow employees for reporting actual or potentially violent situations.

**Employment and Pay**

**EMPLOYMENT CATEGORIES**

It is PES’s intent to define employment classifications clearly so that each employee understands his/her employment status and benefit eligibility.

Every position is designated as exempt or nonexempt pursuant to federal and state wage and hour laws. Nonexempt employees are entitled to overtime pay under the specific provisions of these laws. Exempt employees are excluded from such overtime pay requirements.

PES and Strada Mia have established the following employment categories:

- Full-time regular: Employees who regularly work at least 40 hours per week.
- Part-time regular: Employees who regularly work at least 20 hours per week but fewer than 40 hours per week.
- Part-time occasional: Employees who work on an intermittent and/or unpredictable basis
- Seasonal: Employees who may work on a full- or part-time basis for a specific period of time not to exceed six consecutive months

**PAYDAYS**

The final page of this handbook contains information regarding the normal hours of work, the pay period and pay date at the subscriber where you work. If you are unable to pick up your paycheck, we will release it to a relative provided s/he has a written release from you and you have called the office to make such arrangements.

Lost paychecks will be replaced after it can be verified with the bank that the check has not been cashed and a stop payment can be placed on the lost check. Advances will not be issued to any employee nor will we release a paycheck before the regular payday without written release from the subscriber.

Any salary figures provided to an employee in annual or monthly terms are stated for the sake of convenience or to facilitate comparisons and are not intended and do not create an employment contract for any specific period of time.

## **WAGE DEDUCTION AND COMPLAINT POLICY**

PES is committed to complying with the Fair Labor Standards Act as well as all state wage and hour laws. PES will, at all times, make a good faith effort to comply with all rules and regulations prohibiting improper pay deductions. Non-exempt employees will be paid overtime in accordance with state and federal law. The salary of exempt employees, however, is intended to compensate for all hours worked.

If you are an exempt employee and you feel that you have not been paid on a salaried basis or that improper deductions have been made from your pay, please report that fact to your immediate supervisor. If you are uncomfortable speaking with your supervisor, please bring your concerns to Pinnacle Employee Services or to another member of the senior management team.

No employee will be retaliated against for making an inquiry or report of an improper payment or wage deduction.

PES will promptly investigate your claim and, if any improper deductions have been made, will refund the deductions and take appropriate steps to ensure future compliance.

## **OVERTIME WORK**

Many of our subscribers require overtime (over 40 hours a week) work in order to meet their client needs. However, no overtime should be worked without prior authorization of management. You will be paid for any additional hours beyond the basic workweek, in accordance with laws concerning labor practices of the Federal and State Labor authorities. Working overtime when required is a condition for continued employment. Exceptions to this policy are at the sole discretion of management. Your onsite supervisor reserves the right to require written verification before deciding to release you from necessary over time.

## **TIME CLOCKS**

Employees must accurately clock in and out on the time clocks for their shift. Employees will clock each shift showing the time you begin work, the time you leave for and return from lunch, and the time you quit work for the day. This will be done in the time clock system and this is the record from which you will be paid. All overtime must be authorized by management.

## **PERFORMANCE APPRAISALS**

The performance of all employees is evaluated on an on-going basis. On site supervisors and employees are strongly encouraged to discuss job performance on an informal day-to-day basis. In addition, written performance appraisals may be conducted periodically to provide a written record of your performance. The written appraisal will provide an opportunity to discuss job performance, identify and correct weaknesses, and provide your on-site supervisor with an opportunity to recognize and encourage your strengths.

## Conduct and Discipline

### DISCIPLINE

Disciplinary action will be taken when company policies, procedures, or work rules are violated. Such actions may include but are not limited to verbal warnings, written warnings, suspension, or immediate discharge. Strada Mia may impose an unpaid disciplinary suspension for one or more full days for serious misconduct. This practice applies to all employees, whether exempt or non-exempt. Disciplinary action will depend in part on the nature of the violation and on the employee's work record.

### EMPLOYEE CONDUCT AND WORK RULES

Reasonable rules of conduct are necessary for the orderly, efficient, and safe operation of business. The list below is meant to serve as a guideline for identifying conduct that will result in disciplinary action. It should be noted that many of these standards of conduct are clarified in greater detail in the appropriate section of this employee handbook.

This list is not intended to be all inclusive. Management reserves the right to modify work rules and regulations or to establish different or additional rules or regulations as it deems appropriate and necessary at any time.

