

# **Porthole Restaurant and Pub**

**Porthole Hospitality**

**February 14, 2025**

# TABLE OF CONTENTS

<b>CORE POLICIES</b>	<b>4</b>
1.0 WELCOME	4
1.1 A Welcome Policy	4
1.2 At-Will Employment	4
2.0 INTRODUCTORY LANGUAGE AND POLICIES	4
2.1 About the Company	4
2.2 Ethics Code	4
2.3 Revisions to Handbook	5
3.0 HIRING AND ORIENTATION POLICIES	5
3.1 Accommodations for Pregnancy, Childbirth, and Related Medical Conditions	5
3.2 Conflicts of Interest	6
3.3 Disability Accommodation	6
3.4 Employment Authorization Verification	6
3.5 Employment of Relatives and Friends	6
3.6 Job Descriptions	7
3.7 New Hires and Introductory Periods	7
3.8 Posting of Openings	7
3.9 Religious Accommodation	7
3.10 Training Program	7
4.0 WAGE AND HOUR POLICIES	8
4.1 Attendance	8
4.2 Business Expenses	8
4.3 Direct Deposit	8
4.4 Employment Classifications	9
4.5 Introduction to Wage and Hour Policies	9
4.6 Paycheck Deductions	9
4.7 Posting of Work Schedules	9
4.8 Recording Time	9
4.9 Travel Expenses	10
4.10 Workday/Workweek	11
5.0 PERFORMANCE, DISCIPLINE, LAYOFF, AND TERMINATION	11
5.1 Criminal Activity/Arrests	11
5.2 Disciplinary Process	11
5.3 Exit Interview	11
5.4 Open Door/Conflict Resolution Process	11
5.5 Outside Employment	12
5.6 Pay Raises	12
5.7 Performance Reviews	12
5.8 Post-Employment References	12
5.9 Promotions	12
5.10 Resignation Policy	12
5.11 Standards of Conduct	13
5.12 Transfers	14
5.13 Workforce Reductions (Layoffs)	14
6.0 GENERAL POLICIES	14
6.1 Computer Security and Copying of Software	14
6.2 Employer Sponsored Social Events	14
6.3 Employer-Provided Cell Phones/Mobile Devices	14
6.4 Incentive Programs	15
6.5 Mail Use	15
6.6 Nonsolicitation/Nondistribution Policy	15
6.7 Off-Duty Use of Employer Property or Premises	16
6.8 Personal Appearance	16
6.9 Personal Cell Phone/Mobile Device Use	16
6.10 Personal Data Changes	17
6.11 Security	17
6.12 Social Media	17
6.13 Suggestion Policy	18
6.14 Telecommuting	18
6.15 Telephone Use	18
6.16 Third Party Disclosures	19
6.17 Use of Company Technology	19
6.18 Workplace Privacy and Right to Inspect	19
7.0 BENEFITS	20
7.1 401(k) Plan	20

7.2 Bereavement Leave	20
7.3 COBRA	20
7.4 Dental Insurance	20
7.5 Employee Assistance Program (EAP)	20
7.6 Family and Medical Leave (FMLA)	21
7.7 Federal Jury Duty Leave	24
7.8 Health Insurance	24
7.9 Holidays	24
7.10 Military Leave (USERRA)	24
7.11 Paid Time Off (PTO)	25
7.12 Personal Leave of Absence	25
7.13 Unemployment Compensation Insurance	27
7.14 Vacation	27
7.15 Vision Care Insurance	27
7.16 Workers' Compensation Insurance	27
8.0 SAFETY AND LOSS PREVENTION	27
8.1 Business Closure and Emergencies	27
8.2 Drug and Alcohol Policy	28
8.3 General Safety	29
8.4 Workplace Tobacco Usage	29
8.5 Workplace Violence	29
9.0 TRADE SECRETS AND INVENTIONS	30
9.1 Confidentiality and Nondisclosure of Trade Secrets	30
9.2 Inventions	30
10.0 CUSTOMER RELATIONS	30
10.1 Customer, Client, and Visitor Relations	30
10.2 Products and Services Knowledge	31
<b>MAINE POLICIES</b>	<b>32</b>
HIRING AND ORIENTATION POLICIES	32
Communications Regarding Religious or Political Matters	32
EEO Statement and Nonharassment Policy	32
WAGE AND HOUR POLICIES	34
Accommodations for Nursing Mothers	34
Meal and Rest Periods	34
Overtime	34
Pay Period	34
Wage Disclosure Protection	34
BENEFITS	35
Domestic/Sexual Violence Leave	35
Extreme Public Health Emergency Leave	35
Family Military Leave	36
Family and Medical Leave (MFMLA)	36
Jury Duty Leave	38
Legislator Leave	38
Maine Earned Paid Leave (Accrual Method)	38
<b>CUSTOM POLICIES</b>	<b>40</b>
CUSTOM POLICIES	40
Direct Deposit & Paycheck Availability Policy	40
Diversity, Equity and Inclusion	40
Employee Fraternalization Policy	40
No Weapons Policy	41
Service Animals	41
<b>CLOSING STATEMENT</b>	<b>43</b>
<b>ACKNOWLEDGMENT OF RECEIPT AND REVIEW</b>	<b>44</b>
<b>APPENDIX</b>	<b>45</b>

# Core Policies

## 1.0 Welcome

### 1.1 A Welcome Policy

Welcome! You have just joined a dedicated organization. We hope that your employment with Porthole Restaurant and Pub will be rewarding and challenging. We take pride in our employees as well as in the products and services we provide.

The Company complies with all federal and state employment laws, and this handbook generally reflects those laws. The Company also complies with any applicable local laws, although there may not be an express written policy regarding those laws contained in the handbook.

The employment policies and/or benefits summaries in this handbook are written for all employees. When questions arise concerning the interpretation of these policies as they relate to employees who are covered by a collective-bargaining agreement, the answers will be determined by reference to the actual union contract, rather than the summaries contained in this handbook.

Please take the time now to read this handbook carefully. Sign the acknowledgement at the end to show that you have read and understand the contents of this handbook, which sets out the basic rules and guidelines concerning your employment. This handbook supersedes any previously issued handbooks or policy statements dealing with the subjects discussed herein. The Company reserves the right to interpret, modify, or supplement the provisions of this handbook at any time. Neither this handbook nor any other communication by a management representative or other, whether oral or written, is intended in any way to create a contract of employment. Please understand that no employee handbook can address every situation in the work place.

If you have questions about your employment or any provisions in this handbook, contact Human Resources.

We wish you success in your employment here at Porthole Restaurant and Pub!

### 1.2 At-Will Employment

Your employment with Porthole Restaurant and Pub is on an "at-will" basis. This means your employment may be terminated at any time, with or without notice and with or without cause. Likewise, we respect your right to leave the Company at any time, with or without notice and with or without cause.

Nothing in this handbook or any other Company document should be understood as creating a contract, guaranteed or continued employment, a right to termination only "for cause," or any other guarantee of continued benefits or employment. Only the . has the authority to make promises or negotiate with regard to guaranteed or continued employment, and any such promises are only effective if placed in writing and signed by the ..

If a written contract between you and the Company is inconsistent with this handbook, the written contract is controlling.

Nothing in this handbook will be interpreted, applied, or enforced to interfere with, restrain, or coerce employees in the exercise of their rights under Section 7 of the National Labor Relations Act.

## 2.0 Introductory Language and Policies

### 2.1 About the Company

We would like to welcome you to Porthole Restaurant and Pub! Porthole Restaurant and Pub isn't just a great dinner spot. In fact, some locals claim it has the best breakfast in the city. This seafood joint can be found on Custom House Wharf, which is right off Commercial Street along the harbor. It has a fun maritime energy to it, and locals and tourists alike fill its casual dining seats.

### 2.2 Ethics Code

Porthole Restaurant and Pub will conduct business honestly and ethically wherever operations are maintained. We strive to improve the quality of our services, products, and operations and will maintain a reputation for honesty, fairness, respect, responsibility, integrity, trust, and sound business judgment. Our managers and employees are expected to adhere to high standards of business and personal integrity as a representation of our business practices, at all times consistent with their duty of loyalty to the Company.

We expect that officers, directors, and employees will not knowingly misrepresent the Company and will not speak on behalf of the Company unless specifically authorized. The confidentiality of trade secrets, proprietary information, and similar confidential

commercially-sensitive information (e.g., financial or sales records/reports, marketing or business strategies/plans, product development, customer lists, patents, or trademarks) about the Company or operations, or that of our customers or partners, is to be treated with discretion and only disseminated on a need-to-know basis (see policies relating to privacy).

Violation of the Ethics Code can result in discipline, up to and including termination of employment. The degree of discipline imposed may be influenced by the existence of voluntary disclosure of any ethical violation and whether or not the violator cooperated in any subsequent investigation.

## **2.3 Revisions to Handbook**

This handbook is our attempt to keep you informed of the terms and conditions of your employment, including Porthole Restaurant and Pub policies and procedures. The handbook is not a contract. The Company reserves the right to revise, add, or delete from this handbook as we determine to be in our best interest, except the policy concerning at-will employment. When changes are made to the policies and guidelines in this handbook, we will communicate them promptly, either in a written supplement to the handbook or by posting (on company bulletin boards or websites).

## **3.0 Hiring and Orientation Policies**

### **3.1 Accommodations for Pregnancy, Childbirth, and Related Medical Conditions**

Porthole Restaurant and Pub recognizes the importance of supporting employees experiencing limitations related to pregnancy, childbirth, or related medical conditions by providing reasonable accommodations. We are committed to complying with the federal Pregnant Workers Fairness Act (PWFA) and any applicable state or local laws offering additional protections.

Examples of reasonable accommodations include:

- Additional break time for restroom use, meals, hydration, and rest.
- Seating options allowing for sitting or standing as needed.
- Schedule changes, part-time work, and paid and unpaid leave.
- Flexible work hours to accommodate medical appointments and physical needs.
- Telework (remote work).
- Closer parking spots to the workplace entrance.
- Light duty.
- Making existing facilities accessible or modifying the work environment.
- Job restructuring.
- Temporarily suspending one or more essential functions of your job.
- Acquiring or modifying equipment, uniforms, or devices.
- Adjusting or modifying examinations or policies.

If you require an accommodation, notify your Manager. In instances where the need for a particular accommodation is not obvious, you may be asked to provide:

- The reason an accommodation is needed.
- A description of the proposed accommodation.
- Information on how the accommodation will effectively address your limitations.

Medical documentation will not be required in the following situations:

- When the limitation and need for an accommodation is obvious.
- If the Company is already aware of the limitation due to previous disclosures.
- When requesting accommodations such as additional restroom breaks, fluid intake, food breaks, or seating arrangements, which are considered presumptively reasonable.
- For any lactation accommodations.
- When a similar accommodation has been provided to other employees without requiring documentation.

The Company will engage in an interactive process with you to identify suitable accommodations. While we strive to accommodate all requests, certain accommodations may not be provided if they would result in undue hardship to the Company. Factors considered include the nature and cost of the accommodation, the overall financial resources of the facility, and the impact on operations, including safety and efficiency.

If leave is provided as a reasonable accommodation, it may run concurrently with leave under the federal Family and Medical Leave Act

(FMLA) and/or any other applicable leave as permitted by law.

The Company strictly prohibits retaliation against employees who request or utilize an accommodation under this policy.

### **3.2 Conflicts of Interest**

Porthole Restaurant and Pub is concerned with conflicts of interest that create actual or potential job-related concerns, especially in the areas of confidentiality, customer relations, safety, security, and morale. If there is any actual or potential conflict of interest between you and a competitor, supplier, distributor, or contractor to the Company, you must disclose it to your Manager. If an actual or potential conflict of interest is determined to exist, the Company will take such steps as it deems necessary to reduce or eliminate this conflict.

### **3.3 Disability Accommodation**

Porthole Restaurant and Pub complies with the Americans with Disabilities Act (ADA), the Pregnancy Discrimination Act, and all applicable state and local fair employment practices laws, and is committed to providing equal employment opportunities to qualified individuals with disabilities, including disabilities related to pregnancy, childbirth, and related conditions. Consistent with this commitment, the Company will provide reasonable accommodation to otherwise qualified individuals where appropriate to allow the individual to perform the essential functions of the job, unless doing so would create an undue hardship on the business.

If you require an accommodation because of your disability, it is your responsibility to notify your Manager. You may be asked to include relevant information such as:

- The reason you need an accommodation.
- A description of the proposed accommodation.
- How the accommodation will help you perform the essential functions of your job.

After receiving your request, the Company will engage in an interactive dialogue with you to determine the precise limitations of your disability and explore potential reasonable accommodations that could overcome those limitations. Where appropriate, we may need your permission to obtain additional information from your medical provider. All medical information received by the Company in connection with a request for accommodation will be treated as confidential.

The Company encourages you to suggest specific reasonable accommodations that you believe would allow you to perform your job. However, the Company is not required to make the specific accommodation requested by you and may provide an alternative accommodation, to the extent any reasonable accommodation can be made without imposing an undue hardship on the Company.

Where state or local law provides greater protections to employees than federal law, the Company will apply the law that provides the greatest benefit to employees.

If leave is provided as a reasonable accommodation, such leave may run concurrently with leave under the federal Family and Medical Leave Act and/or any other leave where permitted by state and federal law.

The Company will not discriminate or retaliate against employees for requesting an accommodation.

### **3.4 Employment Authorization Verification**

New hires will be required to complete Section 1 of federal Form I-9 on the first day of paid employment and must present acceptable documents authorized by the U.S. Citizenship and Immigration Services proving identity and employment authorization no later than the third business day following the start of employment with Porthole Restaurant and Pub. If you are currently employed and have not complied with this requirement or if your status has changed, inform your Manager.

If you are authorized to work in this country for a limited period of time, you will be required to submit proof of renewed employment eligibility prior to expiration of that period to remain employed by the Company.

### **3.5 Employment of Relatives and Friends**

We encourage you to recruit friends and family that you feel will be a good addition to our growing team. Upon hiring friends or relatives we will determine if actual or potential conflicts may arise that could compromise supervision, safety, confidentiality, security, and morale at Porthole Restaurant and Pub. It is your obligation to inform the Company of any such potential conflict so the Company can determine how best to respond to the situation. See also - Fraternalization Policy.

