

# Burrito Concepts, LLC



## Employee Handbook

9-10-19

## My Information

Name: \_\_\_\_\_

Restaurant Location: \_\_\_\_\_

Restaurant Phone Number: \_\_\_\_\_

Hours of Operation: \_\_\_\_\_

General Manager: \_\_\_\_\_

Manager: \_\_\_\_\_

Assistant Manager: \_\_\_\_\_

Schedule requests due: \_\_\_\_\_

Work schedules posted every: \_\_\_\_\_

Burrito Concepts, LLC is committed to providing a fair and safe work environment to all its employees. **Should you feel as though you are unable to resolve any issues with your immediate supervisor, manager or regional director, we urge you to contact our Human Resource Manager at 417-520-7543.** All calls will be treated in confidence to the extent possible, involving only those directly related to the issue.

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Welcome New Team Member!

On behalf of the team, we want to welcome you to Qdoba® and wish you every success here. You are now an employee of Burrito Concepts, LLC, a Franchisee of Qdoba Mexican Grill.

We believe that each employee contributes directly to Qdoba®'s growth and success, and we hope you will take pride in being a member of our team.

This handbook was developed to describe some of the expectations of our employees and to outline the policies, programs, and benefits available to eligible employees. Employees should familiarize themselves with the contents of the employee handbook as soon as possible, for it will answer many questions about employment with Qdoba®.

We hope that your experience here will be challenging, enjoyable, and rewarding. Again, welcome!

Sincerely,

John Ghirardelli – Managing Partner

## Contact Information

Controller – Tyler Robinson

- 417-520-7541
- [trobinson@burritoconcepts.com](mailto:trobinson@burritoconcepts.com)

Director of Human Resources – Lisa Counts

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- [lcounts@burritoconcepts.com](mailto:lcounts@burritoconcepts.com)

District Manager – Cody Reser (Springfield/Jonesboro)

- 417-848-9009
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District Manager – Makayla Glover (Tulsa)

- 417-414-9995
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District Manager – Brittany Harlin (Joplin/NW Arkansas/Tulsa)

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Catering Manager – Gayla Spon

- 417-838-7477
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## **HANDBOOK PURPOSE**

This handbook is designed to acquaint you with the organization and provide you with information about working here. The handbook is not all-inclusive, but is intended to provide you with a summary of some of the organization's guidelines. This edition replaces all previously issued editions. Employment with Burrito Concepts, LLC is at-will and team members have the right to end their work relationship with the organization, with or without advance notice, for any reason. The organization has the same right to terminate a team member with or without cause or advance notice. The language used in this handbook and any verbal statements made by management are not intended to constitute a contract of employment, either express or implied, nor are they a guarantee of employment for a specific duration. No representative of Burrito Concepts, other than a president/owner of the organization, has the authority to enter into an agreement of employment for any specified period and such agreement must be in writing, signed by a president/owner and by or on behalf of the team member.

## **QDOBA HISTORY**

Qdoba Restaurant Corporation began in 1995 and quickly grew throughout the United States and then into Canada. Several markets are corporate based, while other markets are heavily franchised. In January of 2003, Qdoba was acquired by Jack in the Box, a California based public company. We share a commitment to quality and growth and aspire to achieve a national presence by operating and franchising the premier restaurant concepts in our respective categories.

Burrito Concepts, LLC was created in 2004 with two stores in Springfield, MO. Since then, it has continued to grow and has expanded to over 15 restaurants in 9 cities in 3 states.

## QDOBA VALUES

**OUR ESSENCE** – To provide an experience you can't stop talking about.

**OUR BRAND "DNA"** – Relentless – Inviting – Passionate about taste – Remarkable – Generous

**OUR PERSONALITY** – Generous – Enthusiastic – Creative – Passionate – Approachable – Engaging – Light-hearted

**OUR PROMISE** – We pledge to deliver raveable and irresistibly crafted flavors – We will deliver a unique and remarkable experience with flavor as the focal point – Our engaging restaurant environment invites you to come alone or with friends and family – We encourage you to come as you are; after you are finished, you will already be planning your next visit

**OUR PERSONALITY** – Generous – Enthusiastic – Creative – Passionate – Approachable – Engaging – Light-hearted

## QDOBA GUESTS

Our guests are among our organization's most valuable assets. Every employee represents Qdoba® to our guests and the public. The way we do our jobs presents an image of our entire organization and guests judge all of us by how they are treated with each employee contact. Therefore, one of our first business priorities is to assist any guest or potential guest. Nothing is more important than being courteous, friendly, helpful, and prompt in the attention you give to guest.

### OPEN DOOR POLICY

Any Employee with questions or concerns about any of the following policies should go to their direct supervisor, regional manager, or a human resources representative. Employees can go to management with observations, concerns, or complaints, without fear of reprisal.

# LEGAL

## **EQUAL EMPLOYMENT OPPORTUNITY (EEO)**

The company is dedicated to the principles of equal employment opportunity in any term, condition or privilege of employment. We prohibit discrimination against applicants or team members on the basis of age, race, sex, color, religion, national origin, marital status, disability, ancestry, military status, pregnancy, sexual orientation, gender identity, genetic information, or any other status protected by applicable law. Each member of management is expected to abide by and is responsible for implementing this policy. This prohibition includes unlawful harassment based on any of these protected classes. Unlawful harassment includes verbal or physical conduct which has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

This policy applies to all team members, including managers, supervisors, co-workers and non-team members such as guests, clients, vendors, consultants, etc.

All Qdoba team members are responsible to help assure that we avoid harassment. The company prohibits retaliation against any team member for filing a complaint under this policy, or for assisting in a complaint investigation. If you believe there has been a violation of our EEO (Equal Employment Opportunity) or retaliation standard, please follow the complaint procedure outlined below.

## **COMPLAINT PROCEDURE**

The company expects team members to make a timely complaint to enable the company to promptly investigate and correct any behavior that may be in violation of our policies. If you believe there has been a violation of the EEO policy, or harassment has occurred (including sexual harassment), please use the following complaint procedure.

1. Report the incident to your direct supervisor, who will promptly report the incident to the HR Department to investigate the matter and take appropriate corrective action.
2. Your complaint will be kept as confidential as practicable.
3. If you feel you cannot go to your direct supervisor with your complaint, you should report the incident to your Field Support Manager, District Manager, or the Human Resources Department (417-520-7543).
4. If the company determines that a team member's behavior is in violation of this policy, appropriate disciplinary action will be taken against the offending team member, up to and including termination of employment.
5. The company prohibits retaliation against a team member for filing a complaint under this policy, or for assisting in a complaint investigation.
6. If you perceive retaliation for making a complaint or for your participation in an investigation, please follow the complaint procedure outlined above.
7. The situation will be promptly investigated.

8. Any team member having knowledge or suspicion of sexual harassment or other types of discrimination, whether or not as a victim, must report that knowledge under this Complaint Procedure.

Additionally, the team member has the right to file a complaint with the Equal Employment Opportunity Commission or similar state agency. Information is available online or the address and the phone number of the nearest office can be found in the phone book. Failure to follow appropriate reporting procedures is a violation of Qdoba's Duty to Report policy and may result in disciplinary action.

## **SEXUAL HARASSMENT**

The company strictly prohibits sexual harassment and inappropriate sexual conduct. Violation of this policy will result in disciplinary action up to and including termination. Sexual harassment is defined as unwelcome sexual attention, sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, when:

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

Inappropriate sexual conduct is expressly prohibited by this policy. Such conduct includes, but is not limited to, sexually implicit or explicit communications whether in:

- Written form, such as cartoons, posters, calendars, notes, letters, text messages, photos, e-mail, etc.
- Verbal form, such as comments, jokes, foul or obscene language of a sexual nature, gossiping or questions about another's sex life or repeated unwanted requests for dates.
- Physical gestures and other non-verbal behavior, such as unwelcome leering, touching, grabbing, fondling, kissing, massaging, and intentionally brushing up against another's body.

Sexual Harassment includes inappropriate conduct outside working hours or the workplace if it impacts the workplace. All team members are expected to conduct themselves in a professional and businesslike manner at all times.

Q: I asked one of my co-workers out. She said no, but I really like her. I want to ask her out again and see if she changes her mind. What's the right thing to do?

A: You need to respect your co-worker's decision. If you continue to ask her, it could be considered harassment.