The following conduct may result in immediate discharge:

1. Disclosing or making available to unauthorized persons any confidential or proprietary information
2. Fighting or disorderly conduct
3. Gambling on company premises
4. Harassing, interfering with, or refusing to cooperate with coworkers in the performance of their duties
5. Tampering, altering, or falsifying time records, or recording time on another employee's timecard
6. Acts of dishonesty or theft
7. Damaging machinery or equipment, wasting materials, or defacing company property
8. Failure to adhere to company policies regarding harassment, alcohol and drug abuse, smoking, and safety

The following conduct will result in disciplinary action, up to and including immediate termination, depending on the seriousness of the offense under the facts and circumstances as determined by management:

1. Repeated absences or tardiness
2. Failure to follow work rules or procedures
3. Failure to complete assigned work in a timely manner
4. Wasting time, loafing, loitering
5. Leaving the work area during working hours without permission

6. Negligence or carelessness
7. Unauthorized or improper use of property or machinery, including company telephones
8. Abuse of break or meal period privileges
9. Refusal to accept assigned overtime
10. Unsatisfactory work performance
11. Rude, abusive, or obscene language or conduct on company property
12. Actions that result in complaints from customers, suppliers, or manufacturers and that affect Strada Mia's reputation or business
13. Insubordination or refusal to follow a supervisor's instructions or to perform assigned work

Depending on the nature of an offense, discussions will often be held between the supervisor and the employee in order to give the employee an opportunity to correct the situation before it becomes necessary for management to issue a written warning. These discussions will be documented and become part of the employee's record.

A written warning notice becomes part of an employee's record and will be taken into consideration when evaluating an employee's performance for purposes of promotion, transfer, future disciplinary action, and continued employment.

### **DRESS**

Each employee is expected to dress appropriately for the job. Your on-site supervisor will offer guidance as to proper attire for your job and may establish special requirements for reasons of safety or public contact. Failure to observe standards of dress will result in disciplinary action. Some of our subscribers are required to adhere to special requirements of OSHA or the Board of Health.

The appropriate dress for the subscriber where you work can be found in the final pages of this handbook.

### **PROPERTY REMOVAL**

All materials and equipment issued to you for the performance of your job are considered the property of Strada Mia. They are not to be removed from the premises without the written permission of Strada Mia.

Removal of any property without permission shall be considered a violation of this policy and will be considered reason for disciplinary action and may result in termination of employment.

### **ATTENDANCE AND PUNCTUALITY**

No call - No show means that you have not called in or shown up for your scheduled work shift. No call - No show is construed as job abandonment and will result in immediate termination. No written warning required.

In order to effectively serve our subscribers, it is important that you come to work on time each day. In the event that illness or injury prevents you from coming in, it is your responsibility to personally notify your immediate on-site supervisor each day at least 30 minutes prior to your scheduled shift. If your on-site supervisor is unavailable, you must contact Strada Mia's main office directly.

If you are going to be late, you must personally notify your immediate on-site supervisor BEFORE your scheduled starting time. State the reason for your lateness and your expected time of arrival. If your on-site supervisor is unavailable, you must contact Strada Mia's main office directly.

In the case of repeated absences and/or tardiness, you may be required to submit evidence verifying the reason for your absence. If requested, failure to provide substantiation of the reason for your absence after three (3) consecutive days could result in discharge.

## **ELECTRONIC COMMUNICATIONS POLICY**

PES and Strada Mia believe that no information should be accumulated or used in the work place that does not have a clear business or management purpose; that no information should be collected and maintained that is not carefully checked for accuracy; and that no information should be released to anyone without a clear need for that party to know the information.

Strada Mia reserves the right to enter, search, and monitor the computer files, E-mail, and voice mail of any employee, without advance notice, for business purposes such as investigating theft, disclosure of confidential business or propriety information, or personal abuse of the systems.

Use of computer facilities for personal reasons during work hours, without permission from a department manager, is strictly prohibited. All computer pass codes must be made available upon request of management.

### Internet Code of Conduct

Access to the Internet has been provided to staff members for the benefit of the organization and its subscribers. It allows staff members to connect to information sources around the world. Every staff member has a responsibility to maintain and enhance Strada Mia's public image, and to use the Internet in a productive manner. To ensure that all staff members are responsible productive Internet users and are protecting Strada Mia's public image, the following guidelines have been established for using the Internet.