From time to time, depending on the needs of the business, we may offer referral bonuses for new hires. You may be eligible for a referral bonus when you refer new employees. Please check with management upon hire if a referral bonus is available. If so, you will be required to sign "Employee Referral Bonus Form" within the first week of new hire's employment. The bonus will only be paid if an active bonus is being offered at the time of hire and the referral form is completed.

### **3.6 Job Descriptions**

Porthole Restaurant and Pub attempts to maintain a job description for each position. If you do not have a current copy of your job description, you should request one from your Manager.

Job descriptions prepared by the Company serve as an outline only. Due to business needs, you may be required to perform job duties that are not within your written job description. Furthermore, the Company may have to revise, add to, or delete from your job duties per business needs. On occasion, the Company may need to revise job descriptions with or without advance notice to employees.

If you have any questions regarding your job description or the scope of your duties, please speak with your Manager.

### **3.7 New Hires and Introductory Periods**

The first 60 days of your employment is considered an introductory period. During this period, you will become familiar with Porthole Restaurant and Pub and your job responsibilities, and we will have the opportunity to monitor the quality and value of your performance and make any necessary adjustments in your job description or responsibilities. Completion of this introductory period does not imply guaranteed or continued employment. Nothing that occurs during or after this period should be construed to change the nature of the "at-will" employment relationship.

### **3.8 Posting of Openings**

Porthole Restaurant and Pub desires to promote qualified employees from within where it believes that is possible, consistent with the need to assure that all positions are staffed by highly competent individuals. New job openings generally will be posted on the bulletin board, as well as on our Internet and/or social media sites.

### **3.9 Religious Accommodation**

Porthole Restaurant and Pub recognizes the diversity of religious beliefs and is committed to providing equal employment opportunities to all employees, regardless of their religious beliefs and practices or lack thereof. Consistent with this commitment, the Company complies with Title VII of the Civil Rights Act of 1964 and all applicable state and local laws that prohibit employment discrimination on the basis of religion. The Company will reasonably accommodate the sincerely held religious beliefs of employees if the accommodations would resolve a conflict between the individual's religious belief or practice and a work requirement, unless doing so would create an undue hardship.

#### **Requesting a Religious Accommodation**

If you need an accommodation because of your religious beliefs or practices, make the request with your Manager. You may be asked to include relevant information such as:

- A description of the proposed accommodation.
- The reason you need the accommodation.
- How the accommodation will help resolve the conflict between your religious beliefs or practices (or lack thereof) and your work requirements.

After receiving your request, the Company will engage in an interactive dialogue with you to explore potential accommodations that could resolve the conflict between your religious beliefs or practices and work requirements. The Company encourages you to suggest specific reasonable accommodations. However, the Company is not required to make the specific accommodation requested by you and may provide an alternative accommodation, to the extent any reasonable accommodation can be made without imposing an undue hardship on the Company.

The Company will not discriminate or retaliate against employees who, in good faith, request a religious accommodation under this policy.

### **3.10 Training Program**

In most cases, and for most departments, training employees is done on an individual basis by the department manager. Even if you have

had previous experience in the specified functions of your job duties, it is necessary for you to learn our specific procedures, as well as the responsibilities of the specific position. If you ever feel you require additional training, consult your Manager.

## **4.0 Wage and Hour Policies**

### **4.1 Attendance**

Porthole Restaurant and Pub requires regular and punctual attendance by employees. You are expected to arrive at the workplace on time and ready to perform your job. Failure to comply with this policy may result in disciplinary action, up to and including termination.

If you are not going to arrive at work or return from a break on time, you must notify your Manager as soon as possible before your scheduled start time. If your Manager is not available, contact another member of management.

If you must miss work due to an emergency or other unexpected circumstance, notify your Manager as soon as possible. Notice should include the expected duration of your absence and your expected time or date of return. You may be required to provide documentation of the need for the absence, as permitted by applicable law.

If you become ill during your scheduled workday and need to leave before the end of your shift, notify your Manager immediately. If you are unable to perform your job at an acceptable level due to illness, you may be sent home until you are well enough to work.

Absences will be considered excused if you requested time off in accordance with Company policies and received the required approval for the absence. Absences will be considered unexcused if you are absent from work during scheduled work hours without permission and do not receive retroactive approval. This policy applies to all absences, including full- or partial-day absences, late arrivals, and early departures.

Planned absences, such as vacations or medical appointments, should be arranged as far in advance as possible. If you need to be absent during the workday, attempt to schedule outside appointments or obligations so that your absence has the smallest impact possible on business operations.

The Company reserves the right to apply unused vacation, sick time, or other paid time off to unauthorized absences when permitted by applicable law. Absences resulting from approved leave, vacation, or legal requirements are exceptions to this policy.

If you fail to report to work for 2 (two) or more consecutive days and have not provided proper notification, the Company will assume that you have voluntarily resigned your position and will proceed with the termination process.

### **4.2 Business Expenses**

The purpose of this policy is to define approved nontravel business expenses and the authority for incurring and approving such expenses at Porthole Restaurant and Pub.

Porthole Restaurant and Pub will reimburse for items through an employee's pay when an employee makes a purchase on behalf of the company and has not used a company method of payment. The items need to be approved BEFORE purchasing by the manager and be reflected in the budget. All purchases should be made through approved vendors and these purchases should be limited.

Expenses must be submitted at the end of each week by Sunday.

Process:

1. Fill out expense report and email to payroll processor & accounting department
2. Include receipts
3. Give original receipts to accounting department

### **4.3 Direct Deposit**

Every employee (aside from 1099 classified workers) must be onboarded on payroll, even if you work one day a year. Employees are paid on a Weekly basis. Our pay period goes from Monday - Sunday. Employees are paid on each Friday. All employees are required to use direct deposit and have their paychecks deposited into a bank account of an accredited participating bank or credit union. This account needs to be in the employee's name. Your direct deposit may bounce if it is not and you will have to wait until the following pay period to receive your check.

You can access your paystub online through our payroll company online. You will be able to set this account up once you have completed your onboarding.

## 4.4 Employment Classifications

The Company designates all employees as either exempt or nonexempt in compliance with applicable federal, state, and local law:

- **Exempt Employees.** Exempt employees are generally paid a fixed salary and are not entitled to overtime pay.
- **Nonexempt Employees.** Nonexempt employees are entitled to minimum wage and overtime pay.

The Company also assigns each employee to one of the following categories:

- **Regular Full-Time Employees.** Regular full-time employees are normally scheduled to work at least 30 hours per workweek, except for approved time off. Full-time employees are eligible for most Company benefits.
- **Regular Part-Time Employees.** Regular part-time employees are normally scheduled to work 29.99 hours or less per workweek. Part-time employees are not eligible for most Company benefits.
- **Seasonal Employees.** Temporary employees are generally hired on a temporary or project-specific basis, with either full- or part-time hours. Seasonal employees are hired on a temporary basis during a time of year when extra work is available. Temporary/seasonal employees are not eligible for most Company benefits.

You will be informed of your classification, status, and responsibilities at the time of hire and at any time your classification, status, or responsibilities change. If you have a question regarding this information, contact your manager or Human Resources. These classifications do not alter your employment at-will status.

## 4.5 Introduction to Wage and Hour Policies

At Porthole Restaurant and Pub, pay depends on a wide range of factors, including pay scale surveys, individual effort, profits, and market forces. If you have any questions about your compensation, including matters such as paid time off, commissions, overtime, benefits, or paycheck deductions, speak with your Manager.

## 4.6 Paycheck Deductions

Porthole Restaurant and Pub is required by law to make certain deductions from your pay each pay period, including deductions for federal income tax, Social Security and Medicare (FICA) taxes, state income taxes, state unemployment taxes, state disability insurance taxes, and any other deductions required under law or by court order for wage garnishments. The amount of your tax deductions will depend on your earnings and the information you list on your federal Form W-4 and applicable state withholding form. Permissible deductions for exempt employees may also include, but are not limited to, deductions for full-day absences for reasons other than sickness or disability and certain disciplinary suspensions. You may also authorize certain voluntary deductions from your paycheck where permissible under state law. You will be required to sign a paycheck deduction form to do so. Your deductions will be reflected in your wage statement. If you have any questions about deductions from your pay, contact your Manager.

The Company will not make deductions to your pay that are prohibited by federal, state, or local law. Review your paycheck for errors each pay period and immediately report any discrepancies to your Manager.

You will be reimbursed in full for any isolated, inadvertent, or improper deductions, as defined by law. If an error is found, you will receive an immediate adjustment, which will be paid no later than your next regular payday.

The Company will not retaliate against employees who report erroneous deductions in accordance with this policy.

## 4.7 Posting of Work Schedules

All work schedules will be emailed and posted by register based on your department on every Monday for the following week. If, by Saturday afternoon, you are uncertain of your work schedule for the following week, please contact your supervisor.

## 4.8 Recording Time

Porthole Restaurant and Pub is required by applicable federal, state, and local laws to keep accurate records of hours worked by certain employees. To ensure that the Company has complete and accurate time records and that employees are paid for all hours worked, nonexempt employees are required to record all working time using Company [\[\[time cards/time sheets/punch clock/timekeeping application/other\]\]](#). Speak with your Manager for specific instructions.

You must accurately record all of your time to ensure you are paid for all hours worked, and must follow established Company procedures for recording your hours worked. Time must be recorded as follows:

- Immediately before starting your shift.
- Immediately after finishing work, before your meal period.
- Immediately before resuming work, after your meal period.
- Immediately after finishing work.
- Immediately before and after any other time away from work.
- **[[Other compensable time required by state law (such as time taken waiting to undergo and undergoing mandatory screenings)]]**.

**[[Time sheets/time cards are to be turned in to your Manager or appropriate department on (date or dates).]]**

**[[If you are required to clock in, you should clock in no more than five minutes before the time you actually start working and clock out no later than five minutes after you actually stop working.]]**

Notify your Manager **[[or appropriate department]]** of any pay discrepancies, unrecorded or misrecorded work hours, or any involuntarily missed meal or break periods.

Falsifying time entries is strictly prohibited. Falsifying time entries includes working "off the clock." If you falsify your own time records, or the time records of co-workers, or if you work off the clock, you will be subject to discipline up to and including termination. Immediately report to **[[appropriate department]]** any employee, supervisor, or manager who falsifies your time entries or encourages or requires you to falsify your time entries or work off the clock.

## 4.9 Travel Expenses

The purpose of this policy is to define approved travel expenses and the authority for incurring and approving such expenses at Porthole Restaurant and Pub. **Only approved travel expenses are eligible for reimbursement.**

Travel expenses are the reasonable and necessary expenses incurred by employees when traveling on approved Porthole Restaurant and Pub business trips. Travel is limited to business activities for which other means of communication is inadequate and for which prior approval from your Manager has been received.

Company vehicles are available for company travel and should be used whenever possible. Use of personal vehicle for company travel must be approved in advance as an expense.

### Travel Expenses

The Company pays the actual amounts incurred for appropriate expenses when you are on travel assignments. Examples of typical expenses include the following:

- Airline tickets.
- Meals and lodging.
- Car rental, bus, taxi, parking.
- Business supplies and services.
- Associated gratuities.
- Other expenses necessary to achieve the business purposes.

### Air Travel

Use economy or tourist class airfares when traveling on Company business. In addition, private, noncommercial aircraft or chartered aircraft is not to be used.

### Hotels

Neither in-room movies nor refreshment bars are approved Company expenses.

### Personal Vehicles

You may not use your personal vehicle for business travel without authorization. When approved, using your own vehicle for business purposes, you must maintain insurance coverage as required by law. You will be reimbursed for vehicle use at \$.45 a mile. The Owners must authorize any deviation from this policy.

## Reporting

Process:

1. Fill out expense report and email to payroll processor & accounting department
2. Include receipts
3. Give original receipts to accounting department

### 4.10 Workday/Workweek

Porthole Restaurant and Pub's workweek runs from Monday to Sunday. Employees may be required to come in early, work late, or work overtime from time to time, depending on various factors, such as workloads, staffing needs, and special projects.

## 5.0 Performance, Discipline, Layoff, and Termination

### 5.1 Criminal Activity/Arrests

Porthole Restaurant and Pub will report all criminal activity in accordance with applicable law. Involvement in criminal activity while employed by the Company, whether on or off Company property, may result in disciplinary action including suspension or termination of employment.

You are expected to be on the job, ready to work, when scheduled. Inability to report to work as scheduled may lead to disciplinary action, up to and including termination of employment, for violation of an attendance policy or job abandonment.

### 5.2 Disciplinary Process

Violation of Porthole Restaurant and Pub's policies or procedures may result in disciplinary action, including demotion, transfer, leave without pay, or termination of employment. The Company encourages a system of progressive discipline depending on the type of prohibited conduct. However, the Company is not required to engage in progressive discipline and may discipline or terminate employees who violate the rules of conduct, or where the quality or value of their work fails to meet expectations at any time. Again, any attempt at progressive discipline does not imply that your employment is anything other than on an "at-will" basis consistent with applicable law. Note that the specific terms of your employment relationship, including termination procedures, are governed by the laws of the state in which you are employed.

In appropriate circumstances, management will first provide you with a verbal warning, then with one or more written warnings, and if the conduct is not sufficiently altered, eventual demotion, transfer, forced leave, or termination of employment. Your Manager will make every effort possible to allow you to respond to any disciplinary action taken. Understand that while the Company is concerned with consistent enforcement of our policies, we are not obligated to follow any disciplinary or grievance procedure and, depending on the circumstances, you may be disciplined or terminated without any prior warning or procedure.

### 5.3 Exit Interview

You may be asked to participate in an exit interview when you leave Porthole Restaurant and Pub. The purpose of the exit interview is to provide management with greater insight into your decision to leave employment; identify any trends requiring attention or opportunities for improvement; and to assist the Company in developing effective recruitment and retention strategies. Your cooperation in the exit interview process is appreciated.

### 5.4 Open Door/Conflict Resolution Process

Porthole Restaurant and Pub strives to provide a comfortable, productive, legal, and ethical work environment. We understand that issues can and do arise in the work environment that should be discovered, discussed, and resolved. We are here to work through issues, but we cannot do so without knowledge of them. To this end, we want you to bring any problems, concerns, or grievances you have about the work place to the attention of your Manager and, if necessary, to Human Resources or upper level management. To help manage conflict resolution we have instituted the following problem solving procedure:

If you believe there is inappropriate conduct or activity on the part of the Company, management, its employees, vendors, guests, or any other persons or entities related to the Company, bring your concerns to the attention of your Manager at a time and place that will allow the person to properly listen to your concern. Most problems can be resolved informally through dialogue between you and your immediate Manager. If you have already brought this matter to the attention of your Manager before and do not believe you have received a sufficient response, or if you believe that person is the source of the problem, present your concerns to Human Resources or upper

level management. Describe the problem, those persons involved in the problem, efforts you have made to resolve the problem, and any suggested solution you may have.