### **Sexual Harassment/Complaint Procedure:**

1. Report the incident to your direct supervisor, who will promptly report the incident to the HR Department to investigate the matter and take appropriate corrective action.
2. Your complaint will be kept as confidential as practicable.
3. If you feel you cannot go to your direct supervisor with your complaint, you should report the incident to your Field Support Manager, District Manager, or the Human Resources Department (417-520-7543).
4. If the company determines that a team member's behavior is in violation of this policy, appropriate disciplinary action will be taken against the offending team member, up to and including termination of employment.
5. The company prohibits retaliation against a team member for filing a complaint under this policy, or for assisting in a complaint investigation.
6. If you perceive retaliation for making a complaint or for your participation in an investigation, please follow the complaint procedure outlined above.
7. The situation will be promptly investigated.
8. Any team member having knowledge or suspicion of sexual harassment or other types of discrimination, whether or not as a victim, must report that knowledge under this Complaint Procedure.

### **IMMIGRATION LAW COMPLIANCE**

Federal immigration law requires all employers to have a completed employment eligibility verification statement (USCIS Form I-9) for every team member. This form confirms that the individual being hired is eligible to work in the United States and is the same person whose name appears on the papers of documentation. Qdoba is committed to employing only United States citizens, permanent residents and/or foreign nationals who are authorized to work in the United States.

Qdoba complies with the Immigration Reform and Control Act of 1986 and all other applicable immigration laws. As a condition precedent of employment, each new team member must properly complete, sign and date the first section of the Form I-9. Reverification of the I-9 form may be warranted and required in certain circumstances. New team members must be able to provide the documents required by the I-9 form within the first three days of work. New team members must comply with any associated state regulations as well.

Lastly, Qdoba participates in the Federal E-Verify program. The Department of Homeland Security (DHS) and Social Security Administration (SSA) have established an electronic system called E-Verify to assist employers further in verifying the employment eligibility of all newly-hired team members. In short, through E-Verify, employers send information about you to SSA and DHS (non-citizens only) to ensure that you are authorized to work in the United States and that your name, Social Security number and date of birth match government records. As a result, you have certain rights and are welcome to ask your supervisor or manager for more information.

Qdoba will not hire or continue to employ any person who is not authorized to work in the United States. We will take all reasonable steps to investigate credible information which indicates that a team member may not be authorized to work in the United States, may have provided fraudulent documents to establish either identity or authorization to work in the United States, or may have misled Qdoba about his or her work authorization. At the same time, we will balance the rights of team members against discrimination based on citizenship, national origin or immigration status and/or needless intrusion into personal privacy.

## **DISABILITY ACCOMODATION**

Qdoba® is committed to complying fully with the Americans with Disabilities Act (ADA) and ensuring equal opportunity in employment for qualified persons with disabilities. All employment practices and activities are conducted on a non-discriminatory basis.

Reasonable accommodation is available to all disabled employees, where their disability affects the performance of job functions. Qdoba® will make reasonable accommodations for qualified individuals with known disabilities unless doing so would result in an undue hardship.

## **LEAVE OF ABSENCES**

### **FAMILY AND MEDICAL LEAVE (FMLA LEAVE)**

Qdoba provides up to 12 weeks of unpaid, job-protected leave to eligible team members for the following reasons:

- Incapacity due to pregnancy, prenatal medical care or child birth.
- To care for the team member's child within the first year of the child's birth or within the first year after placement in the case of adoption.
- To care for the team member's spouse, son or daughter, or parent, who has a serious health condition.
- Serious health condition that makes the team member unable to perform the team member's job, or to care for an ill or injured covered service member.

### **Benefits and Protections**

During FMLA leave, the organization maintains the team member's health coverage under any group health plan on the same terms as if the team member had continued to work. Team Members must continue to pay their portion of any insurance premium while on leave. Upon return from FMLA leave, most team members

are restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms. Certain key team members may have limited reinstatement rights.

Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of a team member's leave. As with other types of unpaid leaves, paid time off will not accrue during the unpaid leave. Holidays, funeral leave, or employer's jury duty pay are not granted on unpaid leave.

### **Eligibility Requirements**

Team members are eligible for FMLA if they have worked for Qdoba at least 12 months, for 1,250 hours over the previous 12 months, and if they work at a work site with at least 50 team members within 75 miles.

### **Definition of a Serious Health Condition**

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the team member from performing the functions of their job, or prevents a qualified family member from participating in school or other daily activities. Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than three consecutive full calendar days, combined with at least two visits to a health care provider, or one visit and a regimen of continuing treatment, or incapacity due to pregnancy or a chronic condition. Other conditions may meet the definition of continuing treatment.

### **Use of Leave**

The maximum time allowed for FMLA leave is either 12 weeks in the 12-month period as defined by the organization, or 26 weeks. The organization measures the 12-month period forward from the first day of a team member's leave. A team member does not need to use this leave entitlement in one block. Leave can be taken intermittently or on a reduced leave schedule when medically necessary. Team members must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the organization's operations. Leave due to qualifying exigencies may also be taken on an intermittent basis.

Team members who are taking intermittent or reduced schedule leave based on planned medical treatment, and those taking intermittent or reduced schedule family leave with the organization's agreement may be required to temporarily transfer to another job with equivalent pay and benefits that better accommodates that type of leave.

### **Substitution of Paid Leave for Unpaid Leave**

The organization requires team members to use accrued paid time off while taking FMLA leave. In order to use paid time off for FMLA leave, team members must comply with the organization's normal paid time off policies. FMLA leave is without pay when paid time off benefits are exhausted.

## **Team Member Responsibilities**

Team members must provide 30 days advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days' notice is not possible, the team member must provide notice as soon as practicable and generally must comply with the organization's normal call-in procedures. Team members must provide sufficient information for the organization to determine if the leave may qualify for FMLA protection. This includes providing information regarding the anticipated timing and duration of the leave. Sufficient information may include that the team member is unable to perform job functions, the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Team members also must inform the organization if the requested leave is for a reason for which FMLA leave was previously taken or certified.

Team members also may be required to provide a certification and periodic recertification supporting the need for leave. The organization may require second and third medical opinions at the organization's expense. Documentation confirming family relationship, adoption or foster care may be required. If notification and appropriate certification are not provided in a timely manner, approval for leave may be denied. Continued absence after denial of leave may result in disciplinary action in accordance with the organization's attendance guideline. Team members on leave must contact Human Resources at least two days before their first day of return.

## **The Organization's Responsibilities**

The organization will inform team members requesting leave whether they are eligible under FMLA. If they are, the notice will specify any additional information required, as well as the team members' rights and responsibilities. If they are not eligible, the organization will provide a reason for the ineligibility.

The organization will inform team members if leave will be designated as FMLA-protected and the amount of leave counted against the team member's leave entitlement. If the organization determines that the leave is not FMLA-protected, the organization will notify the team member.

## **Unlawful Acts**

FMLA makes it unlawful for the organization to:

- Interfere with, restrain or deny the exercise of any right provided under FMLA.
- Discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding relating to FMLA.

## **Enforcement**

A team member may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against the organization for FMLA rights. FMLA does not affect any federal or state law prohibiting discrimination, or

supersede any state or local law or collective bargaining agreement which provides greater family or medical leave rights.

## **MILITARY FAMILY LEAVE ENTITLEMENTS**

### **Exigency Leave**

Eligible team members with a spouse, son, daughter or parent on covered active duty or called to covered active duty status in the Armed Forces, National Guard or Reserves in support of a contingency operation in a foreign country may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements due to call of duty, attending certain counseling sessions and attending post-deployment reintegration briefings.

### **Caregiver Leave**

FMLA also includes a special leave entitlement that permits eligible team members to take up to 26 weeks of leave to care for a covered service member during a single 12-month period. A covered service member is a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation or therapy, or is in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness\* incurred or aggravated by service in the line of duty that may render the service member medically unfit to perform duties, or a veteran who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible team member takes FMLA leave to care for the covered veteran, and who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness.\*

\*The FMLA definitions of “serious injury or illness” for current service members and veterans are distinct from the FMLA definition of “serious health condition”.

## **PERSONAL LEAVE – MEDICAL LEAVE DURING THE FIRST YEAR (For those not eligible for FMLA)**

Leaves, and any extension of leaves, will typically be limited to no longer than six calendar weeks; however, Qdoba will consider accommodations or other exceptions as reasonable and necessary. Team members who fail to return at the expiration of their authorized leave will be terminated. A team member ready to return to work from leave should present a doctor’s statement indicating ability to return to work.

Because of the nature of our business, it is not always practical to hold your position open during your Qdoba medical leave. In the event your job is filled, you may be considered along with other candidates for any vacant position for which you are qualified. There is no job guarantee.

You will have the option to continue your insurance coverage; however, you will be held responsible for the entire premium should you decide to continue coverage during the six-week absence.