### Acceptable Uses of the Internet

Staff members accessing the Internet are representing PES and Strada Mia. During working time, all communications should be for professional reasons. Staff members are responsible for seeing that the Internet is used in an effective, ethical and lawful manner. Internet Relay Chat channels may be used to conduct official company business, or to gain technical or analytical advice. Databases may be accessed for information as needed.

### Unacceptable Uses of the Internet

During working time, the Internet should not be used for personal use or advancement of individual views. Solicitation of non-company business, or any use of the Internet for personal use is strictly prohibited. Use of the Internet must not disrupt the operation of the network or the networks of other users. It must not interfere with your productivity. Transmission of harassing, discriminating or objectionable e-mails or files is strictly prohibited. Access to non-business related, obscene or offensive sites is strictly prohibited.

### Communications

Each staff member is responsible for the content of all text, audio, or images that they place or send over the Internet. Fraudulent, harassing, or obscene messages are prohibited. All messages communicated on the Internet should have your name attached. No messages will be transmitted under an assumed name. Users may not attempt to obscure the origin of any message. Information published on the Internet should not violate or infringe upon the rights of others. No abusive, profane, or offensive language is to be transmitted through the system. Staff members who wish to express personal opinions on the Internet are encouraged to obtain their own usernames on other Internet systems.

### Software

To prevent computer viruses from being transmitted through the system, there will be no unauthorized downloading of any software. All software downloads must be approved through Strada Mia.

### Security

All messages created, sent, or retrieved over the Internet are the property of Strada Mia employer and should be considered public information. Strada Mia reserves the right to access and monitor all messages and files on the computer system as deemed necessary and appropriate. Internet messages are public communication and are not private. All communications including text and images can be disclosed to law enforcement or other third parties without consent of the sender or the receiver.

### Harassment

Harassment of any kind is prohibited. No messages with derogatory or inflammatory remarks about an individual or group's race, religion, national origin, physical attributes or sexual preference will be transmitted.

### Violations

Violations of any guidelines listed above may result in disciplinary action, up to and including termination. If necessary, Strada Mia will advise appropriate legal officials of any illegal violations.

## **SOCIAL MEDIA POLICY**

Strada Mia understands that social media can be a fun and rewarding way to share your life and opinions with family, friends, and co-workers around the world. However, use of social media also presents certain risks and carries with its certain responsibilities. To assist you in making responsible decisions about your use of social media, we have established these guidelines for appropriate use of social media. This policy applies to all associates who work for this employer or one of its subsidiary companies in the United States.

### **GUIDELINES**

In the rapidly expanding world of electronic communication, social media can mean many things. Social media includes all means of communicating or posting information or content of any sort on the Internet, including to your own or someone else's web log or blog, journal or diary, personal web site, social networking or affinity web site, web bulletin board or a chat room, whether or not associated or affiliated with Strada Mia, as well as any other form of electronic communication. The same principles and guidelines found in this employers' policies and three basic beliefs apply to your activities online. Ultimately, you are solely responsible for what you post online. Before creating online content, consider some of the risks and rewards that are involved. Keep in mind that any of your conduct that adversely affects your job performance, the performance of fellow associates or otherwise adversely affects members, customers, suppliers, people who work on behalf of Strada Mia or their legitimate business interests may result in disciplinary action up to and including termination.

#### **Know and follow the rules**

Carefully read these guidelines, Strada Mia's Employee Conduct and Work Rules Policy, the Sexual & Other Harassment Policy and ensure your postings are consistent with these policies. Inappropriate postings that may include discriminatory remarks, harassment, and threats of violence or similar inappropriate or unlawful conduct will not be tolerated and may subject you to disciplinary action up to and including termination.

#### **Be respectful**

Always be fair and courteous to fellow associates, customers, members, suppliers, or people who work on behalf of Strada Mia. Also, keep in mind that you are more likely to resolve work-related complaints by speaking directly with your co-workers or by utilizing our Open-Door Policy than by posting complaints to a social media outlet. Nevertheless, if you decide to post complaints or criticism, avoid using statements, photographs, video or audio that reasonably could be viewed as malicious, obscene, threatening or intimidating, that disparage customers, members, associates, or suppliers, or that might constitute harassment or bullying. Examples of such conduct might include offensive posts meant to intentionally harm someone's reputation or posts that could contribute to a hostile work environment on the basis of race, sex, disability, religion or any other status protected by law or company policy.

**Be honest and accurate**

Make sure you are always honest and accurate when posting information or news, and if you make a mistake, correct it quickly. Be open about any previous posts you have altered. Remember that the Internet archives almost everything; therefore, even deleted postings can be searched. Never post any information or rumors that you know to be false about Strada Mia, fellow associates, members, customers, suppliers, people working on behalf of Strada Mia or competitors.