## **5.5 Outside Employment**

Outside employment that creates a conflict of interest or affects the quality or value of your work performance or availability at Porthole Restaurant and Pub is prohibited. The Company recognizes that you may seek additional employment during off hours, but in all cases expects that any outside employment will not affect your attendance, job performance, productivity, work hours, or scheduling, or would otherwise adversely affect your ability to effectively perform your duties or in any way create a conflict of interest. Any outside employment that will conflict with your duties and obligations to the Company should be reported to your Manager. Failure to adhere to this policy may result in discipline up to and including termination.

While on a leave of absence, you may not work or be gainfully employed either for yourself or by another employer unless express, written permission to perform such outside work has been granted by the Company. If you are on a leave of absence and are found to be in violation of this policy, you will be subject to disciplinary action up to and including termination.

## **5.6 Pay Raises**

Depending on financial health and other Company factors, efforts will be made to give pay raises consistent with Porthole Restaurant and Pub profitability, job performance, and the consumer price index. The Company may also make individual pay raises based on merit or due to a change of job position.

## **5.7 Performance Reviews**

Porthole Restaurant and Pub will make efforts to periodically review your work performance. The performance review is a tool used to evaluate employee performance over the review period by assessing:

- Your performance of assigned job duties and responsibilities.
- Your achievement or lack of achievement of specific targets and goals.
- Other aspects of your performance (e.g., communication skills, professionalism, ability to collaborate, reliability, willingness to take initiative, etc.).

The performance review process will take place annually or as business needs dictate.

The performance review process is intended to increase the quality and value of your work performance. The review process may be used:

- As a basis for employment decisions, such as promotions and demotions.
- To improve the performance of underperforming employees.
- To document employee growth at the Company.

A positive performance review does not guarantee a pay raise or continued employment.

## **5.8 Post-Employment References**

Porthole Restaurant and Pub policy is to confirm dates of employment and job title. With written authorization, the Company will confirm compensation. Forward any requests for employment verification to Human Resources.

## **5.9 Promotions**

To match you with the job for which you are best suited and to meet the business needs of Porthole Restaurant and Pub, you may be transferred from your current job. It is our policy to promote from within only when the most qualified candidate is available. Promotions are made on an equal opportunity basis according to employees possessing the needed skills, education, experience, and other qualifications that are required for the job.

## **5.10 Resignation Policy**

Porthole Restaurant and Pub hopes that your employment with the Company will be a mutually rewarding experience; however, the Company acknowledges that varying circumstances can cause you to resign employment. The Company intends to handle any resignation in a professional

manner with minimal disruption to the workplace.

### **Notice**

The Company requests that you provide a minimum of two weeks' notice of your resignation. Provide a written resignation letter to your Manager. If you provide less notice than requested, the Company may deem you ineligible for rehire, depending on the circumstances of the notice given.

The Company reserves the right to accept your resignation as immediate or provide you with pay in lieu of notice in situations where job or business needs warrant. If you submit a two-week notice, but the Company determines that an immediate departure is in the best interest of the business, your resignation may be accepted as effective immediately. In such cases, you will receive your final pay in accordance with company policy and applicable laws.

### **Final Pay**

The Company will pay separated employees in accordance with applicable laws and other sections of this handbook.

Notify the Company if your address changes during the calendar year in which resignation occurs to ensure tax information is sent to the correct address.

### **Return of Property**

Return all Company property at the time of separation, including uniforms, keys, tools, laptops, cellphones, credit cards, etc. Failure to return some items may result in deductions from your final paycheck where state law allows. In some circumstances, the Company may pursue criminal charges for failure to return Company property.

## **5.11 Standards of Conduct**

Porthole Restaurant and Pub wishes to create a work environment that promotes job satisfaction, respect, responsibility, integrity, and value for all our employees, clients, customers, and other stakeholders. We all share in the responsibility of improving the quality of our work environment. By deciding to work here, you agree to follow our rules.

While it is impossible to list everything that could be considered misconduct in the workplace, what is outlined here is a list of common-sense infractions that could result in discipline, up to and including immediate termination of employment. This policy is not intended to limit our right to discipline or discharge employees for any reason permitted by law.

Examples of inappropriate conduct include:

- Violation of the policies and procedures set forth in this handbook.
- Possessing, using, distributing, selling, or negotiating the sale of illegal drugs or other controlled substances.
- Being under the influence of alcohol during working hours on Company property (including in Company vehicles), or on Company business.
- Inaccurate reporting of the hours worked by you or any other employees.
- Providing knowingly inaccurate, incomplete, or misleading information when speaking on behalf of the Company or in the preparation of any employment-related documents including, but not limited to, job applications, personnel files, employment review documents, intra-company communications, or expense records.
- Taking or destroying Company property.
- Possession of potentially hazardous or dangerous property such as firearms, weapons, chemicals, etc., without prior authorization.
- Fighting with, or harassment of (as defined in our EEO policy), any fellow employee, vendor, or customer.
- Disclosure of Company trade secrets and proprietary and confidential commercially sensitive information (e.g., financial or sales records/reports, marketing or business strategies/plans, product development information, customer lists, patents, or trademarks) of the Company or its customers, contractors, suppliers, or vendors.
- Refusal or failure to follow directions or to perform a requested or required job task.

- Refusal or failure to follow safety rules and procedures.
- Excessive tardiness or absences.
- Smoking in nondesignated areas.
- Working unauthorized overtime.
- Solicitation of fellow employees on Company premises during working hours.
- Failure to dress according to Company policy.
- Use of obscene or harassing (as defined by our EEO policy) language in the workplace.
- Engaging in outside employment that interferes with your ability to perform your job at this Company.
- Gambling on Company premises.
- Lending keys or keycards to Company property to unauthorized persons.

Nothing in this policy is intended to limit your rights under the National Labor Relations Act, or to modify the at-will employment status where at-will is not prohibited by state law.

## **5.12 Transfers**

Porthole Restaurant and Pub may transfer your employment from one position to another with or without notice, as required by production or service needs, or upon request by you and with management approval. Transfers longer than 90 days may be considered final and your paycheck may be increased or decreased consistent with the pay scale for your new position.

## **5.13 Workforce Reductions (Layoffs)**

If necessary, based upon business needs, Porthole Restaurant and Pub management may decide to implement a reduction in force (RIF). We acknowledge that RIFs can be a trying experience for all involved, and the Company will make its best effort to make sound business decisions while acknowledging the needs of its workforce.

## **6.0 General Policies**

### **6.1 Computer Security and Copying of Software**

Software programs purchased and provided by Porthole Restaurant and Pub are to be used only for creating, researching, and processing materials for Company use. By using Company hardware, software, and networking systems you assume personal responsibility for their use and agree to comply with this policy and other applicable Company policies, as well as city, state, and federal laws and regulations.

All software acquired for or on behalf of the Company, or developed by Company employees or contract personnel on behalf of the Company, is and will be deemed Company property. It is the policy of the Company to respect all computer software rights and to adhere to the terms of all software licenses to which the Company is a party. The IT Specialist is responsible for enforcing these guidelines.

You may not illegally duplicate any licensed software or related documentation. Unauthorized duplication of software may subject you and/or the Company to both civil and criminal penalties under the United States Copyright Act. To purchase software, obtain your manager's approval. All software acquired by the Company must be purchased through IT Specialist & Purchasing or the appropriate department.

You may not duplicate, copy, or give software to any outsiders including clients, contractors, guests, and others. You may use software on local area networks or on multiple machines only in accordance with applicable license agreements entered into by the Company.

### **6.2 Employer Sponsored Social Events**

Porthole Restaurant and Pub holds periodic social events for employees. Be advised that your attendance at these events is voluntary and does not constitute part of your work-related duties. Any exceptions to this policy must be in writing and signed by a Manager prior to the event.

Alcoholic beverages may be available at these events. If you choose to drink alcoholic beverages, you must do so in a responsible manner. Do not drink and drive. Instead, please call a taxi or appoint a designated driver.

### **6.3 Employer-Provided Cell Phones/Mobile Devices**

Porthole Restaurant and Pub may issue certain employees a Company cell phone/mobile device for work-related communications and/or operations. If you drive a vehicle during your employment, you may not use any cell phone/mobile device or other communication device

while driving unless the device is equipped or configured with a "hands-free" listening/speaking option, and you in fact utilize the hands-free device.

We understand that you may use the cell phone/mobile device for personal use; however, such personal use should not exceed the plan allowance. When the cell phone/mobile device is used for personal reasons and the activity results in additional cost to the Company, you are responsible for the cost of that usage, including all applicable taxes unless prohibited by law.

The Company owns and remains entitled to all cell phone/mobile devices issued to employees, including all passwords controlling access to them.

You may not change those passwords except with permission. At the time of employment termination, all such equipment and passwords must be returned to the Company in operable condition.

Violation of this policy may result in discipline, up to and including termination of employment.

## 6.4 Incentive Programs

### *Food and Beverage:*

Porthole employees will be eligible for a 50% discount on eligible food items for themselves. There will be no discounts given on alcohol or already discounted items.

### *Retail:*

Porthole employees will be eligible for a 50% discount on team items, discount on retail items is based on the price point of the item and determined by the owners or general manager.

## 6.5 Mail Use

You may not use the Company address to receive personal mail. Mail addressed to employees may be sent back to the sender. Report any suspicious packages or envelopes to Human Resources or the Office Manager immediately.

## 6.6 Nonsolicitation/Nondistribution Policy

Porthole Restaurant and Pub prioritizes a harmonious work environment that minimizes disruption to business operations and respects the focus of employees, visitors, and others. Our nonsolicitation/nondistribution policy aims to ensure a balanced approach to interactions within the workplace.

### **Solicitation**

For the purposes of this policy, **solicitation** includes various activities such as selling items or services, seeking contributions, or seeking support for an organization. Solicitation, whether conducted verbally, in writing, or electronically, falls under this policy's scope.

During your assigned working hours, soliciting other employees is prohibited. **Working hours** refers to periods when either you or the employees you intend to solicit are expected to be actively engaged in work-related activities. You are permitted to engage in solicitation during authorized nonworking times, such as breaks, provided that the recipients of the solicitation are also on nonworking time.

### **Distribution**

To ensure cleanliness, organization, and safety, the distribution of nonwork-related literature or items within working areas is prohibited at all times. Working areas do not include break/rest areas, lunchrooms, and parking lots. Electronic distribution of materials during work hours is also not allowed. Any literature that violates the Company's equal employment opportunity (EEO) and nonharassment policies, or knowingly spreads false information, is strictly prohibited. Non-employees are not permitted to distribute materials on company premises under any circumstances.

## Statutory Rights and Communication

This policy is not meant to curtail the statutory rights of employees, including their right to discuss terms and conditions of employment. Open communication remains a vital part of our workplace culture.

## Reporting Violations

If you become aware of violations of this policy, report them to your Manager.

We appreciate your cooperation in maintaining a respectful and focused work environment.

## **6.7 Off-Duty Use of Employer Property or Premises**

You may not use Porthole Restaurant and Pub property for personal use during working time. You are responsible for returning Company property in good condition and repairing or replacing any property damaged as the result of personal use or as the result of negligence. This includes use of copy machines, computers, Company products, or office supplies for personal use without prior authorization.

It is Company policy to control off duty and nonworking hour use of Company facilities either for business or personal reasons. You are prohibited from using Company facilities during off duty or nonworking hours without the consent of your Manager. If we are closed for business, you should not be in the building.

## **6.8 Personal Appearance**

Your personal appearance reflects on the reputation, integrity, and public image of Porthole Restaurant and Pub. All employees must wear clean staff shirts while working for guest recognition. All employees are required to report to work neatly groomed and dressed. You are expected to maintain personal hygiene habits that are generally accepted in the community, including clean clothing, good grooming, personal hygiene, and appropriate attire for the workplace and the work being performed. This may include wearing uniforms or protective safety clothing and equipment, depending upon the job. Use common sense and good judgment in determining what to wear to work.

Shorts, pants, or jeans must be clean, presentable, and fit properly. Wear closed toe and comfortable shoes. Fragrant products, including but not limited to perfumes, colognes, and scented body lotions or hair products, should be used in moderation out of concern for others with sensitivities or allergies.

The Company, in accordance with applicable law, will reasonably accommodate employees with disabilities or religious beliefs that make it difficult for them to comply fully with the personal appearance policy unless doing so would impose an undue hardship on the Company. Contact your Manager to request a reasonable accommodation.

Failure to comply with the personal appearance standards may result in being sent home to groom or change clothes. Frequent violations may result in disciplinary action, up to and including termination of employment.

## **6.9 Personal Cell Phone/Mobile Device Use**

While Porthole Restaurant and Pub permits employees to bring personal cell phones and other mobile devices (i.e. smart phones, tablets, laptops) into the workplace, you must not allow the use of such devices to interfere with your job duties or impact workplace safety and health. Personal cell phones and any other portable electronic devices are not be used during work hours, unless the nature of your position requires them. Ear buds are not allowed at anytime.

Use of personal cell phones and mobile devices at work can be distracting and disruptive and cause a loss of productivity. Thus, you should use such personal devices during nonworking time, such as breaks. During this time, use devices in a manner that is courteous to those around you. Outside of nonworking time, use of such devices should be minimal and limited to emergency use only. If you have a device that has a camera and/or audio/video recording capability, you are restricted from using those functions on Company property unless authorized in advance by management or when they are used in a manner consistent with your right to engage in concerted activity under section 7 of the National Labor Relations Act (NLRA).

You are expected to comply with Company policies regarding the protection of confidential and proprietary information when using personal devices.

If you need to make or receive a phone call while operating a vehicle on work time, pull off the road to a safe location unless you have the correct hands-free equipment for the device that is in compliance with applicable state laws.

You may not connect your personal device to the Company network or to Company equipment (computers, printers, switches, routers, modems, etc.) unless approved by your manager.

You may have the opportunity to use your personal devices for work purposes. The use of personal devices is limited to certain employees and may be limited based on compatibility of technology.