Vacation and sick leave will not accrue during a medical leave of absence. Team member holiday, funeral and/or jury duty pay will not be granted during the leave. Please review the formal leave policy for additional detail.

## BENEFITS

### VACATION BENEFITS

Paid vacation benefits are provided as a reward for the completion of applicable service requirements, for the purpose of rest and relaxation, and to safeguard and sustain the health of employees. Employees are encouraged to fully utilize their vacation benefits. Team members must average at least 30 hours per week for that entire calendar year. The number of hours of vacation earned is equivalent to the average weekly hours worked for the six months prior to the anniversary date. (If an employee averages more than 40 hours per week, the employee will only earn 40 hours per week.)

Vacation benefits accrue based on the employee’s continuous years of employment from their most current hire date. Vacation hours are accrued based on the job classification as indicated below:

| Continuous Service Requirement                                                   | After 1 Year                             | After 2 Years        | After 10 Years                              |
|----------------------------------------------------------------------------------|------------------------------------------|----------------------|---------------------------------------------|
| Vacation Accrual – All Employees including Servers, Cooks, Corp Management, etc. | 1 Week or hours earned                   | 2 Weeks hours earned | 3 Weeks hours earned                        |
| Vacation Accrual – General and Assistant Managers                                | 1 Week after every six months of service |                      | 1 ½ weeks after every six months of service |

\* Maximum vacation accrual limit is the regular vacation accrual

- All vacation hours used must be documented by submitting an approved documentation to Payroll. Documentation must be submitted at least a week prior to the vacation being taken.
- With proper notice, employees may use available vacation hours at any time, subject to approval of employee’s store manager, with consideration given to operating and business requirements, resource availability, and the employee’s length of service.
- The Company encourages each employee to use available vacation hours for rest and relaxation; therefore, pay in lieu of vacation will not be granted.
- Employees may take vacation in one-half hour increments or as provided by law.
- Any unused vacation will not be carried over to the following year nor will it be paid out upon termination (either voluntary or involuntary).

## **BEREAVEMENT LEAVE**

When a death occurs in the employee's immediate family, the bereaved employee may be granted time off without pay to make necessary arrangements, attend the funeral, and/or take other action which is customary, appropriate, and necessary.

For the purpose of this policy, "immediate" family is defined as including a spouse, son or daughter, brother, sister, parents, parents-in-law, grandparents, grandchild, or domestic partner.

Salaried/Office employees may receive up to three days off with pay. All leave must be documented and approved by the employee's immediate supervisor.

## **TIME OFF TO VOTE**

Qdoba encourages team members to fulfill their civic responsibilities by participating in elections. Generally, team members are able to find time to vote either before or after their regular work schedule. If team members are unable to vote in an election during their non-working hours, Qdoba will grant up to two hours of paid time off to vote. This must be scheduled in advance. Team members should request time off to vote from their supervisor at least two working days prior to the Election Day. Advance notice is required so the necessary time off can be scheduled at the beginning or end of the work shift, whichever provides the least disruption to the normal work schedule. Where applicable, Qdoba will comply with any state requirements.

## **JURY DUTY**

Restaurant Management, Administrative and Clerical Employees

It has been a Company practice to be a responsible corporate citizen, therefore, the Company encourages employees to serve whenever called upon by official agencies and will intervene only under exceptional circumstances.

An employee who has been officially called to jury or witness duty, and must be absent from work as a result, must present the official court document which requests the employee's service, to his/her immediate supervisor. Employees should report to work as scheduled for periods not involved in actual Jury/Witness Duty. All time off must be approved by the employee's immediate supervisor and documented and submitted to Payroll. A photocopy of the court document must be submitted. All time off and/or extensions beyond time provided by the initial summons must be accompanied by copies of official court documents.

For salaried employees, the company will pay the employee their regular pay for the days the employee is required to report as specified on the jury summons, but in no case, no more than ten business days. Employees may be granted time off without pay to serve on extended cases upon request by presenting court documents indicating estimated dates. Regular pay for salaried employees is based on the employee's normal pay and normal scheduled working hours.

An employee required to appear in court as a result of his/her position with the Company, will be paid at their regular rate of pay.

Any exception to this policy must be approved by the appropriate Division Vice President, Human Resources.

## **HOLIDAYS**

Due to the nature of our business, our main office holidays differ from those of our restaurants. For clarification and information regarding specified holidays, please see your immediate supervisor.

### **Qdoba® Restaurants will be closed on the following holidays:**

- Thanksgiving
- Christmas

### **Burrito Concepts office will be closed on the following holidays:**

- New Year's Day
- Memorial Day
- Independence Day
- Labor Day
- Thanksgiving Day
- Day After Thanksgiving
- Christmas

Burrito Concepts main office observes paid holidays each fiscal year for office staff members as outlined below:

### **Eligibility and Holiday Pay**

- Regular full-time office employees are immediately eligible upon hire for paid holidays as they occur. Team members will receive pay relative to their normal scheduled hours on each holiday.
- To be eligible for holiday pay, office employees are required to work their regular scheduled days immediately before and after the holiday. A vacation day or any other authorized day off immediately before and/or after the holiday will be considered working for purposes of this policy.
- Team members who are on leave are not eligible for paid holidays.

### **Vacations**

Should a paid holiday occur during an office employee's vacation period, holiday pay will be used to replace a day of vacation. The replaced day of vacation can be used to extend the current vacation or saved for use at a future date.

## Overtime Computations

Holiday pay is not considered time worked for the purpose of calculating overtime or for any other purpose.

## VOLUNTARY BENEFITS

Regular, full-time Qdoba team members are able to participate in a significant number of benefit plans. In addition to the federally mandated benefits such as social security, workers' compensation, and unemployment insurance, the company offers the following:

- Medical Insurance
  - Burrito Concepts is self-insured through Med-Pay
  - This plan has a moderately low premium and a low deductible
- Flexible Medical / Dependent Care Plan
  - Allows employee to put pre-tax dollars into savings account to be used for Medical, Dental, Vision, or Dependent care
- 401(k) with company match
  - Burrito Concepts currently matches 100% of your salary up to 3% of your eligible pay plus 50% of your salary deferrals over 3% but not more than 5%
- Meal Discounts
  - 50% off employee meals (see policy on page 34)
- Paid Time Off (PTO) in the form of accrued vacation time (see policy on page 12)
- Incentive Plan (varies by position)
  - Store Manager and Assistant Managers earn bonuses based on the stores performance

For detailed plan descriptions, eligibility requirements, and enrollment information, please contact the Human Resource department.

# EMPLOYEE CONDUCT AND WORK RULES

To ensure orderly operations and provide the best possible work environment, Qdoba® expects employees to follow rules of conduct that will protect the interests and safety of all employees and the organization.

## GUEST SERVICE

Every team member represents Qdoba to our guests and the public. The way we do our jobs presents an image of our entire organization. Guests judge all of us by how they are treated; therefore, one of our first business priorities is to assist any guest or potential guest. Nothing is more important than being courteous, friendly, helpful, knowledgeable and prompt in the attention you give to guests. Our personal contact with the public, our manners on the telephone, and the communications we send to guests are a reflection not only of ourselves, but also of the professionalism of Qdoba. Positive guest relations not only enhance the public's perception of Qdoba, but also pay off in greater guest loyalty and increased sales and profit.

Our guests are treated with courtesy and respect.

- Every guest must be greeted promptly.
- Even when a guest is being difficult, we maintain our courtesy to them.
- Personal affairs should never be discussed with, or in the presence of, a guest.

Our guests are treated fairly and honestly.

- We deliver the guest's order accurately.
- We exercise care in handling the guest's food and money.
- We are responsive to our guest's needs and concerns.
- We listen carefully and completely to what the guest is saying and satisfy their needs to the best of our ability.
- We look for opportunities to share our menu and product knowledge with guests, including making recommendations and encouraging guests to try new items or combinations.

Our products and services are available equally to all of our guests and discrimination against any guest is absolutely prohibited. We provide our guests with a safe, clean, attractive and inviting environment. Everything in our restaurants, and the grounds surrounding them, will be clean, neat and orderly at all times. We deliver what is advertised. This applies every bit as much to service as it does to product.

## DISCIPLINE

Good working relationships make demands on everyone, and team members have responsibilities to the company, themselves and the people with whom they work.

Team members must, at all times, comply with company expectations for work, performance and conduct. Failure to do so may result in disciplinary actions as the company deems appropriate, including but not limited to: counseling, reprimand, written warning, suspension, demotion, or termination.

Management will decide in its judgment which disciplinary actions would most effectively resolve the problem. The fact that the company has or has not utilized any of these actions does not set any precedent, and should not be relied upon in future disciplinary situations by any team member.