**Post only appropriate and respectful content**

Maintain the confidentiality of Strada Mia trade secrets and private or confidential information. Trade secrets may include information regarding the development of systems, processes, products, know-how and technology. Do not post internal reports, policies, procedures, or other internal business-related confidential communications. Respect financial disclosure laws. It is illegal to communicate or give a “tip” on inside information to others so that they may buy or sell stocks or securities. Such online conduct may also violate the Insider Trading Policy. Do not create a link from your blog, website, or other social networking site to a Strada Mia website without identifying yourself as an employee.

Express only your personal opinions. Never represent yourself as a spokesperson for Strada Mia. If Strada Mia is a subject of the content you are creating, be clear and open about the fact that you are an associate and make it clear that your views do not represent those of Strada Mia, fellow associates, members, customers, suppliers or people working on behalf of Strada Mia. If you do publish a blog or post online related to the work you do or subjects associated with Strada Mia, make it clear that you are not speaking on behalf of them. It is best to include a disclaimer such as “The postings on this site are my own and do not necessarily reflect the views of Strada Mia.”

**Using social media at work**

Refrain from using social media while on work time or on equipment we provide unless it is work-related as authorized by your manager or consistent with the Company Equipment Policy.

**Retaliation is prohibited**

Strada Mia prohibits taking negative action against any associate for reporting a possible deviation from this policy or for cooperating in an investigation. Any associate who retaliates against another associate for reporting a possible deviation from this policy or for cooperating in an investigation will be subject to disciplinary action, up to and including termination.

**RESPONSIBILITY FOR OTHER PROCEDURAL STANDARDS**

While this employee handbook describes the personnel policies and practices of PES and Strada Mia, employees are also responsible for adhering to the operational and procedural standards of their respective jobs and departments, whether these policies are

communicated in writing or through on-the-job instruction. Failure to comply with or to meet existing standards will be considered reason for disciplinary action and may result in termination of employment.

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**Benefits**

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**COMPANY BENEFITS**

PES and Strada Mia are pleased to make available certain benefits to eligible employees. Our benefits package has been designed to help protect you and your family against financial loss due to illness, injury, or death. An eligible employee is defined as anyone averaging 20 hours per week over a month's period of time.

Please check with the Benefits Administrator at PES for additional information regarding what plans and benefits are available and the conditions required for you to participate in the plan and receive coverage. With respect to Health, Life & A.D&D. Benefits, Short Term Disability, Flexible Benefit Plan refer to the Plan Documents and know that these documents are controlling of the plans.

**HEALTH BENEFITS**

All employees who work an average of 30 hours or more per week are eligible to participate in the medical benefits plan for themselves and their eligible dependents.

Further details regarding the health benefit plan can be found in descriptive booklets that are available through PES.

For details on Strada Mia's contributions, contact PES or Strada Mia.

**CONTINUATION OF COVERAGE**

In certain instances, most employers who sponsor group medical plans are required by federal or state law to offer employees and their families group rates for temporary extension of medical coverage (called continuation coverage or COBRA), where coverage under the plan would otherwise end.

At the time you enroll in the plan and again when coverage would normally cease, PES will provide additional information regarding continuation coverage. If you would like additional information regarding the applicable COBRA provisions, please direct your questions to PES.

**LIFE AND A. D. & D. BENEFIT**

Group Life and Accidental Death and Dismemberment Benefits are available to all eligible employees that work on average 20 or more hours a week.

Employees may purchase life insurance at the employee's expense. The premium for the coverage will be deducted from your paycheck. If you are on an unpaid leave, you must make arrangements to continue paying your premium with the payroll department at PES and Strada Mia's main office.

## **SHORT TERM DISABILITY**

If you are disabled for more than seven days because of a non-work-related illness or injury, you may be eligible to receive partial replacement of lost wages. The disability must be verified by a physician and the paperwork filed in a timely manner.

While you are out on disability leave, your health insurance coverage will remain in effect for 30 days from the ending date of your last pay period. At the end of that time you will be given the opportunity to continue your health insurance coverage under the applicable COBRA provisions.

## **WORKERS' COMPENSATION**

You are protected by the Workers' Compensation Act. If you suffer a work-related injury or illness, you are eligible for income replacement and for payment of medical costs incurred as a result.