To ensure the security of Company information, you may not connect your Company device to an untrusted network. All company data will be retrieved and/or removed from your devices upon termination; this includes but is not limited to: Company Cloud shared

documents, Company folders and files, Company software. An employee is denied access to their Company email account upon termination of employment. Porthole Restaurant and Pub has the right to access your Company email account upon termination of employment.

Nothing in this policy is intended to prevent employees from engaging in protected concerted activity under the NLRA.

You will be subject to disciplinary action up to and including termination of employment for violation of this policy.

## 6.10 Personal Data Changes

It is your obligation to provide Porthole Restaurant and Pub with your current contact information, including current mailing address and telephone number. Inform the Company of any changes to your marital or tax withholding status. Failure to do so may result in loss of benefits or delayed receipt of W-2 and other mailings.

To make changes to this information, you can edit your personal information through our payroll company or contact Human Resources.

## 6.11 Security

All employees are responsible for helping to make Porthole Restaurant and Pub a secure work environment. Upon leaving work, lock all desks, lockers, and doors protecting valuable or sensitive material in your work area and report any lost or stolen keys, passes, or similar devices to your Manager immediately. Refrain from discussing specifics regarding Company security systems, alarms, passwords, etc. with those outside of the Company.

Immediately advise your Manager of any known or potential security risks and/or suspicious conduct of employees, customers, or guests of the Company. Safety and security is the responsibility of all employees and we rely on you to help us keep our premises secure.

## 6.12 Social Media

Porthole Restaurant and Pub acknowledges that social media has become an integral part of modern life that provides us with unique opportunities to communicate and share information with others. However, we also want to educate employees that their social media use can:

- Pose risks to the Company's confidential and proprietary information, reputation, and brand;
- Expose the Company to discrimination, harassment, and other claims; and
- Jeopardize the Company's compliance with business rules and laws.

To minimize legal risks, avoid loss of productivity and distraction, and ensure that the Company's IT resources and communications systems are used appropriately, all employees must abide by the following policy regarding social media use.

### Social Media

For purposes of this policy, **social media** refers to any means of posting content on the internet, including personal websites, social networking sites, blogs, chat rooms, and other online platforms, whether affiliated with the Company or not.

### Use Good Judgment

While the Company respects your right to personal expression, you should assume that anything you do on social media—whether on a business or personal account—could be viewed by a colleague, supervisor, partner, supplier, competitor, investor, customer, or potential customer. As such, any social media activity, even from your personal account, reflects on the Company as well as on yourself. It is important to remember that anyone can see what you post (or what you posted five years ago).

### Guidelines for Posting on Social Media

When posting:

- Protect trade secrets, intellectual property, and confidential information related to the Company.
- Do not make statements that are maliciously false or defamatory or would constitute unlawful harassment or discrimination.
- Do not make express or implied threats of violence.
- Avoid linking personal accounts to the Company as an official source.
- Respect copyright, trademark, and third-party rights.
- Do not use the Company's email addresses to register on social medial platforms for personal use.

- If you identify yourself as an employee of Porthole Restaurant and Pub on your personal account and are posting about the Company, make it clear that your views are your own and that you are not speaking on behalf of the Company.

## **Using Social Media at Work**

Do not use social media while on your work time, unless it is work related as authorized by your Manager or consistent with policies that cover equipment owned by the Company.

## **Media Contacts**

If you are not authorized to speak on behalf of the Company, do not speak to the media on behalf of the Company. Direct all media inquiries for official Company responses to Human Resources.

## **Retaliation**

Retaliation against those reporting policy violations or cooperating in investigations is prohibited. Retaliatory actions may lead to disciplinary measures.

## **Violations**

Violations of this policy may result in discipline, up to and including termination.

This policy does not limit employees rights to discuss wages, hours, or other terms and conditions of employment. All employees have the right to engage in or refrain from such activities.

## **6.13 Suggestion Policy**

At Porthole Restaurant and Pub, we welcome suggestions for continued improvement and welcome your ideas for better ways to do your job, produce or sell the products or services of our Company, or meet customer and client needs. Discuss your ideas with your Manager or another member of the management team.

We also encourage you to offer any suggestions derived from seminars, magazines, or other outside sources of information you believe would add value to the Company.

Understand that any suggestions, innovations, inventions, or other matter created by you on work time or with Company tools or property are considered to be the property of the Company.

## **6.14 Telecommuting**

Telecommuting is defined as regularly working a full or partial workday from home or some other alternate work site.

Porthole Restaurant and Pub will make telecommuting available to employees when it benefits organizational and departmental needs. This option may not be available in some job classifications due to business needs. Each department manager will determine, in their discretion, the positions within the department that may be suitable for telecommuting.

If you meet eligibility requirements for telecommuting, you must submit a Telecommuting Agreement form to your immediate Manager for departmental approval. If you are granted a telecommuting arrangement, you will be subject to the same performance standards as prior to telecommuting. Telecommuting work areas may be evaluated to ensure that appropriate safety standards are met. Telecommuting may be a reasonable accommodation; consult Human Resources or appropriate department if you are requesting telecommuting as a reasonable accommodation.

Salaried employees may request permission to work remotely occasionally, subject to managerial approval. Telecommuting arrangements exclude periods of scheduled vacation. Any work conducted outside of the designated business premises or pre-approved locations necessitates prior authorization from the management.

## **6.15 Telephone Use**

Porthole Restaurant and Pub phones are principally for work-related communications. Unless there is an emergency, limit long distance telephone calls to business purposes only. Limit personal use of Company telephones to brief communications during rest periods where possible. Telephone use is subject to the Use of Company Technology Policy.

## 6.16 Third Party Disclosures

From time to time, Porthole Restaurant and Pub may become involved in news stories or potential or actual legal proceedings of various kinds. When that happens, lawyers, former employees, newspapers, law enforcement agencies, and other outside persons may contact our employees to obtain information about the incident or the actual or potential lawsuit.

If you receive such a contact, you should not speak on behalf of the Company and should refer any call requesting the position of the Company to your Manager. If you have any questions about this policy or are not certain what to do when such a contact is made, contact your Manager.

## 6.17 Use of Company Technology

This policy is intended to provide Porthole Restaurant and Pub employees with the guidelines associated with the use of the Company information technology (IT) resources and communications systems.

This policy governs the use of all IT resources and communications systems owned by or available at the Company, and all use of such resources and systems when accessed using your own devices, including but not limited to:

- Email systems and accounts.
- Internet and intranet access.
- Telephones and voicemail systems, including wired and mobile phones, smartphones, and pagers.
- Printers, photocopiers, and scanners.
- Fax machines, e-fax systems, and modems.
- All other associated computer, network, and communications systems, hardware, peripherals, and software, including network key fobs and other devices.
- Closed-circuit television (CCTV) and all other physical security systems and devices.

## General Provisions

Company IT resources and communications systems are to be used for business purposes only unless otherwise permitted under applicable law.

All content maintained in Company IT resources and communications systems are the property of the Company. Therefore, employees should have no expectation of privacy in any message, file, data, document, facsimile, telephone conversation, social media post, conversation, or any other kind or form of information or communication transmitted to, received, or printed from, or stored or recorded on Company electronic information and communications systems.

The Company reserves the right to monitor, intercept, and/or review all data transmitted, received, or downloaded over Company IT resources and communications systems in accordance with applicable law. Any individual who is given access to the system is hereby given notice that the Company will exercise this right periodically, without prior notice and without prior consent.

The interests of the Company in monitoring and intercepting data include, but are not limited to: protection of Company trade secrets, proprietary information, and similar confidential commercially-sensitive information (i.e. financial or sales records/reports, marketing or business strategies/plans, product development, customer lists, patents, trademarks, etc.); managing the use of the computer system; and/or assisting employees in the management of electronic data during periods of absence.

You should not interpret the use of password protection as creating a right or expectation of privacy, nor should you have a right or expectation of privacy regarding the receipt, transmission, or storage of data on Company IT resources and communications systems.

Do not use Company IT resources and communications systems for any matter that you would like to be kept private or confidential.

## Violations

If you violate this policy, you will be subject to corrective action, up to and including termination of employment. If necessary, the Company will also advise law enforcement officials of any illegal conduct.

## 6.18 Workplace Privacy and Right to Inspect

Porthole Restaurant and Pub property, including but not limited to lockers, phones, computers, tablets, desks, work areas, vehicles, or machinery, remains under the control of the Company and is subject to inspection at any time, without notice to any employees, and without their presence. Leave your valuables at home.

You should have no expectation of privacy in any of these areas. We assume no responsibility for the loss of, or damage to, your property maintained on Company premises, including that kept in lockers and desks.

## **7.0 Benefits**

### **7.1 401(k) Plan**

Eligible employees (as determined by the terms of the plan) may participate in the Porthole Restaurant and Pub 401(k) plan. The Company provides for employee pre-tax deferral contributions and after tax Roth contributions. Refer to your Summary Plan Description (SPD) for specifics.

Contact Human Resources to find out if you are eligible to participate in the Company 401(k) plan. The Company is required to let you know if you are eligible.

This benefit, as well as other benefits, may be canceled or changed at the discretion of the Company, unless otherwise required by law.

### **7.2 Bereavement Leave**

Company recognizes the importance of taking leave when there is a death in the family. Where bereavement leave is not required by law, the Company will provide bereavement leave as follows:

Employees are eligible for 3 days of paid bereavement leave for the death of an immediate family member. Additional time off may be granted at the discretion of the Company on a case-by-case basis.

For purposes of this policy, immediate family member includes the following and applies both to the family of the employee and the employee's spouse: child (including foster child and stepchild), spouse, sister, brother, parents (including foster parents and stepparents), grandparents.

You must provide notice of your need for bereavement leave as far in advance as possible. The Company may require documentation supporting your need for bereavement leave.

### **7.3 COBRA**

The Consolidated Omnibus Budget Reconciliation Act (COBRA) provides the opportunity for eligible Porthole Restaurant and Pub employees and their beneficiaries to continue health insurance coverage under the Company health plan when a "qualifying event" could result in the loss of eligibility. Qualifying events include resignation, termination of employment, death of an employee, reduction in hours, a leave of absence, divorce or legal separation, entitlement to Medicare, or where a dependent child no longer meets eligibility requirements.

Contact Human Resources to learn more about your COBRA rights.

### **7.4 Dental Insurance**

All regular full-time employees who have completed 60 days of employment at Porthole Restaurant and Pub are eligible for the Company dental plan. Dental plan benefits are described in detail in the Company Benefits Guide.

### **7.5 Employee Assistance Program (EAP)**

Porthole Restaurant and Pub provides confidential assistance through its employee assistance program (EAP) to all eligible employees. The EAP provides confidential access to professional counseling services for help with personal concerns that may impact job performance. These concerns may include, but are not limited to, health, marital, family, financial, legal, emotional, alcohol abuse, and drug use. The EAP can help assess the problem, offer guidance, and provide a referral to quality care.

Voluntary participation in the EAP will not jeopardize your opportunities for promotion or employment. You can contact the EAP directly. Any information about your contact, participation, or any recommended treatment is confidential and will not be disclosed to the Company.

In certain circumstances, you may be referred to the EAP by your Manager due to job performance issues.

EAP services are available to eligible participants without charge; however, the cost of referrals to treatment or rehabilitation is your responsibility if it is not completely covered by insurance.

EAP services can be initiated by contacting the EAP service provider, NexGen EAP, at: 1-800-960-5371 or www.eniweb.com. Follow these steps:

Click on Member Log-in

- Enter user name and password if a returning user, or if a new user, click on Register

Enter Company ID: PAS220

- Enter first and last name

Click on Next & then continue to follow prompts.

## 7.6 Family and Medical Leave (FMLA)

In accordance with the Family and Medical Leave Act of 1993 (FMLA), Porthole Restaurant and Pub provides up to 12 to 26 weeks of unpaid, job-protected leave in a 12-month period to covered employees in certain circumstances. **Note:** Depending on the time of year and prior leave usage, either the Federal Family and Medical Leave Act (FMLA) or the Maine Family Medical Leave Act (MFMLA) may apply. If both laws provide coverage, the leave periods will run concurrently as permitted by law.

### Eligibility

To qualify for FMLA leave, you must:

- Have worked for the Company for at least 12 months, although that time need not be consecutive;
- Have worked at least 1,250 hours in the last 12 months; and
- Be employed at a worksite that has 50 or more employees within 75 miles.

### Reasons for Leave

You may take up to 12 weeks of unpaid FMLA leave in a 12-month period, which is [\[\[January 1st to December 31st\]\]](#), for any of the following reasons:

- The birth of a child and to care for that child (leave must be completed within one year of the child's birth);
- The adoption or foster care placement of a child with you and in order to care for the newly placed child (leave must be completed within one year of the child's placement);
- To care for a spouse, child, or parent with a serious health condition;
- To care for your own serious health condition that makes you unable to perform the essential functions of your position; or
- A qualifying exigency of a spouse, child, or parent who is a military member on covered active duty or called to covered active duty status (or has been notified of an impending call or order to covered active duty).

You may take up to 26 weeks of unpaid FMLA leave in a single 12-month period, beginning on the first day that you take FMLA leave, to care for a spouse, child, parent, or next of kin who is a covered service member and who has a serious injury or illness related to active duty service.

As used in this policy:

- **Spouse** means a husband or wife as recognized under state law for the purposes of marriage in the state or other territory or country where the marriage took place.
- **Child** means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is either under age 18 or age 18 or older and incapable of self-care because of a mental or physical disability at the time FMLA leave is to commence. A child for the purposes of military exigency or military care leave can be of any age.
- **Parent** means a biological, adoptive, step, or foster parent, or any other individual who stood in loco parentis to you when you were a child.
- **Next of kin** for the purposes of military care leave is a blood relative other than a spouse, parent, or child in the following order: brothers and sisters, grandparents, aunts and uncles, and first cousins. If a military service member designates in writing another blood relative as their caregiver, that individual will be the only next of kin. In appropriate circumstances, you may be required to provide documentation of next of kin status.

### Notice

If the need for leave is foreseeable because of an expected birth, adoption, or a planned medical treatment, you must give at least 30 days' notice. If 30 days' notice is not possible, give notice as soon as practical (within one or two business days of learning of your need for leave). Failure to provide appropriate notice may result in the delay or denial of leave.

In addition, if you are seeking intermittent or reduced schedule leave that is foreseeable due to a planned medical treatment or a series of treatments for yourself, a family member, or covered service member, you must first consult with the Company regarding the dates of this treatment to work out a schedule that best suits your needs or the needs of the covered military member, if applicable, and the Company.