## **CODE OF CONDUCT**

Every organization needs policies and procedures to function effectively. We expect our employees to follow our Code of Conduct, our most important rules. These rules are designed to protect you and serve as a guide in your relationships with management, co-workers, and guests. They do not cover every possible situation, nor are they intended to inhibit you unnecessarily. The Code of Conduct is basically common sense. Conduct that is disruptive, nonproductive, unsafe, immoral, unethical, or illegal is strictly prohibited.

We reserve the right to counsel, warn, suspend, or discharge an employee. Supervisors and management decide whether corrective action, up to and including dismissal, is appropriate. Naturally, an employee's job performance prior to a violation of work rules will be taken into consideration.

The following are examples of conduct that may result in discipline, including immediate dismissal from the company.

1. Discourtesy to a guest. This include(s) the use of vulgarity, failing to give a high degree of service to any guest, soliciting any gratuities from guests, or commenting in any way on the amount of gratuity.
2. Refusal to be searched or have packages inspected.
3. Supplying false or misleading information when applying for employment, or at any time during employment.
4. Altering or falsifying time records, guest checks, credit card vouchers or any other company records
5. Theft or misappropriation of guest, employee or company property. This includes the addition of tips to guest checks.
6. Failure to immediately notify your supervisor or other appropriate management personnel of theft or misappropriation of Company assets or property by another employee, individual, or business.
7. Possession of dangerous or deadly weapons while on Company property.
8. Immoral or indecent conduct, soliciting person for immoral purposes, or the abetting for any of the above.
9. Unauthorized use, possession, or sale of intoxicants or drugs on Company premises. Reporting to work while under the influence of intoxicants or drugs.
10. Disrespectful conduct, gambling or fighting on Company premises. Coercion, intimidation or threats of any kind against guest, managers, or fellow employees.
11. Abusing, defacing, or destroying Company property or the property of guests, managers, or fellow employees.
12. Loitering or sleeping on the job.
13. Failure to maintain accurate, proper cash banks, excessive or continuous cash shortages or other irregularities.

14. Initiating or participating in any sexual harassment.
15. Fraudulently collecting unemployment compensation.
16. Unlawfully discriminating against or harassing a guest or co-worker or encouraging others to engage in such unlawful discrimination or harassment.
17. Violating any federal, state, or local laws or ordinances or encouraging others to violate such laws while on Company premises.
18. Insubordination.
19. Conduct hazardous to fellow employees or customers, or detrimental to business in general, and/or reflecting poorly on our Company.
20. Interfering with work schedules.
21. Distributing literature, or posting notices, signs, or written communications without authorization from your supervisor.
22. Dining, smoking, snacking, or gum chewing at any time other than during your meal or break periods or in any unauthorized area.
23. Fundraising, selling lottery tickets or merchandise, or any similar activity on Company premises unless authorized by your supervisor.
24. Unauthorized use of Company telephones or guest facilities, or unauthorized social contact with guests.
25. Making or publishing false, vicious, or malicious statements concerning any employee, manager, manager, officer, the Company or any guests.
26. Excessive absenteeism or tardiness.
27. Failure to observe established fire or safety rules or failure to report in a timely manner any personal injury sustained on the job.
28. Failure to perform job or work assignments satisfactorily, safely, and efficiently.
29. Engaging in horseplay.
30. Leaving your department or work area without your supervisor's permission.
31. Discussing confidential Company or guest matters with unauthorized personnel or in areas where the conversation can be overheard.
32. Failing to park in an assigned area.
33. Selling alcoholic beverages to minors or an obviously intoxicated guest.
34. Failure to maintain and present high degree of personal cleanliness at all times and failure to wear proper clothing or attire.
35. Smoking on the premises.
36. Unauthorized use of any video recorder, camera or tape recorder, while on Company premises.

These examples are not intended to be all-inclusive. Additional policies may be implemented as necessary to ensure orderly and efficient operations.

## **TEAM MEMBER DISHONESTY**

In all cases of team member theft or misappropriation of Qdoba assets in any form, the team member will be terminated. Team members with knowledge of facts and circumstances of theft or misappropriation must cooperate with Qdoba and with the authorities in connection with any investigation or prosecution. Failure to do so or to cooperate in any other type of Qdoba investigation may result in disciplinary action up to and including termination.

In all cases of theft or misappropriation, or suspected theft or misappropriation, before taking any action with regard to initiating a criminal prosecution, the evidence and surrounding circumstances must be presented for review by the appropriate Human Resources representative and/or by the Legal Department.

## **EMPLOYMENT APPLICATIONS**

Any misrepresentations, falsifications, or material omissions in any of this information or data may result in the exclusion of the individual from further consideration for employment, or if the person has been hired, termination of employment.

## **APPEARANCE, ATTIRE AND HYGIENE**

### **Restaurants**

Restaurant team members have a great deal of contact with the public and represent the company in their appearance and by their actions. Properly attired team members help to create a favorable image for the company. During business hours, you are expected to present a clean and neat appearance, dressing according to the requirements of your position. Those who come to work inappropriately dressed will be sent home and directed to return to work in proper attire. In such cases, employees will not be compensated for the time away from work. The general manager or department head makes the final decision on what is acceptable attire.

Accordingly, the personal appearance of restaurant team members is typically governed by the following standards:

- Team members must wear a short or long-sleeved shirt displaying a Qdoba logo. Crew level shirts should be company issued. Manager shirts displaying our logo will be company issued. Shirts should be neat and clean and be in good repair. Shirts should be worn tucked in.
  - Please note that employees are to be given 2 shirts and a hat/visor upon hire and then a new shirt every 12 weeks. If an employee terminates employment within their first 30 days they will be charged approximately \$26 for their uniforms.
- Khaki pants/Dockers (or similar style) or jeans are approved pants for team members. Pants should be neat and clean, free of holes, and fit appropriately. A belt should be worn with all pants that have belt loops.
- Aprons must be worn by all team members and kept clean and free of stains to prevent contamination.

- Qdoba hat or visor must be worn by all team members at all times, with the bill to the front, not the back or side.
- Shoes must be closed-toed and closed-heel, and the sole of the shoe should be a non-slip surface.
- Hair should be clean, combed, and neatly trimmed. Shaggy, uncombed hair is not permissible, regardless of length. Hair that falls to the shoulder must be restrained to the back, not braided to the side hanging over the shoulder.
- Sideburns, mustaches and beards should be neatly trimmed. Eccentric styles of facial hair are not permitted.
- For safety reasons, excessive jewelry is not permitted. Earrings of a conservative size are permitted but earrings that could get caught in equipment, such as large hoops or dangling earrings, are not permitted. Earrings that don't require a back or post are not permitted. Watches are permitted but bracelets and hair ties are not while handling food.
- Fingernails should be kept clean with no visible dirt or soil underneath. Fingernails should be kept trimmed, filed, and maintained. Unless wearing disposable gloves, a team member may not wear fingernail polish or artificial fingernails when working with food.

In the event that local health code standards are more stringent than those listed here, local health code will apply.

### **Office**

- Shirts should be neat and clean and be in good repair. Shirts should be worn tucked in.
- Dress pants (Dockers or similar style) or skirt. Pants/skirt should be neat and clean, free of holes, and fit appropriately. A belt should be worn with all pants with belt loops.
- Appropriate undergarments should be worn but should not be visible through or past/around clothing.
- Hair should be clean, combed, and neatly trimmed. Shaggy, uncombed hair is not permissible, regardless of length.
- Sideburns, mustaches and beards should be neatly trimmed. Eccentric styles of facial hair are not permitted.
- Exceptions may be made for specific "casual" days.

### **DRUG AND ALCOHOL USE**

It is the goal of Qdoba to foster a work environment free from the behavior altering effects of drugs and alcoholic beverages. Use of alcohol and drugs alter employees' judgment resulting in increased safety risks, workplace injuries, and faulty decision making. Therefore, working after the apparent use of alcohol, a controlled substance, or abuse of any other substances is prohibited. This includes working after the apparent use of marijuana, whether or not you are a lawfully registered user. Furthermore, the possession, purchase, consumption (use), or sale of a controlled substance or alcohol on Company premises or while conducting Company business is prohibited. Alcoholic beverages served in conjunction with an authorized Company event are an exception to this prohibition.

## **RESPONSIBLE ALCOHOL SERVICE**

When serving alcohol, it is imperative we do it safely and within the guidelines of the law.

1. Never serve anyone under the age of 21.
2. A state issued I.D. or Driver's License are the only forms of I.D. we will accept for proof of age.
3. Always I.D. anyone who looks under the age of 30.
4. One alcoholic beverage per guest, per transaction.
5. Alcohol is not allowed to leave the building.
6. It is illegal to serve alcohol to the following:
  - A person who is known as a habitual drunkard.
  - Someone who is visually intoxicated.
  - Anyone under the age of 21.