While you are out on workers' compensation leave your health insurance coverage will remain in effect for 30 days from the ending date of your last pay period. At the end of that time you will be given the opportunity to continue your health insurance coverage under the applicable COBRA provisions.

## **FLEXIBLE BENEFIT PLAN**

PES offers employees a tax efficient way of paying for their medical/dental benefits as well as for other out of pocket medical expenses. This plan allows employees to pay their portion of premium costs before their gross wages are taxed. This is achieved by a deduction from your paycheck. Please contact PES for more information on this plan.

## **JURY DUTY**

Absence for jury duty will be considered an excused absence. The employee must present a copy of his or her jury summons prior to the day of required service. Strada Mia will pay any stipend required by state or federal law. The employee is required to report to work for the remainder of any day he/she is not required to serve.

## **MILITARY LEAVE**

It is the policy of PES to grant leaves of absence to certain eligible employees serving in the uniformed services, including but not limited to the United States Armed Forces or National Guard and Reserves, for periods of active service (including voluntary or involuntary service). It is also company policy to comply with the Uniformed Services Employment and Re-employment Rights Act of 1994 (USERRA) and any applicable state laws.

Notice of uniformed service and the need for leave must be given in writing to your worksite supervisor at the earliest possible date but must be given prior to the beginning of the service. This notification requirement also applies if you serve in the National Guard

and/or Reserves and will miss work for regular monthly training. National Guard and Reserve employees should provide notification of their monthly training schedule for the year as soon as it is available. If health insurance coverage is cancelled because of uniformed service leave, such coverage may be reinstated upon your reemployment.

### ***Reinstatement***

PES will comply with all federal and state military and/or uniformed service leave laws and reinstate employees who have been on a uniformed service leave of absence, provided:

1. You provide advance notice of your service.
2. You return to work or apply for reemployment in a timely manner after conclusion of service.
3. You have five years or less of cumulative uniformed service while with PES; and

Whenever possible, you will be returned to your former position. In some circumstances, such as if the position no longer exists, you will be given positions comparable in status and pay to the previous positions.

You will retain seniority rights as if employment had been continuous and had not been interrupted by uniformed service. You will be eligible to participate in all benefit programs in which you would have participated had you not been on leave of absence.

In certain instances, you may be required to undergo fitness-for-duty examinations prior to returning to work.

Time limits for returning to work depend, with the exception of fitness-for-duty examinations, on the duration of the uniformed service.

#### *Service of 1 to 30 days*

You must report to work by the beginning of the first regularly scheduled workday that would fall eight hours after the end of the calendar day on which service ended.

#### *Service of 31 to 180 days*

You must submit an application for reemployment no later than 14 days after completion of uniformed service.

#### *Service of 181 or more days*

You must submit an application for reemployment no later than 90 days after completion of uniformed service.

Employees who are called to active military duty or to reserve or National Guard training, or who volunteer for the same, will be granted a military leave of absence without pay for the period of military service, in accordance with applicable federal and state laws.

Accrued vacation may be used for this leave if the employee chooses. Military orders should be presented to PES and Strada Mia and arrangements for leave made as early as possible before departure.

### **NY FAMILY MILITARY LEAVE**

Employees who are the spouse of a member of the armed forces of the United States, National Guard or reserves who are deployed during a period of military conflict will be granted an unpaid leave of up to ten days while their spouse is on leave. Employees are only granted this time while their spouse is on leave. Written documentation from their branch of armed forces is required for the leave to be granted. One ten day leave period will be granted per calendar year.

### **PAID FAMILY LEAVE**

Effective January 1, 2018, Pinnacle Employee Services and Strada Mia will provide paid leave (up to a certain percentage of your weekly wages) to eligible employees pursuant to New York's Paid Family Leave Benefits Law.

#### **Eligibility**

To be eligible, employees must: (i) regularly work 20 or more hours per week and be employed for at least 26 consecutive workweeks preceding the first full day family leave is taken; or (ii) regularly work less than 20 hours per week and be employed for at least 175 days preceding the first full day leave is taken. Participation in paid family leave is not affected by your citizenship or immigration status.

#### **Permissible Purposes for Leave**

Eligible employees will be entitled to paid time away from work (i) to care for a family member with a serious health condition, (ii) to bond with a child after birth or placement for adoption or foster care within the first 12 months after the birth or placement, or (iii) because of any qualifying exigency arising from the fact that an employee's spouse, domestic partner, child or parent is on active duty (or has been notified of an impending call or order to active duty) in the armed forces of the United States.