If the need for leave is unforeseeable, provide notice as soon as possible. Normal call-in procedures apply to all absences from work, including requests for absences under this policy. Failure to provide appropriate notice may result in the delay or denial of leave.

[[Employees may obtain leave request forms from their Manager.]]

## Certification

If you are requesting leave because of your own or a covered relative's serious health condition, you and the relevant healthcare provider must supply appropriate medical certification. You may obtain medical certification forms from [[your Manager or Human Resources]]. When you request leave, the Company will notify you of the requirement for medical certification and when it is due (at least 15 days after you request leave). If you provide at least 30 days' notice of medical leave, you should also provide the medical certification before leave begins. Failure to provide requested medical certification in a timely manner may result in denial of FMLA-covered leave until it is provided.

At our expense, the Company may require an examination by a second healthcare provider designated by us. If the second healthcare provider's opinion conflicts with the original medical certification, we, at our expense, may require a third, mutually agreeable, healthcare provider to conduct an examination and provide a final and binding opinion. Subsequent medical recertification may also be required. Failure to provide requested certification within 15 days, when practical, may delay further leave until it is provided.

The Company also reserves the right to require certification from a covered military member's healthcare provider if you are requesting military caregiver leave and certification in connection with military exigency leave.

## Paid Leave Utilization During FMLA Leave

FMLA leave is unpaid; however, you [[may be required to]] use available paid leave [[(e.g., vacation/earned paid leave)]] during FMLA leave as permitted by law.

FMLA leave runs concurrently with other leaves, such as accrued paid leave that is substituted for unpaid FMLA leave and any state family leave laws, to the extent allowed by applicable law. The substitution of paid leave for unpaid FMLA leave does not extend the 12 or 26 weeks (whichever is applicable) of FMLA leave. In addition, the substitution of paid leave for unpaid leave may not result in you receiving more than 100% of your salary.

If you are receiving short- or long-term disability or workers' compensation benefits during a personal medical leave, you will not be required to use accrued paid leave. However, where state law permits, you may elect to use accrued paid leave to supplement these benefits.

## Leave Increments

### Intermittent Leave

If medically necessary, FMLA leave for a serious health condition may be taken intermittently (in separate blocks of time) or on a reduced leave schedule (reducing the usual number of hours you work per workweek or workday). FMLA leave may also be taken intermittently or on a reduced leave schedule for a qualifying exigency relating to covered military service.

As FMLA leave is unpaid, the Company will reduce your salary based on the amount of time actually worked. In addition, while you are on an intermittent or reduced schedule leave that is foreseeable due to planned medical treatments, the Company may temporarily transfer you to an available alternative position that better accommodates your leave schedule and has equivalent pay and benefits.

### Parental Leave

Leave for the birth or placement of a child [[may be taken in a single block or intermittently with the Company's approval.]] Parental leave must be completed within 12 months of the birth or placement of the child; however, you may use parental leave before the placement of an adopted or foster child to consult with attorneys, appear in court, attend counseling sessions, etc.

## Family Care, Personal Medical, Military Exigency, and Military Care Leave

Leave taken for these reasons may be taken in a block or blocks of time. In addition, if a healthcare provider deems it necessary or if the nature of a qualifying exigency requires, leave for these reasons can be taken on an intermittent or reduced schedule basis.

## Fitness for Duty Requirements

If you take leave because of your own serious health condition (except if you are taking intermittent leave), you are required, as are all employees returning from other types of medical leave, to provide medical certification that you are fit to resume work. You will not be permitted to resume work until certification is provided.

## Health Insurance

### Maintaining Coverage During Leave

Your health insurance coverage will be maintained by the Company during leave on the same basis as if you were still working. You must continue to make timely payments of your share of the premiums for such coverage. Failure to pay premiums within 30 days of when they are due may result in a lapse of coverage. If this occurs, you will be notified 15 days before the date coverage lapses that coverage will terminate unless payments are promptly made.

### Payment of Premiums

Alternatively, at our option, the Company may pay your share of the premiums during the leave and recover the costs of this insurance upon your return to work. Coverage that lapses due to nonpayment of premiums will be reinstated immediately upon return to work without a waiting period. Under most circumstances, if you do not return to work at the end of leave, the Company may require reimbursement for the health insurance premiums paid during the leave.

## Reinstatement

Upon returning to work at the end of leave, you will generally be placed in your original job or an equivalent job with equivalent pay and benefits. You will not lose any benefits that accrued before leave was taken.

## Spouse Aggregation

If both you and your spouse work at the Company, you are collectively eligible for 12 weeks of leave for the birth or placement of a child or to care for a parent with a serious health condition. Similarly, spouses employed by the Company will be limited to a combined total of 26 weeks of leave to care for a military service member. This 26-week leave period will be reduced, however, by the amount of leave taken for other qualifying FMLA events. This type of leave aggregation does not apply to leave needed for your own serious health condition, to care for a spouse or child with a serious health condition, or because of a qualifying exigency.

## Failure to Return

If you fail to return to work or fail to make a request for an extension of leave prior to the expiration of the leave, you will be deemed to have voluntarily terminated your employment. The Company is not required to grant requests for open-ended leaves with no reasonable return date under these policies or as disability accommodations.

## [[Alternative Employment]]

[[Consistent with the Company's Outside Employment Policy, you may not work or be gainfully employed for yourself or another employer while on a leave of absence [unless express, written permission to perform such work has been granted by the Company]. If you are on a leave of absence and are found to be in violation of this policy, you will be subject to disciplinary action up to and including termination.]]

## Interaction with State and Local Laws

Where state or local laws intersect with the FMLA, the Company will comply with the law that is the most favorable to you. **Concurrent Leave:** FMLA leave runs concurrently with any applicable state leave laws, including MFMLA, to the extent permitted by law. If you qualify under both laws, leave will be designated under the applicable law at the time of the request. Depending on the time of year and previous leave usage, either FMLA or MFMLA may be in effect.

## **Abuse of Leave**

If you are found to have provided a false reason for a leave, you will be subject to disciplinary action, up to and including termination.

## **Designation of Leave**

If the Company becomes aware of any qualifying reason for FMLA leave, the Company will designate it as such. You may not refuse FMLA designation under this policy.

## **Retaliation**

The Company will not retaliate against employees who request or take leave in accordance with this policy.

## **Required Notice**

The Company is required to provide you with a copy of the *Your Employee Rights Under the Family and Medical Leave Act* notice, which is attached as an addendum at the end of this handbook.

## **7.7 Federal Jury Duty Leave**

Porthole Restaurant and Pub encourages employees to fulfill their civic duties related to federal jury duty service. If you are summoned for federal jury duty, notify your Manager as soon as possible to make scheduling arrangements.

Time spent for federal jury duty service is unpaid; however, if you are classified as exempt, you will not incur any deduction in pay for a partial week's absence due to jury duty. You may opt to use [PTO/vacation] in place of unpaid leave.]]

The Company will not discriminate or retaliate against employees for missing work due to federal jury service. Upon return to work, you will be reinstated to your prior position without loss of seniority and will be treated as if you have been on a leave of absence or furlough.

## **7.8 Health Insurance**

Porthole Restaurant and Pub offers group health insurance benefits to all eligible full-time employees who have completed (60) days of employment. Your benefit will start on the first of the month after the 60 days. Health plan benefits are described in detail in the Benefit Guide, which may be obtained from Human Resources.

Your group health benefits are paid in part by the Company. The remainder of the costs are paid by you through deductions from your paycheck.

Benefits may be canceled or changed at the discretion of the Company, unless otherwise prohibited by law.

If you or a dependent become ineligible for benefits due to a change in work hours or through a life event, or you leave employment with us, you may have the right to continue your health benefits under federal or state law. In such event, the Company will provide you with information about your rights to continue your benefits coverage.

## **7.9 Holidays**

Porthole observes a closure during the Christmas and Thanksgiving holidays. All operations, including office activities and services, will be suspended on these dates to allow employees to enjoy these festive occasions with their families and friends. Regular business operations will resume on the subsequent business day following each holiday.

## **7.10 Military Leave (USERRA)**

Porthole Restaurant and Pub complies with applicable federal and state law regarding military leave and re-employment rights. A military leave of absence will be granted to members of the uniformed services in accordance with the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA, with amendments) and all applicable state law. You must submit documentation of the need for leave to your manager. When returning from military leave of absence, you will be reinstated to your previous position or a similar position, in accordance with state and federal law. You must notify your Manager of your intent to return to employment based on requirements of the law. For more information regarding status, compensation, benefits, and reinstatement upon return from military leave, contact Human Resources or your manager.

## **7.11 Paid Time Off (PTO)**

Porthole Restaurant and Pub provides employees with earned paid leave (EPL). EPL may be used for vacation, sick time, or other personal matters.

### **Eligibility**

All full-time year round employees are eligible to accrue EPL upon their first day of employment.

### **Deposits Into Your Leave Account**

EPL is calculated according to the calendar year, which begins on January 1st and ends on December 31st.

All eligible employees will accrue 1 hours of EPL for every 40 hours worked, up to a maximum accrual of 40 hours per year.

### **Leave Usage and Requests for Leave**

Company encourages you to use your EPL time. You are eligible to begin using EPL after 120 days of employment.

You must request EPL from your Manager as far in advance as possible, but at least 4 weeks in advance. The Company will generally grant requests for EPL when possible, taking business needs into consideration. When multiple employees request the same time off, their manager may determine priority in scheduling EPL times. You must take EPL in increments of at least 1 hour.

### **Compensation**

You will be compensated for earned paid leave at your regular rate of pay, tipped employees will be paid their rate plus the tip credit amount.

### **Unpaid Time Off**

Except for scheduled and approved leave or as listed in this section, before an employee can be granted unpaid time off (UTO), an employee must have used the balance of the employee's accrued paid time off (PTO). Employees who have exhausted their PTO shall not be unreasonably denied UTO. UTO will be approved by your manager based on the needs of the business.

### **During a Leave of Absence**

Company will require you to use any unused EPL during disability or family medical leave, or any other leave of absence, where permissible under local, state, and federal law.

You will not accrue PTO during unpaid leaves of absence, or other periods of inactive service, unless PTO accrual is required by applicable federal, state, or local law.

### **Carryover**

Up to 40 hours of EPL can be carried over to the following year.

### **Separation of Employment**

You will not be paid for any unused earned paid leave when your employment ends, whether voluntary or involuntary.

### **Reinstatement of Earned Paid Leave upon Rehire**

The Company will reinstate any previously accrued unused earned paid leave that was not paid out at the time of separation if you separate and are rehired in Maine within one year.

### **Retaliation**

The Company will not retaliate against employees who request or take leave in accordance with this policy.

## **7.12 Personal Leave of Absence**

Porthole Restaurant and Pub recognizes that you may need time off from work in special circumstances

that other leave policies may not address. In such cases, you may request a personal leave of absence.

## **Eligibility**

All regular/full-time/part-time employees employed for at least 9 months are eligible to apply for an unpaid personal leave of absence.

## **Requesting Leave**

Requests for unpaid personal leave must be submitted to your Manager and Human Resources in writing at least 14 days in advance where practical. In emergency situations, written notice must be provided as soon as possible. The request should include the reason for the leave as well as the dates you expect to begin and end the leave.

Job performance, absenteeism, and departmental requirements will be taken into consideration before a request is approved. Requests for unpaid personal leave may be denied or granted for any reason and are within the sole discretion of the Company.

You will be required to use all available paid leave balances prior to taking an unpaid personal leave of absence.

EPL and Vacation will not accrue during an unpaid personal leave of absence. Holidays that occur during an unpaid personal leave of absence will not be paid.

If you are granted a personal leave of absence, reinstatement to your position or any position is not guaranteed.

Your Company-provided [health] benefits may be continued (if approved through insurance provider) at the same level and under the same conditions as prior to the leave. You are responsible for payment of your portion of the insurance premium while on personal leave.

If you are on a personal leave of absence that exceeds 6 months, or you fail to pay your premium payment in a timely manner, the Company will provide you with information about your rights under COBRA and/or applicable state continuation coverage policies.

## **Extension of Leave**

You are required to return from unpaid personal leave on the originally scheduled return date. If you are unable to return, you must request an extension of the leave in writing at least 4 weeks in advance of the return date. Leave extensions will be considered on a case-by-case basis. If the Company denies the extension request, you must return to work on the originally scheduled return date or be considered to have voluntarily resigned from your employment.

## **Return to Work**

In advance of your scheduled return date, your Manager or Human Resources will arrange for you to resume your previous position, if available. However, the Company's need to fill a position may override the ability to hold a position open until your return. Therefore, we cannot assure our ability to reinstate you to any position after your leave. The Company retains the discretion to determine the similarity of any available positions and your qualifications. If we are unable to reinstate you or you refuse the offer of reinstatement to a different position, your leave status will be changed to a voluntary termination.

## **Failure to Return from Leave**

If you fail to return to work after an unpaid leave of absence, you will be considered to have resigned your employment.

## **Alternative Employment**

While on an unpaid leave of absence, you may not work or be gainfully employed either for yourself or others unless express, written permission to perform such outside work has been granted by the Company. If you are on a leave of absence and are found to be working elsewhere without permission, you will be subject to disciplinary action up to and including termination.

### **7.13 Unemployment Compensation Insurance**

Unemployment compensation insurance is paid for by Porthole Restaurant and Pub and provides temporary income for employees who have lost their job under certain circumstances. Your eligibility for unemployment compensation will, in part, be determined by the reasons for your separation from the Company.

### **7.14 Vacation**

Year-round Salaried employees who receive additional vacation time, will accrue and be eligible to use it after 6 months of employment. Vacation time not used is not carried over year to year. Upon separation of employment for any reason you will be paid out for any unused vacation time in your final paycheck.

You must request this time off as early as possible but no shorter than 4 weeks prior and it must be approved by your supervisor, it is not guaranteed to be approved.

Please keep in mind the seasonal aspect of our business and schedule extended time off in our slower seasons.

### **7.15 Vision Care Insurance**

All eligible employees who have completed the plan's defined waiting period at Porthole Restaurant and Pub are eligible for the Company vision care plan. Vision care plan benefits are described in detail in the Company Benefits Guide.