## **PERSONAL RELATIONSHIPS IN THE WORKPLACE**

The employment of relatives or individuals involved in a dating relationship in the same area of an organization may cause serious conflicts and problems with favoritism and team member morale. In addition to claims of partiality in treatment at work, personal conflicts from outside the work environment can be carried over into day-to-day working relationships.

For purposes of this policy, a relative is any person who is related by blood or marriage, or whose relationship with the team member is similar to that of persons who are related by blood or marriage. A dating relationship is defined as a relationship that may be reasonably expected to lead to the formation of a consensual "romantic" or sexual relationship. This policy applies to all team members without regard to the gender or sexual orientation of the individuals involved.

Relatives of current team members may not occupy a position that will be working directly for or supervising their relative. Individuals involved in a dating relationship with a current team member may not occupy a position that will be working directly for or supervising the team member with whom they are involved in a dating relationship. Qdoba also reserves the right to take prompt action if an actual or potential conflict of interest arises involving relatives or individuals involved in a dating relationship who occupy positions at any level (higher or lower) in the same line of authority that may affect the review of employment decisions.

If a relative relationship or dating relationship is established after employment between team members who are in a reporting situation described above, it is the responsibility and obligation of the supervisor involved in the relationship to disclose the existence of the relationship to management. The individuals concerned will be given the opportunity to request who is to be transferred to another available position.

Management will have final responsibility to decide who is to be transferred or, if necessary, terminated from employment.

In other cases where a conflict, or the potential for conflict, arises because of the relationship between team members, even if there is no line of authority or reporting involved, the team members may be separated by reassignment or terminated from employment. Team members in a close personal relationship should refrain from public workplace displays of affection, or excessive personal conversation.

## **WORKPLACE VISITORS**

To provide for the safety and security of team members and the facilities at Qdoba, only authorized visitors are allowed in the workplace. At our restaurant locations, visitors are typically not allowed in any area behind or adjacent to the service line. Restricting unauthorized visitors helps maintain safety standards, protects against theft and confidential information, ensures security of equipment, safeguards team member welfare and avoids potential distractions and disturbances.

All visitors should enter Qdoba at the main entrance. Authorized visitors will receive directions or be escorted to their destination. Team members are responsible for the conduct and safety of their visitors.

If an unauthorized individual is observed on Qdoba's premises, team members should immediately notify their supervisor or, if necessary, direct the individual to the main entrance. Restricting unauthorized visitors helps maintain safety standards.

All visitors should be treated with courtesy and respect at all times.

## **WORKPLACE MONITORING**

Workplace monitoring may be conducted by Qdoba to ensure quality control, team member safety, security, and guest satisfaction. Computers furnished to team members are the property of Qdoba. As such, computer usage and files may be monitored or accessed. Qdoba may conduct video surveillance of non-private workplace areas. Video monitoring is used to identify safety concerns, maintain quality control, detect theft and misconduct, and discourage or prevent acts of harassment and workplace violence.

## **COMMUNICATION SYSTEMS**

The company utilizes systems where team members regularly access and use voicemail, electronic mail, the Internet and company Intranet. Because of this fact, team members should not assume that such messages are personally confidential. The company reserves the right to conduct searches of these systems.

## **INTERNET**

The company's Internet account is to be used for our business purposes only. Team members are prohibited from using company computers to access their personal Internet accounts or non-business-related web sites during work hours. Information downloaded from the Internet must be placed on diskette and scanned for viruses prior to being introduced on the company network or hard drives. The company may monitor team members' use of the Internet, including web sites that are accessed. Team members should not consider their use of the Internet to be confidential.

Distribution of company information via the Internet is strictly prohibited unless approved in advance by your department head and the IT department. Any data sent over the Internet must be encrypted.

## **SOCIAL MEDIA GUIDELINES**

Qdoba has developed these guidelines for team members who use social media like blogs, wikis and social networking sites (Facebook, Twitter, YouTube, etc.) that may contain postings related to Qdoba, team members of Qdoba and any other Qdoba affiliates. We expect all who participate in social media both internally and externally in ways that may impact Qdoba to understand and follow these guidelines. Failure to do so could put you at risk of disciplinary action up to and including termination. Beyond this, you may be subject to legal liability if your posts are found to be defamatory, harassing, or to violate copyright or other laws.

- Respect your audience and yourself
- Make it clear that the views expressed are yours
- Be honest about who you are
- Think about the consequences of what you write (about our company, our brand, your coworkers, and guests)
- Use your common sense
- The internet is a public place and what is posted typically remains public forever
- When in doubt, check your judgment with your supervisor
- Ensure you have permission before you share images, quotations or information on behalf of the Company, another team member, customer, partner, vendor, agency, etc.
- Do not disclose confidential company information (including new products, menu changes, sales information, marketing initiatives, etc.) before it has been released to the public
- Know and follow the Qdoba Core Values, Code of Conduct and Policies and workplace rules

You are accountable for the content of your social pages. Public communications concerning Qdoba team members, and any other Qdoba affiliates must not violate any guidelines set forth in this handbook, especially as it relates to discrimination, unlawful harassment or illegal activities. If the content or use of these pages violates company policy, it can result in disciplinary action up to and including termination. Beyond this, you may also be subject to legal liability if your posts are found to be defamatory, harassing, or to violate copyright or other laws.

Your personal (or anyone else's) blog, wiki or social networking site is not the appropriate place to make a complaint regarding alleged discrimination, unlawful harassment or safety issues. Such complaints shall be made consistent with the complaint procedures in this handbook.

Blogs and other forms of social media communication are individual interactions, not corporate communications. Team members can be held personally liable for their posts. For this reason, team members should exercise caution with regards to exaggeration, obscenity, guesswork, copyrighted materials, legal conclusions and/or derogatory remarks or characterizations.

You must include the following disclaimer on published public communication if you identify yourself as a Qdoba team member or if you discuss Qdoba, team members of Qdoba or any of its affiliates of Qdoba publicly:

“The opinions expressed here are the personal opinions of [your name]. Content published here is not monitored or approved by Qdoba before it is posted and does not necessarily represent the views and opinions of Qdoba.”

You may not disclose any sensitive, proprietary, confidential, or financial information about Qdoba. The use of the Qdoba logo, trademarks, or branding is prohibited. You may not post anything related to Qdoba inventions, strategy, financials, products, etc. that has not been made public.

While you may disagree with Qdoba actions, policies or management decisions, you may not attack personally, or post material that is obscene, defamatory, discriminatory, harassing, libelous or threatening about Qdoba, Qdoba team members or any affiliates of Qdoba.

Please consult with your manager if you have any questions about the appropriateness of publishing information relating to the Qdoba, its team members or any of its affiliates.

## **E-MAIL**

Qdoba Restaurant Corporation’s e-mail system is designed to improve service to our guests, enhance internal communications and reduce paperwork. It is intended for business purposes; however, team members may access e-mail for incidental personal use within company guidelines. All information created, sent or received via the company’s e-mail system is the property of Qdoba Restaurant Corporation and is subject to search. The company also reserves the right to disclose text or images to law enforcement agencies or third parties without the team member’s consent.

## **TELEPHONES, CELL PHONES AND TEXTING POLICY**

To ensure effective telephone communications, employees should always use the approved greeting and speak in a courteous and professional manner. State the name of the restaurant and your name, then ask, “How may I help you?”

Company telephones need to be available during working hours for effective communication with the company’s guests and business associates. Accordingly, the company facilities should not be used for personal telephone calls except in cases of emergency. During working hours, phone use should be confined to business calls.

Although we recognize that cell phones have become an integral part of everyday life, cell phones may also cause problems when used during work hours and/or within the view of customers. Burrito Concepts does not allow the use of personal cell phones (or similar devices) during business hours. This prohibition includes

receiving or placing calls, text messaging, surfing the internet, receiving or responding to email, checking for phone messages, or any other similar purpose. Any employee caught using their cell phone, other than when on break (and out of view of customers), may be subject to disciplinary action, up to and including termination. Burrito Concepts is well aware that the cell phone may be the only way of communication between family and emergencies so please advise friends and family to call the restaurant directly for emergencies.

## **EQUIPMENT USE**

Equipment essential in accomplishing job duties is often expensive and may be difficult to replace. When using property, team members are expected to exercise care, perform required maintenance, and follow all operating instructions, safety standards, and guidelines.