#### **Notice of Need for Paid Family Leave**

An employee must provide at least 30 days advance notice before leave is to begin if the qualifying reason for leave is foreseeable. When not foreseeable, the employee must provide notice as soon as practicable under the facts and circumstances and within the time prescribed by our usual and customary notice requirements. Failure to provide timely notice may result in leave being delayed or denied.

**Certification**

Eligible employees who wish to take paid leave must comply with applicable certification requirements any may be required to provide additional documentation (such as copies of military orders), as permitted by law.

**Use of Other Leave and Interplay**

To the extent permitted by law, employees may elect to charge all or part of their paid family leave time to unused vacation days and receive full pay. In such case, the Employer will seek reimbursement from the carrier out of any family leave benefits due prior to the carrier's payment of such family leave benefit to you.

With the exception of leave taken due to the employee's own health condition, paid family leave will run concurrently with leave taken pursuant to the Family and Medical Leave Act.

**Job and Benefits Protection**

Leave taken under this policy is job protected. Thus, the Employer must generally restore an employee who returns from leave to the same or a comparable position. While on leave, employees will continue to receive existing health insurance coverage, provided that they continue to pay their share of health insurance premiums. You may lose coverage retroactively to the date an unpaid premium was due (upon proper notice from our carrier) if you fail to pay your portion of the premium in a timely fashion.

**Limitations and Rules Related to Use of Paid Family Leave**

Paid family leave may only be taken in full day increments, unless otherwise provided by law.

Disability leave and paid family leave may not be used at the same time. You will not be entitled to paid family leave if your family leave combined with disability benefits previously received exceeds 26 weeks during the same 52 consecutive calendar weeks.

If you and your spouse both work for the Employer, paid family leave can be denied to more than one employee at the same time to care for the same family leave recipient, or to bond with a child.

**Funding of Paid Family Leave Benefits**

In accordance with state law, paid leave benefits are funded through payroll deductions at a prescribed amount from each eligible employee. Employees who are ineligible for paid family leave will be given the option of filing a waiver of benefits, exempting them from payroll deductions, as permitted by law.

Please see HR at Strada Mia or your Pinnacle Employee Services Representative if you have any questions about this benefit or how to apply.

## **DOMESTIC VIOLENCE VICTIM OR SEXUAL ASSAULT LEAVE**

Employees who are the victim of domestic violence or sexual assault are eligible for paid or unpaid leave for the following purposes: to seek medical attention for self or child\*, to obtain services from a domestic violence shelter/program or rape crisis center, to obtain psychological counseling for self or child\*, participate in safety planning, to get legal services, act to increase safety from future incidents (including permanent or temporary relocation), to appear in court or assist in prosecution of domestic violence offense. Employees may take this leave with their vacation pay, Paid Family Leave, or Family Medical Leave Act if they pertain to them. If more time off is needed it will be unpaid.

\*Unless the employee is the perpetrator of domestic violence against child

If possible, employees must provide reasonable advanced notice of absence to their direct supervisor or HR department of Strada Mia. If advanced notice is not feasible, employers may ask for documentation regarding the domestic violence or sexual assault.

Domestic violence and assault may carry over into the workplace; in order to maintain the safety of Strada Mia and employees, PES and Strada Mia encourage any employee who has a safety concern to alert their direct supervisor or Strada Mia. Please see the Violence in our Workplace portion of this handbook for more information.

## **NURSING MOTHERS IN THE WORKPLACE**

Strada Mia will provide a reasonable unpaid break time or permit employees to use a paid break period or meal period each day to allow an employee to express breast milk for her nursing child for up to three years following childbirth. Strada Mia will make reasonable effort to provide a room or other location where the employee can express milk in privacy.

## **BLOOD DONATION POLICY**

In compliance with NY state law, Strada Mia will provide an unpaid leave of up to three (3) hours per twelve-month period to employees for the purpose of blood donation. Employees are required to seek prior approval from their immediate supervisor and may choose to use accrued sick leave, personal leave, or vacation for all or part of the leave taken for blood donation purposes.

## **EMPLOYEE ASSISTANCE PROGRAM (EAP)**

Pinnacle Employee Services will provide **confidential and voluntary** assistance to all employees and their family members who may be faced with dynamic challenges of financial concerns, legal issues, alcohol or drug problems, marital problems, illness of a family member, emotional worries, child care problems, etc.

Employees and family members can refer themselves to the EAP. The program may be reached 24 hours a day on weekdays and weekends.