### **7.16 Workers' Compensation Insurance**

Workers' compensation is a no-fault system designed to provide benefits to all employees for work-related injuries. Workers' compensation insurance coverage is paid for by employers and governed by state law. The workers' compensation system provides for coverage of medical treatment and expenses, occupational disability leave, and rehabilitation services, as well as payment for lost wages due to work related injuries. If you are injured on the job while working at Porthole Restaurant and Pub, no matter how slightly, you are to report the incident immediately to your Manager. Consistent with applicable state law, failure to report an injury within a reasonable period of time could jeopardize your claim for benefits.

To receive workers' compensation benefits, notify your Manager immediately of your claim and within 24 hours. If your injury is the result of an on-the-job accident, you must fill out an accident report. You will be required to submit a medical release before you can return to work.

Filing a false workers' compensation claim is grounds for immediate termination.

## **8.0 Safety and Loss Prevention**

### **8.1 Business Closure and Emergencies**

Porthole Restaurant and Pub recognizes that inclement weather and other emergencies may affect your ability to get to work. In such situations, your safety is paramount.

#### **Company Closure**

It is rare that the Company will close for business. Examples of emergencies when the Company may close include, but are not limited to, i.e., natural disaster, state of emergency, blizzard conditions, etc.

## **Notification**

In an emergency, the Company will make every effort to notify you of the closing by phone or email. These notification efforts assume that you have access to electricity and internet and/or phone service.

When the Company is unable to notify you of the closure, use common sense to assess the safety and practicality of the situation. If there is reported flash flooding in your area, report to work only if you can make it safely.

## **Partial-Day Closure**

If an emergency event such as inclement weather or a power outage occurs, the Company may decide to close mid-day. When the Company closes mid-day, you will be instructed to leave immediately so that the conditions do not further deteriorate and affect your ability to travel safely.

If you are exempt and are working at home with prior permission, or at the office on the day of the partial day closure, you will be paid your normal salary for the week. If you are nonexempt, you will be paid for the hours you worked, unless state law dictates otherwise.

## **Notified of Closure Prior to Reporting to Work**

If you are nonexempt and are notified of a closure prior to reporting to work, you will not be paid during the closure, unless state law dictates otherwise. If you are exempt, you will be paid your normal salary for the week.

## **Benefits Coverage**

Your health insurance coverage will be maintained by the Company during the closure on the same basis as if you were still working.

## **Extending Leave**

When the Company closure ends, you are expected to report to work. Contact your Manager if you cannot return to work at the end of the closure. The Company recognizes that you may need additional time off to repair extensive home damage or for other emergency situations. These will be assessed on a case-by-case basis.

## **If You Cannot Get to Work**

Unique circumstances may affect your ability to come to work even when the Company is able to remain open. The Company recognizes that in a severe national or regional disaster, all methods of communication may be unavailable; however, you should continue to try and contact your Manager, by any method possible.

Time missed under circumstances where the Company remains open and you are unable to report to work is to be used as vacation time, personal time, or is unpaid.

## **8.2 Drug and Alcohol Policy**

Porthole Restaurant and Pub is committed to providing a safe, healthy, and productive work environment. Consistent with this commitment, it is the intent of the Company to maintain a drug and alcohol-free workplace. Being under the influence of alcohol, illegal drugs (as classified under federal, state, or local laws), or other impairing substances while on the job may pose a serious health and safety risk to others, and will not be tolerated.

Employees cannot be visibly intoxicated on premise or in any of our restaurants after work hours. Sharing your drink with a minor or knowingly serving a minor is grounds for termination. If you are underage and caught drinking at any of our restaurants you will be fired.

### **Prohibited Conduct**

The Company expressly prohibits employees from engaging in the following activities when they are on duty or conducting Company business or on Company premises (whether or not they are working):

- The use, abuse, or being under the influence of alcohol, illegal drugs, or other impairing substances.
- The possession, sale, purchase, transfer, or transit of any illegal or unauthorized drug, including prescription medication that is not prescribed to the individual, or drug-related paraphernalia.
- The illegal use or abuse of prescription drugs.

While the use of marijuana has been legalized under some state laws for medicinal and/or recreational uses, it remains an illegal drug

under federal law. The Company does not discriminate against employees solely on the basis of their lawful off-duty use of marijuana. You may not consume, be under the influence of, or possess marijuana while on duty or at work. If you have a valid prescription for medical marijuana, refer to the Company Disability Accommodation policy for additional information.

Nothing in this policy is meant to prohibit your appropriate use of over-the-counter medication or other medication that can legally be prescribed under both federal and state law, if it does not impair your job performance or safety or the safety of others. If you take over-the-counter medication or other medication that can legally be prescribed under both federal and state law to treat a disability, inform your Manager if you believe the medication may impair your job performance, safety, or the safety of others or if you believe you need a reasonable accommodation before reporting to work while under the influence of that medication.

### **Treatment and/or Rehabilitation**

It is Company philosophy and policy to assist anyone seeking treatment or rehabilitation for drug or alcohol dependency. In such cases, the Company may consider your continued employment as long as concerns regarding safety, health, production, communication, or other work-related matters are adequately addressed. The Company may also require you to obtain a medical clearance and agree to random testing and a "one-strike" rule as a condition of continued employment.

### **Violations**

Violation of this policy may result in disciplinary action, up to and including termination of employment.

## **8.3 General Safety**

It is the responsibility of all Porthole Restaurant and Pub employees to maintain a healthy and safe work environment, report any health or safety hazards, and follow the Company health and safety rules. Failure to do so may result in disciplinary action, up to and including termination of employment. The Company also requires that all occupational illnesses or injuries be reported to your Manager as soon as reasonably possible (within 24 hours) and that an occupational illness or injury form be completed on each reported incident.

## **8.4 Workplace Tobacco Usage**

Porthole Restaurant and Pub is concerned about the detrimental effects of smoking and secondhand smoke inhalation. Smoking (including the use of electronic vaping products such as e-cigarettes) is prohibited in the following:

- Company buildings and offices
- Company vehicles
- Restrooms
- Within 25 feet of any entrance to buildings

The Company also prohibits vaping or the use of smokeless tobacco (e.g., chewing tobacco, dip, and snuff) in such areas.

The Company will not discriminate against employees based on their off-premises, off-duty tobacco usage.

## **8.5 Workplace Violence**

As the safety and security of our employees, guests, vendors, contractors, and the general public is in the best interests of Porthole Restaurant and Pub, we are committed to working with our employees to provide a work environment free from violence, intimidation, and other disruptive behavior.

### **Zero Tolerance Policy**

The Company has a zero tolerance policy regarding workplace violence and will not tolerate acts or threats of violence, harassment, intimidation, and other disruptive behavior, either physical or verbal, that occurs in the workplace or other areas. This applies to management, co-workers, employees, and non-employees such as contractors, vendors, guests, and visitors.

Workplace violence can include oral or written statements, gestures, or expressions that communicate a direct or indirect threat of physical harm, damage to property, or any intentional behavior that may cause a person to feel threatened.

### **Prohibited Conduct**

Prohibited conduct includes, but is not limited to:

- Physically injuring another person.
- Threatening to injure a person or damage property by any means, including verbal, written, direct, indirect, or electronic means.
- Taking any action to place a person in reasonable fear of imminent harm or offensive contact.
- Possessing, brandishing, or using a firearm on Company property or while performing Company business except as permitted by state law.
- Violating a restraining order, order of protection, injunction against harassment, or other court order.

## **Reporting Incidents of Violence**

Report to your Manager Human Resources, in accordance with this policy, any behavior that compromises our ability to maintain a safe work environment. All reports will be investigated immediately and kept confidential, except where there is a legitimate need to know. You are expected to cooperate in any investigation of workplace violence.

## **Violations**

Violating this policy may subject you to criminal charges as well as discipline up to and including immediate termination of employment.

## **Retaliation**

Victims and witnesses of workplace violence will not be retaliated against in any manner. In addition, you will not be subject to discipline for, based on a reasonable belief, reporting a threat or for cooperating in an investigation.

If you initiate, participate, are involved in retaliation, or obstruct an investigation into conduct prohibited by this policy, you will be subject to discipline up to and including termination.

If you believe you have been wrongfully retaliated against, immediately report the matter to Human Resources.

## **9.0 Trade Secrets and Inventions**

### **9.1 Confidentiality and Nondisclosure of Trade Secrets**

As a condition of employment, Porthole Restaurant and Pub employees are required to protect the confidentiality of Company trade secrets, proprietary information, and confidential commercially sensitive information (i.e. financial or sales records/reports, marketing or business strategies/plans, product development, customer lists, patents, trademarks, etc.) related to the Company. Access to this information should be limited to a "need to know" basis and should not be used for personal benefit, disclosed, or released without prior authorization from management.

If you have information that leads you to suspect that employees are sharing such information in violation of this policy and/or competitors are obtaining such information, you are required to inform your Manager or Human Resources.

Violation of this policy may result in disciplinary action up to and including termination, and may subject the violator to civil liability.

### **9.2 Inventions**

Any invention created, in whole or in part, during your work hours, or from the use of equipment or facilities belonging to Porthole Restaurant and Pub, is a "work for hire" and is the property of the Company.

If you intend to develop and maintain property rights to any invention that relates in any way to products or services of the Company, you are required to obtain a written waiver of this policy, signed by both you and the owners.

## **10.0 Customer Relations**

### **10.1 Customer, Client, and Visitor Relations**

Porthole Restaurant and Pub strives to provide the best products and services possible to our guests and clients. Our guests and clients support this business and generate your wages. You are expected to treat every guest, client, or visitor with the utmost respect and courtesy during your working time. You should never argue or act in a disrespectful manner towards a visitor or customer during your working time. If you are having problems with a guest, client, or visitor, notify your Manager immediately. If a guest, client, or visitor voices a suggestion, complaint, or concern regarding our products or services, inform your Manager or a member of management. Lastly, make every effort to be prompt in following up on guest, client, or visitor orders or questions. Positive guest, client, and visitor relations will go a long way to establishing our Company as a leader in its field.

## **10.2 Products and Services Knowledge**

As a representative of Porthole Restaurant and Pub, you are expected to be familiar with the products and services we offer. Take every opportunity to learn the interrelationship between your department or division and the others of the Company. We consider our employees to be the best reflection of our business brand and company success.

# Maine Policies

## Hiring and Orientation Policies

### Communications Regarding Religious or Political Matters

Porthole Restaurant and Pub is committed to respecting the rights of all employees regarding participation in discussions about religious or political matters. In accordance with Maine law, the Company will not discharge, discipline, penalize, or take adverse employment action against you:

1. For declining to attend or participate in any Company-sponsored meeting that communicates the Company's opinion about religious or political matters.
2. For declining to receive or listen to a communication from the Company that communicates the Company's opinion about religious or political matters.
3. If you or a person acting on your behalf reports, in good faith, a violation or suspected violation of (1) or (2).

**Political matters** means matters relating to elections for political office, political parties, proposals to change legislation, proposals to change rules or regulations, or proposals to change public policy, and the decision to join or support any political party or political, civic, community, fraternal, or labor organization.

**Religious matters** means matters relating to religious belief, affiliation, and practice, and the decision to join or support any religious organization or association.

This policy does not prohibit the Company from:

- Communicating information that the Company is required by law to provide you.
- Conducting meetings involving religious or political matters, as long as the attendance is voluntary.
- Engaging in communications involving religious or political matters, as long as receiving or listening to the communication is voluntary.
- Communicating information necessary for you to perform your job.

## EEO Statement and Nonharassment Policy

### Equal Opportunity Statement

Porthole Restaurant and Pub is committed to the principles of equal employment. We are committed to complying with all federal, state, and local laws providing equal employment opportunities, and all other employment laws and regulations. It is our intent to maintain a work environment that is free of harassment, discrimination, or retaliation based on the following protected classes: age, race (including traits historically associated with race, which include, but are not limited to, hair texture, Afro hairstyles, and protective hairstyles such as braids, twists, and locks), color, national origin, ancestry, religion, sex, sexual orientation (including transgender status, gender identity or expression), pregnancy (including childbirth, lactation, and related medical conditions), HIV status, tobacco use during nonworking hours, physical or mental disability, genetic information (including testing and characteristics), familial status, domestic violence victim status, veteran status, uniformed servicemember status, or any other status protected by federal, state, or local laws. The Company is dedicated to the fulfillment of this policy in regard to all aspects of employment, including, but not limited to, recruiting, hiring, placement, transfer, training, promotion, rates of pay, and other compensation, termination, and all other terms, conditions, and privileges of employment.

The Company will conduct a prompt and thorough investigation of all allegations of discrimination, harassment, or retaliation, or any violation of the Equal Employment Opportunity Policy in a confidential manner. The Company will take appropriate corrective action, if and where warranted. The Company prohibits retaliation against employees who provide information about, complain about, or assist in the investigation of any complaint of discrimination or violation of the Equal Employment Opportunity Policy.

We are all responsible for upholding this policy. You may discuss questions regarding equal employment opportunity with your Manager or any other designated member of management.

### Policy Against Workplace Harassment

Porthole Restaurant and Pub has a strict policy against all types of workplace harassment, including sexual harassment and other forms of workplace harassment, based upon an individual's membership in a protected class. All forms of harassment of, or by, employees, vendors, visitors, customers, and clients are strictly prohibited and will not be tolerated.

## Sexual Harassment

Unwelcome sexual harassment is a form of sex discrimination. Sexual harassment is unlawful under federal law and the Maine Human Rights Act. Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when (1) it threatens job security, working conditions, or opportunities for advancement; (2) submission to such conduct is made either explicitly or implicitly as a term or condition of an individual's employment; (3) submission to, or rejection of, such conduct by an individual is used as the basis for employment decisions affecting such individual; or (4) 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.

While it is not possible to identify every act that constitutes or may constitute sexual harassment, the following are some examples of sexual harassment:

- Unwelcome requests for sexual favors;
- Lewd or derogatory comments or jokes;
- Comments regarding sexual behavior or another person's body;
- Sexual innuendo and other vocal activity such as catcalls or whistles;
- Obscene letters, notes, emails, invitations, photographs, cartoons, articles, or other written or pictorial materials of a sexual nature;
- Repeated requests for dates after being informed that interest is unwelcome;
- Retaliating against another for refusing a sexual advance or reporting an incident of possible sexual harassment to the Company or any government agency;
- Offering or providing favors or employment benefits such as promotions, favorable evaluations, favorable assigned duties or shifts, etc., in exchange for sexual favors; and
- Any unwanted physical touching or assaults, or blocking or impeding movements.