Please notify the supervisor if any equipment, machines, or tools appear to be damaged, defective, or in need of repair. Prompt reporting of damages, defects, and the need for repairs could prevent deterioration of equipment and possible injury to team members or others. The supervisor can answer any questions about a team member's responsibility for maintenance and care of equipment used on the job. The improper, careless, negligent, destructive, or unsafe use or operation of equipment is strictly prohibited.

## **SMOKING**

In keeping with the company's intent to provide a safe and healthful work environment, smoking is prohibited throughout the workplace including company vehicles. All individuals who smoke are asked to do so outside of the building, out of sight of guests, and to dispose of cigarette butts in an appropriate manner. This policy applies equally to all team members, guests and visitors. Please note that cigarette breaks must be incorporated into your regularly scheduled break time.

## **OUTSIDE EMPLOYMENT**

An employee may hold a job with another organization as long as he or she satisfactorily performs his or her job responsibilities with Qdoba®. All employees will be judged by the same performance standards and will be subject to Qdoba®'s scheduling demands, regardless of any existing outside work requirements.

Outside employment will not be allowed if it presents a conflict of interest and/or has an adverse impact on Qdoba®.

## **SOLICITATION AND LITERATURE DISTRIBUTION**

**Team Members:** Team members are not permitted to solicit during working time or in guest service areas. A team member may not solicit another team member during work time. Team members are not permitted to distribute literature during working time or in working areas.

Team members are not permitted to solicit or distribute literature to non-team members on the company's premises. Off-duty team members are prohibited from entering any area not open to the public and are prohibited from interfering with an on-duty team member's performance of work tasks.

**Non-Team Members:** Non-team members are not permitted to solicit or distribute literature on the company's premises.

**Prohibited Harassment/Discrimination:** Solicitation or literature distribution that is discriminatory, hateful, harassing, illegal, defamatory, profane, or obscene is prohibited at all times.

## **BACKGROUND CHECKS**

Qdoba reserves the right to conduct background checks for certain key positions. This may include a motor vehicle and criminal record search. Moreover, we also reserve the right, where allowed by law, to conduct a background check at a later date if we believe there is a legitimate business need or potential conflict of interest. All information collected will be considered confidential as provided by law. Any individual who refuses to sign a consent or release form will not be considered for promotion, transfer or employment.

## **COPYRIGHTS**

When a person or company creates an original work of authorship, the law gives that person or company the exclusive right to copy and distribute that work (a "copyright"). Here are a few examples of what is protected by copyright law.

- Computer software cannot be installed on more than one computer system unless the license agreement specifically allows such installation. The license agreement usually does not allow multiple installations.
- The unauthorized copying or disseminating, in whole or in part, of software and user manuals of software products for which Qdoba is licensee, sub-licensee, or owner is prohibited.
- This policy applies to all Qdoba team members, agents and users of software products licensed to or owned by Qdoba. It includes, but is not limited to the use of all devices or programs developed for the purpose of copying protected software products from their source media.
- The purpose of this policy is to ensure that Qdoba does not lose any proprietary rights or unknowingly violate another's intellectual property rights due to employees, agents or users copying and/or disseminating copyrighted software without proper authorization.
- Newspaper and magazine articles cannot be copied. However, our company has contracted for rights to copy many publications.

It is the responsibility of the District Managers, Department Managers, Directors and Corporate Vice Presidents to ensure that licensing agreements and copyright laws are not violated by company employees, agents or users. Anyone who violates this policy is subject to disciplinary action up to and including termination. They may also be subject to prosecution, which could result in prison time and monetary fines.

## **MEDIA AND PRESS RELATIONS**

In order to ensure accuracy, all questions from the media and press regarding firm business must be directed to the General Counsel or to the Director of Operations. No other member of the Company should discuss such matters with the media and press.

No information regarding the Company should be released to the media and press without the specific approval of the Director of Operations.

## **RETURN OF PROPERTY**

Team members are responsible for all Qdoba property, materials, or written information issued to them or in their possession or control. Team members must return all Qdoba property on or before their last day of work.

## **EMPLOYMENT REFERENCE CHECKS**

The Payroll Department will respond to all reference check inquiries from other employers. Responses to such inquiries will confirm only dates of employment and position(s) to other employers. Please refer all reference requests to the Payroll Department.

# PAY, TIME, AND ATTENDANCE

## EMPLOYMENT CLASSIFICATIONS/CATEGORIES

It is the intent of Qdoba to clarify the definitions of employment classifications so that team members understand their employment status and potential benefit eligibility. These classifications do not change the right to terminate the employment relationship at will at any time by either the team member or Qdoba. All team members are designated as either Non-Exempt or Exempt under state and federal wage and hour laws.

**NON-EXEMPT** team members are paid on an hourly basis for time worked. They are NOT exempt from the law's requirements concerning minimum wage and overtime.

**EXEMPT** team members are generally managers, professional, administrative, or other team members properly paid on salary basis. These team members are exempt from the minimum wage and overtime provisions of the law.

Qdoba has established the following categories for both non-exempt and exempt team members:

**Regular, full-time:** Team members who are not in a temporary status and who are regularly scheduled to work the Company's standard fulltime hours as described in position descriptions and policies. Generally, they are eligible for a benefit package, subject to the terms, conditions and limitations of each benefit program.

**Regular, part-time:** Team members who are not in a temporary status and who are regularly scheduled to work less than the standard full-time hours as described in position descriptions and policies. Regular, part-time team members who work at least 30 hours a week are eligible for some of the benefits offered by the Company subject to the terms, conditions, and limitations of each benefit program.

Change in employment classifications requires an update to payroll submitted by the direct supervisor and approval from the Regional Manager and Human Resource.

## PAYDAYS/PAYDAY ADVANCES

All employees are paid biweekly on every other Friday. Each paycheck will include earnings for all work performed through the end of the previous payroll period. Team members are paid through direct deposit or on a pay card. Qdoba® does not provide pay advances on unearned wages.

## PAY CORRECTIONS

Qdoba® takes all responsible steps to ensure that employees receive the correct amount of pay in each paycheck and that employees are paid promptly on the scheduled payday.

In the unlikely event of an error, the employee should bring the discrepancy to the attention of their supervisor and then the Payroll Department so that corrections can be made.

## **PERFORMANCE REVIEWS AND MERIT INCREASES**

Supervisors and team members are strongly encouraged to informally discuss job performance and goals on a regular basis. Additional formal performance evaluations are conducted to provide both supervisors and team members the opportunity to discuss job tasks and responsibilities, identify and correct areas of opportunity, encourage and recognize strengths and discuss positive, purposeful approaches for meeting goals. The performance of all team members is generally evaluated according to an ongoing six-month cycle.

Merit increases are awarded by Qdoba® in an effort to recognize truly superior employee performance. Each position has a wage “cap”. In order to receive more than the cap, the employee must take on additional responsibilities or move into a supervisory role. Raises are not necessarily awarded with the required bi-annual performance review. However, a performance review will be conducted when raises are given.

## **SCHEDULES**

Work schedules for employees vary throughout our organization. Supervisors will advise employees of their individual work schedules. Staffing needs and operational demands may necessitate variations in starting and ending times, as well as variations in the total hours that may be scheduled each day and week.

## **SHIFT DIFFERENTIAL POLICY**

In order to incentivize team members to work late night shifts at our stores that are routinely open until after midnight, the Shift Differential Policy allows for extra compensation to nonexempt employees who are scheduled on a regular, rotating or sporadic basis to work during the late-night shift.

For stores that are open past 10:00 pm, (currently Fayetteville, Kimbrough, and Stillwater) late night hours will begin at 10:00 pm and end by 6:00 am. Hours worked prior to 10:00 pm will be paid at the regular rate and hours worked after will be paid at the late-night rate (TBD-see below). For example, an employee scheduled to work 8 p.m. until close will be paid for two hours at the regular rate and the remaining at the evening rate.

Currently, evening hours will be compensated at an additional \$0.50 per hour (subject to change). Employees will need to clock out of their regular Job (Kitchen or Server) and into the “Bar” Job or have their GM adjust for tracking purposes.

## **BREAKS**

Qdoba policy is to comply with laws concerning rest periods and meal periods (breaks). Breaks should normally be taken during shift hours as time and duty permit. Supervisors will schedule breaks to accommodate operating requirements. Break requirements may vary based on the number of hours worked in a shift.

Failure to follow this policy will result in disciplinary action up to and including termination of employment.

## **MEAL BENEFITS**

Employees of Qdoba® or Burrito Concepts are given a 50% meal discount at any time in any Burrito Concepts restaurant. The discount is valid for up to four people total. Alcoholic and other bottled beverages are full price. The employee should be prepared to show his or her current pay stub or meal card. Burrito Concepts reserves the right to not honor employee discounts based on expected high volume sales to ensure that guest receive excellent service.