EAP counselors are available to meet with employees or family members to assess a problem and develop a plan for resolution. The counselors may suggest a referral to an outside resource, such as a therapist, agency, physician, treatment facility or other professional that would be appropriate to assist in resolving the problem or situation. Where an employee may be in need of information, a referral or suggestion may be made over the telephone. There is no charge for employees or their families to use the services of the EAP.

Employees who need to visit the EAP during regular work hours must use sick, vacation or personal time. If illness is involved, sick, vacation and/or personal time may be used for treatment or rehabilitation on the same basis that it is granted for other health problems.

The EAP counselors will make every effort to coordinate referral for ongoing treatment with the employee's health insurance coverage as well as his/her ability to pay.

When an employee's job performance or attendance is unsatisfactory or there appears to be signs of other problems during the workday, the supervisor should counsel the employee in consultation with an EAP in-take counselor with an end toward resolving the situation. If the employee appears to be unable or unwilling to correct the situation, s/he may be referred to the EAP to assist in the resolution of the problem. Depending on the situation, the employee may accept or refuse participation in the EAP. However, there may be situations where continued employment at Pinnacle Employee Services and Strada Mia be contingent upon the employee calling the EAP for assistance.

Participation in the Agency's EAP Program does not jeopardize job security or promotional opportunities. However, it does not excuse the employee from following Agency policies and procedures or meeting required standards for satisfactory job performance except where specific accommodations are required by law.

**REMINDER:** All contact between an employee and the EAP is held strictly confidential. In cases where an employee's continued employment is contingent upon calling the EAP, the EAP counselor will only verify whether or not the employee has contacted the EAP and, if ongoing treatment is necessary, that the employee is following through on the treatment.

## **ACCOMMODATION OF EMPLOYEES WITH DISABILITIES**

An employee who is disabled pursuant to either the Americans with Disabilities Act or the New York Human Rights Law has the right to request a work accommodation which will permit the employee to perform essential functions of his or her position. Whether a reasonable accommodation is available will be determined on a case-by-case basis and in accordance with state and federal law. Any request for an accommodation should be made to the employee's immediate supervisor.

## **Conclusion**

### **SEPARATION FROM EMPLOYMENT**

In the event that you resign from PES and Strada Mia, we request that you provide at least a two-week notice.

Employees who resign or are discharged will receive their final paycheck on the next scheduled payday.

Employees who retire, resign, voluntarily quit, are terminated/discharged, get laid off, or for any other reason are no longer working for Strada Mia, will not receive compensation for unused PTO.

### **FURTHER INFORMATION**

If you have a question or concern that is not addressed in this handbook, or if you would like further information, always feel free to speak with your immediate on site supervisor or PES's central office (315) 295-3881. They can best answer your questions and provide you with further information or direct you to someone who can.

Communication and understanding are an important aspect of any business. We encourage you to communicate your feelings, concerns, and ideas about our operations as we will likewise communicate with you concerning developments and changes that occur.

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**SUBSCRIBER INFORMATION**

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Congratulations! You are now co-employed by Pinnacle Employee Services and

**Strada Mia**  
**313 N. Geddes St.**  
**Syracuse, NY 13204**  
**(315) 883-5995**

**PAYDAY**

You will be paid weekly on Thursday for the previous work week. The work week is Monday - Sunday.

**SCHEDULE**

Normal business hours are Tuesday – Friday 11:30 AM to 10:00 PM and Saturday 4:00 PM to 10:00 PM. Employee's schedules will vary depending on business needs. Employees will be required to arrive earlier and stay later than the business hours. You will need to check the schedule every week to make sure that you know when you are working. It is your responsibility to keep track of when you are working. If you cannot make your scheduled shift, you must get your shift covered and notify management of the switch.

Strada Mia may be open on off hours for banquets or other events. Employees should arrive with enough time to make sure you are ready to work when your shift begins.

**LUNCH BREAK**

You will be required to take a 30-minute unpaid meal break when working more than 6 hours a day.

**FOOD DISCOUNT WHILE WORKING**

Employees who work more than 4 hours in their shift will receive a 50% discount on food up to \$20 off their total that they order at Strada Mia. Food cannot be taken to go and must be eaten on Strada Mia premises. The discount does not apply to employees who are not working or family members of employees. Contact your direct supervisor or management if you have any questions.