## Other Harassment

Other workplace harassment is verbal or physical conduct that insults or shows hostility or aversion towards an individual because of the individual's membership in a protected class.

Again, while it is not possible to list all the circumstances that may constitute other forms of workplace harassment, the following are some examples of conduct that may constitute workplace harassment:

- The use of disparaging or abusive words or phrases, slurs, negative stereotyping, or threatening, intimidating, or hostile acts that relate to the above-protected categories;
- Written or graphic material that insults, stereotypes, or shows aversion or hostility towards an individual or group because of one of the above-protected categories and that is placed on walls, bulletin boards, or elsewhere on our premises, in emails or voicemails, or otherwise circulated in the workplace; and
- A display of symbols, slogans, or items that are associated with hate or intolerance towards any select group.

## Reporting Discrimination and Harassment

If you feel that you have witnessed or have been subjected to any form of discrimination or harassment, immediately notify [\[\[name, title, phone number, email\]\]](#) or any member of management.

The Company prohibits retaliation against employees who, based on a reasonable belief, provide information about, complain, or assist in the investigation of any complaint of harassment or discrimination.

We will promptly and thoroughly investigate any claim and take appropriate action where we find a claim has merit. To the extent possible, we will retain the confidentiality of those who report suspected or alleged violations of the harassment policy.

Discipline for violation of this policy may include, but is not limited to, reprimand, suspension, demotion, transfer, and discharge. If the Company determines that harassment or discrimination occurred, corrective action will be taken to effectively end the harassment. As necessary, the Company may monitor any incident of harassment or discrimination to assure the inappropriate behavior has stopped. In all cases, the Company will follow up as necessary to ensure that no individual is retaliated against for making a complaint or cooperating with an investigation.

If you are dissatisfied with our internal investigation and response, you have the right to file a complaint with the Maine Human Rights Commission, #51 State House Station, Augusta, Maine, 04333-0051. For additional information on how to file a complaint, visit [www.maine.gov/mhrc/file](http://www.maine.gov/mhrc/file).

All employees receive training and written notice about harassment upon hire and will receive written reminders about the policy every year. Supervisors and managers receive more training and information upon hire, with periodic reviews thereafter.

## Wage and Hour Policies

### Accommodations for Nursing Mothers

Porthole Restaurant and Pub will provide nursing mothers reasonable break time to express milk for their infant child for up to three years following the child's birth.

If you are nursing, the Company will provide you a clean room or other location, other than a restroom, to express milk. The room or location will be shielded from view and free from intrusion from coworkers and the public.

Expressed milk can be stored in a company refrigerator - please ask your Manager for the location. Sufficiently mark or label your milk to avoid confusion for other employees who may share the refrigerator. You may also bring a personal cooler for storage.

The break time must, if possible, run concurrently with any break time already provided. If you are nonexempt, clock in and out/record the start and end time for any time taken that does not run concurrently with normally scheduled rest periods. Break time may be unpaid as permissible under applicable law.

You are encouraged to discuss the length and frequency of these breaks with your Manager.

The Company will not discriminate or retaliate against employees who express milk in the workplace in accordance with this policy.

### Meal and Rest Periods

Porthole Restaurant and Pub strives to provide a safe and healthy work environment and complies with all federal and state regulations regarding meal and rest periods. The Company always offers an uninterrupted 30-minute unpaid rest break after six hours of continuous work. Check with your Manager regarding procedures and schedules for rest and meal breaks. The Company requests that employees accurately observe and record meal and rest periods. If you know in advance that you may not be able to take your scheduled break or meal period, let your Manager know; in addition, notify your Manager as soon as possible if you were unable to or prohibited from taking a meal or rest period.

### Overtime

If you are nonexempt, you may qualify for overtime pay. **All overtime must be approved in advance**, by your Manager. Please do your part in making sure you are not going into overtime and let your manager know when you are getting close.

At certain times Porthole Restaurant and Pub may require you to work overtime. We will attempt to give as much notice as possible in this instance. However, advance notice may not always be possible. Failure to work overtime when requested or working unauthorized overtime may result in discipline, up to and including discharge.

Unless otherwise required or exempted by law, overtime pay of one and one-half times your regular rate of pay is paid for any hours worked in excess of 40 hours in a workweek. Holidays, vacation days, and sick leave days do not count as time worked for computing overtime.

### Pay Period

At Porthole Restaurant and Pub, the standard pay period is weekly for all employees. Our pay period is Monday - Sunday. Pay dates are Fridays. If a pay date falls on a holiday, you will be paid on Thursday. Check with your Manager if this type of date arises.

Please review your paycheck for accuracy. If you find an issue, report it to your Manager immediately.

### Wage Disclosure Protection

In accordance with Maine law, Porthole Restaurant and Pub will not prohibit you from disclosing your own wages or inquiring about another employee's wages if the disclosure or inquiry is to enforce your rights under Maine's equal pay provisions.

However, if you have access to or knowledge of the compensation information of other employees as a part of your essential job functions, you may not disclose that information to individuals who do not otherwise have access to it, unless the disclosure is:

- In response to a formal complaint or charge;
- Part of an investigation, proceeding, hearing, or action, including an investigation conducted by the Company; or
- Consistent with the legal duty of the Company to furnish information.

If you believe that you have been discriminated or retaliated against in violation of this policy, immediately report your concerns to Human Resources.

Nothing in this policy will be enforced to interfere with, restrain or coerce, or retaliate against employees regarding their rights under the National Labor Relations Act.

## Benefits

### Domestic/Sexual Violence Leave

If you or one of your family members is the victim of domestic violence, sexual assault, or stalking, Porthole Restaurant and Pub will provide you reasonable and necessary unpaid leave from work to:

- Prepare for and attend court proceedings;
- Receive medical treatment or attend to medical treatment for a victim who is your daughter, son, parent, or spouse; or
- Obtain necessary services to remedy a crisis cause by domestic violence, sexual assault, or stalking.

**Family member** means your spouse, parent, or child.

This leave may only be used when you or your family member is the victim of violence, assault, sexual assaults, stalking, or any act that would support an order for protection under Maine Title 19-A, chapter 101.

To obtain leave under this policy, you must provide notice within a reasonable time under the circumstances. You may be required to provide reasonable documentation of the family relationship, which may include a statement attesting to the relationship, a birth certificate, a court document, or similar documents.

Leave may not be granted if you do not make the request for leave within a reasonable time under the circumstances, if the leave would cause the Company to sustain an undue hardship, or if the leave is impractical, unreasonable, or unnecessary based on the facts made known to the Company.

The Company will not retaliate against employees who request or take leave in accordance with this policy.

### Extreme Public Health Emergency Leave

Porthole Restaurant and Pub provides extreme public health emergency leave to eligible employees, unless doing so would cause an undue hardship.

**Extreme public health emergency** means the occurrence or imminent threat of widespread exposure to a highly infectious or toxic agent that poses an imminent threat of substantial harm to the population of Maine.

To be eligible for extreme public health emergency leave, you must be unable to work because:

- You are under public health investigation, supervision, or treatment related to an extreme public health emergency;
- You are acting in accordance with an extreme public health emergency order;
- You are in quarantine or isolation or are subject to a control measure in accordance with extreme public health emergency information or directions issue to the public, a part of the public, or one or more individuals;
- You have been directed by the Company not to work because you may expose others to an extreme public health emergency threat; or
- You need to provide care or assistance to your spouse or domestic partner, parent, or child (including a child for whom you are the legal guardian) for reasons related to an extreme public health emergency.

Provide notice of your need for leave as soon as practical.

Leave under this policy may require the use of your EPL, or if you have exhausted your EPL, it will be unpaid time. Please check with your Manager.

Upon your return to work, the Company may require you to provide written documentation from a physician or public health official supporting your need for leave.

The Company will not retaliate against employees who request or take leave in accordance with this policy.

## Family Military Leave

Porthole Restaurant and Pub will provide eligible employees up to 15 days of unpaid family military leave per deployment of a family member. **Family member** means a child, spouse, or domestic partner who is a resident of Maine and is ordered to active duty by the Governor or President of the United States for a period of 180 days or longer to a duty assignment that is in a combat theater or an area where armed conflict is taking place.

## Eligibility

To be eligible for leave you must have been employed by the Company for at least 12 months and have worked for at least 1,250 hours during the 12-month period immediately preceding the leave.

## When Leave May Be Taken

You may only take leave:

- In the 15 days immediately prior to deployment;
- During deployment, if the family member is granted leave; or
- During the 15 days immediately following deployment.

## Notice

For leave lasting five or more consecutive workdays, you must provide at least 14 days' notice of the intended date upon which the leave will begin. If leave is for fewer than five days, you must provide as much advance notice as is practicable. Work with your Manager to schedule leave in a manner that will not unduly disrupt Company operations.

## Certification

The Company may require verification (i.e., copy of military orders) that you are eligible for leave under this policy.

## Compensation

Leave under this policy is without pay.

## Benefits

You are entitled to continue your benefits (i.e., group life insurance, health insurance, disability insurance or pensions) while on leave at your own expense.

## Interaction with FMLA

Where applicable, leave under this policy will run concurrently with the FMLA's qualifying exigency leave.

## Reinstatement

Upon return from leave, you will be restored to your prior position or to a comparable position with equivalent pay, benefits, seniority and other terms and conditions of employment. Exceptions may apply if you cannot be reinstated for reasons unrelated to the exercise of rights under this policy.

## Retaliation

The Company will not retaliate against employees who request or take leave in accordance with this policy.

## Family and Medical Leave (MFMLA)

In accordance with the Maine Family Medical Leave Act (MFMLA), Porthole Restaurant and Pub provides eligible employees up to 12 consecutive weeks of unpaid leave in a two-year period for certain purposes. **Note:** Depending on the time of the year and the specific leave cycle, either the Federal Family and Medical Leave Act (FMLA) or the Maine Family Medical Leave Act (MFMLA) may apply. If both

laws provide coverage, the leave periods will run concurrently as permitted by law.

## Eligibility

To be eligible for leave under the MFMLA, you must:

- Have been employed by the Company for at least 12 consecutive months; and
- Work at a permanent worksite in Maine that has at least 15 or more employees.

## Reasons for Leave

MFMLA leave may be taken for the following purposes:

- The birth of a child, or the birth of a domestic partner's child.
- The placement of a child 16 years of age or younger with you or your domestic partner for adoption.
- Your own serious health condition.
- The serious health condition of your child, domestic partner's child, parent, grandchild, domestic partner's grandchild, domestic partner, sibling, or spouse.
- Organ donation by you for human transplant.
- The death or serious health condition of your spouse, domestic partner, parent, sibling, or child if the death or serious health condition occurs while on active duty in the state military forces or in the U.S. Armed Forces.

For purposes of this policy:

- **Sibling** is a sibling with whom you live, have joint financial arrangements, and share responsibility for each other's well-being.
- **Serious health condition** means an illness, injury, impairment, or physical or mental condition that involves either:
  - Inpatient care in a hospital, hospice, or residential medical care facility; or
  - Continuing treatment by a health care provider.

## Leave Usage

If eligible, you are entitled to a maximum of 12 work weeks of MFMLA leave in any two years.

Leave may be taken intermittently or on a reduced leave schedule, subject to the following:

- Leave for childbirth or adoption may not be taken intermittently or on a reduced leave schedule unless the Company and you mutually agree otherwise.
- Leave for your own or a covered family member's serious health condition or for organ donation may be taken intermittently or on a reduced leave schedule when medically necessary.
- Intermittent or reduced-schedule leave will not result in a reduction of the total 10 work weeks of leave to which you are entitled beyond the amount of leave actually taken.
- If you request intermittent leave or a reduced leave schedule for qualifying reasons that are foreseeable (such as planned medical treatment), the Company may require that you transfer temporarily to an available alternative position for which you are qualified and that has equivalent pay and benefits and better accommodates recurring periods of leave.

**Concurrent Leave:** MFMLA leave will run concurrently with other federal/state leave laws where permitted. If eligible under both the Federal Family and Medical Leave Act (FMLA) and the Maine Family Medical Leave Act (MFMLA), leave will be designated under the applicable law, and the leave entitlements will not exceed 12 weeks within a single designated leave period. Depending on the time of year and previous leave usage, either FMLA or MFMLA may be in effect.

## Notice and Certification

You must provide at least 30 days' notice of the intended date MFMLA leave will begin and end, unless prevented by a medical emergency. The Company may also require you to provide certification from a physician or other accredited practitioner to verify the amount of leave time requested.

## Compensation

MFMLA leave is unpaid. You may substitute accrued, unused sick pay, personal days, and vacation days for unpaid leave under this policy.

## **Benefits**

Your employment benefits continue during the leave at your own expense. Taking MFMLA leave will not result in the loss of any employee benefit accrued before the date leave begins.

## **Reinstatement**

Upon return from leave, you will be restored to your prior position or to a comparable position with equivalent pay, benefits, seniority, and other terms and conditions of employment. Exceptions may apply when you cannot be reinstated for reasons unrelated to your rights under the MFMLA.

## **Abuse of Leave**

If you are found to have provided a false reason for a leave, you will be subject to disciplinary action up to and including termination.

## **Retaliation**

The Company will not retaliate against employees who request or take leave in accordance with this policy.

## **Jury Duty Leave**

Porthole Restaurant and Pub encourages employees to fulfill their civic duties related to jury duty. If you are summoned for jury duty, notify your Manager as soon as possible to make scheduling arrangements.

If you are classified as exempt, you will not incur any deduction in pay for a partial week's absence due to jury duty. If you are classified as nonexempt, you will not be compensated for time spent on jury duty. You may opt to use EPL in place of unpaid leave.

The Company reserves the right to require employees to provide proof of jury duty service to the extent authorized by law.

The Company will not retaliate against employees who request or take leave in accordance with this policy.

## **Legislator Leave**

Porthole Restaurant and Pub will provide employees who are elected to serve as state legislators with unpaid leave while serving in their elected office. This leave is limited to one legislative term of two years.

To be eligible for leave, you must provide notice to the Company of your intent to become a candidate for the legislature within 10 days of placing your name on a primary or general election ballot. Failure to provide proper notice will result in the loss of your entitlement to leave. Temporary employees are not eligible for this leave.

If providing leave would cause an unreasonable hardship for the Company, the Company may make an appeal for relief to the State Board of Arbitration and Conciliation (SBAC) within 14 days of receiving your notice. After the appeal is filed, a proceeding will be held to determine whether or not leave must be granted. The decision, which is final, will be made within 30 days of receipt of the notice of appeal and is binding on you and the Company. Payment for SBAC services will be shared between you and the Company.