All food consumed in the restaurant is to be rung up and accounted for. The employee should order their meal from the customer side of the service line while someone else makes their food. The employee is not allowed to make or ring up their own food.

Soda fountain items will be available during the shift. All beverages must be consumed in plastic cups with a lid and a straw in an area designated by the manager. Regular cups can be purchased with the 50% discount. All bottled drinks and alcoholic beverages are full priced at all times. No alcoholic beverages are to be consumed by employees on the day that a shift is worked.

## **WORKING OFF THE CLOCK**

It is everyone's responsibility to maintain an accurate accounting of hours worked. It is against company policy to allow or require a team member to work "off the clock." Anyone not on the clock, or not taking a cater, should not be going behind the counter/line or to the back of the house for anything.

Violation of this policy will result in disciplinary action up to and including termination.

## **OVERTIME**

When operating requirements or other needs cannot be met during regular working hours, team members will be given the opportunity to volunteer for overtime work assignments. All overtime work should receive the supervisor's prior authorization. Overtime assignments will be distributed as equitably as practical to all team members qualified to perform the required work.

Overtime compensation is paid to all non-exempt team members in accordance with federal and state wage and hour laws. Overtime pay is based on actual hours worked. Time off on PTO leave, Holiday leave or any other leave of absence will not be considered hours worked for purposes of performing overtime calculations.

Failure to work scheduled overtime or overtime worked without prior authorization from the supervisor may result in disciplinary action, up to and including possible termination of employment.

Q: My team leader asked me to stay longer to finish some tasks, but told me to first clock out. I don't want to get into trouble, but I should get paid for my work. What should I do?

A: Let your team leader know that in order to stay and help, by law you have to clock in. If you don't clock in, the restaurant will be in violation of the law. Never work off the clock.

## **TIMEKEEPING**

Accurately recording time worked is the responsibility of every nonexempt team member. Time worked is all the time actually spent on the job performing assigned duties and any other legally recognized work time.

Non-exempt team members, including restaurant MIT's and Assistant Managers, should accurately record the time they begin and end their work, as well as the beginning and ending time of each meal period. They should also record the beginning and ending time of any split shift or departure from work for personal reasons. Overtime work should always be approved before it is performed.

Hourly employees should report to work no more than 5 minutes prior to their scheduled starting time nor stay more than 5 minutes after their scheduled stop time without expressed, prior authorization from their supervisor.

Altering, falsifying, tampering with time records or recording time on another team member's, or your own, time record is strictly prohibited. If corrections or modifications are made to the time record, both the team member and the supervisor **must** verify the accuracy of the changes by initialing the time record and sending it in to Human resources.

## **ATTENDANCE AND PUNCTUALITY**

To maintain a safe and productive work environment, Qdoba® expects employees to be reliable and to be punctual in reporting for scheduled work. Absenteeism and tardiness place a burden on other employees and on Qdoba®. In the rare instances when employees cannot avoid being late to work or are unable to work as scheduled, they should notify their supervisor as soon as possible in advance of the anticipated tardiness or absence. A no call/no show is considered a voluntary resignation.

Patterns of tardies and/or absences will be subject to progressive discipline which can include verbal and written warnings up to and including termination.

Q: There's a co-worker that is often late. She has asked me to clock her in. What should I do?

A: Let your co-worker know that you would like to help her out, but clocking her in could cost you both your jobs when your manager finds out. You can talk to her about why she's late and what she can do to be on time. Mention that she can also talk to the manager about the starting time on the schedule. The manager may be able to allow some flexibility with her scheduled hours.

## **INCLEMENT WEATHER/COMPANY CLOSINGS**

In the case of severe inclement weather, please contact your direct supervisor regarding whether or not you need to report to work. In the event that the restaurant is open, but you cannot report to work due to difficulties associated with the weather, your supervisor may allow you to either take paid time off (if eligible) or make up the missed time at a later date.

## **PERSONNEL DATA CHANGES**

It is the responsibility of each team member to promptly notify Qdoba of any changes in personnel data. Personal mailing addresses, telephone numbers, individuals to be contacted in the event of an emergency, educational accomplishments, and other such status reports should be accurate and current at all times. If any personnel data has changed, team members should immediately contact their supervisor or manager for more information.

## **Catering Driver Qualification and Pay Policy**

### **Driver Qualification**

In order to become and maintain the status of being a Qualified Driver, the following regulations are in place:

- It is the responsibility of the driver to maintain proper liability coverage for the vehicle they operate for catering at all times, it is also their responsibility to ensure that they maintain a valid driver's license and that proper tags and registration are current for the vehicle. They will notify their supervisor should any of these responsibilities change.
- Qdoba Restaurant Corporation and/or Burrito Concepts LLC is in no way responsible for damages that arise to the vehicle the driver operates in the course of taking deliveries but that the owner of the vehicle or the insurance on that vehicle is responsible for those damages. Said insurance is primary for any liability damages or injuries caused to a third party in an at fault accident.
- The driver will be the only driver operating the vehicle for catering purposes and that no other outside parties including family, friends, etc. will be allowed to ride or operate the vehicle during catering events.
- Drivers are NOT allowed use a mobile phone while driving. If directions are needed or if a call is required, drivers will pull off the road before using the phone.
- Drivers will follow the safety provisions including but not limited to:
  - Never delivering under the influence of alcohol or mind-altering drugs.
  - Always wearing a seatbelt while driving.
  - Obeying all local, state, and federal traffic laws and speeds.
  - Notifying my designated supervisor or manager immediately in the event of an accident or violation.
  - Represent Qdoba Restaurant Corporation in a safe, professional, courteous manner at all times.

Failure to abide by any of the above can result in disciplinary action up to and including immediate termination.

## Driver Pay

Pay for taking deliveries is broken up into two parts; the driver fee and the delivery fee.

| Miles from Store | Driver's Fee | Delivery Fee | Total |
|------------------|--------------|--------------|-------|
| 0-15             | \$10         | \$15         | \$25  |
| 16-30            | \$10         | \$30         | \$40  |
| 31-60            | \$20         | \$60         | \$80  |

- For larger orders an additional \$15 delivery fee will be paid to the driver for every 100 people (100 - 199 = \$15, 200 - 299 = \$30, 300 - 399 = \$45, etc.)
- If a driver is using a company vehicle they will not receive the delivery fee.
- Salary employees will not receive the driver's fee since they are already being paid a salary.

Tips will be reported to the manager on duty and will be paid out at that time. (Tips from house accounts will be paid out through payroll.)

Additional dollars may be paid out to drivers based on other contributing factors including size, distance, time, etc. of order.

### **Employee of the Month and Driver of the Month**

Every month, one employee from a store will be selected for employee of the month and one catering driver will be selected for driver of the month. These decisions are made based off of performance as well as taking the initiative to go above and beyond to get the jobs done. These employees will be recognized in the monthly newsletter. They will also receive some Qdoba gear and/or accessories.

# WORKPLACE SAFETY

## FOOD SAFETY

It's not just important; it's our way of doing business! The highest trust our guests place in us is to provide them with safe food. Failure to comply with food safety policies will not be tolerated. Learn and follow food safety practices and procedures.

- Use only approved products received from approved vendors
- Our distributors have met stringent qualifications to assure only the best and safest products for our guests.
- Deliver safe food to our guests
- If you doubt its safety or cleanliness, throw it away.
- Complete food safety documents accurately and properly

Good record keeping helps us monitor the effectiveness of our food safety programs and to continuously improve those programs.

\*Shrimp – This is a protein that we must be particularly careful with due to some customers shrimp, shellfish and fish allergens and must be aware of the symptoms of allergic reactions and what to do if a guest informs you of an allergy. There are small wares that are to be used for the shrimp product only – white bag cutters, clear hotel pans, sandstone hot line pans, and purple tongs. There is a proper procedure for transferring shrimp to the line and we are not to pour old shrimp into new pan but to use tongs to transfer product and transfer product away from the line to avoid cross contamination.

There is also a proper procedure for receiving and storing shrimp product upon arrival from supplier. Upon arrival, transfer the shrimp into unsealed one-gallon bags using the white bag cutter to open the shrimp bags with date/time/initial. Store bags in clear hotel pan either next to but not touching steak or above the steak. The proper cooking procedures for the shrimp is to cook in a sealed bag for 10 minutes or until 160-170 degrees on the bottom shelf of the retherm. Do not cook while there is rice in the retherm since rice absorbs the allergens.

Q: I placed raw chicken on a cutting board. I forgot to wash it before I placed some vegetables that I needed to cut. My manager says we must be careful about wasting food because it gets expensive for the restaurant. Can't I just wash off the board and rinse the vegetables? No one will notice.