**DRESS**

Employees are expected to come to work in a manner that is neat, clean, and appropriate for a food service environment. Clothing with rips, tears, or inappropriate/offensive verbiage is prohibited. Hair must be clean, well groomed, and pulled back off the shoulders. Hands, fingernails, and nail polish should be well groomed. Facial hair should be neat and well-trimmed. Reasonable tattoos and piercings will be permitted at the discretion of management. For piercings: No visible piercing other than ear piercing (including nose,

lips, eyebrow, etc.). Management reserves the right to require employees to remove or cover any piercings or tattoos deemed inappropriate.

Servers are required to wear all black clothing and black non-slip shoes

Hostess are required to wear business casual no jeans/tee shirts

Bartenders are required to wear business casual no jeans/tee shirts

Kitchen staff are required to wear all black, no jeans, no shorts, black non-slip shoes, hats & gloves required per health dept.

Depending on events or game days employees may be required to wear specific clothing. Please check with your manager to make sure that you show up to work correctly.

### **BEREAVEMENT LEAVE**

All employees are eligible for unpaid bereavement leave in the event of the death of an immediate family member for up to three (3) days. Part-time employees will receive unpaid bereavement leave based on the hours normally scheduled to work on the day the leave is taken. Temporary employees are not eligible for bereavement leave but may receive time off without pay.

Immediate family members are defined as: Employee's spouse, domestic partner, child, stepchild, parent, stepparent, grandparent, grandchild, sibling, stepsibling, mother-in-law, father-in-law, sister-in-law, brother-in-law, daughter-in-law, or son-in-law. (Note: Must be current in-laws.)

An employee will be granted unpaid bereavement leave for one workday to attend the funeral of an extended family member. Each request is reviewed by the Company on a case-by-case basis. Extended family members are defined as: Employee's uncle, aunt, niece, nephew, cousin, or another member of the employee's household.

Please notify management immediately if the need to use bereavement leave arises. Management authorizes the use of bereavement leave and has discretion to deny bereavement leave under exceptional circumstances. Within a reasonable time period, you may be required to provide verification of need (obituary, death certificate, etc.).

### **PERSONAL / SICK TIME**

All employees will be eligible for sick time. Employees will accrue 1 hour for every 30 hours worked to a maximum of 40 hours each year. Employees can carry over up to 40 hours of unused sick time into the following year; however, employees cannot use more time than what they would accrue each year. If employees carry over unused sick time, the amount they carry over will be subtracted from the total accrual to make up the difference for the total amount.

For example, an employee is to accrue 40 hours each year. They have 10 hours of sick time remaining from the previous year they want to roll over. The employee will roll over the 10 hours and will accrue 30 hours that year for a total of 40 hours of sick time. Employees will not receive payment in lieu of taking unused sick time.

Employees must take sick time in 4-hour increments. Employees can take sick leave for the following reasons:

- Mental or physical illness, injury, or health condition of an employee, or the employee's family member (regardless of whether a diagnosis has been made).
- Diagnosis, care, or treatment of a mental or physical illness injury, health condition, a medical diagnosis, or preventative care for, the employee or employee's family member.
- Absence when an employee or employee's family member has been the victim of domestic violence, a family offense, sexual offense, stalking, or human trafficking and seeks to obtain services with a shelter, attorney, or law enforcement, or takes "any further action to ensure the health and safety of the employee or family member, or to protect those who associate or work with the employee."

**Covered Family Members:** A family member is defined as an employee's child, spouse, domestic partner, parent, sibling, grandchild, grandparent, the child, or parent of an employee's spouse or domestic partner. A parent is defined as a biological, foster, step- or adoptive parent, legal guardian of an employee, or a person who stood in loco parentis when the employee was a minor. A child is defined as a biological, adopted, foster child, a legal ward, or a child of an employee standing in loco parentis.

Employees who retire, resign, voluntarily quit, are terminated/discharged, get laid off, or for any other reason are no longer working for Strada Mia, will not receive compensation for unused sick leave.

**RECEIPT OF EMPLOYEE HANDBOOK**

I have received and read or will read a copy of the employee handbook. I understand that the rules, policies, and benefits contained in the employee handbook may be updated, modified, or deleted at any time and that it is my responsibility to stay informed of any changes.

**I will comply with the rules and regulations of PES and Strada Mia. I understand that my employment and compensation are “at will,” which means they can be terminated at PES’s and Strada Mia or at my own option, with or without cause and without notice at any time.**

I also understand that neither this handbook nor any other communication by a management representative is intended in any way to create a contract of employment or to limit PES’s or Strada Mia’s discretion to discipline me or terminate my employment.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name