Upon return from leave, you will be restored to your previous position or a similar position with the same status, pay, and seniority, unless you are no longer qualified.

The Company will not retaliate against employees who request or take leave in accordance with this policy.

## **Maine Earned Paid Leave (Accrual Method)**

Porthole Restaurant and Pub provides earned paid leave to eligible employees in accordance with Maine's earned paid leave law.

### **Eligibility**

All full-time, part-time, and per diem employees who work in Maine are eligible for earned paid leave.

### **Reasons for Leave**

Earned paid leave may be taken for any reason.

## **Accrual and Usage**

Eligible employees accrue one hour of earned paid leave for every 40 hours worked (up to a maximum of 40 hours per leave year) beginning on their first day of employment. If you are classified as exempt, you are presumed to work 40 hours per week, unless you are normally scheduled to work fewer than 40 hours, in which case earned paid leave accrues based on your normal schedule.

You may begin using earned paid leave after you have been employed for 120 calendar days. You may use up to 40 hours of earned paid leave in a leave year. For purposes of this policy, the leave year is [January 1-December 31]. The minimum increment of earned paid leave that you may take at is [[one hour]]. Unused accrued leave will carry over to the following leave year; however, you may still only use 40 hours of leave in any given leave year.

## **Compensation**

You will be compensated for earned paid leave at your regular rate of pay.

## **Notice**

If the need for leave is foreseeable, you must provide [[up to four weeks]] notice of your intent to use earned leave. If unforeseeable, you must make a good faith effort to provide notice as soon as practical. If known, notice should include the expected length of the absence.

If leave is foreseeable, the Company may place reasonable limits on the scheduling of your leave to prevent an undue hardship on Company operations.

## **Payment Upon Termination**

You [[will not]] be paid for any unused earned paid leave when your employment ends.

## **Reinstatement of Earned Paid Leave upon Rehire**

The Company will reinstate any previously accrued unused earned paid leave if you separate and are rehired in Maine within one year.

## **Retaliation**

The Company will not retaliate against employees who request or take leave in accordance with this policy.

# Custom Policies

## Custom Policies

### Direct Deposit & Paycheck Availability Policy

Employees are responsible for viewing their paystubs weekly and verifying their direct deposit information in Paylocity. If you do not see your expected deposit, please follow these steps before reaching out to your manager or HR:

1. **Check Your Pay Stub in Paylocity** – Pay stubs are generated on payday. If it is before payday and no stub is available, your deposit has not yet been processed. Do not contact your manager or HR before payday.
2. **Confirm with Your Bank** – If it is payday and your deposit is missing but you have a paystub, first check with your bank to troubleshoot any issues on their end before reaching out to HR or your manager.
3. **Bank Release Timing** – Some banks release funds early, but this is at their discretion. A paycheck is not considered late if it is not available before the official payday.
4. **Incorrect or Missing Direct Deposit Information** – If a paycheck is delayed or rejected due to incorrect or missing account details (such as an account not in the employee's name), the deposit will be reprocessed once the funds are returned to our account. Employees must ensure their banking information is accurate to prevent delays.

For any direct deposit issues that persist after following these steps, please contact HR for assistance.

### Diversity, Equity and Inclusion

Our Company is committed to fostering, cultivating and preserving a culture of diversity, equity, and inclusion.

**Our human capital is the most valuable asset we have.** The collective sum of the individual differences, life experiences, knowledge, inventiveness, innovation, self-expression, unique abilities and talent that our employees invest in their work represents a significant part of not only our culture, but our reputation and company's achievement as well.

We embrace and encourage our employees' differences in age, color, disability, ethnicity, family or marital status, gender identity or expression, language, national origin, physical and mental ability, political affiliation, race, religion, sexual orientation, socio-economic status, veteran status, and other characteristics that make our employees unique.

Our Company's diversity initiatives are applicable—but not limited—to our practices and policies on recruitment and selection; compensation and benefits; professional development and training; promotions; transfers; social and recreational programs; layoffs; terminations; and the ongoing development of a work environment built on the premise of gender and diversity equity that encourages and enforces:

- Respectful communication and cooperation between all employees.
- Teamwork and employee participation, permitting the representation of all groups and employee perspectives.
- Work/life balance through flexible work schedules to accommodate employees' varying needs.
- Employer and employee contributions to the communities we serve to promote a greater understanding and respect for diversity.

All employees of our organization have a responsibility to treat others with dignity and respect at all times. All employees are expected to exhibit conduct that reflects inclusion during work, at work functions on or off the work site, and at all other company-sponsored and participative events.

Any employee found to have exhibited any inappropriate conduct or behavior against others may be subject to disciplinary action.

Employees who believe they have been subjected to any kind of discrimination that conflicts with the Company's diversity policy and initiatives should seek assistance from a supervisor or an HR representative.

### Employee Fraternization Policy

Our organization strongly believes that a work environment where employees maintain clear boundaries between employee personal and business interactions is necessary for effective business operations. Any supervisor, manager, or other company official must disclose the existence of a romantic or sexual relationship with another co-worker. Disclosure may be made to the individual's immediate supervisor or the owners. The Company will review the circumstances to determine whether any conflict of interest exists.

Guests and customers are only allowed in public areas of any place or building and should never be in or behind work areas.

Employees are strictly prohibited from engaging in physical contact that would in any way be deemed inappropriate in the workplace while anywhere on company premises, whether during working hours or not.

Non-consensual relationships constitute sexual harassment, and we prohibit them explicitly.

## **No Weapons Policy**

Porthole Restaurant and Pub is committed to providing a safe working environment. Therefore, the possession, use, or threat of use of any weapon on company property is strictly prohibited.

### **Definitions:**

- **Weapons:** Includes, but is not limited to, firearms, knives (except for those used as tools and approved by management), explosives, and any other objects that could be used to inflict harm. Pocket knives are acceptable on company premises, provided they are used responsibly and safely.
- **Company Property:** Includes all buildings, company vehicles, and any location where company business is conducted.

### **Prohibited Actions:**

- Possessing or carrying weapons on company property, regardless of whether the individual has a permit.
- Using or threatening to use any object as a weapon to harm or intimidate others.

### **Exceptions:**

- Authorized security personnel and law enforcement officers acting within the scope of their duties.
- Employees who need to use tools (knives, box cutters, etc.) as part of their job, provided they use them responsibly and safely.
- Pocket knives are acceptable for employees to have on company premises, provided they are used responsibly and safely.

### **Compliance:**

- Employees must declare any authorized exceptions in advance and in writing.
- Failure to comply with this policy will result in immediate disciplinary action, up to and including termination of employment.

### **Reporting:**

- Any employee who observes or becomes aware of a weapon on company property must report it immediately to their supervisor or HR.
- Reports will be investigated promptly and confidentially.
- Contact HR or Management to report any concerns.

## **Service Animals**

- **Definition:**
  - Service animals are the only animals recognized by law to accompany individuals with disabilities in any public place. These animals are specially trained to perform tasks on behalf of a single owner to mitigate their disability.
- **Service Animal Criteria:**
  - Service animals are distinguished from emotional support animals, therapy animals, and other pets.
  - Emotional support animals do not qualify as service animals under the ADA.
  - According to the ADA, only two questions are permissible to determine if an animal qualifies as a service animal:
    - Is the animal required because of a disability?
    - What work or task has the animal been trained to perform?
- **Workplace/Restaurant Conduct:**
  - Any animal that disrupts the workplace or restaurant environment may be asked to leave.
  - The individual with the disability may remain on the premises while the animal is removed.

- Service Dog Fraud:
  - Fraudulently misrepresenting an animal as a service animal constitutes a crime.
  - Service dog fraud is classified as a misdemeanor.
- Therapy Animals:
  - Therapy animals do not fall under the category of service animals as defined by the Maine penal code.

This policy is intended to ensure compliance with the Americans with Disabilities Act (ADA) regulations regarding service animals and to maintain a respectful and inclusive environment for all patrons and employees.

## **Closing Statement**

Thank you for reading our handbook. We hope it has provided you with an understanding of our mission, history, and structure as well as our current policies and guidelines. We look forward to working with you to create a successful Company and a safe, productive, and pleasant workplace.

Porthole Restaurant and Pub

## Acknowledgment of Receipt and Review

By signing below, I acknowledge that I have received a copy of the Porthole Restaurant and Pub Employee Handbook (handbook) and that I have read it, understand it, and agree to comply with it. I understand that the Company has the maximum discretion permitted by law to interpret, administer, change, modify, or delete the rules, regulations, procedures, and benefits contained in the handbook at any time with or without notice. No statement or representation by a supervisor, manager, or any other employee, whether oral or written, can supplement or modify this handbook. Changes can only be made if approved in writing by the Human Resources Director of the Company. I also understand that any delay or failure by the Company to enforce any rule, regulation, or procedure contained in the handbook does not constitute a waiver on behalf of the Company or affect the right of the Company to enforce such rule, regulation, or procedure in the future.

I understand that neither this handbook nor any other communication by a management representative or other, whether oral or written, is intended in any way to create a contract of employment. I further understand that, unless I have a written employment agreement signed by an authorized Company representative, I am employed "at-will" (to the extent permitted by law) and this handbook does not modify my "at-will" employment status.

If I am covered by a written employment agreement (signed by an authorized Company representative) or a collective bargaining agreement that conflicts with the terms of this handbook, I understand that the terms of the employment agreement or collective bargaining agreement will control.

This handbook is not intended to preclude or dissuade employees from engaging in legally protected activities under the National Labor Relations Act (NLRA). This handbook is not intended to violate any local, state, or federal law. No provision or policy applies or will be enforced if it conflicts with or is superseded by any requirement or prohibition contained in federal, state, or local law, or regulation. Furthermore, nothing in this handbook prohibits an employee from reporting concerns to, filing a charge or complaint with, making lawful disclosures to, providing documents or other information to, or participating in an investigation or hearing conducted by the Equal Employment Opportunity Commission (EEOC), National Labor Relations Board (NLRB), Securities and Exchange Commission (SEC), or any other federal, state, or local agency charged with the enforcement of any laws.

This handbook supersedes any previous handbook or policy statements, whether written or oral, issued by Porthole Restaurant and Pub.

If I have any questions about the content or interpretation of this handbook, I will contact Human Resources.

---

Signature

---

Date

---

Print Name

# **APPENDIX**

# Your Employee Rights Under the Family and Medical Leave Act

## What is FMLA leave?

The Family and Medical Leave Act (FMLA) is a federal law that provides eligible employees with **job-protected leave** for qualifying family and medical reasons. The U.S. Department of Labor's Wage and Hour Division (WHD) enforces the FMLA for most employees.

Eligible employees can take **up to 12 workweeks** of FMLA leave in a 12-month period for:

- The birth, adoption or foster placement of a child with you,
- Your serious mental or physical health condition that makes you unable to work,
- To care for your spouse, child or parent with a serious mental or physical health condition, and
- Certain qualifying reasons related to the foreign deployment of your spouse, child or parent who is a military servicemember.

An eligible employee who is the spouse, child, parent or next of kin of a covered servicemember with a serious injury or illness **may take up to 26 workweeks** of FMLA leave in a single 12-month period to care for the servicemember.

You have the right to use FMLA leave in **one block of time**. When it is medically necessary or otherwise permitted, you may take FMLA leave **intermittently in separate blocks of time, or on a reduced schedule** by working less hours each day or week. Read Fact Sheet #28M(c) for more information.

FMLA leave is **not paid leave**, but you may choose, or be required by your employer, to use any employer-provided paid leave if your employer's paid leave policy covers the reason for which you need FMLA leave.

## Am I eligible to take FMLA leave?

You are an **eligible employee** if **all** of the following apply:

- You work for a covered employer,
- You have worked for your employer at least 12 months,
- You have at least 1,250 hours of service for your employer during the 12 months before your leave, and
- Your employer has at least 50 employees within 75 miles of your work location.

Airline flight crew employees have different "hours of service" requirements.

You work for a **covered employer** if **one** of the following applies:

- You work for a private employer that had at least 50 employees during at least 20 workweeks in the current or previous calendar year,
- You work for an elementary or public or private secondary school, or
- You work for a public agency, such as a local, state or federal government agency. Most federal employees are covered by Title II of the FMLA, administered by the Office of Personnel Management.

## How do I request FMLA leave?

Generally, to **request FMLA leave you must**:

- Follow your employer's normal policies for requesting leave,
- Give notice at least 30 days before your need for FMLA leave, or
- If advance notice is not possible, give notice as soon as possible.

You **do not have to share a medical diagnosis** but must provide enough information to your employer so they can determine whether the leave qualifies for FMLA protection. You **must also inform your employer if FMLA leave was previously taken** or approved for the same reason when requesting additional leave.

Your **employer may request certification** from a health care provider to verify medical leave and may request certification of a qualifying exigency.

The FMLA does not affect any federal or state law prohibiting discrimination or supersede any state or local law or collective bargaining agreement that provides greater family or medical leave rights.

State employees may be subject to certain limitations in pursuit of direct lawsuits regarding leave for their own serious health conditions. 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.

## What does my employer need to do?

If you are eligible for FMLA leave, your **employer must**:

- Allow you to take job-protected time off work for a qualifying reason,
- Continue your group health plan coverage while you are on leave on the same basis as if you had not taken leave, and
- Allow you to return to the same job, or a virtually identical job with the same pay, benefits and other working conditions, including shift and location, at the end of your leave.

Your **employer cannot interfere with your FMLA rights** or threaten or punish you for exercising your rights under the law. For example, your employer cannot retaliate against you for requesting FMLA leave or cooperating with a WHD investigation.

After becoming aware that your need for leave is for a reason that may qualify under the FMLA, your **employer must confirm whether you are eligible** or not eligible for FMLA leave. If your employer determines that you are eligible, your **employer must notify you in writing**:

- About your FMLA rights and responsibilities, and
- How much of your requested leave, if any, will be FMLA-protected leave.

## Where can I find more information?

Call **1-866-487-9243** or visit **dol.gov/fmla** to learn more.

If you believe your rights under the FMLA have been violated, you may file a complaint with WHD or file a private lawsuit against your employer in court. **Scan the QR code to learn about our WHD complaint process.**



**WAGE AND HOUR DIVISION**  
UNITED STATES DEPARTMENT OF LABOR