A: You must discard the vegetables, use a clean and sanitized knife and cutting board designated for vegetables, and let the person in charge know that you discarded the food so they can keep track of food cost. Food safety is the most important part of our business. Our guests trust us when they bring us their business. You must always make the right decision regarding food safety. If we serve food that is not safe, we can cause our guests to become ill or worse.

Beyond assuring the safety and quality of our food, it is important to treat the guest right. What does this look like?

## **HANDWASHING**

Qdoba expects each team member to maintain clean hands at all times. There are several sinks in your restaurant that are to be used for hand washing only. All sinks should have hot and cold running water, a disposable towel dispenser or air blown dryer and a self-dispensing soap dispenser. Let your manager know immediately if it does not.

- Remember to consider how you would feel if an individual served you food with dirty hands.
- Recognize improper food safety procedures and correct yourself and your co-workers.
- Don't cut corners or allow others to take shortcuts, even when at your busiest.

When to Wash Hands – The following are the safety standards for when to wash your hands. Hot water/ soap should be used for 20 seconds and hands dried with a single use paper towel.

- After using restroom- hands must be washed in hand sink after leaving restroom.
- After touching human body parts, i.e. face or hair.
- After coughing, sneezing, eating, drinking, or smoking.
- After conducting a cleaning activity, touching a trash can, or picking up any dropped food or item from the floor.
- Before food handling as often as necessary to prevent cross contamination.
- Before putting on or changing gloves.

## **FOOD TEMPERATURE STANDARDS**

Food Safety Temperature Control Standards

- Employee temps each piece of Protein and it achieved a minimum acceptable temperature prior to removing from the grill. Chicken 165 Steak 145
- When reheating leftover products, the temperature is verified to 165 degrees minimum before removing from heat for service.
- Beans, soups, and sauces are heated to a minimum of 165 degrees. Employee verifies the temperature of each product when removing from the thermalizer or stove top.
- All hot food on the line is held at a minimum of 145 degrees.

## **TEAM MEMBER ILLNESS**

Sick team members can transmit some infections to guests and other team members directly through coughing and sneezing or indirectly by contaminating the food that is prepared. Making a decision to send a team member home may be difficult if you are shorthanded or if the team member is concerned about loss of hours. However, allowing the team member to stay may result in others becoming ill. Team members who are ill must not be allowed to work in the restaurant.

Symptoms that would exclude a team member from working include, but are not limited to:

- Diarrhea, stomach cramps, nausea, vomiting
- Fever
- Jaundice

- Wet Cough (coughing up phlegm)
- Infected acne, cuts, sores or rashes

## **SAFETY**

Security and safety in the workplace are every team member's responsibility. Each team member is expected to obey safety rules and to exercise caution in all work activities. This includes wearing the proper safety equipment, such as non-slip shoes, cutting gloves, etc., as required in order to prevent injuries. Team members must immediately report any unsafe condition to the appropriate supervisor. Team members who violate safety standards or cause hazardous or dangerous situations, or those who fail to report or remedy such situations (where appropriate) may be subject to disciplinary action up to, and including, termination of employment.

In the case of accidents that result in injury, regardless of how insignificant the injury may appear, team members should immediately notify the appropriate supervisor, who will then complete the appropriate report. Such reports are necessary to comply with laws and initiate workers' compensation benefits procedures.

Some of the best safety improvement ideas come from team members. Those with ideas, concerns, or suggestions for improved safety in the workplace are encouraged to raise them with their supervisor, or with another supervisor or manager. Reports and concerns about workplace safety issues may be made anonymously if the team member wishes. All reports can be made without fear of reprisal.

Qdoba encourages team members to share their safety ideas!

## **WORKPLACE INJURIES**

Employees who sustain/witness work-related injuries or illnesses should inform their supervisor immediately. No matter how minor an on-the-job injury may appear, it is important that it be reported immediately. This will enable an eligible employee to qualify for coverage as quickly as possible.

## **SECURITY INSPECTIONS**

Desks, lockers, other storage devices and other company property may be provided for the convenience of team members but remains the sole property of Qdoba. Accordingly, this property can be inspected by any agent or representative of Qdoba at any time, either with or without prior notice.

Qdoba discourages theft or unauthorized possession of the property of team members, Qdoba visitors and guests. To facilitate enforcement of this policy, Qdoba or its representative may inspect not only desks and lockers, but also persons entering and/or leaving the premises and any packages or other belongings. Any team member who wishes to avoid inspection of any articles or materials should not bring such items onto the company's premises

## **WORKPLACE VIOLENCE PREVENTION**

All threats of violence or suspicious individuals or activities should be reported as soon as possible to your immediate supervisor or any other member of management.

Qdoba is committed to preventing workplace violence and maintaining a safe work environment. For the security of team members and guests, Qdoba has a strict anti-violence policy. Engaging in actions or statements that are threatening, harmful or potentially harmful to the wellbeing of others will not be tolerated.

Under no circumstance may team members or guests engage in actions or statements that are harmful or threatening to the well-being of themselves or others, nor are weapons allowed on Qdoba premises at any time. Weapons include, but are not limited to, guns, clubs, knives (other than those used in the operation of our restaurants), potentially dangerous chemicals (other than those used in the operation of our restaurants), explosives or other menacing devices.

Workplace violence includes:

- Physical assault or threats of physical harm to oneself or others.
- Verbal abuse, including vulgar or obscene language, derogatory comments, verbal intimidation, or any threatening comments.

Conduct that threatens, intimidates, or coerces another team member, a guest, or a member of the public at any time will not be tolerated. This prohibition includes all acts of harassment, including harassment that is based on an individual's sex, race, age, color, national origin, sexual orientation or any characteristic protected by federal, state, or local law.

All threats of (or actual) violence, both direct and indirect, should be reported as soon as possible to your immediate supervisor or any other member of management. This includes threats by team members, as well as threats by guests, vendors, solicitors or other members of the public. When reporting a threat of violence, you should be as specific and detailed as possible. All suspicious individuals or activities should also be reported as soon as possible to a supervisor. Do not place yourself in peril.

Qdoba will promptly investigate all reports of threats of (or actual) violence, and of suspicious individuals or activities. The identity of the individual making a report will be protected as much as is practical. Anyone determined to be responsible for threats of (or actual) violence or other conduct that is in violation of these guidelines will be subject to prompt disciplinary action, up to and including termination of employment.

Qdoba encourages team members to bring their disputes or differences with other team members to the attention of their supervisors or the human resources department before the situation escalates into potential violence. Qdoba is eager to assist in the resolution of team member disputes, and will not discipline team members for raising such concerns.

## **REACTING TO A ROBBERY**

It is the responsibility of all managers to educate all Team Members on the facts of robbery procedures and precautions.

### **During a Shift**

- Be sure the back door is securely closed and locked at all times.
- Have all employees enter and exit through the front door.
- Only Team Members scheduled for work are allowed in the building.

### **Closing**

- Never take trash out after closing
- One light, designated the security light, must stay on inside the building at all times.
- At least one parking lot light should remain on until all employees leave.

### **Should a Robbery Occur in Your Restaurant:**

- Remain Calm.
- Follow all reasonable demands by the robber. Give them what they want.
- Do not make any sudden moves that may startle or unnerve the robber.
- If a weapon is not visible, assume that there is one.
- Be observant without being obvious. Note height, weight, eye color, shoes, clothing, race, voice, and any other identifying characteristics.
- Tell the robber what you are going to do before moving so as not to startle him.
- Don't lie. If you lie and get caught, it could cost you your life.

## **NOTES:**

**Burrito Concepts, LLC**  
*A Missouri Limited Liability Company*  
A Franchisee of Qdoba Mexican Grill  
4113 S. Kansas Expressway  
Springfield, MO 65807

## Acknowledgment of Handbook Receipt

I have received a copy of the Qdoba Corporate employee handbook. I understand that I am to become familiar with its contents but that Burrito Concepts LLC policies may differ. Further, I understand:

- Employment with Burrito Concepts, LLC is at-will. I have the right to end my work relationship with the organization, with or without advance notice for any reason. The organization has the same right.
- The language used in this handbook and any verbal statements of management are not intended to constitute a contract of employment, either express or implied, nor are they a guarantee of employment for a specific duration.
- The handbook is not all inclusive, but is intended to provide me with a summary of some of the organization’s guidelines.
- This edition replaces all previously issued handbooks. The need may arise to change the guidelines described in the handbook. The organization therefore reserves the right to interpret them or to change them without prior notice.

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Employee Name

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Employee Signature

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Date